

BOARD OF NATUROPATHIC MEDICINE
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF THE MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Date: Friday, March 14, 2014

Time: 2:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Kevin Gibson, N.D., Chairperson
Rodney Chun, N.D., Member
L. Martin Johnson, Psy.D., Member
Sandra Matsushima, Executive Officer
Candace Ito, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")
Faith Nishimura, Secretary

Excused: David R. Kern, N.D., Vice Chairperson
Audrey Ng, Member

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Gibson at 2:10 p.m.

Additions and Revisions to the Agenda: It was moved by Dr. Chun, seconded by Dr. Johnson, and unanimously carried to add (c) March 12, 2014 Inquiry regarding homeopathy examination under Correspondence.

Approval of the February 7, 2014 Meeting Minutes: It was moved by Dr. Chun, seconded by Dr. Johnson, and unanimously carried to approve the February 7, 2014 Meeting Minutes with the following amendments:

On page 3, under Legislation 1) Limit the naturopathic formulary to only include the first seven categories, the second and third sentences should read as follows:

"Dr. Gibson indicated that revisions to the formulary **should** only be made if there is a safety issue."

“The naturopathic formulary was drafted to safely help **naturopathic physicians manage patients existing prescriptions from MDs and DOs, write new prescriptions as needed, or transition patients off prescriptions via lifestyle changes and/or herbal/nutrient prescriptions.**”

On page 3, under Legislation 2) Require 15 hours of continuing education in pharmacology for each year, the first paragraph should read as follows:

“DAG Tam suggested that the Board determine whether to perform:

- Post-renewal audit of 100%...”

On page 4, under Legislation, 4) should read as follows:

“4) Collegial relationship with a MD or DO.”

New Business: None.

Unfinished Business: None.

Hawaii Administrative Rules: None.

Legislation: a. Senate Bill No. 2577, S.D. 2 Relating to Naturopathic Physicians

Senate Bill No. 2577, S.D. 2 requires naturopathic physicians to complete a minimum of thirty-five hours of continuing education courses, including a minimum of fifteen hours of pharmacology, during each licensing renewal biennium, beginning December 31, 2017.

The House Committee on Health held a 9:00 a.m. hearing today regarding the above measure. Members reviewed testimony submitted by the Hawaii Medical Association (“HMA”). HMA expressed stronger support for Senate Bill No. 2577, S.D. 1.

Chairperson Gibson suggested that the Board submit written comments which clarify the questions and statements made at the hearing.

The House Committee on Health has scheduled a decision making hearing on March 19, 2014.

The Board submitted the following comments for this measure:

"The Board met on March 14, 2014 at 2:00 p.m., and supports the continuing education ("CE") requirements for naturopathic physicians as proposed for in Senate Bill No. 2577, S.D.2. However, the Board wishes to clarify some statements regarding the naturopathic formulary, made earlier by a testifier at the 9:00 a.m. House Committee on Health's hearing on this measure.

It is the Board's position that naturopathic physicians are educated and trained to prescribe legend drugs and are knowledgeable about legend drugs that are consistent with the practice of naturopathic medicine. Although naturopathic physicians prefer to use natural therapies, they are also trained to engage in the pharmaceutical medicines while in the best interest of the patient.

The Board established the formulary to allow practitioners to practice medicine as trained in relation to prescriptive medicines. Please see the attached table ("Comparison of Average Number of Hours of Basic Sciences") which presents a comparison of medical education requirements, including pharmacology.

In addition, the Board believes that naturopathic physicians have the authority to prescribe based upon their education and training. In a report from the Association of Accredited Naturopathic Medical Colleges ("AANM"), it indicates that naturopathic physicians diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals. They use physiological, psychological or mechanical methods, and may also engage in natural medicines, prescription or legend drugs, foods, herbs, or other natural remedies. The report further states that during clinical studies, students encounter patients already on legend drugs. Determining the appropriateness of the drugs and prescribing them when needed, is an integral part of their education in both didactic and clinical training.

The Board held a meeting on Friday afternoon, March 14, 2014, to discuss issues relevant to Senate Bill No. 2577, S.D.2, and also discussed the questions and statements made at the hearing earlier that day, in particular to the naturopathic formulary items. Those specifically mentioned at the hearing were:

- Amiodarone, an anti-arrhythmia medicine used by cardiology specialist. Please note that Amiodarone is not included in the naturopathic formulary.
- Propofol, a powerful hypnotic/sedative is also not on the naturopathic formulary.
- Psychotherapeutic agents, including anti-depressants and smoking cessation medications are included in the naturopathic formulary. Psychotherapeutic drugs that require training beyond that of a primary care naturopathic physician are not included in the naturopathic formulary.
- Chemotherapeutic agents are not included on the naturopathic formulary.
- Controlled substances such as narcotic pain medicines are not included on the naturopathic formulary.

In closing, an excellent safety record has been established in Hawai'i as well as in other states with prescriptive authority, some of which have been prescribing for decades. Those states that have the longest history of prescriptive rights, many with formulary's more extensive than Hawai'i's, have independent prescriptive authority. There have been no cases of harm from prescribing reported to the Board since the inception of the formulary at this time."

It was moved by Dr. Chun, seconded by Dr. Johnson, and unanimously carried to support the continuing education requirement as proposed in Senate Bill No. 2577, S.D. 2.

It was moved by Dr. Chun, seconded by Dr. Johnson, and unanimously carried to approve a 100% audit of its licensees who renew their licenses biennially.

Naturopathic
Formulary:

None.

Correspondence:

- a. January 30, 2014 letter from the U.S. Department of Transportation regarding naturopathic physicians performing and recording physical examinations for commercial driver fitness determination.

It was moved by Dr. Johnson, seconded by Dr. Chun, and unanimously carried to ratify the March 4, 2014 response to Ms. Elaine M. Papp, Division Chief, Medical Programs Division, U.S. Department of Transportation, that pursuant to Hawaii Revised Statutes section 455-8, a licensed naturopathic physician has the training to conduct the testing and physical examination of body systems required to determine whether a driver is physically qualified to drive a CMV in interstate commerce and can complete the Medical Examiner's Certificate.

- b. November 13, 2013 letter from Field Jerger LLP regarding Dry Needling and Violations of the U.S. Food, Drug, and Cosmetic Act and Food and Drug Administration Rules.

This correspondence was distributed amongst members for informational purposes only.

- c. March 12, 2014 Inquiry regarding homeopathy examination

The Board received an inquiry from an out of state licensed naturopathic physician indicating that she did not take the homeopathy examination.

At the Board's November 8, 2013 meeting, it was unanimously carried to adopt the rule amendments which included deleting the requirement for the homeopathy examination. The proposed amendments to Chapter 16-88 Hawaii Administrative Rules were approved by the Governor and became effective on January 17, 2014.

It was moved by Dr. Johnson, seconded by Dr. Chun, and unanimously carried that in order to satisfy the examination requirements of Hawaii Administrative Rules section 16-88-12.1, each applicant shall be required to take and pass the following parts of the Naturopathic Physicians Licensing Examinations (NPLEX): (1) Part I of the NPLEX and; (2) Part II of the NPLEX.

Applications: None.

Announcements: None.

Next Meeting Friday, May 9, 2014
Date: 2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was
adjourned at 3:20 p.m.

Taken and recorded by:

/s/ Faith Nishimura
Faith Nishimura
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

SM:fn

3/19/14

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.