

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, February 15, 2019

Time: 2:00 p.m.

Place: Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: David Kern, N.D., L.Ac., Chairperson
Kathryn Taketa-Wong, N.D., Vice Chairperson
Kristen Coles, N.D., L.Ac., Member
Christopher Fernandez, Executive Officer (“EO”)
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Jessica Mullin, Secretary

Guests: Rachel Klein, N.D., President, Hawaii Society of Naturopathic Physicians (HSNP)
Baron Glassgow, Executive Director, HSNP

Call to Order: There being a quorum present, the meeting was called to order by Dr. Kern at 2:02 p.m.

Approval of the December 7, 2018 Meeting Minutes: Dr. Kern asked that the following be re-introduced to “Old Business” section of the minutes from the December meeting for the next scheduled meeting, since it was not carried over to the February agenda.

“d. Continuing Education Waivers

The Board discussed a waiver that will apply to doctors who have suspended licenses based on health issues, military service or certain other criteria. The Board decided to carry this conversation forward to the next meeting.”

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to approve the meeting minutes of the December 7, 2018 meeting with changes.

Applications for License:

a. Ratifications

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to ratify for licensure, the following applications:

(i) Naturopathic Physician

- a. Adam Robert Dombrowski
- b. Lanae Mullane
- c. Allison R. Nabours
- d. Jessica M. Brandes

(ii) Parenteral Therapy

- a. Terry A. Boor

b. Request for Approval of Qualifying Course on Parenteral Therapy

(i) Dr. Virginia Osborne-International IV Nutritional Therapy

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to approve the facilitation of the International IV Nutritional Therapy courses on March 3-5, 2017 and on September 6-9, 2018, pending the receipt of payment.

Legislation:

a. HB1182-Relating to Vaccinations and Conscientious Objectors

Board members reviewed a proposed bill, which would authorize conscientious beliefs as a basis for exemption from vaccination and immunization requirements. It would authorize licensed naturopathic physicians to certify exemption from immunization requirements. The bill would also require that the first option for quarantine of an individual be quarantined inside that individual's residence.

Dr. Kern shared with the members that the idea of conscientious belief seems to go against the stream of consciousness occurring around the country. He also shared that there is some question on the science and what has been promoted; the science is still evolving. To name naturopathic physicians in the bill implies that naturopathic physicians are in support of a highly controversial issue and would potentially be more likely than a medical doctor to write off on vaccine exemptions, which is not a good precedent.

Dr. Klein, President of HSNP suggested to the Board that the person who wrote it was possibly trying to provide clarity to make sure there was no question about whether naturopathic doctors were included in the bill. Dr. Klein added that as a profession, naturopathic doctors should not come out in strong support of the bill at this time because it is so controversial and could reflect poorly on naturopathic doctors at this time.

EO Fernandez drew the Board members' attention to the fact that this bill does not affect the naturopathic physicians' statutes or rules. Given the discussion, however, EO Fernandez suggested the Board table this agenda item until DAG Leong arrived.

b. SB777-Relating to Health Care Professionals

Board members reviewed a proposed bill, which would clarify the list of acceptable institutions or organizations that can meet the continuing education requirements needed by naturopathic physicians for license renewal.

EO Fernandez asked Dr. Kern, author of SB777, whether the changes to the continuing education requirements would accept university courses or only the continuing education courses provided by approved entities. He stated his concern was that courses that the Board may otherwise not approve, would be automatically approved as the bill is written. He also stated that these types of courses that would not be approved such as remote courses of some kind, for example the recorded courses from BotanicalMedicine.org, would potentially also be automatically approved if associated with a university.

Dr. Kern stated that the overriding consideration of SB777 was if the university or boards approved the continuing education courses, so the origin wouldn't be as much of an issue. He added that the bill allows naturopathic universities, medical institutions or naturopathic boards the ability to approve the continuing education courses. According to Dr. Kern, the issue was born out of the Hawaii Society of Naturopathic Physicians (HSNP) and the number of physicians who contacted the association relative to obtaining continuing education approval.

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to support SB777 as written.

c. SB444-Relating to Naturopathic Physicians

Board members reviewed a proposed bill, which would require insurers, mutual benefit societies, fraternal benefit societies, and health

maintenance organizations to recognize naturopathic physicians as primary care providers and provide coverage for health care services provided by a naturopathic physician.

After some discussion, it was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to support SB444 as written.

d. HB673-Relating to Medical Cannabis

Board members reviewed a proposed bill, which would allow naturopathic physicians and physician assistants to provide written certification for qualifying patients.

Dr. Klein informed the Board that naturopathic physicians have been removed from the bill. She also informed the Board that she and Mr. Glassgow spoke to Senator Mizuno about it, as he sponsored the bill. Dr. Klein stated that Senator Mizuno expressed that it was still possible to put naturopathic doctors back in the bill.

EO Fernandez informed the Board that because HB673 no longer includes naturopathic physicians, the Board would not need to provide testimony. It can, however, speak to the bill's intent.

The Board decided to wait until DAG Leong arrived to the meeting to continue the discussion.

e. SB1430-Relating to Medical Cannabis

Board members reviewed a proposed bill, which would allow naturopathic physicians and physician assistants to provide written certification for qualifying patient.

EO Fernandez informed the Board that naturopathic physicians were taken out of the bill because of their inability to prescribe controlled medicines.

Dr. Klein shared with the Board her experience in meeting with the Department of Public Safety, which issues the Narcotics Enforcement Division (NED) numbers. According to the Department of Public Safety, it is up to the Board to add medical cannabis to the formulary because then they can issue NED numbers, which would allow for naturopathic doctors to certify patients for medical cannabis.

Ms. Mullin left the meeting room at 3:23 p.m.

Dr. Kern asked the Board members if they have an opinion about whether medical cannabis is under the scope of practice for naturopathic physicians.

Dr. Coles shared with the members that it falls within their training of herbal medicine and pharmacology. She added that it would be appropriate to be added to the formulary.

Dr. Wong shared with the members that naturopathic physicians in other states, like Oregon, Washington and Arizona, can prescribe controlled substances. Most of the American naturopathic medical schools are in those states, so the scope of training that naturopathic physicians are given does include controlled substances.

Ms. Mullin entered the meeting room at 3:27 p.m.

Dr. Wong asked if the Board of Naturopathic Physicians has the authority to add controlled substances to the formulary, given that the formulary specifically excludes controlled substances.

Since amending the formulary was not on the agenda, and the DAG was not present, the Board deferred the topic until its next meeting.

The Board discussed potentially setting up an additional meeting.

DAG Leong entered the meeting room at 3:33 p.m. The agenda was taken out of order to continue discussing the following agenda items with DAG Leong present:

d. HB673-Relating to Medical Cannabis

The Board recapped for Mr. Leong: Although HB673 has taken naturopathic physicians out of the bill, that there is still potential to reintroduce naturopathic doctors into the cannabis bill. The Department of Public Safety (DPS) has requested a letter from the Board stating that medical cannabis is within their scope of practice, so that the DPS can support reintroducing naturopathic physicians into the bill.

Dr. Kern asked if EO Fernandez would draft a letter for the Board to review before the next meeting. EO Fernandez agreed to write the letter.

The Board concurred that it is within the scope of practice that medical cannabis can be prescribed by naturopathic physicians.

Mr. Glasgow asked Dr. Kern to clarify whether his interpretation is that medical cannabis is already part of the formulary because it is herbal.

Dr. Kern responded in the affirmative.

As referenced above, since the topic of amending the formulary was not on the agenda, the Board would need to discuss it at its next meeting.

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to support the intent of HB673.

a. HB1182-Relating to Vaccinations and Conscientious Objectors

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to comment on HB1182 as written:

The Board's concern for the bill as it is written, is the potential perception that naturopathic physicians are associated, as they are identified within the bill, which could be detrimental to naturopathic doctors.

f. SB202-Related to Professional and Vocational Regulatory Programs

Board members reviewed a proposed bill, which would establish repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the Department of Commerce and Consumer Affairs (DCCA). It would require the auditor to perform an evaluation of each program prior to repeal.

After some brief discussion about the need for regulatory Boards, it was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to oppose the bill.

Dr. Klein informed the Board that SB202 did not make it to conference.

g. HB112/SB1114-Relating to Taxation

Board members reviewed a proposed bill, which would require a tax clearance before a professional or vocational license may be issued or renewed. Applies to taxable years after 12/31/2020.

EO Fernandez informed the Board that HB112 and its companion SB1114 have been deferred.

h. HB1528-Relating to Commerce and Consumer Affairs

Board members reviewed a proposed bill, which would require the DCCA to suspend all fees relating to the licensing or registration of persons under its jurisdiction, from the fiscal year beginning in 2021 to the fiscal year ending in 2029.

EO Fernandez informed the Board he believes that the Department of Commerce and Consumer Affairs (DCCA) was written out of the latest version of HB1528.

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to oppose the bill.

i. SB774/HB73-Relating to Professional and Vocational Licensing

Board members reviewed a proposed bill, which would prohibit a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

Auxiliary personnel are used within any licensed practitioners' practice, and any rules that dictate what that assistance cannot supersede the statute.

After a brief discussion, it was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to support the bill as written.

j. SB439-Relating to Licensed Professionals

Board members reviewed a proposed bill, which would require the DCCA to post the business address and business phone number of each licensed professional on its public website.

EO Fernandez informed the Board that the Professional and Vocational Licensing (PVL) department is in opposition to this bill because it could possibly or more likely require them to develop an entirely new record system.

Dr. Kern stated that the HSNP does not have an organized means to follow up with any of the licensees who come through the Board. He further stated that it has been an extreme challenge to contact and invite licensees into the HSNP, and SB439 would help them considerably.

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to support the bill.

At 3:50pm Dr. Kern informed the Board that he would need to leave due to travel time constraints. Since the Board's quorum is 3 members, the Board decided to table items 5 through 6 to be discussed at the next publicly noticed meeting.

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to defer the remaining items on the agenda until the next meeting.

Open Forum Public comments on issues not on the agenda may be considered by the Board at subsequent meeting.

Next Meeting Wed., March 20, 2019
Date: 2:00 p.m.
Queen Liliuokalani 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 3:56 p.m.

Reviewed and approved by:

/s/ Christopher Fernandez

Christopher Fernandez
Executive Officer

Taken and recorded by:

/s/ Jessica T. Mullin

Jessica T. Mullin
Secretary

CF:jtm

03/08/19

[x] Minutes approved as is.
[] Minutes approved with changes.