

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, August 23, 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., Chair
Kathryn Taketa-Wong, N.D., Vice Chair
Kristen Coles, N.D., L.Ac., Member
Christopher Fernandez, Executive Officer (“EO”)
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Jessica Mullin, Secretary

Guests: None.

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

Approval of the May 10, 2019 Meeting Minutes: Chair Kern asked members if they had any corrections to note, and since none were identified it was moved by Vice Chair Taketa-Wong, seconded by Dr. Coles, and unanimously carried to approve the meeting minutes of the May 10, 2019 Board meeting.

Executive Officer’s Report: a. Disciplinary Actions from May to August 2019

EO Fernandez suggested to the Board that to establish a record, the meeting agendas could include a disciplinary action report of Hawaii-licensed Naturopathic Physicians. Board members were open to the idea and asked EO Fernandez to provide this information in his regular reports. EO Fernandez then reported that there were no disciplinary actions for Hawaii-licensed Naturopathic Physicians from May to August 2019.

b. Report on FNMRA Informational Meeting April 23, 2019

EO Fernandez informed the Board that unlike other licensing regulatory associations, the Federation of Naturopathic Medicine Regulatory Authorities (“FNMRA”) does not conduct destination conferences. Instead, the FNMRA conducts periodic teleconferences throughout the year regarding current trends and regulations within the industry. EO Fernandez apologized for having not brought the report and stated that the documents are available upon request from the public, and he would forward the link to Board members.

Requests for Approval:

The Board received requests for approval of the following qualifying courses on parenteral therapy:

a. IIVNTP: Fundamentals and Clinical Applications of IV Nutrient Therapies: San Diego, CA 2/29/2019-3/3/2019; and Buffalo, NY 9/6/2019-9/8/2019

b. IIVNTP: Fundamentals and Clinical Applications of IV Nutrient Therapies: San Diego, CA 3/5/20-3/8/2020

After her preliminary review, Dr. Coles informed members that although the two courses are on different dates, they contain the same course content, which meets the requirements set forth in Hawaii Administrative Rules (“HAR”) 16-88-57. She reviewed the course information, the hours and the credentials for the new Registered Nurse (RN) Kelly Brink who has joined the IIVNTP. She noted that RN Brink has one year of experience teaching parenteral therapy at a school, university, or college, and five years’ experience practicing parenteral therapy as required by HAR 16-88-57(d)(1). Dr. Coles informed the Board that the applications meet the Board’s requirements.

It was moved by Vice Chair Taketa-Wong, seconded by Dr. Coles and unanimously carried to approve both qualifying courses on parenteral therapy.

Executive Session:

At 2:16 p.m., it was moved by Dr. Taketa-Wong, seconded by Dr. Coles, and unanimously carried to enter into executive session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with HRS §92-5(a)(1), and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, immunities and liabilities in accordance with HRS §92-5(a)(4).

EXECUTIVE SESSION

At 2:20 p.m., it was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to move out of executive session and the Board reconvened its scheduled public meeting.

Applications

a. Authorization to Administer Parenteral Therapy

i. ND 304 Maxwell H. Crispo

It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to approve the above application.

ii. ND 78 Diana J. Ostroff

Board members noted that Dr. Ostroff submitted an application indicating she was applying by providing an original "Certification of Parenteral Therapy Qualifying Course" form. However, after review, it was determined she provided a certificate showing completion of a course consisting of at least 30 classroom hours on parenteral administration through injection of applicable naturopathic formulary substances as required by HAR 16-88-57(b). It was moved by Dr. Taketa-Wong, seconded by Dr. Coles and unanimously carried to defer Dr. Ostroff's application until she provides a corrected application form.

Applications for License:

b. Ratifications

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

i. Naturopathic Physician

ND 311 Randall J. Carpio
ND 312 Darin J. Ingels

ii. Authorization to Administer Parenteral Therapy:

ND Jessica M. Brandes
ND Randall J. Carpio

New Business: a. Parenteral Therapy Non-School Course Approvals and Website Updates

EO Fernandez informed the Board he would like to update some information on the webpage applications tab. He suggested moving the section entitled “Request for Approval of Qualifying Course on Parenteral Therapy,” underneath the “Authorization to Administer Parenteral Therapy”. It would include instructions to accompany the application, a link to an indexed list of approved non-school courses, as well as some formatting and layout changes. The Board discussed the changes and agreed that they would allow for a more efficient license application process, and encouraged EO Fernandez to move forward with the changes.

Old Business: a. Scope of Practice and Formulary

i. Inquiry from Hawaii-Western Management Group, Inc.

The Board received an inquiry from the Hawaii-Western Management Group, Inc. regarding “whether or not it is appropriate for a naturopathic medicine provider to perform a physical examination and to insert or remove an intrauterine device (IUD) contraceptive”. After some discussion the Board informally opined that the above falls within the scope of practice for Naturopathic Physicians.

It was moved by Vice Chair Taketa-Wong, seconded by Dr. Coles and unanimously carried to direct EO Fernandez to respond to the Hawaii-Western Management Group providing the informal opinion stated above.

In accordance with Hawaii Administrative Rules §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

ii. Prescriptive Authority & Collegial Relationships:
Dispensing of Testosterone

As part of an ongoing conversation about what constitutes a collegial relationship and the dispensing of testosterone, EO Fernandez reviewed the California State codes pertaining to Naturopathic Physician “collegial relationship” at the request of Board. EO Fernandez

informed the Board that California code identifies what constitutes a collegial relationship in the California Business and Professions Code section 3640.5. EO Fernandez informed the Board that the language and model for that code is based on the California code for Registered Nurses in California Business and Professions Code section 2725.

Dr. Coles noted that in California, Naturopathic Physicians can only prescribe under the authority of a medical doctor, which explains the language in their code. Dr. Coles stated that she has reservations about any bill modelled on the California language because it could affect Hawaii Naturopathic Physician prescriptive rights, which would in turn affect the public who utilize naturopathic services.

Pursuant to Hawaii Revised Statutes §455-1, the practice of naturopathic medicine includes prescription, administration, and distribution of the naturopathic formulary defined as “vitamins, minerals, dietary supplements, botanical medicines, homeopathic medicines, hormones, and those legend drugs consistent with naturopathic medical practice.”

The Board agreed that any established definition of collegial relationships would have to include being within the same health facility or hospice.

EO Fernandez suggested that “telehealth” be considered in future discussions as well.

The Board then reviewed past conversations and questions regarding exclusionary and inclusionary formulary language, and stood on their previous determination that the current inclusionary model sufficed. The Board also agreed that to gain the authority to prescribe controlled substances, they would have to change the statutes and there is no need to continue this conversation until then.

b. Continuing Education

i. Hawaii Society of Naturopathic Physicians (“HSNP”)

EO Fernandez shared a form from the HSNP with the Board that will be used to verify approval of courses that were not approved by the Board. Naturopathic Physicians

pay the HSNP a service fee and can apply courses approved by the HSNP toward their continuing education hours required for licensure renewal.

Chair Kern asked if the HSNP could provide an update on whether it has addressed audio courses. It was in his opinion that audio courses should not be considered adequate continuing education hours.

Dr. Coles informed Chair Kern that the HSNP has not yet discussed audio courses.

Chair Kern stated that it would be useful if after the 2019 renewal period, the HSNP could provide a review of the continuing education approval process.

Dr. Coles suggested to ask HSNP if they could provide a running total of the number of hours that are being approved that are coming from the HSNP approval process, so that the Board can understand how many of the physicians are getting hours outside of the Board accepted courses.

EO Fernandez agreed to inquire with the HSNP about Chair Kern's and Dr. Cole's request before the next change of administration in January 2020.

ii. Discussion of Draft Website Memo for 2019 Renewal and Continuing Education Requirement

The Board discussed the timing of the memo and agreed that it would be best to post it as soon as possible, so the licensees have ample time to submit the proper paperwork. The Board discussed potentially providing a link to the HSNP's website for licensees who need their continuing education hours reviewed for approval. EO Fernandez stated he will check to see if this is possible.

The Board reviewed and discussed the contents of the draft memo. EO Fernandez asked the Board if it would be acceptable for a licensee to provide continuing education hours from state physical therapy associations, since it is not clear from previous minutes that they were approved by the Board. The Board discussed and stated that many of the modalities of physical therapy are part of naturopathic practice.

It was moved by Vice Chair Taketa-Wong, seconded by Dr. Coles and unanimously carried to accept the American Physical Therapy Association and state physical therapy associations as credible entities for continuing education.

iii. Continuing Education Waivers

The Board discussed the processes in which it could create a waiver for extenuating circumstances that prevented a licensee from obtaining continuing education hours during a given biennium. The Board decided to defer this discussion.

Open Forum: None.

Next Meeting: Friday, November 15, 2019 at 2:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building
335 Merchant Street, 3rd Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:54 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

09/20/19

Minutes approved as is.

Minutes approved with changes.