

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, June 4, 2021

Time: 2:10 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/93927454659>

Present: David Kern, N.D., L.Ac., Chair
Kathryn Taketa-Wong, N.D., Vice Chair
Kristen Coles, N.D., L.Ac., Member
Joy Kimura, Member
Christopher Fernandez, Executive Officer ("EO")
Christopher Leong, Esq., Deputy Attorney General ("DAG")
Kawehi Mau, Secretary
Stephanie Karger, Office Assistant (tech support)
Christine Dela Cruz, Office Assistant (tech support)

Guests: Lorrin Kim, Policy Director, Hawaii State Dept. of Health

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

Approval of the
March 19, 2021
Meeting Minutes:

Chair Kern asked if there was any comment from the public, there was none.

Vice Chair Taketa-Wong stated page 4, last paragraph, should read "Vice Chair Taketa-Wong asked Dr. Kimata if she had pending exams that needed an urgent response."

Upon a motion by Vice Chair Taketa-Wong, seconded by Dr. Coles and unanimously voted to approve the March 19, 2021 minutes as amended.

Chair Kern announced that he was taking Agenda item #5, Definitions to Naturopathic Physicians, out of order.

Definitions to
Naturopathic

Physicians: Chair Kern asked if there was any comment from the public, there was none.

Chair Kern gave a brief overview of the subject matter and discussion from the previous meetings. Chair Kern stated the Board is meeting with the Hawaii Department of Health Policy Director, Lorrin Kim to receive clarification on the definition of Naturopathic Physician, in relation to the matter of Kamehameha school's new requirement of having both a physical and concussion assessment done. Currently Kamehameha School's is not accepting assessments done by licensed Naturopathic Physicians, since their new physical forms include a concussion assessment component and the current statute definition in Act 262 (2016) for "licensed healthcare provider" excludes Naturopathic Physicians.

Chair Kern asked Mr. Kim if he had additional information to share or questions for the Board.

Mr. Kim was recognized by the Board and thanked Chair Kern for the introduction.

Mr. Kim reiterated the Board's request of the Department of Health "(DOH)" to comment on matters related to Hawaii Administrative Rules ("HAR") Title 11 Chapter 157 Immunizations and Examinations ("HAR 11-157"); to interpret the statute and rules, that Naturopathic Physicians are in fact authorized to conduct student back to school physical exams including concussion assessments.

Mr. Kim clarified that he is not a subject matter expert, but working as the Director of Policy, he could provide assistance. He stated HAR 11-157 is governed by the Disease Outbreak Control Division, directed by Sarah Kemble, M.D. and the matter will need to be brought to the attention of Dr. Kemble's office and DAG for comment. He added that a couple other divisions may be brought in to discuss this matter when contemplating a response to the Board since they have interests in the subject matter. Those divisions are the Chronic Disease and Health Promotion div. and the Developmental Disabilities div.

Mr. Kim suggested to start that the Board draft a letter to Dr. Kemble and her division requesting a legal interpretation and clarification of the definitions related to physical assessments and concussion evaluations found in HAR 11-157, and he would be willing to help relay it to her.

Chair Kern clarified that the Board is seeking consistency in terminology, and to bring to light that Naturopathic Doctors may not be included in

certain definitions of “physician”, “licensed healthcare provider”, etc. ACT 262 (2016) and HAR 11-157 are examples of this.

Dr. Kim agreed that terminology should be clarified with the Disease Outbreak Control Division.

Chair Kern asked if any members of the Board of questions for Mr. Kim.

Ms. Kimura made note that historically Naturopathic Physicians have been able to perform examinations and have been accepted, however, due to language in the statutes the matter has come up.

EO Fernandez stated a second letter with a more specific request will be sent to DOH; Attn: Dr. Kimble.

Vice Chair Taketa-Wong stated she would like to include direct quotes or Act’s and Statutes

Upon a motion by Ms. Kimura, seconded by Vice Chair Taketa-Wong the Board unanimously voted to have EO Fernandez and DAG Leong draft a letter addressed to Dr. Kemble and the Disease Outbreak division requesting clarification on the authorities provided to Naturopathic Physicians pursuant to HAR 11-157 with regards to school physical examinations and the exclusion of Naturopathic Physicians from the definition of “licensed healthcare provider” in Act 262 (2016) related to concussion evaluations which may contradict the authorities provided in HAR 11-157.

Executive
Officer’s
Report:

a. DCCA Disciplinary Actions from January 2021 through April 2021

EO Fernandez reported one disciplinary action reported for Naturopathic Physicians from January 2021 through April 2021.

b. NPLEX: Development of the Parental Medicine Elective Examination (PMEE)

EO Fernandez stated the elective examination is set to begin in 2022. EO Fernandez let the Board know he continues to be in contact with NABNE about the exam and reminded it that to utilize the examination, the Board may need to update its rules (Hawaii Administrative Rules title 16 chapter 88) but this will involve further review with DAG Leong.

c. State Ethic and Sunshine Law Refresher Training

DAG Leong reviewed the Hawaii State Sunshine Laws with the Board members, including permitted interactions.

DAG Leong then reviewed the State ethics codes, which all Board members are subject to follow. Examples of such ethics code considerations include not accepting gifts from individuals affected by Board business, when to recuse one's self from Board business, and also, to remind all Board members they are required to submit an annual financial disclosures statement.

DAG Leong closed the conversation on where to find the links of the Sunshine Law and Code of Ethics.

Applications:

Chair Kern asked if there was any comment from the public, there was none.

Executive Session:

At 3:23 p.m., upon a motion by Ms. Kimura, seconded by Vice Chair Taketa-Wong, 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 3:43 p.m., upon a motion by Vice Chair Taketa-Wong, seconded by Dr. Coles, and unanimously carried to move out of executive session and the Board reconvened its scheduled public meeting.

a. Request for Approval of Qualifying Course on Parenteral Therapy

Upon a motion by Vice Chair Taketa-Wong, seconded by Dr. Coles, the Board unanimously voted to defer the request by Dr. Virginia Osborne pursuant to HRS §436B-10(a)(9). The Board is requesting further information about the facilitation of the course.

b. Ratifications:

I. Naturopathic Physician

Allison Nicole Durham, ND

Upon a motion by Chair Kern, seconded by Ms. Kimura, the Board unanimously voted to ratify the application approval of Dr. Allison Nicole Durham.

Next Meeting

Friday, August 27, 2021

Virtual Videoconference Meeting – Zoom Webinar

Chair Kern asked if there were any further comments.

Ms. Kimura asked EO Fernandez if another Board meeting should be established to review and distribute the response received from DOH.

After further discussion it was decided that no Board meeting will be needed.

Adjournment:

There being no further business to discuss, the meeting was adjourned at 4:02p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Kawehi Mau
Kawehi Mau
Secretary

CF:km
09/2/21

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____.