

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, December 17, 2021
- Time: 2:08 p.m.
- Place: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/99016060078>
- Present: David Kern, N.D., L.Ac., Chair
Kathryn Taketa-Wong, N.D., Vice Chair
Joy Kimura, Member
Christopher Fernandez, Executive Officer (“EO”)
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Kawehi Mau, Secretary
Karyn Takahashi, Secretary (tech support)
- Excused: Kristen Coles, N.D., L.Ac., Member
- Guest: Dr. Rachel Klein
- Call to Order: There being a quorum present, the meeting was called to order by Chair Kern at 2:08 p.m.
- Chair Kern asked if there was any comment from the public, there was none.
- Approval of the August 27, 2021 Meeting Minutes: Vice Chair Taketa-Wong asked for the following corrections to be made on the August 27, 2021 open session minutes:
- Page 5, paragraph 2, should read “Vice Chair Taketa-Wong stated she supports the science behind the vaccine and takes an individual approach when providing care to her patients mentioning there are possible side effects with all vaccines; she is currently treating patients with adverse symptoms after receiving the COVID-19 vaccine.”

It was moved by Vice Chair Taketa-Wong, seconded by Ms. Kimura and unanimously voted to approve the August 27, 2021 minutes as amended.

It was moved by Vice Chair Taketa-Wong, seconded by Ms. Kimura and unanimously voted to approve the August 27, 2021 executive session minutes as circulated.

Executive
Officer's
Report:

EO Fernandez reported no disciplinary action reported for Naturopathic Physicians from July 2021 – October 2021.

EO Fernandez stated changes will be made to the application, informing applicants to submit license verifications from states they currently and previously held a license in. EO Fernandez stated the additional language will expedite the application process.

EO Fernandez stated the 2021 license renewal has begun.

Chair Kern asked what policies will be applied if licensees have not met the CE renewal audits.

EO Fernandez stated if there is no evidence of a licensee meeting the CE requirements, licensees will be referred to the Regulator Industries Committee (RICO).

Application
Ratifications:

a. Naturopathic Physician

- i. ND-337 Akiko Kato
- ii. ND-338 Jennifer M Goto
- iii. ND-339 Jason Naoki Tsujimura

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

It was motioned by Vice Chair Taketa-Wong, seconded by Ms. Kimura, and unanimously voted to accept the application ratification list.

Legislative
Matters:

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

The Board will hold discussion on the upcoming Hawaii State Legislature's 2022 legislative session, which may include, but not be limited to, the election of legislative committee members,

discussion of potential legislation and related to the practice of Naturopathic Medicine.

EO Fernandez provided some information for the upcoming 2022 legislative session of the Hawaii State Legislature. He reminded board members of several important things:

- 1) The bills introduced in the 2021 Legislative session will be carried over to the 2022 Legislative session; and those bills are:

- a. SB1272-Relating to Health

Medical Cannabis; Naturopathic Physicians; Written Certification

Authorizes naturopathic physicians with the same authority as physicians and advanced practice registered nurses in regards to providing written certifications to qualified patients for the medical use of cannabis.

- b. HB1394-Relating to Health Care Professionals

Naturopathic Medicine; Continuing Education; Licensure Requirements

Clarifies the list of acceptable institutions or organizations that can approve the continuing education courses needed by naturopathic physicians for license renewal.

- c. SB1273-Relating to Health Care Professionals

Naturopathic Medicine; Continuing Education; Licensure Requirements

Clarifies the list of acceptable institutions or organizations that can approve the continuing education courses needed by naturopathic physicians for license renewal.

The bills include one that would primarily add Naturopathic Physicians to the list of providers that can certify Medical Cannabis Certification and two companion bills that would amend the Continuing Education (“CE”) requirements allowing, for example, CE from state regulatory boards to be acceptable.

- 2) EO Fernandez also reviewed the legislative deadline calendar with the Board, stating the calendar can also be found on the State Legislature website (<https://www.capitol.hawaii.gov/>) and the Legislative Reference Bureau's Public Access Room ("PAR") website as well (<https://lrb.hawaii.gov/par/>). EO Fernandez stated that tentatively, hearings will be held virtually and that he should soon have confirmation if this will be the case.

Dr. Rachel Klein President of HSNP was brought in to join the Board conversation on legislative matters.

Dr. Klein introduced herself, thanking for the overview of the legislative session. She informed the Board that Sarah Strong of HSNP will be handling legislative matters during session and would be the contact for the Boards legislative committee, if needed. She went on to state that HSNP is requesting support for the two bills they introduced last year (identified above) and asked, if the companion bills regarding CE die, could they be introduced in 2023 as administrative bills.

EO Fernandez explained that administrative bills should be non-substantive amendments to HRS §465 that support the administration of the chapter. It is possible to request an administrative bill to administration but that the deadline for such requests would not be until after the session. He suggested to the Board, that if it wishes it can discuss the administrative bill request at its May 13, 2022 meeting.

Vice Chair Taketa-Wong asked if the Board could provide informal positions on the bills prior to their introduction at this meeting.

EO Fernandez stated that the Board can provide informational positions, however, they could not be used to support or oppose a bill. They can only comment on the subject matter, until it can formally support or oppose a bill by reviewing the draft at a public meeting.

Chair Kern preferred to move on from the subject since the Board's opinion is already documented from years before. He however asked the members if they had any more thoughts on the agenda item or wished to discuss the bills further.

Ms. Kimura wished to clarify that bills that are carried over from last session will need to be introduced again in order to be referred to committees.

Board members also discussed the formation of a legislative committee for the upcoming 2022 legislative session.

Ms. Kimura made a motion to form a legislative committee for the 2022 legislative session and nominated Vice Chair Taketa-Wong to sit on the committee. The motion was seconded by Vice Chair Taketa-Wong and unanimously approved by members present.

EO Fernandez noted that the Board can update the committee membership at the Board's February 4, 2022.

Definitions
Naturopathic
Physician and
Scope of
Practice
(Update):

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

Chair Kern invited EO Fernandez to provide an update on the letter sent to the Department of Health ("DOH") regarding physical and concussion evaluations.

EO Fernandez informed the Board that since the Board's last meeting he received a response from Lorrin Kim with the DOH regarding the letter he sent on behalf of the Board requesting support from the DOH's Disease Outbreak Control Division ("DCOD"). The letter was requesting clarification about the administrative rules, acts, and statutes related to physical evaluations, concussions, and Naturopathic Physicians completing evaluations. In his response Mr. Kim explained that he was informed by DOCD that it handles transmittable diseases such as measles, and instead to reach out to the Developmental Disabilities Division ("DDD") for support.

Ms. Kimura clarified that the email was explicitly stating that the Board work with the both the DOCD and the DDD. She explained that although the school exam rules are a part of the DOCD, they do not handle concussions as stated by Mr. Kim. Instead concussion rules are handled by the DDD. She added that Mr. Kim said the quickest route to dealing with this issue, is to introduce a bill. She stated there a couple options such as a bill that would include Naturopathic Physicians in the definition of those who can perform concussion evaluations; basically amending the current Act 262, or introduce a bill that clarifies the definition of Naturopathic Physicians in chapter 455, HRS.

Vice Chair Taketa-Wong preferred that a bill be introduced to amend Act 262 to include Naturopathic Physicians in the definition of as a way of avoiding amending the Board's chapter.

Chair Kern asked if there was consensus with members present to request that EO Fernandez reach out to the appropriate divisions of the DOH to keep open channels about the Board's support of amending the definition of "Licensed Health Care Provider" to include Naturopathic Physicians.

Members present supported this plan.

Chair Kern asked if there was any more discussion.

There was none.

Next Meeting: Friday, February 4, 2022
Time: 9:00 am
Virtual Videoconference Meeting – Zoom Webinar

Adjournment: There being no further business to discuss, the meeting was adjourned at 4:08 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Kawehi Mau
Kawehi Mau
Secretary

CF:km

2/8/22

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of February 4, 2022.