

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 1, 2023

Time: 2:00 pm

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

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/89833036106>

Present: David Kern, N.D., L.Ac, Chair
Kristen Coles, N.D., Vice Chair, Licensed Member
Corinne De Soto, N.D., Licensed Member
Christopher Fernandez, Executive Officer (“EO”)
Rochelle Araki, Executive Officer
Chris Leong, Esq., Deputy Attorney General (“DAG”)
Johnny Li, Tech Support
Mia Hoang, Office Assistant, Tech Support
Cortnie Tanaka, Secretary
Juliet Kalilikane, Secretary

Excused: Joy Kimura, Public Member

Guest: None

Call to Order: There being a quorum present, the meeting was called to order by Chair Dr. Kern at 2:05 pm.

Approval of the August 4, 2023 Meeting Minutes: After the Board reviewed the meeting minutes for August 4, 2023, Vice Chair Dr. Coles noted that on page 3, bottom of last paragraph, her name is misspelled as “Cole” and should be “Coles”.

With no other changes identified, Dr. Kern called for a motion to approve the meeting minutes of August 4, 2023 with the noted correction to Vice Chair Coles' name on page 3, as stated above.

Dr. De Soto responded by making the motion, seconded by Vice Chair Coles, and unanimously carried by the Board.

Executive
Officer's
Report:

Dr. Kern asked EO Fernandez to present his report.

A. Legislative information for the 2024 session

EO Fernandez informed the Board that there was little info at the time of the meeting regarding the 2024 legislative session. He stated there may be an emphasis on responding to emergency disasters. He added, based on last session, there may be emphasis on healthcare too, but he could not specify what topics such as Naturopathic Medicine. He continued explaining, the legislative session in 2024 was going to be the second in the legislative biennium; bills that were introduced last year would be carried over to the new session, emphasizing carryover bills would still need to be introduced by a legislator in order to be heard by the subject matter committees. At the time of the meeting, EO Fernandez believed there was only one or two carry-over bills from last session, including the returning continuing education, and cannabis certification bills. He concluded his legislative report stating that he would have more information at the next meeting, after the bill introduction period is complete, and all bills that need to be reviewed and voted on by the Board are known.

B. Administrative matters related to applications, and board membership

EO Fernandez updated members on some minor changes to the application forms. For example, there was no section in the instructions for how the Naturopathic Physician was to inform the board they were licensed in another state and that they needed to submit a license verification for each state. In chapter 436B, HRS, this is something that the board can request and is standard for every license type. The process ensures that there are no disciplinary actions in other jurisdictions.

He added that he is currently working on application instructions for the two added privilege applications as well. He informed the Board that applicant for the privileges must hold a ND license before applying and that this will be included in the instructions.

Dr. De Soto asked if that would create a delay before someone would get their parenteral therapy license approved.

EO Christopher Fernandez offered that it would not. Generally, initial applications consist of submitting transcripts and license verifications along with the application form. The primary issue is the clerk receiving a parenteral therapy application before a person is licensed. Currently, the clerk does not have a "place" to put the application, since they cannot create a license file for the privileges until that person has a license. It is something, EO Fernandez said, that he and the Board staff are continuing to work on with the licensing branch.

C. Disciplinary action of licensees

EO Fernandez reported no disciplinary actions since the last meeting.

Chair Kern additionally asked members if they had any questions for EO Fernandez pertaining to the continuing education ("CE") renewal.

Members did not.

Review of Advisory
Committee Member
Candidates:

Chair Kern asked if the Board needed to enter Executive Session to discuss the Advisory Committee.

EO Fernandez thanked Chair Kern for the clarifying question. He explained the names of the committee candidates and members are meant to be kept confidential, since they will be helping with Regulated Industries Complaints Office ("RICO") investigations. Therefore, if the Board has specific information about any individual on the list, the board can go into Executive Session to discuss it confidentially. If Board Members do not have anything to discuss on the advisory committee candidates, then the board can move to vote.

Chair Kern asked if any members have any questions regarding the two recommended candidates to be added to the advisory committee; adding that the candidates have participated on the advisory committee before and are seasoned colleagues.

Members present confirmed having no issues.

Chair Kern, called for a motion to approve the recommended members to the RICO advisory committee. Vice Chair Coles responded by making the motion, Dr. De Soto seconded the motion, and all members present voted to approve the RICO Advisory Committee candidates.

Licensure,
Reciprocity,
And Professional
/Educational
Organizations:

Chair Kern introduced the subject of title usage. The conversation about title he referred to goes back to 2007 recorded in minutes which have been placed in the Board packet. He also noted his personal familiarity with this subject.

Chair Kern stated that there are clear requirements for licensure in Hawaii along with specific titles protected from use by anyone unlicensed. Referring to the November 2007 meeting minutes, Chair Kern clarified that at the time, the use of the term "Naturopathic Medical Doctor" or "NMD" was under scrutiny since it was poised to confuse Medical Doctors "MD" with Naturopathic Doctors "ND". It was a term that came out of Arizona.

[In 2010, Hawaii introduced and limited the term NMD to medical doctors who are also licensed to practice naturopathic medicine. HAR 16-88-7.5(4), below.]

Shall not use the title "naturopathic medical doctor" or the acronym "N.M.D."; provided that this prohibition shall not apply to a naturopathic physician who is licensed as a physician or an osteopathic physician in this State.

Having been present during the amendment of the rules title language of section 16-88-7.5, HAR, Chair Kern stated that he did not recall, that this paragraph was added. Chair Kern added that he is critical of the term since no practitioners except for NDs in Arizona wishing to use the term, use it; including MDs.

Chair Kern moved to another related subject: that an institute of healing called the Natural Institute of Hawaii on Maui is using the term Naturopathic Practitioner ("NP") for those who complete it's training program. He added that the institute holds accreditation by the American Naturopathic Medical Accreditation Board ("ANMAB"). Chair Kern contemplated whether the use of this term is in violation of the statute and rules related to Naturopathic Medicine, specifically considering whether Naturopathic Practitioner is a protected term.

EO Christopher Fernandez stated that to be licensed as a Naturopathic physician in Hawaii right now, one must obtain a doctorate in naturopathic medicine through a university or school with accreditation from CNME; the accreditor that this state acknowledges. Specifically, from HAR 16-88-3:

[An applicant] shall be a graduate of a school, university, or college of naturopathic medicine that has received candidacy status with or has been accredited by, a regional or national accrediting body recognized by the United States Department of Education; provided that any applicant who graduated from a college of naturopathic medicine prior to 1987 shall be deemed qualified if the college was approved by the board prior to 1987 and has been accredited by a regional accrediting body recognized by United States Department of Education.

The statutes do not have anything further on education requirements except for section 16-88-12.2, HAR, educational requirements for licensure, which states:

The naturopathic medical education program shall be a minimum of four academic years, with in-residence curriculum in basic science and clinical didactic studies, as well as clinical training.

For example, National University of Natural Medicine (“NUNM”) is accredited by CNME, which is recognized in statute, and their program is a 4-year curriculum. Upon completion, and submission of application, a license can be issued as far as the board is concerned. No additional clinical hours require verification outside of the curriculum. The exam that is required through the North American Board of Naturopathic Examiners (“NABNE”) has two parts. There are also voluntary exams for minor office procedures and parenteral therapy. However, they can use non-school course providers parenteral therapy courses to meet the requirement for that privilege because the parenteral examination from NABNE is not yet accepted in Hawaii. Additionally, the Board does not accept an MD license or credentials for NP licensure, and Hawaii does not have reciprocity language; everyone is on the same footing when they apply. EO Fernandez also noted that the Board does not hold the authority to amend who accredits education programs acceptable for licensure as it is in statute and would require legislative action.

Vice Chair Coles stated that the title language should be precise enough if action is pursued regarding the Maui institute.

EO Fernandez stated that the term Naturopathic Practitioner (“NP”) used by the institute is not identified in HAR, section 16-88-7.5. Additionally,

the term “Naturopathic” itself alone is not protected in the rules. It is usually attached to the term “physician” or “doctor”.

Vice Chair Coles opined that many patients will say to others, “I go to my NP for that”, referring to the licensed Naturopathic Physician. This seems to be a public safety issue if it confuses the public.

Chair Kern added there are at least a dozen examples where someone used the term or variation, and the Board went after them through RICO to enforce the regulations regarding title usage. The result was that the terms were not used anymore. He added that the Board has taken seriously the use of the term “Naturopath” for example, and he believes that it can be done here too.

He went on to explain that something has been done about this previously. NP was a protected term once, through other boards and state associations. He argues that not only is it something the Board can correct, but if, in fact, somewhere within our rules or definitions, there is something that provides exclusivity to NP as a term then that would be better.

Dr. De Soto stated that “Naturopathic” does not seem protected. She asked if the Board could add additional terms that are protected under the Naturopathic License.

Chair Kern stated that the Board can amend HAR §16-88. He reiterated his concern of a person without a doctorate in Naturopathic Medicine calling themselves a “Naturopathic Practitioner” stating that it is inappropriate.

EO Fernandez stated that anyone can file a complaint if they believe a violation has occurred. In order for an interpretation of the statutes to be formal, it would need to go to the courts [where a judge would determine an interpretation, based on arguments, that would hold the force of law].

After some concluding remarks about the importance of protecting terms used by licensees, and ensuring that the statute chapter and administrative rules provide enough terms to enforce title protection, the Board agreed to continue research in preparing for a rule change.

Next Meeting

Date:

Friday, February 9, 2024
2:00 pm
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
Chair Kern at 3:09 p.m.

Reviewed and approved by:

Taken and recorded by:

Christopher Fernandez

Juliet Kalilikane

CF:jk

4/18/24

[] Minutes approved as is.

[] Minutes approved with changes. See minutes of [date].

DRAFT