

Board of Naturopathic Examiners

Friday, June 17, 2019 @ 9:00 AM
Public Minutes

The June 17, 2019 meeting of the Board of Naturopathic Examiners (the “Board”) convened at 9:05 a.m. at the Office of Professional Licensure and Certification, 121 South Fruit St., Concord, NH with the following members present:

Deborah Sellars, ND, Chair

Erik Nelson, ND

Jacqueline Yang, ND

Glee Corsetti-Hooper

1. Administrative

- a. The minutes of the May 13, 2019 public session were approved as amended upon motion of Erik Nelson, ND with a second by Glee Corsetti-Hooper.
- b. Director Sheri Walsh spoke to the Board leaving her position, and expressed her appreciation of working with the Board.
- c. The Board discussed the position of Board Chair. Deborah Sellars, ND will continue as chair at the next board meeting; Glee Corsetti Hooper will become chair with Deborah Sellars, ND as Vice-Chair at the August meeting.
- d. Biennial Inventory of Controlled Substances. A letter will be drafted by the Administrator to notify all naturopathic doctors of requirements and compliance.
- e. Formulary Appointment Update. Dr. Andrew Chevalier is invited to submit a letter of interest and CV for appointment.
- f. Updated renewal and CE forms. The Board discussed an update on the renewal form and related forms regarding the required 45 credit hours that must have at least 12 credit hours in pharmacology or pharmacognosy, and at least 3 shall be education in pain management or addiction disorders, or a combination thereof, as required by RSA 328-E:13, II. Notification will be sent to all naturopathic doctors of the change.

2. Rules

- a. The Board met with OPLC rules Attorney Tom Broderick to approve a final draft of rules. Upon motion by Deborah Sellars, ND with a second by Jacqueline Yang, ND, the Board approved the rules in two sections: 100-200 and 300-500. Attorney Broderick said the rules take effect within four to six months with this process: 1) a fiscal impact statement is formulated, 2) the final draft is published in the state register and posted on the Board website, 3) a public hearing is scheduled after six (6) weeks followed by a final proposal with public feedback.

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- b. Audit Report Response. The Board addressed all points of the Summary of Audit Observations/Findings. Observations will be completed by the Administrator.
- c. Criminal background check procedure. The Board requested the Administrator, with assistance of Board counsel, to draft a letter to the applicant.

3. Questions

Question #1: Idaho's request for definition of "primary care" - "Idaho has recently passed legislation to license naturopathic physicians in the state and Dr. Haynes and others are currently working to develop their rules. They would like to ask for your feedback on the definition of 'primary care'. Is there anything that might need to be altered or added to the definition?"

Answer: New Hampshire statute 328.E2(IX) ("Naturopathic medicine" means a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.") gives the state's definition of "primary care provider" and recommends that the Idaho Board confer with their board counsel to determine their requirements.

Question #2: Diane Moore "paid residency" question - "I have been approached by a student who has graduated in May with the Doctor of Naturopathic Medicine from the University of Bridgeport. She sits for her boards in September and would like to start training with us beforehand. Is she able to work under Dr. Medrek's license as providing treatments, not diagnosing or prescribing? Similar to the role of a paid residency."

Answer: This option is not in the Rules which stipulate that a student cannot render medical services without a license.

Question #3: Rachel Anderson's formulary question regarding lactulose - "I have a question about whether we can prescribe lactulose? I was recently told by Aerodiagnostics that I can't order lactulose breath tests through them anymore because NDs in New Hampshire can't prescribe lactulose. I was just talking with Amanda Hegnauer and she said she thinks this has been added to our formulary but when I reviewed the formulary that's posted on the NHAND website I didn't see it. The formulary on the website is from 5/2017. Has it been updated since then and does it possibly now contain lactulose?"

Answer: The Formulary Council has not made any changes regarding lactulose at this time. This will be placed on the website's FAQ when uploaded.

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At 9:30 a.m. the Board went into non-meeting session with Board Counsel by motion of Erik Nelson, ND with a second by Jacqueline Yang, ND and reconvened at 9:38 a.m. by motion of Erik Nelson, ND with a second by Jacqueline Yang, ND.

Motion to commence Non-Public Session:

At 9:38 a.m. upon motion by Deborah Sellars with a second by Glee Corsetti-Hooper, the Board voted to conduct a non-public session for the purpose of discussing alleged licensee misconduct and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:3, II(e), RSA 91-A:5, IV, RSA 91-A:18, RSA 91-A:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574(1978), and the Board executive and deliberative privileges. –**Motion Approved**

[Minutes kept separately]

At 10:00 a.m. upon motion by Deborah Sellars, ND, with a second by Erik Nelson, ND, the Board voted to go out of non-public session and back into public session. – **Motion Approved**

At 10:00 a.m. upon motion by Deborah Sellars, ND, with a second by Jacqueline Yang, ND, the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. – **Motion Approved**

At 11:00 a.m. the Board voted to adjourn the meeting.