

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, February 8, 2013

Time: 2:30 p.m.

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

Present: Kevin Gibson, N.D., Chairperson
David R. Kern, N.D., Vice Chairperson
Rodney Chun, N.D., Member
Audrey Ng, Member
Candace Ito, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")
Faith Nishimura, Secretary

Excused: L. Martin Johnson, Psy.D., Member

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Gibson at 2:35 p.m.

Additions and Revisions to the Agenda: None.

Approval of November 30, 2012 Meeting Minutes: It was moved by Dr. Chun, seconded by Dr. Kern, and unanimously carried to approve the November 30, 2012 meeting minutes with the following amendments:

On page 2, under Unfinished Business, Scope of practice – prolotherapy and trigger point injections:

First paragraph, first sentence should read as follows:
"At its September 7, 2012 meeting the Board discussed inquiries from Dr. Kevin Davison and Sean Scherer regarding **autologous**

adipose tissue, plasma rich platelet therapy ("PRP"), prolotherapy, and trigger point injections."

First paragraph, last sentence should read as follows:

"The Board reviewed HAR section 16-88-56 and further discussed **therapeutic injection techniques.**"

Third paragraph should read as follows:

"The Board believes that the education and training required to qualify to administer parenteral therapy is adequate to perform prolotherapy, **autologous adipose tissue, PRP**, and trigger point injection safely. **The** required education and training together with the standards of practice, care, and code of ethics set forth in the Board's administrative rules provides for the safe practice of **various therapeutic injection techniques** by naturopathic physicians."

Fourth paragraph, second sentence should read as follows:

"Prolotherapy and trigger point injections are administered for pain management using naturopathic medicine."

Fifth paragraph, last sentence should read as follows:

"However, the Board has the statutory authority to change its administrative rules to include the administration of **various therapeutic injection techniques.**"

On page 3, under Hawaii Administrative Rules, a. Proposed amendments to examination requirements for licensure/b. Subchapter 9 – Scope of parenteral therapy, the second paragraph, first sentence should read as follows:

"The Board discussed amending HAR section 16-88-56 to include **various therapeutic injection techniques.**"

New Business:

None.

Hawaii
Administrative
Rules:

a. Subchapter 9 – Parenteral Therapy: prolotherapy and trigger point injections

At its November 30, 2012 meeting, the Board established a subcommittee comprised of Chairperson Gibson and Dr. Kern to develop language regarding the scope of parenteral therapy.

Members reviewed the subcommittee's proposed amendment to HAR section 16-88-56(a):

"Authorization to use parenteral therapy required. (a) For the purposes of this chapter, parenteral therapy is limited to injection in subcutaneous, intramuscular, [~~and~~] intravenous [~~injection.~~] and other areas of the body excluding the ventral and dorsal cavities."

DAG Tam asked the Board to define ventral and dorsal cavities. Dr. Gibson indicated that the ventral cavity is in the front of the body and includes the thoracic, abdominal, and pelvic cavities. The body's organs are within the ventral cavity. The dorsal cavity is at the backside of the body and includes the cranial and spinal cavities. The dorsal cavity contains the brain and spinal cord. Injections may be administered within the body but should never enter the ventral or dorsal cavity.

DAG Tam related that for clarity, all the cavities that are in the ventral and dorsal cavities should be included and suggested the following:

§16-88-56 Authorization to use parenteral therapy required. (a) For the purposes of this chapter, parenteral therapy is limited to injection in subcutaneous, intramuscular, [~~and~~] intravenous [~~injection.~~] and other areas of the body; provided that the injection shall not puncture or penetrate the thoracic, abdominal, pelvic, cranial or spinal cavities.

After a discussion, the Board agreed to amend HAR section 16-88-56 as proposed by DAG Tam. It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to approve the proposed draft with the amendments stated above.

Ms. Ng arrived at 3:10 p.m.

Naturopathic
Formulary:

None.

Correspondence:

None.

Applications:

a. Licensure

None.

b. Reactivation of Licensure

i. John D. McCoy

The applicant answered "yes" to questions 1, 2, and 3 on his restoration application.

Dr. Kern disclosed that he and Dr. McCoy worked in the same office more than 10 years ago. DAG Tam stated that Dr. Kern can take official action as long as he can be fair and impartial. Dr. Kern acknowledged that he could be fair and impartial.

Executive
Session:

It was moved by Ms. Ng, seconded by Dr. Chun, and unanimously carried to enter into executive session at 3:15 p.m. pursuant to section 92-4 and sections 92-5(a)(1) and (4), HRS, to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

EXECUTIVE SESSION

At 3:35 p.m., it was moved by Ms. Ng, seconded by Dr. Chun, and unanimously carried to return to open session. The room was reopened to the public.

It was moved by Ms. Ng, seconded by Dr. Chun, and unanimously carried to approve the restoration of John D. McCoy's naturopathic physician license.

c. Licensure/Authorization to administer parenteral therapy/ authorization to perform minor office procedures

None.

d. Ratifications

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following applications for licensure:

- Trockels, Kristine P.
- Mazza, Monique M.

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following applications for authorization to administer parenteral therapy:

- Lowery, Marsha K.
- Imdieke, Gretchen M.

- Trockels, Kristine P.

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following applications for authorization to perform minor office procedures:

- Lowery, Marsha K.
- Imdieke, Gretchen M.
- Trockels, Kristine P.

e. Qualifying Course on Parenteral Therapy

- IV Nutritional Therapy for Physicians “Fundamentals and Clinical Applications of IV Nutrient Therapy” course being offered in Arizona on March 7-10, 2013

Course administrator, Virginia Osborne, N.D. related that this course is the same as her previously approved course, Index Number 12-001 and provided course information to support her statement. Members reviewed and discussed material submitted by Dr. Osborne.

After discussion, the Board came to a consensus that the IV Nutritional Therapy for Physicians “Fundamentals and Clinical Applications of IV Nutrient Therapy” course being offered in Arizona on March 7-10, 2013 is equivalent in content to course Index Number 12-001, which was approved on January 18, 2012.

DAG Tam left the meeting at 3:40 p.m.

Legislation:

- a. Senate Bill No. 491, Relating to Naturopathic Physicians
- b. House Bill No. 996, Relating to Naturopathic Physicians

The purpose of these measures is to authorize naturopathic physicians to register with the department of public safety and obtain a current federal Drug Enforcement Administration registration number for the limited purpose of prescribing and administering bio-identical testosterone.

Dr. Kern related that the Hawaii Society of Naturopathic Physicians (“HSNP”) is the proponent of this bill. The Executive Officer asked the Board to define the term bio-identical. Dr. Kern responded that bio-identical hormones are identical in molecular structure to the hormones that are

produced by our bodies and are derived from plants. Thus the terms bio-identical and natural are used interchangeably. Testosterone is a natural hormone that is classified as a controlled substance because of abuse in its use in sports. Naturopathic physicians are not authorized to prescribe controlled substances. Naturopathic physicians are authorized to prescribe other hormones such as estrogen and progesterone which are not controlled substances. The Board came to a consensus that it supports S.B. No. 491 and H.B. No.996.

HSNP reported that they were informed that these bills will not be scheduled for hearing.

- c. Senate Bill No. 506, Relating to Professional and Vocational Licensing
- d. House Bill No. 323, Relating to Professional and Vocational Licensing

These measures: (1) clarify that licensing authorities shall consider relevant education, training, or service completed by service members; (2) specify which service members are subject to these provisions; (3) allow licensure by endorsement or licensure by reciprocity in certain situations for service members; (4) establish procedures for service members to receive a license by endorsement or license by reciprocity; (5) allows the issuance of a temporary license if certain requirements are met; and (6) requires the licensing authority to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified service member.

The DCCA submitted testimony in support of the intent of these measures. The Hawaii Dental Association, Hawaii Association of Public Accountants, and Hawaii County Dental Society submitted testimony in opposition on the basis that these bills do not provide the regulatory safeguards to protect consumers.

H.B. No. 323: The House Committee on Veterans, Military, and International Affairs, and Culture and the Arts deferred this measure and will not be moving forward this session.

S.B. No. 506: The Senate Committee on Public Safety, Intergovernmental and Military Affairs amended this

measure by inserting an effective date of July 1, 2020, to encourage further discussion (SD1).

The Executive Officer related that it is difficult to understand the procedures being set forth in this bill. Additionally, section 436B- (e)(4) appears to waive the requirement to take the national or regional examination. The Board came to a consensus that it supports the intent of S.B. No. 506, S.D. 1 and H.B. No. 323 but would not be submitting testimony, and may review again before the end of session. The Board trusts that PVL administration will be reviewing these bills and ensuring that the requirements for licensure are maintained to protect consumers.

- e. S.B. No. 965, Relating to Professional and Vocational Licensing
- f. H.B. No. 718 Relating to Professional and Vocational Licensing

These bills establish qualifications for "nonresident military spouses" eligible for expedited procedures for professional and vocational licensing by endorsement or reciprocity, and temporary licensing; and establish requirements for nonresident military spouses to maintain licenses and requires reporting of changes in status or circumstances that may affect licensure.

H.B. No. 718: This bill was not scheduled for a hearing and will not be moving forward this session.

S.B. No. 965, S.D. 2: The Senate Committee on Public Safety, Intergovernmental and Military Affairs passed this measure unamended. The DCCA submitted testimony in support of this measure. The Board supports the intent of this measure.

- g. House Bill No. 1381 Relating to Professional and Vocational Licensing

This bill requires a licensing authority to consider nonresident military spouses or service members who have served in a combat zone after September 11, 2001, and service members who provide retirement, separation, or discharge documentation for licensure by endorsement.

A hearing is scheduled by the House Committee on Veterans, Military, and International Affairs, and Culture and the Arts on February 13, 2013.

The Board may further review this bill before the end of session.

Announcements: The Executive Officer reminded Board members that their blue parking passes are only valid when attending Board meetings. If Board members will be attending hearings, they may contact the Board's office to obtain a special function permit. Parking Control Branch has been issuing tickets to Board members who use their blue parking passes at times other than during Board meetings.

Next Meeting Friday, May 10, 2013
Date: 2:30 p.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 4:10 p.m.

Taken and recorded by:

/s/ Faith Nishimura
Faith Nishimura
Secretary

Reviewed and approved by:

/s/ Candace Ito
Candace Ito
Executive Officer

Cl:fn

3/7/13

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.