

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, November 30, 2012

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
L. Martin Johnson, Psy.D., Member
Audrey Ng, Member
Candace Ito, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")
Faith Nishimura, Secretary

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
September 7, 2012
Meeting Minutes: It was moved by Dr. Kern, seconded by Ms. Ng, and unanimously carried to approve the September 7, 2012 meeting minutes as circulated.

New Business: a. Orientation for Board Members

Chairperson Gibson attended the Board Member Orientation that was held on October 24, 2012 at the State Capitol at which representatives from various agencies explained its function as it pertains to Boards and Commissions. He found the orientation to be informative and helpful in explaining the complaint process from beginning to end. The process is balanced and fair in that it

affords the respondent his/her due process and provides consumer protection.

Members asked if there would be future orientations. The Executive Officer related that the orientation was videotaped and will be available on the Professional and Vocational Licensing Branch's website at a later date.

Unfinished
Business:

a. Scope of practice – prolotherapy and trigger point injections

At its September 7, 2012 meeting the Board discussed inquiries from Dr. Kevin Davison and Sean Scherer regarding prolotherapy and trigger point injections. Chairperson Gibson gave a brief summary of the Board's discussion at its last meeting at which it determined that (1) parenteral therapy for tendons would be an intramuscular injection; and (2) injection of substances in ligaments and joints is not subcutaneous, intramuscular or intravenous parenteral therapy pursuant to HAR section 16-88-56. The Board reviewed HAR section 16-88-56 and further discussed prolotherapy and trigger point injections.

Dr. Kern related that prolotherapy and trigger point injections should have been included as parenteral therapy because the administration of trigger point injections is usually superficial, and prolotherapy is a type of trigger point injection. It appears that prolotherapy and trigger point injections were inadvertently excluded from HAR section 16-88-56. Currently the administrative rules limit the scope of practice of a naturopathic physician because it does not allow the administration of prolotherapy and trigger point injection. Naturopathic physicians were trained to perform these procedures in naturopathic college. Chairperson Gibson related that parenteral therapy should be amended to include intra articular injections.

The Board believes that the education and training required to qualify to administer parenteral therapy is adequate to perform prolotherapy and trigger point injection safely. This 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 prolotherapy and trigger point injection by naturopathic physicians.

Dr. Kern stated that musculoskeletal pain is common. Prolotherapy and trigger point injections are administered for pain management

by using naturopathic medicine. This treatment is a safer alternative in treating acute or chronic pain as compared to, for example, treating with cortisone injections.

DAG Tam clarified that, currently, prolotherapy and trigger point injections can only be performed if its administration is subcutaneous, intramuscular, or intravenous. However, the Board has the statutory authority to change its administrative rules to include the administration of prolotherapy and trigger point injections.

The Board came to a consensus that under Hawaii Administrative Rules section 16-88-56, naturopathic physicians who are authorized by the Board to administer parenteral therapy are permitted to perform prolotherapy and trigger point injections; provided that the prolotherapy and trigger point injections are limited only to subcutaneous, intramuscular, and intravenous injection of substances listed in the naturopathic formulary. Thus, injections into joints and ligaments are not allowed.

Hawaii
Administrative
Rules:

- a. Proposed amendments to examination requirements for licensure
- b. Subchapter 9 – Scope of parenteral therapy

The Executive Officer reported that the Board's proposed rules were approved as to form by the Attorney General. The next step is to transmit the proposed rules to the Small Business Regulatory Review Board for its review and a favorable recommendation to the Governor to proceed to public hearing.

The Board discussed amending HAR section 16-88-56 to include trigger point injection and prolotherapy. The Board came to a consensus to defer moving the current rule package forward and further amend its administrative rules pertaining to parenteral therapy; and to establish a subcommittee comprised of Chairperson Gibson and Dr. Kern to develop language regarding the scope of parenteral therapy.

Naturopathic
Formulary:

Prolotherapy involves the administration of substances such as platelet rich plasma and adipose tissue which are not on the Naturopathic Formulary. The Board discussed the addition of these substances to the Naturopathic Formulary. Dr. Gibson suggested using language from the Oregon Administrative Rules section 850-060-0220, "Authority to Prescribe, Dispense, Administer and Order:

"All biological substances including extracts and/or their products and residues."

After discussion, it was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to amend items 1 and 19 of the Naturopathic Formulary as follows:

"1. **ALL non-prescription and prescription** vitamins, minerals, nutritional/dietary supplements, botanical medicines, homeopathic medicines, **and all biological substances including extracts and/or their products and residues.**"

"19. **ADDITIONAL PARENTERAL FORMULARY ITEMS**

V. **Category: All biological substances including extracts and/or their products and residues.**

VI. **Category: Other: alpha lipoic acid; intraarticular agents; sclerosing agents; fish oil; hydrochloric acid; phosphatidyl choline"**

Correspondence: a. The High Road, September 2012 No. 2012-2

The September 2012 issue of "The High Road" was distributed to the members for their information.

b. Deregulation of homeopathy

The Board reviewed and discussed a November 8, 2012 e-mail from Dr. Myron Berney regarding the Board's previous discussion on allowing unlicensed individuals to practice homeopathy. No response was necessary.

Applications: a. Licensure

None.

The following agenda item was moved as the next order of business:

d. Qualifying Course on Parenteral Therapy

Parenteral Therapy Certification Course

Members reviewed and discussed the request for approval of the "Parenteral Therapy Certification Course" submitted by Eric Marsden, N.D., Ontario Association of Naturopathic Doctors.

The Board found that the course instructors did not meet the requirements of HAR section 16-88-57(d)(1) which states:

- Course instructors shall have had at least one year of experience teaching parenteral therapy at a school, university or college as described in 16-88-57(c), and at least five years' experience and training combined in parenteral therapy.

The Board discussed whether this requirement is necessary for course instructors. Chairperson Gibson related that there are instructors who have not taught at an accredited college, but are qualified to teach a parenteral therapy course. Teaching experience earned outside the university system does not necessarily mean that the instructor is not qualified.

The Executive Officer stated that the Board included the teaching experience requirement in its rules as a qualification standard for the Board to evaluate instructors.

Dr. Kern stated that he was comfortable with the current requirement of HAR section 16-88-57(d)(1) for course instructors. One year of teaching experience at an accredited college sets the standard of teaching competency for the Board when reviewing instructor qualifications. Dr. Johnson added that the Board's teaching experience requirement is a reasonable standard for instructors.

It was moved by Dr. Kern, seconded by Ms. Ng, and unanimously carried to deny Dr. Marsden's "Parenteral Therapy Certification Course" application pursuant to HAR section 16-88-57(d)(1).

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

Cheri K. Wood

The Board reviewed and discussed Dr. Wood's application for authorization to administer parenteral therapy. It was moved by

Dr. Johnson, seconded by Dr. Kern, and unanimously carried to approve Dr. Wood's application for authorization to administer parenteral therapy.

Denisa Hrnčírik-Maruyama

The Board reviewed and discussed Dr. Hrnčírik-Maruyama's application for authorization to administer parenteral therapy.

It was moved by Dr. Kern, seconded by Dr. Johnson, and unanimously carried to defer Denisa Hrnčírik's application for authorization to administer parenteral therapy pursuant to HAR section 16-88-57(a)(2).

c. Ratifications

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

- Lowery, Marsha
- Spitz, Kristen A.
- Hudson, Shannon G.
- Benchouk, Stephen
- Wood, Cheri K.
- Fujiyama, Nicole M.
- Brothers, Sharina
- Ho, Moon Jean
- Imdieke, Gretchen M.

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

- Allen, Zachary P.
- Benchouk, Stephen

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

- Sidell, Shanon L.
- Benchouk, Stephen
- Wood, Cheri K.
- Ho, Moon Jean

Announcements: a. 2013 Board meeting schedule

The 2013 Board meeting schedule was distributed to members.

Next Meeting Friday, February 8, 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 3:40 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

12/28/12

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of February 8, 2013.