

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF NATUROPATHY
SUB-COMMITTEE BOARD MEETING**

**Tuesday, August 30, 2022
250 Washington Street
Boston, MA 02108
VIA WebEx
11:00am**

**(Open Session)
MINUTES**

Board Members Present: Paul Herscu, ND, MPH, Naturopathic Doctor 1, Chair
Mattia Migliore, PhD, RPH, Clinical Pharmacologist, Secretary
Christina Bain, Public Member
Darshan Mehta, MD Physician 1

Board Members Not Present: Anne Frances Hardy

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Kayla Mikalauski, Office Support Specialist, Multi-Boards, BHPL
Patricia Young, Office Support Specialist, Multi-Boards, BHPL
Brian Arata, Office Support Specialist, Multi-Boards, BHPL

I. Call to Order

Board Chair, Dr. Paul Herscu, welcomed everyone to the meeting and called the meeting to order at 11:05AM. A quorum of the Board was determined with members present via WebEx as follows: Paul Herscu: present; Christina Bain: present. Darshan Mehta: Present Mattia Migliore: present; Absent: Anne Frances Hardy

II. Review of the Agenda & Conflict of Interest

DISCUSSION:

Agenda reviewed, and no conflict of interest were noted

ACTION:

Dr. Paul Herscu made a motion to approve the agenda as presented which was seconded by Dr. Mattia Migliore. The vote carried unanimously by roll call vote as follows: Paul Herscu: yes; Christina Bain: yes Mattia Migliore: yes. Opposed: None; Recused: None. Absent: Anne Frances Hardy

Document: August 30, 2022 Board Meeting Agenda

III. Board of Registration of Naturopathy Sub-Regulatory Policies & Procedures Proposal

In his opening statement, Board Chair, Dr. Herscu stated the following statement to help sub-committee members better understand the background to hold sub-committee meetings moving forward. Dr. Herscu stated the following: “As part of the legislative process Massachusetts General Law was modified to allow through regulations Naturopathy in the Commonwealth via licensure. As part of the process the board was seated, and in concert with DPH and all the regulatory, and many stakeholders, regulatory guidance was developed to implement the enacted law now in the form of rules and regulations. As the next steps the board elected to develop sub-regulatory guidance as interpretive rules or policy statements to clarify any sort of language fitting in the rules and regulations. As the next step the board elected to develop sub-regulatory guidance as interpretive rules or policy statements to clarify any sort of language in the law fitting within the rules and regulations and that is why these meetings are designed around; we just want to help DPH clarify; help develop sub-regulatory language that will help the board and help DPH do its work. So in light of that I have 5 small, I think they are small, discussions to be had, and 2 that fit within the definitions of CMR 2.00 and several that fit into the CMR 4.00 and the scope of practice”.

Dr. Herscu stated that this practice is very heterogeneous so some regulations that may be in place in different states may not be present in our state.

Dr. Herscu stated that there is a definition for radiography that he would like the board to consider approving the definition at this time and if it needed to be changed in subsequent

sub-committee meetings? Ms. Strachan stated that the board might want to consider making this a policy. This way it is a tool and a document that clearly states the definitions and if needed can be changed later rather than going through the lengthy process of regulatory amendments.

Dr. Herscu stated he wanted to look at Scope of Practice 273 CMR 4.02. Dr. Herscu stated that the intent of the regulation is to allow the Naturopathy Doctor to perform assessments and to order laboratory tests. However, Scope of Practice 273 CMR 4.02(2)(1) however appears to limit the Naturopathy Doctor to order the radiological examinations or treatments. Dr. Herscu stated that he would like the licensees to be able to look and see what they can and cannot do? Dr. Herscu stated that they use the word non-invasive all the time but do not define it. Dr. Herscu stated that they divided the word in two categories one is for examination and the other is for delivery. Dr. Herscu believes this will also help the licensees be able to see what is involved with the word non-invasive procedure.

Dr. Herscu stated he would like to talk about the Scope of Practice 273 CMR 4.02 (1)(c). This regulation states Naturopathy Doctors can do barrier contraceptives. Dr. Herscu wanted to clarify and define what this means. Dr. Herscu stated that barrier contraceptives prevent sperm from entering the uterus which includes but is not limited to condoms, diaphragms, cervical caps, and contraceptive sponges. Dr. Herscu wanted to emphasize that some things don't just fit in the definitions of barrier contraceptives such as birth control pills, and IUDs which are not within the scope of the Naturopathy Doctor.

Ms. Bain stated that in Vermont and other states they seem to be more progressive, and she asked what the difference is or what Vermont or New Hampshire or other states can do that Massachusetts cannot do? Dr. Herscu stated that they can order contraceptives such as birth control pills and IUDs, whereas in Massachusetts the regulations state that Naturopathy

Doctors can order barrier contraceptives for the purpose of stopping sperm from entering the uterus. That's what the word barrier means in this definition, stopping sperm from entering the uterus. Naturopathy Doctors in Massachusetts are not allowed to order any hormones such as the morning after pill, because that would be more contraceptive than barrier contraceptive. The definition is short but gets the meaning across, which contraceptives are more in depth and how, and to what degree the Naturopathy Doctor can order barrier contraceptives.

Ms. Strachan stated the purpose of sub-regulatory guidance is to ensure that licensees have more clear and helpful language rather than relying solely on the regulatory language which can be confusing, and that in different sections definitions may even overlap. Ms. Strachan stated it's not your regular reading material and it can be confusing. Ms. Strachan stated that she agrees with Dr. Herscu that plain straight English is helpful for the general public and practitioners alike.

Dr. Migliore asked if Dr. Herscu could explain what the natural antibiotics definition is in the Scope of Practice 273 CMR 4.02 (1)(c) regulation and to what extent does it go to? Dr.

Herscu stated he is not ready to answer that question yet because state -by- state it is answered differently and that Massachusetts is unique, and he is still trying to work it out.

Dr. Herscu stated he was not prepared for that topic but ensured that it is coming. Dr. Herscu agreed that it needs clarification, and it is going to be a very common question from all licensees moving forward. Dr. Herscu stated he is still trying to get a clear definition and is working with DPH on it.

Dr. Herscu asked Mr. Joubert if he has been getting any inquiries on Naturopathy Licensure?

Mr. Joubert stated that the most common question at this time is if licensees can apply via examination or reciprocity? What schools does the board recognize? Licensees are

reporting there are some online colleges and universities that offer Naturopathy Doctor Degree, and they are wondering which ones are not approved by the Massachusetts or National Chapter of Naturopathy, and if a particular college or university they are interested in enrolling is not approved by the Massachusetts or National Chapter of Naturopathy would the board still consider them for licensure? How would the board handle their application process?

Mr. Joubert believes that once we get all the regulations settled then the board staff would create a PowerPoint presentation and present the relevant scope of practice to various stakeholders, including hospitals, colleges and universities that offer naturopathy doctor degrees. Mr. Joubert shared his very rough draft of the PowerPoint and highlighted samples that could be in the final version for distribution. Mr. Joubert stated he appreciated what Dr. Herscu stated about what Naturopathy Doctors can and cannot do and an element of this is going to be incorporated into the final PowerPoint paper.

Mr. Joubert further reiterated that the PowerPoint will stress the regulations, policy, procedures, applications, how licenses can apply for licensure, and how the board handles disciplinary actions, good moral character (GMC) issues, and how licensees can contact the board.

Mr. Joubert asked if Dr. Herscu thinks that this approach is something that would help the board identify future stakeholders?

Dr. Herscu stated that this is a good plan he believes that they would need to finalize the professional organizations and stakeholders outreach list so the efforts being made here are communicated throughout the community-at-large. Dr. Herscu stated that it is a new profession and new language for everyone. Therefore, any help that he and board members

can lend board staff to write sub-regulations, marketing plans, or sub-regulations, the board is here to assist, and he would like to help any way he can during this process.

Ms. Bain stated regarding the stakeholder's conversation she wanted to ensure that it is noted that whoever is educating the public and advocating regarding scope of practice in relation to barrier contraceptives is a licensed Naturopathy Doctor. Ms. Bain stated that there are two parts of educating the public, being a licensed Naturopathy Doctor but also believes the Educator is advocating for the public to become a Naturopathy Doctor and go for licensure.

Dr. Herscu stated that we should talk more about this topic in a later meeting but the PowerPoint that Mr. Joubert is completing will be on the website and they can get the information online or on the other direction of the outreach such as newspapers, twitter, presentations etc.

Dr. Herscu stated that he had nothing else to bring up in the subcommittee meeting.

IV. FLEX SESSION:

Mr. Joubert stated he did not have anything to present at this time.

V. Adjournment

There being no other business before the Board, at 12:22 pm Dr. Paul Herscu moved to adjourn the June 26, 2022 meeting, which Dr. Migliore seconded. The vote carried unanimously by roll call vote as follows: Paul Herscu: yes; Mattia Migliore: yes; Christina Bain: yes. Absent: Anne Frances Hardy

The next meeting of the Board of Registration in Naturopathy is scheduled for Tuesday, September 27, 2022 at 1:00pm.

Respectfully Submitted,

The Board of Registration in Naturopathy