

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NATUROPATHY
250 Washington Street
Boston, MA 02108

Thursday, December 5, 2024
VIA WebEx
10:00 AM

GENERAL SESSION BOARD MEETING MINUTES
(Open Session)

Board Members Present: Dr. Paul Herscu, ND, MPH, Naturopathic Doctor 1, Chair
Dr. Anne Frances Hardy, ND, LAC, Naturopathic Doctor 2, Vice-Chair
Dr. Mattia Migliore, PhD, RPH, Clinical Pharmacologist, Secretary
Ms. Christina Bain, Public Member

Board Members Not Present: Dr. Darshan Mehta, MD Physician 1

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Heather Engman, Chief Board Counsel, Office of the General Counsel,
DPH
Tracy Tam, Assistant Executive Director, Multi-Boards, BHPL
Kayla Mikalauski, Management Analyst II, Multi-Boards, BHPL
Alexandra Datalo, Program Coordinator, Multi-Boards, BHPL

I. Call to Order

At 10:00 a.m. Dr. Paul Herscu, Board Chair, welcomed everyone to the meeting and called the meeting to order. Dr. Herscu reminded board members the meeting was being recorded and asked for a roll call vote to determine quorum.

Roll call as follows: Dr. Paul Herscu: present; Dr. Anne Frances Hardy: present; Dr. Mattia Migliore: present.

Absent: Dr. Darshan Mehta, Ms. Christina Bain.

II. Approval of Agenda

DISCUSSION:

Dr. Herscu asked board members to review the December 5, 2024, General Session Agenda and make a motion to approve when ready. Board members were asked to disclose any recusals with the agenda. No recusals were noted.

ACTION:

Dr. Anne Frances Hardy made a motion to approve the agenda, which was seconded by Dr. Mattia Migliore. The vote was carried unanimously by roll call vote as follows:
Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes.
Absent: Dr. Darshan Mehta, Ms. Christina Bain.

Document: December 5, 2024, General Session Agenda

Ms. Christina Bain joined the meeting at 10:01 a.m.

III. Approval of Minutes

DISCUSSION:

Dr. Herscu asked board members to review the September 26, 2024, General Session Minutes and make a motion to approve when ready.

ACTION:

Dr. Anne Frances Hardy made a motion to approve the minutes, which was seconded by Dr. Paul Herscu. The vote was carried unanimously by roll call vote as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes; Ms. Christina Bain: yes.
Absent: Dr. Darshan Mehta.

Document: September 26, 2024, General Session Minutes

IV. 273 CMR 4.02 Scope of Practice Discussion

DISCUSSION:

Dr. Herscu conveyed the scope of practice question that was presented to the board - Are Naturopathic Doctors permitted to provide advice on non-prescription or recreational cannabinoid use containing CBD, Delta-9-tetrahydrocannabinol (TCH) or a combination of both, as these products can be purchased legally in Massachusetts without a prescription, at various strengths?

Dr. Herscu stated that his understanding of the scope of practice is that in the Commonwealth of Massachusetts, Naturopathic Doctors are not permitted to comment on treatment methods in which they do not have prescribing rights to, such as prescription cannabinoids of any kind. Dr. Herscu requested clarification on the language around the parameters in which Naturopathic Doctors can provide advice on non-prescription cannabinoids.

Mr. Joubert asked for clarification on how this question has presented in the Naturopathic practice and how this question has been confronted. Dr. Herscu stated that in medicine there are trends which grow in popularity and are promulgated as a treatment option for many different symptoms and conditions. CBD and THC are currently on trend and therefore, Dr. Herscu stated that in his practice, he is asked for his opinion on

cannabinoid use several times a week. Dr. Herscu stated that he will inform the patient that he is not permitted to comment on prescription cannabinoid use, however, Dr. Herscu continued by stating that the patient will then follow up by questioning nonprescription cannabinoid use, which can easily be legally purchased in Massachusetts without a prescription. Dr. Herscu stated this is where clarification is needed for Naturopathic Doctors.

Dr. Hardy stated that she believes that Naturopathic Doctors are permitted to provide advice on CBD as this is sold over the counter, but she agreed that clarification on Naturopathic Doctors providing advice on nonprescription THC is needed.

Ms. Bain questioned if Naturopathic Doctors receive training on cannabinoid treatment options in their Naturopathic medical schools. Dr. Herscu stated that Naturopathic Doctors receive medical training at the level of primary care, with training in pharmaceuticals to be able to prescribe and use all drugs except for highly addictive controlled substances and depending on the state in which they practice, they are permitted to prescribe all drugs with no exceptions.

Ms. Engman stated that the legal restrictions for Naturopathic Doctors providing advice to patients pertains to controlled substances and prescription medications only, there are no legal restrictions pertaining to Naturopathic Doctors providing advice on nonprescription CBD or THC. Ms. Engman stated that it is the board's discretion to determine what is appropriate and safe for patients and it is within the board's jurisdiction to set those standards.

Dr. Herscu concluded this discussion by repeating the outcome, legally, Naturopathic Doctors are permitted to provide advice to patients on therapeutic nonprescription cannabinoid use and are not permitted to provide advice to patients on prescription cannabinoid use.

V. M.G.L. c. 112, § 269: Good Moral Character

DISCUSSION:

Mr. Joubert directed the board to the Staff Action Policy to Evaluate Individual License Applications for Good Moral Character (“GMC”) Consistent with M.G.L. c. 112, § 269. Mr. Joubert stated that a staff action policy is utilized in other boards to identify and eliminate barriers of licensure. The purpose of this policy is to allow board staff the authority to approve licensure applications that involve a Good Moral Character evaluation. The intention is that a similar staff action policy is utilized across all boards. The policy states that the Executive Director (ED) and/or their designee may approve a licensure application provided that the applicant meets all requirements set forth in M.G.L. c. 112, § 269 and board regulations at 273 CMR 3.03 *et seq.* and the ED or designee determines the applicant with a history of criminal charges meets the following criteria: 1. Applicant has a history involving only one arrest, indictment, or conviction; 2. That occurred 5 years or more prior to submission of the license application 3. That did not involve violence against another person; 4. That is fully resolved in the court system

with no outstanding obligations; and 5. If the arrest, indictment, or conviction involves Operating Under the Influence of drugs or alcohol, there is no other evidence of a substance use disorder. Mr. Joubert stated that additionally the licensure applicant is vetted by board staff by requiring the submission of the applicant's court documents or the police report as well as a personal statement. Mr. Joubert stated staff action policy would give board staff the authority to approve applications for licensure that meet the criteria and if the board votes to approve this then it would be operationalized in the near future.

ACTION:

Dr. Anne Frances Hardy made a motion to approve the Good Moral Character Staff Action Policy for the Board of Registration in Naturopathy, which was seconded by Dr. Mattia Migliore. The vote was carried unanimously by roll call vote as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes; Ms. Christina Bain: yes.

Absent: Dr. Darshan Mehta.

Document: Staff Action Authority to Evaluate Individual License Applications for Good Moral Character ("GMC") Consistent with M.G.L. c. 112, § 269

VI. Flex Session

DISCUSSION:

Dr. Herscu stated that the board meeting has been rescheduled to a new permanent time on the 4th Thursday of every month at 10:00 AM, with the next board meeting being scheduled on Thursday, January 23, 2025, at 10:00 AM. At this time, all board members stated they will be attending.

Dr. Herscu requested to hold a discussion at the next board meeting to provide clarification on Naturopathic Doctors who want to conduct their residencies in hospitals. Mr. Joubert acknowledged Dr. Herscu's topic and will add it to the next meeting agenda.

VII. Adjournment

Dr. Anne Frances Hardy motioned to adjourn the meeting which was seconded by Dr. Mattia Migliore. The vote was carried unanimously by roll call vote as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes; Ms. Christina Bain: yes.

Absent: Darshan Mehta

Let the records show the meeting adjourned at 10:31 AM.

The next meeting of the Board of Registration in Naturopathy is scheduled for January 23, 2025, at 10:00 AM via WebEx.

Respectfully submitted by:
The Board of Registration in Naturopathy