

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

Tuesday, July 30th, 2024
VIA WebEx
1:00 PM

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
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
Alex Datalo, Program Coordinator, Multi-Boards, BHPL

I. Call to Order

At 1:05 PM 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; Christina Bain: present.
Absent: Darshan Mehta

II. Approval of Agenda

DISCUSSION:

Dr. Herscu asked board members to review the July 30, 2024, Regular 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; Christina Bain: yes.
Absent: Darshan Mehta

Document: July 30, 2024, Regular Session Agenda

III. **Approval of Minutes**

DISCUSSION:

Dr. Herscu asked board members to review the May 28, 2024, Regular Session Minutes and make a motion to approve when ready.

ACTION:

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

Document: May 28, 2024, Regular Session Minutes

IV. **Discussion of Naturopathy Physical Machines-273CMR 4.02(e)- Scope of Practice**

DISCUSSION:

Dr. Herscu requests board members to discuss the Naturopathy Physical Machines-273 CMR 4.02(e)- Scope of Practice document. Mr. Joubert states that the Naturopathy Physical Machines-273 CMR 4.02(e)- Scope of Practice document has been thoroughly discussed amongst and approved by the board, internal staff, senior leadership, legal, communication policies and lastly the Commissioner's Office. The way it is written has been approved and has now been brought back to the board members for a final approval to be posted to the website.

Dr. Herscu mentions it is missing two pieces. The two blind items which have been removed are as follows; the first is hot lasers used for non-surgical purposes and the second is saunas.

Dr. Herscu stated that he wanted to highlight that these are meant to be examples of types of machines that can be used. He refers to 273-CMR 3.02 which states 'including but not limited to' in reference to the machines listed in the document. Dr Herscu would like to ensure that the language is clear that this document contains examples of approved machines and not a full list of approved machines in keeping with the CMR regulation. Dr. Herscu inquires whether these changes require that the document be through the editing and approval chain of command again.

Mr. Joubert states that he feels this document is written as intended to setting examples, it refers the readers to the regulations and therefore the reader can read the language which states, ‘including but not limited to’ and from their wisdom might have had some potential controversy with them. Mr. Joubert states that the language change being sent for review will take a significant amount of time and he would like to inform the board of this and set realistic expectations on timeframe of when this may be expected back.

Dr. Anne Frances Hardy states as a reminder the board already approved a hot laser document for sleep apnea.

Dr. Herscu states his main intention was to provide a solution or stop gap by memorializing within the minutes as clearly as possible, that the intention is not to break CMR 2.02 however here are examples, but they’re not limited to examples that fit within the law and within the rules and regulations. Dr. Herscu states the main intention of this document, was for helping with guidance for practitioners as opposed to limited to these examples which was never the language used in the law nor in the rules and regulations. Dr. Herscu states if this is stated clearly in the minutes and the board can agree to this, then he is not sure that the document needs to be brought back for approval because these are meant to be examples.

ACTION

Dr. Herscu made a motion to approve document Naturopathy Physical Machines, which was seconded by Dr. Anne Frances Hardy. Roll call as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes; Christina Bain: yes.
Absent: Darshan Mehta

Document: Naturopathy Physical Machines

V. Flex Session

Mr. Joubert stated the next board meeting is scheduled on Thursday, September 26th, 2024, at 10:00 AM. At this time, all board members will be attending.

VI. Executive Session

Dr. Paul Herscu, Board Chair, read the Executive Session Statement as follows: The board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. 1. Specifically, the board will review executive session minutes in accordance with M.G.L. ch.30A, § 22(a).

The board will not reconvene in open session subsequent to the closed session(s).

ACTION:

Motion to move to the Executive Session was made by Dr. Paul Herscu, which was seconded by Dr. Anne Frances Hardy. The vote was carried unanimously by roll call vote

as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes;
Christina Bain: yes.
Absent: Darshan Mehta

VII. Adjournment

There being no other business before the board, Dr. Paul Herscu motioned to adjourn the meeting which was seconded by Dr. Anne Frances Hardy. The vote was carried unanimously by roll call vote as follows: Dr. Paul Herscu: yes; Dr. Anne Frances Hardy: yes; Dr. Mattia Migliore: yes; Christina Bain: yes.
Absent: Darshan Mehta

Let the records show the meeting adjourned at 1:24 PM.

The next meeting of the Board of Registration in Naturopathy is scheduled for Thursday, September 26th, 2024, at 10:00 AM via WebEx.

Respectfully submitted by:
The Board of Registration in Naturopathy