

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NATUROPATHY
GENERAL SESSION BOARD MEETING

Tuesday, October 24, 2023
250 Washington Street
Boston, MA 02108
VIA WebEx
1:00 PM

(Open Session)
MINUTES

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

Board Members Not Present: Darshan Mehta, MD Physician 1

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Catherine Goldrick, Assistant Executive Director, Multi-Boards, BHPL
Heather Engman, Chief Board Counsel, Office of the General Counsel, DPH
Judy Bromley, Board Counsel, Office of the General Counsel, DPH
Kayla Mikalauski, Office Support Specialist, Multi-Boards, BHPL
Tracy Tam, Office Support Specialist, Multi-Boards, BHPL

I. Call to Order

At 1:08 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: Paul Herscu: present; Anne Frances Hardy: present; Mattia Migliore: present; Christina Bain: present.
Absent: Darshan Mehta

II. Approval of Agenda

The Board reviewed the October 24, 2023, Regular Session Agenda.

DISCUSSION:

Dr. Herscu asked if anyone had a conflict of interest with the agenda as written. No conflicts of interests 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:
Paul Herscu: yes; Anne Frances Hardy: yes; Mattia Migliore: yes; Christina Bain: yes.
Opposed: none; Abstained: none; Recused: none
Absent: Darshan Mehta

Document: October 24, 2023, Regular Session Agenda

III. Approval of Minutes

The Board reviewed the September 26, 2023, Regular Session Minutes.

DISCUSSION:

None.

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: Paul Herscu: yes; Anne Frances Hardy: yes; Mattia Migliore: yes; Christina Bain: yes.
Opposed: none; Abstained: none; Recused: none
Absent: Darshan Mehta

Document: September 26, 2023, Regular Session Minutes

IV. Scope of Practice

A. Discussion of 273 CMR 4.02 (1), (2) - Discuss varied potential mechanical devices used by Naturopathy Doctors

DISCUSSION:

Dr. Paul Herscu stated the scope of practice for medical devices used by Naturopathic Doctors can be found in 273 CMR 4.02.1(e): “The use of naturopathic physical medicine to maintain or restore physiological functioning of the human body”. Dr. Herscu also stated the definition of physical medicine is outlined in 273 CMR 2.00: “Naturopathic Physical Medicine means the therapeutic use of the physical agents of air, water, heat, cold, sound, light and physical modalities including, but not limited to, electrotherapy, diathermy, ultraviolet light, hydrotherapy, naturopathic manipulative therapy, and therapeutic exercise”.

Dr. Herscu stated Naturopathic Doctors are calling in with questions as to whether certain machines fall under their scope of practice. Ms. Heather Engman stated it would be better to keep the regulations broad and issue specifications through guidance documents to provide clarity.

Dr. Anne Francis Hardy asked if colonics fall under the scope of practice for Naturopathic Doctors. Dr. Herscu stated he believes it would be covered by the scope of practice.

Ms. Engman stated the Board can create a guidance document during a Board meeting to clarify the definition of physical medicine or members can send in a draft for Board counsel to review. Dr. Herscu stated the Board should work on creating a guidance document and provide examples but avoid using specific company names.

Mr. Steven Joubert asked for any rough drafts to be submitted to him no later than fourteen days prior to the Board meeting in order for the document to be included on the agenda.

Dr. Herscu stated any submissions should be sent by November 3rd, 2023, to ensure it meets the agenda deadline and requested to add this guidance document to the agenda for the next Board meeting.

Document: 273 CMR 4.00

V. Continuing Education

A. Discussion of 273 CMR 6.05 (2) - Discussing the possibility of increasing video webinars allowed

DISCUSSION:

Dr. Paul Herscu stated the regulations on continuing education for Naturopathic Doctors can be found in 273 CMR 6.00 but it was drafted prior to COVID-19 and virtual CEs have since expanded.

Dr. Mattia Migliore stated the Board of Pharmacy had made a distinction between live CE lectures versus recorded lectures. Dr. Migliore stated any sessions where there is back and forth real-time communication with the instructor is considered live even if it is held virtually.

Ms. Heather Engman stated any changes to regulations will have to go through the proper channels in the administration and the regulation is unlikely to amend by 2024, but a guidance document can be issued to clarify the distinction between live virtual CEs and recorded virtual CEs. Ms. Engman also stated a guidance document can be drafted for the November meeting.

Dr. Herscu requested to add the CE guidance document to the agenda for the next Board meeting.

Document: 273 CMR 6.00

VI. Flex Session

Dr. Paul Herscu stated Naturopathy licenses currently have an incorrect expiration date of November 30th, 2024, when it should be November 30th, 2025. Mr. Steven Joubert stated a ticket had already been submitted to I.T. to resolve this typo and he will follow up.

Dr. Herscu asked for the status on the documents for Naturopathic Doctors. Mr. Joubert stated the sub-regulatory memo is still being reviewed by the Commissioner's Office.

Mr. Joubert proposed changing the Board meeting schedule to every other month. Dr. Herscu agreed to the change as long as cancellations get rescheduled so Board meetings will not have a four-month gap. Dr. Herscu stated if all Board business can be wrapped up by the next Board meeting on November 28th, 2023, then the meeting on December 26th, 2023, can be cancelled.

Mr. Steven Joubert leaves the meeting at 1:48 PM.

Dr. Herscu asked for the attendance of the next board meeting scheduled on November 28th, 2023, at 1:00 PM. All Board members present stated they would be able to attend.

VII. Adjournment

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

Opposed: none; Abstained: none; Recused: none.

Absent: Darshan Mehta

Let the records show the meeting adjourned at 1:50 PM

The next meeting of the Board of Registration in Naturopathy is scheduled for Tuesday, November 28th, 2023, at 1:00 PM via WebEx.

Respectfully submitted by:

The Board of Registration in Naturopathy