

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

Tuesday, September 26, 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
Tracy Tam, Office Support Specialist, Multi-Boards, BHPL

I. Call to Order

At 1:06 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 September 26, 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: September 26, 2023, Regular Session Agenda

III. Approval of Minutes

The Board reviewed the August 22, 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: August 22, 2023, Regular Session Minutes

IV. Policy

A. Continuing Education Interim Policy Waiver for 1st Renewal Cycle

DISCUSSION:

Dr. Paul Herscu introduced the Interim Policy on Continuing Education for Newly Licensed Naturopathy Doctors. Dr. Herscu stated the following: For the 1st renewal cycle, ending on November 30, 2023, licensed naturopathy doctors are not required to complete the 50 continuing education credits. For the 2nd renewal cycle December 1, 2023, through November 30, 2025, all naturopathy doctors must complete 50 continuing education requirements in compliance with 273 CMR 6.02.

Dr. Anne Frances Hardy asked whether the waived continuing education requirements would apply to future Licensees who become licensed near the renewal date. Dr. Herscu stated there was previous discussion on waiving CEUs for those Licensees but there is no official policy. Dr. Herscu stated he would like to add an agenda item to the next Board meeting to discuss how other Boards handle CEUs for Licensees that become licensed in the middle of the cycle.

Dr. Herscu asked how Licensees would be notified after this policy passes. Mr. Steven Joubert stated it will be uploaded to our website after the vote passes.

Dr. Herscu asked whether this document can be shared. Mr. Joubert affirmed it can be shared. Ms. Heather Engman stated a copy can be given to Naturopathic organizations and they can distribute it.

ACTION:

Dr. Anne Frances Hardy made a motion to approve the Interim Policy on Continuing Education for Newly Licensed Naturopathy Doctors 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: Interim Policy on Continuing Education for Newly Licensed Naturopathy Doctors

Ms. Heather Engman leaves the meeting at 1:25 PM.

V. Scope of Practice Question: 273 CMR 4.02

A. Can Naturopathy Doctors use the non-invasive Laser light by Fotona to treat snoring and sleep apnea?

DISCUSSION:

Mr. Steven Joubert stated the Board received an inquiry as to whether the use of NightLase® by Fotona to treat sleep apnea falls under the Scope of Practice for Naturopathy Doctors. Mr. Joubert played a video demonstration introducing the NightLase® device.

Dr. Mattia Migliore asked if the machine was approved by the FDA. Dr. Paul Herscu stated the device is FDA cleared, which is a different classification than FDA approved.

Ms. Christina Bain asked if any Board members have used this machine before. Dr. Herscu responded he has not, but his colleagues had used this machine before. Dr. Anne Frances Hardy stated this machine is used a lot for pain therapy and physical therapy. Dr. Herscu stated this machine is also used for scar management.

Dr. Herscu stated there are dozens of laser therapy and hydrotherapy machines marketed to NDs, so there should be a discussion for future questions like these. Dr. Herscu also stated there were previous discussions about having a list of accepted machines, but previous Board counsel advised to keep it vague because new machines became available all the time.

Dr. Herscu stated this machine falls within the scope of practice for Naturopathy Doctors. Dr. Anne Frances Hardy stated she agrees. Dr. Mattia Migliore stated this device is non-invasive and she also agrees.

Dr. Herscu stated he would like to add an agenda item to the next Board meeting to discuss the different practices of Naturopathic Doctors across the Commonwealth because each ND has their own unique practice.

ACTION:

Dr. Paul Herscu made a motion to approve usage of the NightLase® by Fotona as it falls under the Naturopathic Scope of Practice which was seconded by Dr. Anne Frances Hardy. The vote 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

VI. Flex Session

Mr. Steven Joubert stated the Sub-Regulatory Memo is being reviewed.

Dr. Paul Herscu stated there is currently a limit of 20 virtual CEUs that are accepted. Dr. Herscu stated he would like to add an agenda item to the next Board meeting to discuss the virtual CEU limit. Dr. Anne Frances Hardy stated she would also like to discuss the different types of virtual CEUs as well.

Dr. Paul Herscu asked for the attendance of the next board meeting scheduled on August 22, 2023, at 1:00 PM. All Board members present stated they would be able to attend. Dr. Anne Frances Hardy stated she would only be available until 2:30 PM. Dr. Mattia Migliore stated she would only be available until 3:00 PM.

VII. Adjournment

There being no other business before the Board, 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: 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 1:54 PM

The next meeting of the Board of Registration in Naturopathy is scheduled for Tuesday, October 24th, 2023, at 1:00 PM via WebEx.

Respectfully submitted by:

The Board of Registration in Naturopathy