

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN NATUROPATHY

THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED
MEETING OF THE
BOARD OF REGISTRATION IN NATUROPATHY
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20

November 28, 2017
1:00 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417 A/B
Boston, Massachusetts 02114

AGENDA

Time	Item #	Item	Documents	Staff Contact
1:00 p.m.	I.	Call to Order Determination of Quorum		
	II.	Conflict of Interest / Approval of Agenda	Draft Agenda	Board
	III.	Approval of Minutes: October 24, 2017	Draft Minutes	Board
	IV.	Legal Presentations A. Conflict of Interest B. Board Indemnification	Presentations Statute	SL
	V.	Regulations A. Registration of Licensure	Draft Regulations	SL
	VI.	Flex Session A. Announcements: 1. 2018 Meeting Dates B. Topics for next agenda:	Memo	RC
4:00 p.m.	VII.	Adjournment		

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Tuesday, November 28, 2017

239 Causeway Street
Room 418
Boston, MA 02114

MINUTES

Board Members Present: Paul Herscu, Naturopathic Doctor 1, Chair
Anne Frances Hardy, Naturopathic Doctor 2, Vice-Chair
Mattia Migliore, Clinical Pharmacologist, Secretary
Michelle Dossett, Physician
Maria Maccario, Public Member

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL
Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL
Samuel Leadholm, Board Counsel, Office of the General Counsel, DPH
Anson Chu, Office Support Specialist, Multi-Boards, BHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Dr. Herscu, Board Chair, called the meeting to order at 1:02 p.m.

II. Review of the Agenda & Conflict of Interest

The Meeting Agenda was reviewed.

DISCUSSION: Dr. Herscu asked the Board members to review the agenda and disclose if there are any conflicts of interest regarding the items on the agenda.

ACTION: Dr. Dossett made a motion to approve the agenda as presented; Ms. Migliore seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: November 28, 2017 Board Meeting Agenda

III. Approval of Minutes

The Board reviewed the October 24, 2017 Regularly Scheduled Board Meeting Minutes.

ACTION: Dr. Hardy made a motion to approve the minutes as presented; Ms. Maccario seconded the motion; Motion passed with the following Board members voting in favor: Dr. Herscu, Dr. Hardy, Ms. Migliore, and Ms. Maccario. Dr. Dossett abstained from voting.

Documents: October 24, 2017 Regularly Scheduled Board Meeting Minutes

IV. Legal Presentations

A. Conflict of Interest

DISCUSSION: Mr. Leadholm presented the power point slides regarding the conflict of interest laws at M.G.L. c. 268A, stressing that this presentation was not intended as a full review of the law, only a basic primer for the more common occurrences that might confront Board members. The two general situations fall under §6 and §23(b). For a specific matter before the board that affects the financial interest of a board member or that member's immediate family, business partner, current or prospective employer or an organization in which the member is an officer, director or trustee, there is a conflict of interest and the board member must recuse from participating in that matter. The other type of situation involves a particular matter where there is the appearance of bias, specifically, if an impartial observer might believe the board member's actions are motivated by bias or favoritism because the matter involves someone with whom the member has a family, personal or professional relationship. In such instances, the member could either recuse or file a disclosure form with the member's appointing authority. If any specific questions about a conflict or appearance of bias, members are encouraged to contact the SEC's attorney of the day.

ACTION: None

Document: Presentations

B. Board Indemnification

DISCUSSION: Mr. Leadholm presented the power point slides regarding indemnification set forth as part of the state's tort claims act at M.G.L. c. 258. From time to time this issue of whether Board members, when named in a law suit against the Board or state, will have a defense provides for them. Chapter 258 addresses that question and related. The Office of the Attorney General (OAG) will represent the member if the OAG determines that the member (public employee) was acting within the scope of his office or employment at the time of the loss, injury or death, and the public employee provides reasonable cooperation to the public employer and the OAG in the defense, and the OAG has determined that representing the public employee would not result in a conflict of interest. For suits against public employees that allege intentional torts or violations of civil rights, the state may indemnify.

ACTION: None

Document: Presentations

V. Regulations

A. Registration of Licensure

DISCUSSION: Mr. Leadholm reviewed the draft regulations with the Board, specifically focusing on 3.00 regarding licensure. Dr. Dossett had a question about 3.02(2). There might be some lag time between no licensure period and obtaining a license. Mr. Leadholm briefly explained the process of promulgating regulation and that until the regulations are promulgated, current practicing NDs may still represent themselves as NDs; the Board could vote to not enforce unlicensed practice for a few months allowing ND applicants to submit and the Board to process license application, a grace period for compliance.

Dr. Herscu asked if there will be a grandfathered path for those who practiced in MA but did not pass/take the national examination prior to 1987 and does not have a license in another jurisdiction and if other BHPL Board have a grandfather path. Ms. Berg briefly discussed the Physician Assistant Board and their grandfather path to licensure. Ms. Berg suggested to add clauses under 3.03(3)(b) that would demonstrate competency for this class of applicant. Identified a potential list including: 1) two letters of reference to show the individual has been practicing in the last X amount of years – one of the two letter must be from a ND or MD, 2) documentations of CEUs, 3) essay describing their scope of practice.

Ms. Maccario asked about the vetting process for applicants who have felonies and other criminal matters. The Board will address those at a future Board meeting and will have training on the current Good Moral Character process/CORI background check.

Dr. Herscu asked the Board if it make sense to add the name of the administrator of the national examination. Ms. Berg does not recommend that and try to keep the regulations board. She explained that the profession keeps evolving and sometimes name of the organization changes. If the regulations are specific, it might prevent a perfect candidate to obtain licensure in MA because of such barrier.

Under 3.03(2)(b) and 3.03(3)(b), the Board decided to revise the language to “National or State examination”

Under 3.03(3)(a), the Board interpreted it as United States or Canada regarding the “state sanctioned authority”.

Under 3.04(1)(c), add baccalaureate or higher language.

Under 3.04(2), add the proposed list earlier.

The Board continued and looks at the renewal of licenses. Since the Naturopathy Board one of the seven Boards under MultiBoard, Ms. Cherfils will have to look into the other Boards to make sure there’s no conflicting renewal period to avoid a backlog. Ms. Chefils will get back to the Board on this one.

Moving along, the Board talked about the expiration of licensure and the proposed CEUs. Dr. Herscu distributed a CEU chart that compared other jurisdictions that's currently licensing NDs. Certain questions came up such as if there are a certified body or organization that provides CEUs currently? As there will be an entire section for Continuing Educations, the Board will have the meat of the discussion at that time. For now, the Board discussed about whether or not there is a national conference for NDs to obtain CEUs like in other professions. After discussion, the Board is in favor of waiving CEUs for new graduates and 50 contact hours for every 2 years (biennially CEU period).

Under 3.06 and 3.07, it is standard within the Bureau. However, the Board will discuss and determine if there's any documents involved for those who let their license lapsed after a certain amount of years. The Board will send a list to the Executive Director.

Document: Draft Regulations

VI. Flex Session

A. Announcements

1. 2018 Meeting Dates

DISCUSSION: Ms. Cherfils distributed the memo for the 2018 Board meeting dates.

B. Topics for next agenda

1. Regulation review for 5.00, 6.00 and 7.00

VII. Adjournment

There being no other business before the Board, Dr. Dossett made a motion to adjourn the meeting; Ms. Migliore seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:55 p.m.

The next meeting of the Board of Registration in Naturopathy is scheduled for Tuesday, December 26, 2017, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date