



Oregon

Kate Brown, Governor

Board of Naturopathic Medicine

800 NE Oregon Street Suite 407

Portland, OR 97232-2187

971-673-0193

971-673-0226 (fax)

January 28, 2019

House Committee on Health Care

Representative Mitch Greenlick, Chair
Representative Cedric Hayden, Vice-Chair
Representative Teresa Alonso Leon
Representative Denyc Boles
Representative Christine Drazan
Representative Alissa Keny-Guyer
Representative Tiffany Mitchell
Representative Ron Noble
Representative Rachel Prusak
Representative Andrea Salinas

Dear Chair Greenlick and Members:

Thank you for hearing our legislative request, House Bill 2090. My name is Mary-Beth Baptista and I am the Executive Director of the Board of Naturopathic Medicine.

Board of Naturopathic Medicine: Mission and Program Information

The mission of the Oregon Board of Naturopathic Medicine is to regulate, through the Oregon Revised Statutes and Administrative Rules, the practices of naturopathic medicine in order to ensure protection of the public. We promote excellence in the practice of naturopathic medicine by assuring quality education, regulating naturopathic practices, and fostering ongoing public outreach. In this manner, the Board cultivates public trust and safety by ensuring the State of Oregon is served by naturopathic professionals providing the highest standards of care.

The Board of Naturopathic Medicine consists of seven members appointed by the Governor and subject to confirmation by the Senate. Of the members on the Board, five must be naturopathic physicians who each practiced continuously in the state for five years immediately prior to the date of appointment. Two are members of the general public without any connection to a naturopathic physician. The current board is comprised of five naturopathic doctors that hail from all parts of the state, and have training, experience and expertise in diverse practice fields. One public member is an attorney, the other is a practicing physical therapist who was previously the Chair of the Oregon Board of Physical Therapy. The Board meets bi-monthly, the second Monday of all even months.

The Board staff consists of three full time employees, an Administrative Assistant, a Licensed Private Investigator, and myself, the Executive Director of the Board since February 2017. I have been a licensed attorney in Oregon since 2001. I was previously the Director of the Portland City Auditor's Independent Police Review Division (IPR).

Board Complaint, Investigation and Discipline Process

Since beginning of my tenure as the Executive Director, I have spent an extensive amount of time developing a streamlined, efficient, and transparent investigative process to ensure an equitable and consistent disciplinary system. The Board has subpoena power and all complaints are investigated thoroughly. During the Executive Session of each Board meeting, members review the investigations and deliberate whether the Licensee's conduct violated an Oregon Revised Statute or Oregon Administrative Rule. The Board's AAG attends each Board meeting to answer member's questions and provide legal advice.

The Board introduced the legislation before you today to remove ORS 685.020, which established the Peer Review committee and process, because the Board's current practice and process has evolved into a vigorous and efficient investigative and discipline system.

Legislative History: Oregon Revised Statute 685.020: Peer Review

The statute creating the Peer Review committee and process was enacted in 1989. At that time, the Board only had five members and had less than 175 licensees. In 1989, Board members were responsible for reviewing complaints and conducting investigations. Board member(s) who conducted the investigation had to recuse themselves from deliberation and voting on the disposition of the investigation. This was problematic because findings and discipline must be decided by the majority of the Board. The intent behind the enacting the statute and creating the Peer Review Committee was to have complaints reviewed and investigated prior to the then five-member Board taking disciplinary action.

Additionally, in 1989, the Board was limited in their authority to process certain complaints and restricted from imposing discipline on certain categories of licensees. A December 7, 2000, memo from Caren Rovics, Assistant Attorney General, outlined the legislative history of the statute. The memo references an April 1, 1989, "Staff Measure Summary" stating (in relevant part); "currently the Board has no authority to process certain complaints against naturopathic physicians. Complaints about practice poor medicine get referred to the Naturopathic Association's Ethics Committee for...processing. However, the committee has no authority to levy sanctions against non-members... the Bill would bolster the Board's authority for taking disciplinary action by increasing the ground upon which disciplinary action may be taken."

Since the statute was enacted in 1989, multiple attempts were made, but failed to establish a Peer Review Committee. To date, a Peer Review Committee has never been seated and the process was never implemented.


Board's Position Supporting HB 2090.

In 1989, the legislature established the Peer Review committee to solve a problem. However, over the last twenty years the Board's processes have evolved, making the Peer Review process a relic of the Boards' past structure and limitations of authority. The Board's complaint and investigation process is now in the hands of professional Board staff, the Board has jurisdiction over all 1155 Licensees to determine whether or not a Licensee committed a violation of statute or rule. Further, the Board has the authority to impose discipline on an extensive range of violations as listed in Oregon Revised Statutes and Oregon Administrative Rules.

For all of the aforementioned reasons, it is the Board's position that Licensees and the public are better served with the current process, rather than reverting to the "Peer Review" committee and process established in ORS 685.020. We respectfully urge the passage of House Bill 2090 to eliminate the "Peer Review" statutory requirement.

Thank you. We welcome your questions.

Sincerely,



Mary-Beth Baptista
Executive Director