

Oregon Board of Naturopathic Medicine

BUDGET PRESENTATION – 2021-2023

MARY-BETH BAPTISTA, J.D., EXECUTIVE DIRECTOR

DR. JENNIFER GIBBONS, N.D., CHAIR

MISSION: Board of Naturopathic Medicine

- ▶ The mission of the Oregon Board of Naturopathic Medicine (Board) is to regulate, through the Oregon Revised Statutes and Administrative Rules, the practices of naturopathic medicine in order to **ensure protection of the public.**
- ▶ The Board **promotes 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.

HISTORICAL PERSPECTIVE: Regulatory Authority & Enforcement

- ▶ The Oregon Board of Naturopathic Medicine, was established by the 1927 Legislature, and has since operated under the authority of Oregon Revised Statutes, Chapters 685 and under Chapter 850 of the Oregon Administrative Rules.
- ▶ Specifically, the current statutes and rules give the Board the **authority to enforce, engage in, and require the following:**
 - ▶ **Stringent requirements** for education, degree, examination, fitness for licensure, licensing, required continuing education areas and hours.
 - ▶ Autonomous authority to engage in **administrative rule making** and submit **legislative concepts**.
 - ▶ Ensure all complaints regarding licensee conduct are the subject of a **thorough and accurate investigation**. Board members – licensees peers, decide with autonomy (in consultation with DOJ legal advice) if a Naturopathic Doctor has committed a violation of statute or rule, and **determine what discipline is appropriate to protect the health and safety of the public**.

HISTORICAL PERSPECTIVE: National Leader In The Field Of Naturopathic Medicine

- ▶ The **over 1200 licensed naturopathic doctors** in the State of Oregon have one of the most **expansive scopes of practice in the country** and offer patients many options to address their healthcare needs.
- ▶ Oregon Naturopathic Doctors are **defined as primary care physicians** by statute, and engage in the prevention, diagnosis, management, and treatment of both acute and chronic health conditions.
- ▶ Naturopathic physicians may **perform minor surgery, practice natural childbirth, and administer injection therapies.**
- ▶ Naturopathic doctors are licensed to diagnose and treat disease, can perform or order diagnostic exams and tests, and can **prescribe all pharmaceuticals needed in a primary care practice** as well as the natural therapeutics.

HISTORICAL PERSPECTIVE: Pharmaceutical Medicines & Formulary Compendium

- ▶ Oregon naturopathic physicians may prescribe medication from one of the **most comprehensive formularies in the nation**, currently containing **over 1700 drugs**.
- ▶ Oregon Revised Statue 685.145 established a **Council on Naturopathic Physicians Formulary**, which is composed of seven members. The purpose of the Council is to **revise, maintain, and update the prescribing formulary compendium**.
- ▶ Oregon naturopathic physicians can **prescribe any pharmaceutical needed for primary care**. Naturopathic physicians are the only licensed health care providers with advanced training in drug-drug, drug-herb, and drug-nutrient interactions and/or complications.

AGENCY GOALS: Legislative Concept - Parity in Scope of Practice (833418 #001)

- ▶ Currently, ORS 685.110(4) Grounds for discipline and penalties - performing an abortion; allows the Oregon Board of Naturopathic Medicine to discipline licensees for performing an abortion. Oregon Board of Naturopathic Medicine submitted a Legislative Concept to remove ORS 685.110(4).
- ▶ ORS 685.110(4) was passed in 1953. In the last 67 years, abortion laws and the manner in which abortions are performed have evolved. If passed, this legislation will **achieve parity for naturopathic doctors with similarly situated medical professionals.**
- ▶ This statutory change directly **supports the intent and mission** of the **Reproductive Health Equity Act**, signed by Governor Brown in 2017, by **expanding essential health care and health care equity for underserved populations in Oregon.**

AGENCY GOALS: Legislative Concept – Strengthen Investigation Process To Protect Public Safety (833418#002)

- ▶ The concept gives the Board the authority to require a licensee to **undergo a mental, physical, chemical dependency or competency evaluation, in lieu of discipline.**
- ▶ Several similarly situated boards, including but not limited to the Oregon Medical Board, Nursing Board, Pharmacy Board, Physical Therapy Board, Medical Imaging Board, and Veterinary Board have this authority.
- ▶ If passed, this legislation will provide the Oregon Board of Naturopathic Medicine an **essential tool to protect public safety.**

AGENCY GOALS: Six / Two Year Plans

- ▶ The Board was not able to hold their bi-annual strategic planning retreat in August due to Covid-19 travel and meeting restrictions.
- ▶ The Board remains **committed serving the people of Oregon**. The Board foresees being able to continue to work on the measureable outcomes previously set in June 2018.

AGENCY GOALS: Six / Two Year Plans (cont.)

▶ Six Year Plan

- Improve communication with licensees and the public
- Provide educational opportunities
- Promote Board and Formulary Council member training to best use the skills of each member

▶ Two Year Plan

- Work with the professional associations to improve communication with consumers and licensees
- Work with licensees, the university and the professional association to assure growth and accessibility to the profession
- Mentor new Board and Formulary Council members to better serve in their role on the Board / Council

AGENCY KPMs – 2019-2021

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
1 - Average time from receipt of a new complaint to completion of the investigation (months)	9.8	6	Completed	2019	There was a three month vacancy in the investigator position from Feb-April of 2019. The incoming investigator worked diligently to work through a backlog of investigations in a timely manner.
2 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information	90.00	100.00	Pending	2015	The Board plans to implement a satisfaction survey in 2021.
3 - Percent of total best practices met by the Board	97.00	100.00	Completed	2020	The Board continues to review best practices to implement improvement measures.

AGENCY PROGRAMS: Complaint Intake & Investigation

- ▶ Complaints and investigations against licensees or persons operating without a license may result in disciplinary action. The **Board may impose discipline** ranging from additional education and training, civil penalty, and suspension or revocation of a naturopathic license.
- ▶ The Board and the Executive Director, along with the Board Investigator and Administrative Specialist work very closely with the Board members to ensure that **all investigations into licensee conduct are thorough and accurate**. By and through the **close working relationship between the Board and staff**, the Board investigator is not only educated in the practice of naturopathic medicine, he is **keenly experienced to identify the complex issues present in an investigation of the conduct and practice of a Naturopathic Doctor**.

Investigations Per Year	2017	2018	2019	2020
60				
50	59	53		
40				49
30				
20			20	
10				
0				

AGENCY PROGRAMS: Continuing Education

- The Board **establishes standards of professional responsibility, practice and continuing education** for licensees. The purpose of the program is to protect the public by insuring that practitioners meet and maintain high standards of practice.
- Licensees are required by Administrative Rule to **obtain 32 hours of continuing education (CE) annually**. In addition to general education, education is offered and / or required in prescription drugs, injection therapy, pain management, and ethics, cultural competence or suicide awareness.
- Licensees can obtain **certification for natural childbirth** by meeting specific requirements including, an **additional 14 hours of CE annually** and maintaining a current Neonatal CPR card.
- Board and staff **approve continuing education programs** for other state agencies, national and international organizations.

AGENCY PROGRAMS: Oregon Revised Statutes and Administrative Rules (2017-present)

To protect the public by insuring practitioners **meet and maintain the highest standards of practice, as well as achieve maximum transparency and accountability**, the Board has implemented and / or **implemented revisions to the following statutes and rules**:

2017

850-060-0223 – Formulary Compendium Exclusions and Oregon Administrative Rule 850-060-0226 – Formulary Compendium Classifications

2018

850-030-0035 – Fees
850-030-0090 – Expiration and Renewal Dates of License
850-030-0195 – License Renewal and Change of Status Requirements
850-040-0210 - Continuing Education Credits to Maintain an Active License
850-050-0010 – Sanctions for Violations
850-050-0190 – Discipline or Denial of License
850-060-0223 – Formulary Compendium Exclusions
850-060-0226 – Formulary Compendium Classifications

2019

- ORS 685.205 – Peer Review
- 850-050-0190 – Discipline or Denial of License (Code of Ethics)
- 850-030-0035 – Fees for Licensure, Examination and Certification
- 850-030-0090 – Expiration and Renewal Dates of Licensure
- 850-030-0195 – License Renewal and Change of Status Requirements

2020

- 850-001-0010 – Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases
- 850-010-0300 – Mask, Facial Coverings, Face Shield Requirements
- 850-030-0010 – Jurisprudence Examination Application Requirements
- 830-030-0020 – Application for Licensure to Practice Nat. Medicine
- 850-030-0030 – Applicant Fitness for Licensure
- 850-030-0035 – Fees for Licensure, Examination and Certification
- 850-030-0060 – Military Spouse Temporary Authorization to Practice Nat. Medicine
- 850-030-0070 – License to Practice Naturopathic Medicine by Reciprocity
- 850-030-0090 – Expiration and Renewal Dates of License
- 850-030-0195 – License Renewal and Change of Status Requirements
- 850-040-0210 – Continuing Education
- 850-040-0230 – Continuing Education Approval: Licensee Submission
- 850-060-0212 – IV Therapy, Ozone, Chelation, Regenerative Injections)

2021

- OAR 850-030-0310 Duty to Create, Maintain and Retain Medical Records

AGENCY PROGRAMS: Fitness for Licensure

- ▶ Determines the **qualifications for fitness of applicants** for licensure.
- ▶ Conducts a Law Enforcement Database Services (LEDS) and FBI **criminal history check** of each initial licensure applicant as an additional means of assuring public safety.
- ▶ Administers the **state jurisprudence exam** twice annually, in coordination with the national licensing exams.
- ▶ **Annually reviews fitness for licensure** during each renewal period through a fitness for licensure questionnaire and LEDS and FBI criminal history check.

ENVIRONMENTAL FACTORS

- ▶ The 2021-23 Governor's Recommended Budget (GRB), recommends that on or about July 1, 2022, the Board will be housed in Health Licensing Office (HLO), which is under the purview of Oregon Health Authority Center for Health Protection, in the Public Health Division, which is overseen by the Director of OHA.
- ▶ Upon transfer, the Board will be subject to ORS Chapter 676 and OAR Chapter 331. To date, it is undetermined what authority and responsibilities currently afforded to the Board under ORS 676, 685 and OAR Chapter 850, the Board will retain upon transfer to HLO.
- ▶ The Board's goals for the 2023-25 planning period and strategies for achieving long term goals are on hold until the Board has clarity / confirmation regarding their authority and responsibilities upon transfer to OHA.
- ▶ https://www.oregon.gov/dor/about/Documents/2021-23_gb.pdf (Pg. 239)

GOVERNOR'S RECOMMENDED BUDGET: Policy Packages

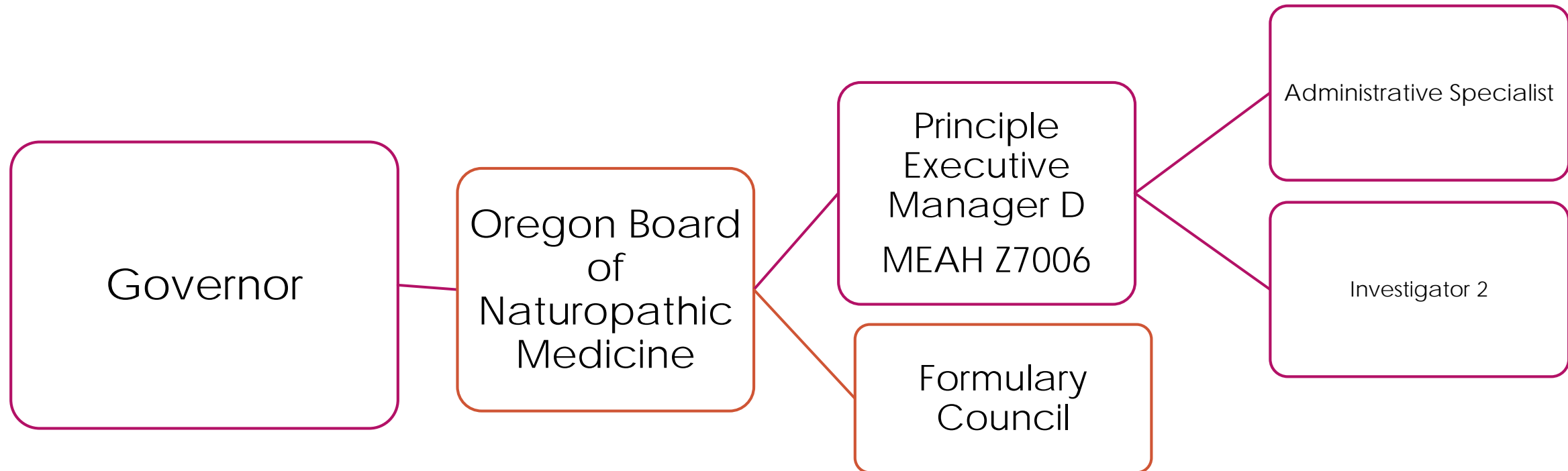
- ▶ **Package 090:** After agency appeal, this package provides partial funding for the AS2 position.
- ▶ **Package 098:** This package originally included a transfer of all revenues, to Oregon Health Authority's Health Licensing Office (HLO). After agency appeal, it was determined that OBNM will receive a one year transitional budget, three positions and (1.37 FTE) in its current structure. OBNM's second year of funding is added to the administrative structure of the HLO, allowing for the details around transitioning administrative functions to be finalized.

GRB – Policy Packages (cont.)

- ▶ **Package 104:** The Board is on an annual licensure renewal cycle. Currently, the Board's budget is supported solely by Other Funds (OF). After nearly a decade not having to raise fees, the Agency was advised in May 2020, that the Board's beginning balance was not sufficient for the Board to maintain the required three-six month reserve. The Board engaged in the rule making process prior to the legislative session and adopted an administrative rule change that raised licensure fees for the December 2020 renewal cycle.
- ▶ Policy package 104, seeks approval of the increased fees in the 2021 Legislative Session, and for these fees to carry forward to the next biennium.

BOARD ORGANIZATIONAL CHART: Current

- ▶ The Board staff consists of three full time employees that directly report to the Board of Naturopathic Medicine.



ORGANIZATIONAL CHART: Beginning July 1, 2022



ORGANIZATIONAL CHART: Beginning July 1, 2022 (cont.)

