

MARYLAND BOARD OF PHYSICIANS
Naturopathic Medicine Advisory Committee
4201 Patterson Avenue, Baltimore, MD 21215
Friday, January 20, 2017, 2:00 p.m.
MBP Board Room, Room 100

OPEN MEETING MINUTES

PRESENT: Kevin Passero, N.D., Chair, Eldon S. Miller, Ph.D., Mark Olszyk, M.D., Carrie Anne Runde, N.D.

STAFF PRESENT: Felicia Wright, Allied Health Supervisor, Cecilia Laurent, Allied Health Analyst, Mark Woodard, Health Policy Analyst, David Finkler, Board Counsel

ABSENT: Ellen Douglas Smith, Deputy Director

GUESTS: Irene Catania, Mark Davis, N.D.

CALL TO ORDER

Dr. Kevin Passero, Chair, called the meeting to order at 2:05 p.m.

APPROVAL OF MINUTES

On a motion made by Dr. Olszyk and seconded by Dr. Runde, the Committee approved the Open Meeting minutes from September 30, 2016.

LEGISLATIVE UPDATE

Draft of Revised Regulations

Mark Woodard provided an overview of revisions to COMAR 10.32.21, stating that the changes were primarily in three areas: the addition of the Criminal History Records Check requirement, continuing education and reciprocity. Mr. Woodard identified and reviewed the changes with the Committee. The Committee tabled the discussion until later in the meeting. At the end of the meeting, on a motion made by Dr. Runde and seconded by Dr. Olszyk the Committee unanimously voted to approve the revisions to COMAR 10.32.21.

BOARD COUNSEL REPORT

Nothing to report.

NEW BUSINESS

Updates on Licensing of Naturopathic Doctors

Ms. Laurent updated the Committee on the licensing of naturopathic doctors (NDs). She informed the Committee that to date, the Board has received 30 applications for licensure. Of those 30, Board staff has issued 28 licenses. The Committee briefly discussed the length of time for processing applications. Dr. Passero stated that if staff finds that there are consistent issues that delay the processing of applications due to staff's limited knowledge regarding the practice of naturopathic medicine, the committee may be able to provide further information and/or clarification upon request.

Questions Regarding "Scope of Practice" from an N.D.

Dr. Mark Davis, ND requested clarification on the following questions:

Question #1: "I know I can prescribe regular foods. Can I prescribe medical foods? In my Oregon Practice I've frequently used Enteragam, VSL#3DS, and Physician's Elemental Formula, which are all licensed as medical foods. My understanding is that FDA doesn't require a prescription for medical foods, but I want to verify that they're in my scope before prescribing them."

Mr. Finkler reviewed the naturopathic doctors' statute, 14-5F-14(a)(3) and (4), which states that naturopathic doctors may dispense, order and administer "food" and "nonprescription drugs as defined by the federal Food, Drug and Cosmetic Act." He stated that the statute 14-5F-14(b)(1) does not permit prescribing or dispensing "any prescription drug." He stated that, as long as the medical food meets the criteria of a food or nonprescription drug and was not considered a prescription drug, it is within an ND's scope of practice, per provision 14-5F-14. Mr. Finkler also reviewed the definition of prescription drug, as found in Md. Code Ann., Health Occ. § 14-5F-01(i), which defines a "Prescription drug" as any drug defined in title 503(b) of the Food, Drug and Cosmetic Act Title 503(b) if the drug's label is required to bear the statement "RX only". Mr. Finkler will research the federal statute to determine if medical food is defined as a prescription drug or non-prescription drug in the federal statute. Dr. Runde also noted that in the future these types of questions should be referred to the Naturopathic Formulary Council which is in the process of being established.

Question # 2: "Is rectal insufflation of ozone (with Proper training) in the Maryland ND scope? I have observed a colleague in Oregon performing the procedure, and I'm signed up for a CME course in March, but of course I won't perform it in Maryland if it isn't in my scope."

With regards to rectal insufflation of ozone, The committee reviewed the naturopathic doctors' statute, Md. Code Ann., Health Occ. §14-5F-14 and determined that rectal insufflation of ozone is not allowed under a ND's scope of practice.

Question Regarding Use of Terminology - "Consultant verses Naturopathic Practice". Is there distinction between an N.D. Consultant verses a practicing N.D./Naturopath?

Dr. Passero stated that what determines whether an ND should be licensed is if they are directing patient care and practicing as a clinician. He indicated that if an ND is consulting on naturopathic medicine or supplements, without directing patient care, they would not need to be licensed. The Committee discussed identifying and advertising as a naturopathic doctor/naturopath. Representations to the public is identified in the naturopathic doctor statute §14-5F-30. Only licensed NDs can advertise or use the term "naturopathic doctor". After a lengthy discussion, Mr. Finkler requested that this issue be tabled until the next meeting so that he could research the matter.

Continuing Education - Guidance Regarding Acceptable CEU's

Dr. Passero and Dr. Runde called the Committee's attention to COMAR 10.32.21.11B(5) which states that "A naturopathic doctor's licensing authority or professional association of another state which meets the standards adopted by the American Association of Naturopathic Physicians" is an acceptable CEU provider. Dr. Runde stated that the State associations are affiliates of the national professional association which creates the continuing education standards.


Recruitment of Physician with Experience Working with N.D.s

The Committee reviewed two curricula vitae (CVs) the Board received from Dr. Nicole Farmer and Dr. Lauren Richter, two physicians who expressed interest in filling the vacant physician position on the Committee. On a motion made by Dr. Olszyk and seconded by Dr. Passero, the Committee unanimously voted to recommend Dr. Nicole Farmer to the Board for appointment to fill the vacant physician position on the Committee.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:15 p.m.

Submitted by,



Cecilia Laurent
Allied Health Analyst