



Washington State Department of Health
Board of Naturopathy
Business Meeting Minutes

February 10, 2023

On Friday, February 10, 2023, the Board of Naturopathy held a board meeting via Webinar. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

BOARD MEMBERS PRESENT

Chad Aschtgen, ND, Chair
Krystal Richardson, ND, Vice Chair
Amira Ahdut, ND, LAc
Brooke Fotheringham, Public Member
Elias Kass, ND
Joanne Hillary, ND
Vacant, Public Member

STAFF PRESENT:

Lana Crawford, Program Manager
Harold Wright, Jr., Executive Director
Davis Hylkema, Program Associate
Joan Simmons, Administrative Assistant
Luke Eaton, Assistant Attorney General
Bill Kellington, Supervising Staff Attorney
Shawna Fox, Director, OHP
Heather Cantrell, Policy Analyst

GUESTS:

Angela Ross
Billie Dickinson
Catherine Hendricks
Dean Neary
Erin Sweet
Jeb Shephard
Jeffrey Frankel
Karen Appel

Kelsey Klausmeyer
Kevin Kuo
Krissila Sabatino
Laura Farr
Loren Riccio
Maria Lams
Michael Manning
Pam Kohlmeier

Paul Anderson
Safia Johnson
Shani Hue
Shannon Hewitt
Susan Gragg
Teresa Richter
Travis Thurston

OPEN SESSION

1. **Call to Order/Introductions**

The meeting was called to order at 8:33 A.M.

1.1 Introduction of board, staff, and audience.

Dr. Chad Aschtgen, Chair, led roll call of board members and staff. He then offered an introductory statement explaining the procedure of the remote meeting and instructions for the public comment period.

1.2 Approval of agenda

MOTION: A motion was made to approve the February 10, 2023. The motion was seconded and passed.

1.3 Approval of November 18, 2022 business meeting minutes

MOTION: A motion was made to approve the November 18, 2022 minutes. The motion was seconded and passed.

2. **Open Public Comment – DISCUSSION – Chad Aschtgen, ND, Chair**

Members of the public were welcomed to introduce themselves and share comments not related to an agenda item at this time.

Comments shared included:

- A question was asked in Q&A of the WA Department of Health colon hydrotherapist registration affiliation relationship form in regards to responsibility. It was suggested that the public attendee submit the question to Ms. Crawford if there is a specific question about the form. Mr. Eaton explained the statute lays out the responsibility on the board to set parameters via rule for the colon hydrotherapist profession and what the affiliation looks like. Those conversations and decisions would have been made during the rules workshops that took place over the last year.

3. **Old Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair**

3.1 Rule Project Updates

The board was updated on rule projects currently in progress.

3.1.1 Non-surgical cosmetic procedures

The board reviewed a recommendation from the rule committee regarding the nonsurgical cosmetic procedure project.

Dr. Ahdut updated that board that the CR-102 had been submitted and is in department review to be filed shortly with a hearing to be held at the May meeting. She noted written comments are being accepted until the day of the hearing.

3.1.2 WAC 246-836-080 – continuing education

The board received a report from the rule committee regarding the continuing education project.

Dr. Aschtgen reported the committee was unable to meet prior to this meeting to bring a recommendation to the board.

MOTION: A motion was made that the subcommittee for continuing education meet as a subcommittee with an open forum for the public. The motion was seconded and passed.

4. **New Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair**

4.1 2023 Legislative Session

4.1.1 2023 Legislative Update Calls

Dr. Richardson provided the board a report on the weekly legislation update calls.

4.1.2 2023 Proposed Legislation

The board received a report on proposed legislation that may be of interest to the profession.

4.2 Correspondence/Inquiries

The board reviewed and discussed correspondence received since the last meeting.

4.2.1 Reproductive health care in naturopathic practice

The board reviewed and discussed an inquiry from the Washington State Medical Association (WSMA) regarding the Board's opinion around vasectomy and naturopathic scope of practice.

Dr. Aschtgen asked Ms. Crawford, Mr. Eaton, and Drs. Richardson & Ahdut to review the analysis to bring a recommendation to the board.

4.2.2 Questions for the Board

The board reviewed and discussed email inquiries received for the profession and request that Ms. Crawford & Mr. Eaton reply as appropriate.

Members of the public were welcomed to provide comments. Comments shared included:

- Jeb Shephard, Director of Policy at WSMA, shared concern with the opinion that was approved by the Board at the last meeting regarding vasectomies. He asked the board to reconsider the board's opinion. Q&A wording: It was our understanding based on conversations with staff that our request would be considered at this meeting today. We believe the decision from the previous meeting leaves vasectomy, which is a surgery, in the gray area as it relates to scope and we would appreciate consideration.
- Jeffrey Frankel, Government Affairs Chair for the Washington State Urology Society, shared frustration with the delay in a decision regarding the vasectomies and stated it is not a minor procedure. He feels their letter was not addressed and hopes to have something in 3 months.
- Maria Lams asked if naturopathic physicians are allowed to do dry needling in WA state. She was informed that someone will reach out to her.
- Catherine Hendricks, American Urological Association, asked if they can communicate with the Attorney General's (AG) office in terms of

the decision or to re-look at the vasectomy question. It was recommended to send questions to the naturopathy@doh.wa.gov email.

- Angela Ross, Executive Director of Washington Association of Naturopathic Physicians (WANP), shared a few points:
 - The guidance from the board back in November was that the statute did not have the same clarity on the issue of vasectomies as it did on the question of abortion.
 - The Board of Naturopathy regulates the naturopathic profession, not Urologists, MDs, DOs, or PAs.
 - The letter from Dr. Rue made regular reference to quote the Attorney General's opinion however, it was clarified in the November meeting that it was not an official AG opinion, rather the interpretation of the attorney assisting the board in terms of the guidance they give out.
 - She clarified that the WANP did not try to take any more advanced statement on the scope of practice of naturopathic physicians rather, they reported out on what the board said which was the statute is unclear.
 - The letter seems to ignore the fact that approximately 35% of vasectomies occur within a primary care setting, not a urologist office or advanced surgical suite, therefore there is some misleading information in that letter.
- Paul Anderson, ND stated he has held licenses in multiple states and shared his experience in teaching, training and performing vasectomies where he has had no adverse events and 100% post procedure sterilization rate. He mentioned the 2019 publication quoting an earlier journal of urology publication reported that 35% of all vasectomies in the United States are not done by urologists, but mainly by family practice physicians and a few other specialties. He pointed out that as in the State of Washington, naturopathic physicians are considered primary care, excluding vasectomy from the scope of practice for trained physicians is not only at odds with the intent of the Practice Act in his opinion but also is illogical.
- Dean Neary, ND shared that he assisted in over 500 vasectomies with urologist doctor, Dr. Stern, who was one of the first physicians to perform the no scalpel technique back in 1984 when it came over from China. He dovetailed with Dr. Anderson's previous comment about the percentage of procedures done outside of the urology office in a primary care setting and pointed out naturopathic physicians are licensed in the State of Washington and added it is not that technical of a procedure but advocates that additional training would be needed in order to perform this procedure.

5. **Program Reports—DISCUSSION—Harold Wright, Jr., Executive Director; Lana Crawford, Program Manager; Luke Eaton, AAG Adviser**

Mr. Wright, Ms. Crawford, and Mr. Eaton provided updates regarding department issues and issues specific to the naturopathic physician profession, such as:

5.1 Budget report

Ms. Crawford shared the budget with the board as of December 31, 2022. A fee reduction is anticipated to go into effect either fall of 2024 or spring of 2025.

5.2 Statistics reports

Ms. Crawford shared there are 1632 total active licenses and 15 active colon hydrotherapists certifications. She also shared there are 12 active cases as of February 9, 2023. 4 are in RBM/legal review, and 4 are in pending service.

5.3 Continuing education audit report

None.

5.4 Recruitment report

Ms. Crawford informed the board that two applications have been received for the public member position and interviews will be held virtually with two board members on the interview panel. She also noted that Drs. Aschtgen and Ahdut's positions will come to the end of their second term and recruitment for those two positions will commence in March 2023.

6. **Future Business—Chad Aschtgen, ND, Chair**

The board discussed agenda items identified or suggested for future meetings.

6.1 Follow-up regarding stem cell harvesting through liposuction and bone marrow aspiration. At the November 20, 2021, meeting, the board requested a formal Attorney General opinion regarding this topic. As the process for a formal opinion is rather lengthy, the board intends to keep this item under "future items" until such time as an update is available.

Mr. Eaton provided an overview and explanation of requesting Attorney General opinion and its processes and answered questions from the board.

MOTION: A motion was made to withdraw the request for formal attorney general opinion regarding stem cell harvesting through liposuction and bone marrow aspiration. The motion was seconded and passed.

6.2 Rules Projects

6.2.1 WAC 246-836-080 continuing education

The board received a report from the rule committee regarding the continuing education project.

Drs. Ahdut & Kass will work with Mr. Eaton to draft a response letter for correspondences the board receives.

7. **Settlement Presentations—Chad Aschtgen, ND, Chair**
None.

8. **Adjournment of public meeting**

The public portion of the meeting adjourned by approved motion at 10:46 A.M.

MOTION: A motion was made to adjourn the public meeting. The motion was seconded and passed.

9. **Discipline and Licensing**

The board attended to licensing and disciplinary matters.