

**VIRGINIA BOARD OF HEALTH PROFESSIONS  
REGULATORY RESEARCH COMMITTEE  
MINUTES  
SEPTEMBER 8, 2005**

**TIME AND PLACE:** The meeting was called to order at 8:23 a.m., on Thursday, September 8, 2005, in Conference Room 1 at the Department of Health Professions, 6603 W. Broad St., Richmond, VA

**PRESIDING OFFICER:** Michael Ridenhour, Au.D.

**MEMBERS PRESENT:** Mary Smith  
David Hettler, O.D.  
David R. Boehm, L.C.S.W.  
Damien Howell, PT  
Alan E. Mayer  
Janet Payne

**MEMBERS NOT PRESENT:** Natale A. Ward, LPC

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D. - Executive Director for the Board  
Gail Jaspen, Chief Deputy Director  
Emily Wingfield, Assistant Attorney General  
Terri H. Behr - Administrative Assistant

**OTHERS PRESENT:** Suzann Van Buskirk, DaVita  
Bruce Silverman, American Renal

**QUORUM:** With seven members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** On properly seconded motion by Dr. Hettler, the Committee voted to approve the minutes of the meeting of July 14, 2005 as presented.

**TELEHEALTH UPDATE:** Ms. Jaspen stated that there has been a fair amount of discussion in the intervening years since 1998 concerning what comprises telehealth, its implications and impediments. However, there have not been substantive changes in the law in response to it, apart from the Nursing Compact. She noted, however, that there is a general consensus that this is an issue that needs to be addressed on the national level. Ms.

Jaspen reported that the Board of Medicine has a specific provision for practitioners to consult with practitioners not licensed by Virginia. She stated that there have been reports that some Virginia hospitals are using the services of radiologists and pathologists in other countries to read studies to enable the hospital essentially to have 24 hour staffing. But, she indicated that a Virginia doctor would also review these studies before a definitive diagnosis is made. Ms. Jaspen stated that the greater concern is drug sales over the Internet. However, due to the cross-jurisdictional nature of this problem, the Department has not developed recommendations.

On properly seconded motion by Mr. Boehm, the Committee voted unanimously to recommend that each Board review the issue of electronic practice and report back to the Board of Health Professions by August 1, 2006.

**DIALYSIS PATIENT CARE  
TECHNICIAN LEGISLATIVE  
UPDATE:**

Dr. Carter stated that the original recommendation was for the dialysis patient care technicians to obtain training for one year. Subsequent to that, a request was submitted to the Governor's office for an amendment to the legislation to extend the training period to two years.

Suzann Van Bushkirk, of DaVita spoke regarding the amendment to the legislation. She stated that the amendment to two years would allow sufficient time for the patient care technician to obtain the certification that is required by the law.

**NATUROPATHY SUNRISE  
REVIEW UPDATE:**

Dr. Carter updated the committee on the study. She indicated that naturopathy is evolving in different directions. Dr. Carter stated that there are two distinct camps of Naturopaths. One, the American Association of Naturopathic Physicians (AANP), is the group that asked to be considered for regulation. They have a national exam that is accepted by 14 licensing states. They have sought prescriptive authority, permission to attend naturopathic births, and so forth. There are about ten practitioners in the state. The second group that we have heard from is the Certified Traditional Naturopaths and other self proscribed "traditional" naturopaths are not in favor of regulation. They do not do seek to do use invasive modalities, only wellness support using natural remedies. Of the later

group, there are estimated to be approximately 100 in the state.

Dr. Carter stated that the issue before the committee is to determine if there is sufficient risk for harm to warrant regulation and insufficient means to address practice safety issues otherwise. Dr. Carter stated that in the September Review Draft there are four options for the committee to choose from as to how they want the issue of regulation for Naturopaths to be handled. The four options are licensure, voluntary certification, registration and no professional regulation.

Upon consideration unlicensed persons engaged in invasive activities may be criminally prosecuted for the practicing medicine, that only ten practitioners exist that would seek the level of practice that may require state regulation, and that there has been much public comment in opposition, on properly seconded motion by Mr. Mayer, the committee voted unanimously to recommend option four, no professional regulation.

**NEW BUSINESS:**

Dr. Hettler recommended that the Board look at the global issue of how the boards within the Department of Health Professions will respond to disasters in the future such as Hurricane Katrina.

**MEETING ADJOURNED:**

There being no further business the Committee adjourned at 9:20 a.m.

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Michael W. Ridenhour, AU.D., Chair

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Elizabeth A. Carter, Ph.D., Executive Director for  
the Board of Health Professions