

Licenses:

- ◆ The Bureau/Committee licensed **520** naturopathic doctors since January 2005.
- ◆ There are **94** lapsed or inactive licensees.
- ◆ There are **18** pending applications on file.

Licensing statistics per calendar year:

2005	2006	2007	2008	2009	2010	2011
149	71	65	58	52	47	67

Enforcement:

In late 2011, the EO sent a request to the Division of Investigation of the Department of Consumer Affairs to investigate a licensee; that case is still under investigation. This is the second case submitted to DOI regarding a licensed ND since licensing began in 2005. DOI investigated its first case for the Committee in 2010 and found no evidence of violation of law or regulation; the case was closed with no action taken by the Committee.

There is a five-month backlog to issue citations and fines for 1st-time offenders who illegally use of the title “ND”. All repeat and egregious offenders are normally cited and fined within the month they are reported to the Committee.

Complaint statistics per calendar year:

Total Complaints

2005	2006	2007	2008	2009	2010	2011
9	48	46	61	52	58	81

Complaints Against NDs

2	2	4	4	3	6	11
1 Illegal use of title of Physician 1 Outside scope of practice	1 Using title of LAc w/o license 1 Arrest Spousal Abuse	1 DUI 1 Illegal use of title of Physician 1 Employing RNs/LVNs 1 Using title of LAc w/o license	2 DUIs 1 Negligence 1 Veh Vandal	2 Aid & Abet Unlic Practice 1 Illegal use of title of Physician	3 Fail to identify as ND 1 Aid & Abet Unlic Practice 1 Sexual Misconduct 1 Reselling Opened & Expired Supplements	1 Arrest Aid & Abet Unlic Phys. 1 Reported to have O/S DUI 1 Illegal use of title of Physician 1 Aid & Abet Unlic Practice 2 Misleading Adver 1 Writing Prescr w/o oversight 3 Employing RNs/LVNs 1 Direct Nat Asst to admin IVs w/o supervision and fail to provide HIPPA 4 Accusations that NDs are employing and giving orders to nurses and LVNs 1 Gross Negligence and Incompetence

Office of Statewide Healthcare Planning (OSHPD):

The Committee began collecting practice information for the Healthcare Workforce Clearinghouse with the July 2011 renewals. A memo of understanding was recently signed with OSHPD and the first 6 months of data was transferred to their data managers in January 2012.

BrEZe Project:

The Interim EO participated in a multitude planning sessions in preparation for conversion to DCA's new automated licensing and enforcement system, BreZE. Sessions last from 1-8 hours each and cover the topics of data conversion, licensing and enforcement workflow, system security, cashiering, and document creation. Preparatory meetings will be held up to the time of implementation which is scheduled for August 2012, including an estimated 60 hours of training which will occur from June 25th through July 20, 2012.

Budget Update:

At the end of fiscal year 2010-2011, the Committee had **23.8** months in reserve (copy of Fund Condition and Year End Financial Report attached). Due to the inability to secure spending authority for Committee staff, it is projected that the reserve fund will grow to **24.6** months (\$351,000.00) by the end of FY 2011-2012.

Budget Highlights:

1. State and Consumer Services Agency Secretary Anna Cabballero approved the Committee's Budget Change Proposal for a fully funded analyst to staff the Committee beginning July 1, 2011. The BCP was sent to the Governor's Office on September 13th for final approval. However, the BCP was rejected at Dept. of Finance, as were the other two staffing BCPs approved by Agency from DCA. The BCP will be resubmitted this spring in hopes of securing a staff position beginning in FY 2014-2015.
2. The Committee will pay its first enforcement billing of approximately \$9,000.00 in 2012-2013 when Division of Investigation (DOI) bills for an investigation conducted in 2010. Likewise, the current investigation being conducted by DOI will likely be billed in 2014-2015.
3. The Committee is purchasing a mid-level printer/scanner/copier that will allow production of high quality documents and will utilize scanning technology for data entry when it becomes available on the BreZE system. The printer will cost approximately \$850.00
4. The Committee's Budget Change Proposal in 2009-2010 and 2010-2011 for funding to pay the cost of Committee member per diem was approved by DOF. The Committee is now funded to pay \$3,600 per year.
5. The Committee budget has increased slightly each year for the past 2 years due to various mandated program requirements such as participation in BreZE, Committee per diem, and \$7000 budgeted to reimburse the Osteopathic Medical Board for administrative costs as a result of AB X420 (the budget bill that created the Committee under the Osteopathic Medical Board). According to the Budget Office, the annual reversion of approximately \$25,000 to \$30,000 we will have this FY is a good start toward hiring at least a half-time person or maybe a full-time

person in the next couple of years without approval of a BCP by Dept. of Finance.

State Report Reduction

As part of Governor Brown's requirement for a reduction of unnecessary reports from all state agencies, DCA surveyed all boards/bureaus to identify reports that could be eliminated. As a result, deletion of B & P Sections 3627 (d) and 3628 (d) will be submitted by DCA to the Senate Business, Professions, and Economic Development Committee for inclusion in the 2012 omnibus bill. The Legislative and Regulatory Office is coordinating with the boards/bureaus to submit all language changes together.

Below is a copy of the current language; sections that will be deleted are underlined. Please note: this will leave a childbirth and formulary committee requirement in the law that are not tied to a single report.

3627. (a) The committee shall establish a naturopathic formulary advisory subcommittee to determine a naturopathic formulary based upon a review of naturopathic medical education and training.

(b) The naturopathic formulary advisory subcommittee shall be composed of an equal number of representatives from the clinical and academic settings of physicians and surgeons, pharmacists, and naturopathic doctors.

(c) The naturopathic formulary advisory subcommittee shall review naturopathic education, training, and practice and make specific recommendations regarding the prescribing, ordering, and furnishing authority of a naturopathic doctor and the required supervision and protocols for those functions.

(d) The committee shall make recommendations to the Legislature not later than January 1, 2007, regarding the prescribing and furnishing authority of a naturopathic doctor and the required supervision and protocols, including those for the utilization of intravenous and ocular routes of prescription drug administration. The naturopathic formulary advisory subcommittee and the committee shall consult with physicians and surgeons, pharmacists, and licensed naturopathic doctors in developing the findings and recommendations submitted to the Legislature.

3628. (a) The committee shall establish a naturopathic childbirth attendance advisory subcommittee to issue recommendations concerning the practice of naturopathic childbirth attendance based upon a review of naturopathic medical education and training.

(b) The naturopathic childbirth attendance advisory subcommittee shall be composed of an equal number of representatives from the clinical and academic settings of physicians and surgeons, midwives, and naturopathic doctors.

(c) The naturopathic childbirth attendance advisory subcommittee shall review naturopathic education, training, and practice and make specific recommendations to the Legislature regarding the practice of naturopathic childbirth attendance.

(d) The committee shall make recommendations to the Legislature not later than January 1, 2007. The naturopathic childbirth attendance advisory subcommittee and the committee shall consult with physicians and surgeons, midwives, and licensed naturopathic doctors in developing the findings and recommendations submitted to the Legislature.

Form 700 Filing

Annual filing of Form 700 with the Fair Political Practices Commission was due April 1, 2012 for all Committee members (and EO). A link to the form can be found at: http://www.dcaboardmembers.ca.gov/member_info/form_700.shtml

If you have not yet, please complete your Form 700 and mail to:

Department of Consumer Affairs
1625 National Drive, Suite N321
Sacramento, CA 95834
Attn: David Test

Board Member Sexual Harassment Prevention Training (SHPT)

Committee members are required to complete SHPT every two years. All Committee members must complete this training this year.

Unlike years past, you can no longer take on-line training on the Attorney General's web site; you must register for one of 3 webinars to be held in 2012. You were e-mailed in March regarding this training but the links were apparently broken; I re-mailed the links at the beginning of April.

If you have difficulty registering for one of the webinars, please contact Mary Tarango at (916) 574-8283 or Latania Robinson at (916) 574-8281.