

Naturopathic Medicine Committee

PO Box 980490, West Sacramento, CA 95798-0490

P 916/928-4785 F 916/928-4787 | www.naturopathic.ca.gov



Naturopathic Medicine Committee

Meeting Minutes

January 24, 2011

COMMITTEE MEMBERS PRESENT: Koren Barrett, ND
David Field, ND
Michael Hirt, MD
KT Leung, CPA
Tara Levy, ND
Gregory Weisswasser, ND
Beverly Yates, ND
Caleb Zia, EdD

COMMITTEE MEMBERS ABSENT:

STAFF PRESENT: Spencer Walker, Legal Counsel
LaVonne Powell, Executive Office Representative
Francine Davies, Acting Executive Officer (EO)

1. Welcome & Call to Order

The meeting was called to order at 9:49 a.m.

2. Establishment of a Quorum

A quorum was declared

3. Introduction of New Committee Members

Dr. Field welcomed Dr. Koren Barrett, ND and Dr. Gregory Weisswasser, ND. Both doctors were appointed by Governor Brown and were formerly appointed to the Osteopathic Medical Board of California by former Governor Schwarzenegger. Dr. Field also publicly thanked Susan Brooks for her participation on the Committee and the enthusiasm she had for serving.

4. Chair Report – Current Topic

Dr. Field gave the report. He stated that he would like to see the Committee focus on creating laws and regulations in 2011. The Legislative Sub-Committee of Dr. Field and Dr. Levy met to discuss the implications of creating regulations based on the findings of the Reports to the Legislature (Reports). The sub-committee believes that regulations are necessary to clarify the law and to define the scope of practice. They also discussed the idea of introducing a

Committee sponsored bill that would implement the recommendations of the Reports so naturopathic doctors could practice as trained including minor office procedures and developing a formulary. It was noted that the deadline to introduce legislation was December 3, 2010.

5. Election of Committee Secretary

Dr. Field stated that there was no immediate need for a secretary.

6. Public Comment

There was no public comment at this time. Dr. Field stated that public comment was welcome throughout the meeting where appropriate.

7. Discussion/Approval: Meeting Minutes November 5, 2010

The minutes were approved with one correction.

8. Committee Report: Licensing, Budget, Enforcement, AB 2699

Francine Davies gave the Committee Report: (copy available on web site <http://www.naturopathic.ca.gov/meetings/index.shtml> under "Meeting Materials" January 24, 2011.

10. DCA Director's Report

LaVonne Powell, Acting Chief for Board/Bureau Relations and on loan from the Legal Office, updated the Committee on the hiring freeze; the freeze was initiated by Governor Schwarzenegger and continues under newly-elected Governor Brown. She also updated the Committee on Department's efforts for board and bureau compliance with the requirements of SB1441. LaVonne also gave a report on the BreZE project; the Committee is scheduled to be in the first phase of implementation which is projected to occur sometime in 2012.

11. Overview of Legislative and Regulatory Processes.

Richard Woonacott, Deputy Director, of the Legislative and Policy Review Division, and Luis Portillo, Assistant Deputy Director, gave the Committee a comprehensive overview of both the state legislative process and regulatory process. Richard explained that if the Committee would be seeking to create language and find an author in 2011, his office is ready to lend support and guidance throughout the process. His office would also pre-review any regulations and provide feedback, and provide insight as to fiscal impact. He also stated that any changes to laws or regulations must show a benefit to consumers and suggested that the Committee contact any known interested parties and get their feedback, if possible, in the early stages of language development.

12. Appointment of Scope of Practice Sub-Committee

Spencer walker suggested that he could provide a template for a scope of practice document. He suggested looking at other states' scopes of practice and also suggested the sub-committee obtain the last occupational analysis from the Council of Naturopathic Medical Education which is the entity that grants approval to the naturopathic medical schools that are recognized by all licensing states. Any meetings involving more than two sub-committee members would be noticed.

13. Appointment of Disciplinary Guidelines Sub-Committee

Dr. Levy and Dr. Yates were appointed. Francine can provide a draft of the guidelines most recently developed by the Speech Language Pathology Audiology and Hearing Aid Dispensers Board.

- 14. Appointment of Administrative Sub-Committee to Create Job Descriptions for Executive Officer and Committee Staff**
Dr. Yates and Dr. Barrett were appointed. Francine will provide them with a list of job duties.
- 15. Discussion/Approval Jurisprudence Exam or Alternatives**
Francine stated that, according to the Office of Exam Resources, the DCA Division that oversees the examination processes for all boards and bureaus, an exam would require approximately two years to complete at a cost of approximately \$40,000, and ongoing costs would be \$10,000 per year for periodic review costs. Another issue is that until the Committee can produce a written scope of practice, an examination would not be possible.
- 16. Discussion/Approval of revisions to Council on Naturopathic Medical Education eligibility, student complaint, and accreditation standards.**
The Committee approved the language as written.
- 17. Discussion/Approval of Legislative Proposal to add NDs to VC22511.55 (B) (2) regarding the Certification of Disabled Person or Veteran pertaining to Issuance of Disabled Placards**
Action on this item must wait until a scope of practice is adopted.
- 18. Discussion/Approval of Legislative Proposal to add NDs to Health & Safety Code & Unemployment Insurance Code Sections to certify disabilities**
Action on this item must wait until a scope of practice is adopted.
- 9. California Naturopathic Doctors Association Update:**
Bastyr University completed their feasibility study and is planning on matriculating classes in the fall of 2012. Dr. Barker and Katherine Kleine met with Director Stiger to update him on the project. The Association formed a non-profit and launched a web site in order to increase access and awareness of natural health care. The Association also met with Herb Schultz regarding national and statewide recognition of naturopathic medicine by insurance providers.
- 19. Discussion/Approval of Proposal to Adopt Findings of the Naturopathic Advisory Council Formulary and Minor Office Procedures Reports**
There was a discussion regarding whether or not the Committee would be able to gather the resources it would need to create language, find an author, and lobby the legislature in the 2011 session. Dr. Field and Dr. Levy (the Legislative Sub-Committee) stated they are prepared to invest the time and energy to seek an author for a bill and fully participate in the legislative process. Dr. Field asked for the Committee's approval to immediately move forward with those plans; the Committee approved those plans.
- 20. Discussion/Approval of Proposed Regulations**
Legal counsel Spencer Walker stated that regulations were not currently available to implement AB 2699. He would make those available to the Committee when they were written. SB 14441 requires disciplinary guidelines before regulations could be written. Regulatory language presented for SB 1111 was adopted as amended.
- 21. Establish Future Meeting Dates and Locations**
February 14, 2011 teleconference to finalize language to adopt clarifying language for the 2011 legislative session. The next general meeting date will be April 11, 2011.

22. Public Comment

There was no additional public comment.

23. Agenda Items for Future Meetings

Discussion/Approval of legislative language to adopt portions of the Reports to the Legislature and to clarify existing language.

Regulations to clarify sections of the Naturopathic Doctors Act pertaining to Naturopathic Assistants.

24. Discussion/Approval of Appointment of Interim Executive Officer [Closed Session pursuant to Government Code Section 11126(a)(1)]

After convening in closed session, Francine Davies was appointed as Interim Executive Officer.

25. Adjournment

Meeting was adjourned.