



Naturopathic Medicine Committee

Meeting Minutes

March 8, 2022

DRAFT

MEMBERS PRESENT: Dara Thompson, ND, Chair
Greta D'Amico, ND, Vice Chair
Minna Yoon, ND
Vera Singleton, ND
Bruce Davidson, PhD
Shirley Worrels
Diparshi Mukherjee, DO

MEMBERS ABSENT: None

STAFF PRESENT: Rebecca Mitchell, Executive Officer (EO)
Sabina Knight, Esq., Program Legal Counsel, Legal Unit DCA
Michael, Kanotz, Esq., Program Legal Counsel, Legal Unit DCA
Ann Fisher, Moderator, SOLID, DCA
Raquel Oden, Program Analyst, Co-Moderator, NMC
Cesar Victoria, Webcast Specialist, DCA
Renee Milano, Budget Manager, DCA
Renee Santos, Public Affairs Officer, DCA
Brianna Miller, Manager, DCA Board and Bureau Relations

MEMBERS OF THE AUDIENCE: None

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

Dara Thompson, ND, Chair, Naturopathic Medicine Committee (NMC), called the meeting of the NMC to order on March 08, 2022, at 10:01 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comment

During public comment, Ms. Megan Allred, Legislative Affairs, DCA provided a comment that the Sunset Review Report looks great.

Agenda Item 3 Introduction of New Committee Members

Chair Thompson, introduced new member Dr. Diparshi Mukherjee, DO, who was appointed by Governor Newsom on February 3, 2022. Dr. Mukherjee is an internist and sports medicine specialist with Kaiser Permanente. Dr. Mukherjee has a long list of over 17 years of education, training and experience that the Committee welcomes.

Chair Thompson also welcomed back member Dr. Bruce Davidson, PhD, who was reappointed on January 13, 2022, by the Senate Rules Committee. Dr. Davidson is a public member who has over 40 years' experience in health services delivery and evaluation and health policy and health services research. Dr. Davidson has been a welcomed addition to the Committee and the team is pleased about the reappointment.

Agenda Item 4 Review and Possible Approval of Committee Meeting Minutes:

- a) October 5, 2021**
- b) November 17, 2021**
- c) December 02, 2021**

EO Mitchell provided the Committee members with draft copies of the three meeting minutes. The Committee reviewed the minutes. Member D'Amico made three (3), grammatical, non-substantive changes to the report. The edits were made.

The Committee members approved the meeting minutes with the changes made as previously stated.

Motion – Thompson / Second – Worrels, to approve the 10/05/2021, 11/17/2021, and 12/02/2021, meeting minutes with the amendments. Roll call vote taken; motion carried 7-0-0. (YES – Thompson, D'Amico, Singleton, Mukherjee, Davidson, Yoon, Worrels / NO – none / Abstentions – none).

Agenda Item 5

Intravenous Therapy Specialty Subcommittee

a) Overview of Subcommittee

EO Mitchell presented an overview of the Intravenous Therapy Specialty Subcommittee. In 2012, SB 1446 (Negrete McLeod) was enacted allowing naturopathic doctors (ND) to furnish nutraceuticals, vitamins, amino acids, and minerals, among other substances, as specified, and to independently prescribe and administer epinephrine and hormones. The bill further authorized NDs to administer intramuscular, intravenous, or other specified routes only when such substances are chemically identical to those for sale without a prescription. The bill required NDs to demonstrate that they complied with specific requirements, including the successful completion of specified coursework by approved provider by the Committee.

Lastly, the bill created the authority for the Committee to establish regulations regarding IV administration that are consistent with the education and training of a naturopathic doctor. Since that time, NDs who have met the training requirements, have been afforded the opportunity to provide IV Therapy to their patients. However, there are currently no established regulations on the standard of practice for this treatment approach.

Due to an adverse event surrounding IV Therapies the San Diego District Attorney's Office recommended that regulations be promulgated for the safe and effective use of IV Therapy by NDs. During the November 15, 2018, Committee meeting, it was determined that a subcommittee should be formed to assist in establishing regulations that meet the best practices and standards regarding the use of IV Therapy.

On May 6, 2019, the subcommittee convened and started the work of producing the recommendations for the Committee. However, after the September 20, 2019 meeting, the subcommittee lost its physician representation when the physician resigned from the Committee. The Subcommittee provided their recommendation to the Committee and the Committee approved the proposed language. In Early 2020, the regulatory package was started. However, during the August 30, 2021, meeting there were members of the public that had objections to the proposed language and the package was pulled for further work. In preparation for the Committee Sunset Review, the committee pended reconvening the subcommittee until the Committee could focus their efforts on ensuring that all areas of concern were addressed and corrected.

The Subcommittee should examine the education and training of accredited naturopathic medical colleges, current standards for IV therapies, and the ND scopes of other regulated states in an effort to develop regulatory language that closely matches to the ND education, training and standards of practice and provides the most robust protections for the public.

b) Assignment of New Subcommittee Members

Original Subcommittee Participants

- Dara Thompson, ND
- Shirley Worrels, public member
- Virginia Osborne, ND, consultant

Dr. Thompson and Ms. Worrels volunteered to be on the subcommittee moving forward. EO Mitchell will reach out to the consultant, Dr. Osborne to find out if she is still available to sit on the subcommittee.

Agenda Item 6 Minor Office Procedures Subcommittee

a) Overview of Subcommittee

EO Mitchell presented an overview of the Minor Office Procedures Subcommittee. In 2005, the Naturopathic Medicine Committee (Committee), formerly the Bureau of Naturopathic Medicine (Bureau), was directed by the Legislature to consult with physicians and surgeons and licensed naturopathic doctors in order to develop findings and recommendations regarding the development of scope and supervision requirements of a naturopathic doctor for the performance of minor office procedures. At that time, the Bureau consulted with two naturopathic doctors, two emergency room physicians, and an interested member of the public. These consultants unanimously agreed upon the findings and recommendations presented in the 2007 Findings and Recommendations Regarding Minor Office Procedures report.

Unfortunately, the original intent of the Legislature was not acted upon, and the Naturopathic Doctors Act continues to be extremely limited in scope compared to the education and training of naturopathic doctors (ND). Due to the restricted scope of practice, naturopathic medicine in California falls short in comparison to the other regulated states and territories.

With a shortage of primary care physicians, allowing California NDs to practice-as-trained seems in line with Governor Newsom’s plan of expanding access to health care.

Proposed Action

The Committee determined that the original report is outdated and should be reexamined to ensure that the Legislatures intent to bring the ND scope in line with the most current education and training is met.

During the November 15, 2018, Committee meeting, it was determined that a subcommittee should be formed to examine the current education and training of NDs in regard to performing minor office procedures.

On April 9, 2019, the subcommittee convened and started the work of producing the recommendations for the Committee. However, after the September 20, 2019, meeting the subcommittee lost its physician representation.

Recommendation

It is recommended that the Committee reestablish a Subcommittee. The subcommittee should examine the education and training of accredited naturopathic medical colleges, the current minor office procedures included on the Naturopathic Physician Licensing Exam (NPLEX), and the ND scopes of other regulated states in an effort to develop a scope that equates to the ND education and training.

Furthermore, the Subcommittee should conduct an open discussion about the changes needed to be made to the 2007 Findings and Recommendations Regarding Minor Office Procedures report.

b) Assignment of New Subcommittee Members

Original Subcommittee Participants were:

- Greta D'Amico, ND
- Myles Spar, MD
- Bruce Davidson, PhD

Dr. Minna Yoon, Dr. Bruce Davidson and Dr. Mukherjee volunteered to be on the subcommittee moving forward.

Agenda Item 7

Executive Officer's Report

a) Licensing Report

EO Mitchell reported on the NMC's total licensee count as of September 30th is as follows:

- Active/Current Licensees – 934 (There is 1 suspension for Family support issues – once the licensee clears their case with family support court, they will be placed back into an active status)
- Inactive/Current – 28
- Delinquent – 195
- Other (retired/etc.) – 146

The total number of licensees under the NMC's jurisdiction is 1,304

b) Enforcement Report

EO Mitchell reported that currently the NMC has 97 total enforcement cases open. Of the 97 cases, 37 are against licensees, 1 is against an applicant, while the remaining 59 cases are against unlicensed individuals.

The unlicensed activity continues to remain the largest portion of the NMC's enforcement caseload making up 61% of cases. We hope that continued educational and informational outreach campaigns will assist in continuing to reduce the unlicensed activity.

The unlicensed activity consists of all the following:

- Using the naturopathic doctor (ND) title
- Not providing a written disclaimer of unlicensed practice to their client and having a signed copy by the client on file per CA business and profession section 2053.6.
- Providing Diagnosis in violation of CA Business and Professions code section 2053.5.
- Advising their clients to discontinue medication prescribed by licensed healthcare providers also prohibited with CA BPC section 2053.5
- Providing Treatment within the scope of an ND
- Harming clients

EO Mitchell also reported that there have been 10 new cases since the 12/02/2021 meeting. Although no cases have been closed, there are many cases that have been resolved and are awaiting closure. The Committee had a temporary analyst working on getting these cases completed and closed while others were forwarded to the Division of Investigation for further investigative efforts. However, the temporary help ended as of January 10, 2022, and as of February 1st, our permanent analyst came back fulltime and will be working to get these cases processed on a priority basis.

Three cases are pending submission to the AGs office. Four cases against unlicensed individuals are pending submission to the District Attorney's office for criminal charges.

Currently, the NMC has 38 total enforcement cases opened on ND licensees (37 licensees plus 3 applicant cases). Of those 38 cases, the breakdown of violation types are as follows:

- Advertising violations – 7 or 18%
- Failure to update address with the committee – 3 or 8%
- Substance abuse related violations – 4 or 11%
- Unprofessional Conduct – 16 or 42%
- Records only – 5 or 13% (not releasing upon patient request)
- Patient harm - 3 or 8%

c) Committee Member Training

EO Mitchell provided an update on the Committee Member training.

Board Member Orientation Training (BMOT):

Board Members are required to complete BMOT within one year of appointment and re-appointment. BMOT will be offered as a live, virtual day of training on March 9, June 15, and October 12, 2022. Members can register through DCA's Learning Management System (LMS). BMOT is required for newly appointed and reappointed members but is available as a refresher for all members and Executive Officers.

Updated Mandatory Trainings for 2022:

DCA has update mandatory trainings, which are now available through SOLID's Learning Management System (LMS).

Sexual Harassment Prevention

Beginning in 2022, there are two separate Sexual Harassment Prevention trainings, one for supervisors and one for non-supervisors. The new 2-hour 2022-2023 Supervisory Sexual Harassment Prevention Training is for DCA leaders, including managers, supervisors, and board members. All new DCA employees, appointees, consultants, and SMEs are required to complete the training in 2022. Existing DCA employees or board members who did not complete Sexual Harassment Prevention training in 2021 are also required to complete the training required for their role in 2022.

Ethics Training (2 hours approx.)

- Board Members are required to take an ethics training course within the first six months of appointment and repeat this ethics orientation every two years throughout their term on the board.
- The training is online, interactive and can be completed at your convenience.

Defensive Driver Online Training (2.5 hours approx.)

- All State employees and Board Members who drive a vehicle on official State business must complete the Department of General Services (DGS) approved Defensive Driver Training course at least once every four years.
- The training is online, interactive and can be completed at your convenience.

d) Form 700 – Conflict of Interest

EO Mitchell reminded the Committee members that All committee members need to file their form 700 Conflict of Interest statement within 30-days of Assuming their appointed position, annually by April 1, and within 30-days after leaving their appointed position. If you have not completed your annual statements, please be sure to do so as soon as possible.

e) Meet and Greet for Committee Members

No report provided.

f) Box Account for Sharing Confidential Documents

DCA has set up a new BOX account for the Committee to use. The cloud-based BOX account will be used for enforcement case items and other confidential documents that should not be shared over email.

g) Executive Officer Evaluation

EO Mitchell also reported on the Executive Officer Evaluation process and advised that The Business and Professions code provides the Committee with the authority to employ an executive officer. The executive officer is a non-civil service, exempt employee who serves at the pleasure of the Committee. The EO is responsible for carrying out the policy directives of the committee members, directing activities for the committee staff, and working effectively with the department of consumer affairs.

It is crucial for the committee, with the input from the DCA, to evaluate the EO's performance annually, and set expectations for the following year. A revised performance appraisal form was revised October of 2020 which supersedes prior versions and must be used. The revised performance appraisal form provides Committee members, with DCA's leadership team, an opportunity to evaluate the performance of the EO in a fair, impartial, and transparent manner.

DCA's leadership team may include feedback from various DCA divisions that the EO interacts with during the course of employment. DCA encourages all committees to conduct the annual EO performance appraisal in the months of October through December at the publicly noticed committee meeting.

During the 3rd quarter meeting dates, the Chair will work with DCA to prepare for this year's EO evaluation.

Agenda Item 8 Department of Consumer Affairs Update

Ms. Brianna Miller provided an update of the following items:

- Welcomed new and reappointed committee members Mukherjee and Davidson.
- Updated the Committee on COVID19, the endemic and policies that surround COVID-19 waivers ending on March 31, 2022.
- Remote meetings may revert back to pre-COVID19 Bagley Keene open meetings Act. There is AB 1733 (Quirk) but the bill may not pass prior to the current waiver expiring. The Committee should make alternate arrangements for any meetings that it may hold after March 31st.
- Mandated COVID-19 vaccination or COVID-19 testing for in-person meetings – all members must provide proof of COVID19 vaccine or will need to be tested in order to meet at any in-person meeting.
- Appointments and Recruitments – the Public Affairs Office has a new communications toolkit that can be used for recruiting efforts. Board and Bureau Relations will also assist the Committee in getting the current vacancies filled.

- Updated about the Regulatory Unit that has assisted boards and programs under DCA to catch up and get current of regulation efforts.
- Enlightened Licensing Workgroup has been successful and a great resource for other programs to use.
- Tanya Cochran has been appointed to as the Compliance and Equity Officer.
- Committee members mandatory training.

Agenda Item 9 Budget Update

Budget Manager, Renee Milano, reported on the Committee’s current budget and fund condition. Explaining to the members how the budget is built and provided copies of the expenditures, revenue and projected year-end budget. There is a very small reversion, and the Committee will need to be careful and watch the spending during the last few months of the fiscal year.

Fund condition is very healthy. With the months in reserve continuing to increase, the Committee should look at reducing fees or increasing the spending authority. Since the Committee is looking at the possibility of adding staff, this information is beneficial.

Agenda Item 10 Regulatory Update and Status Report

EO Mitchell reported on the regulation packages and advised that staff has been working on getting documents for the packages prepared and ready for legal review.

IV and Advanced Therapy Requirements: This package was pulled back by the request of the Committee due to stakeholders having objections to the proposed language and the package was pulled for further work. Language to be reconsidered. Pending at this time.

Fees: Package is currently being completed by staff

Inactive and Retired Status: Both of these packets are awaiting the fees package to be completed. The plan is to complete both of the packages while the fees packages is being reviewed by legal.

Section 100 Clean-up: Repeal Application Processing Times - language for a repeal - on June 4, 2021 Committee approved language as drafted to move forward • As of June 17., 2021 under review by regulations unit, on June 18, edits were returned to regulations attorney. Staff will work with Regulations Unit to determine what is needed to get this package submitted.

Military Temporary Licensure: AB 107 – This package is in the Concept stage

Agenda Item 11

Oversight (Sunset) Review Report Update

EO Mitchell wanted to have the members approve the Oversight (Sunset) Review Report Background Paper so it could be submitted to the Legislature, unfortunately, the Committee was advised that the item was not noticed on the agenda appropriately to act upon.

This agenda item is being tabled until the next meeting.

Agenda Item 12

Legislative Update

The Committee wanted to take stances of support and or watch on the following bills but was advised that the items were not noticed on the agenda appropriately to act upon.

a) AB 2685 – Naturopathic Medicine Committee Sunset Bill

AB 2685 – Introduced by the Committee on Business and Professions on February 18, 2022. This is the Committee’s sunset review bill. This bill will be used to make any amendments or additions to the current Naturopathic Doctors Act.

This bill in its current state is a placeholder for additional language for the Naturopathic Doctors Act and will change greatly in the weeks to come.

The Committee should watch this bill closely as the legislative session advances.

b) SB 994 – ND/LVN Orders

SB 994 – Introduced by Senator Jones on February 14, 2022:

Existing law, the Vocational Nursing Practice Act, provides for the licensure and regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. The act defines the practice of vocational nursing as the performance of services requiring those technical, manual skills acquired by means of a course in an approved school of vocational nursing, or its equivalent, practiced under the direction of a licensed physician or registered professional nurse, as defined.

This bill would revise that definition to additionally include practice under the direction of a naturopathic doctor. Existing law, among other things, authorizes a licensed vocational nurse to withdraw blood, administer medications, and start and superimpose intravenous fluids, as described, when directed by a physician and surgeon. Existing law also authorizes a licensed vocational nurse to perform certain tests and immunization techniques, as described, when acting under the direction of a physician and surgeon.

This bill would authorize a licensed vocational nurse to perform the above-described actions when acting under the direction of a naturopathic doctor. It is important to understand that this bill will NOT broaden the scope of either ND or LVN licensees.

Although this is sponsored by the professional trade association, it is believed that this would provide additional protection for the consumer by allowing NDs to employ healthcare staff at a higher level than that of a naturopathic assistant that is not allowed to do some of the more technical treatments in the NDs office.

For this reason, it is the recommendation that the Committee provide a supportive stance on this bill.

c) AB 1733 – Public Meetings

AB 1733 – Introduced by Assembly member Quirk on January 31, 2022, would make changes to the existing Bagley-Keene Open Meeting Act.

With meetings being held remotely during the pandemic, many boards under the DCA noticed a benefit of having meetings conducted on the virtual platform. The waiver of in-person meetings allowed more public access, by removing travel barriers for consumers and stakeholders. There was also a noticeable decrease in travel costs expended on hotel, air fare and rental costs for meeting rooms.

Due to the benefits of this bill, it is the recommendation that the Committee provide a supportive stance on this bill.

Agenda Item 13 Social Media Plan Update

Renee Santos, Public Information Officer with DCA, provided an update of a Social Media Plan that she has prepared for the Committee. One main goal for the Committee is to enhance social media presence. Ms. Santos provided a strategic social media plan to assist with consumer and stakeholder outreach efforts.

The objective of the outreach plan is to create evergreen messages that can be shared on NMC's various social media platforms. The messages would relate to licensees, consumers, and applicants.

The plan will be carried out strategically, by creating simple and impactful social media posts. These posts will be supported with creative graphics that can be shared in English and Spanish. They will also ensure that messages are built, provide tips that fit the "Did you know", "#TBT" (Throw back Thursday) or "Fun Facts" model that not only educates but also engage consumers in a fun way. These messages can also include important statistics.

The posts will be implemented and promoted to ensure there's a greater presence on social media by posting information timely, posting evergreen messages three times a

week on all platforms. Blogs are also going to be used to help educate and inform consumers.

Agenda Item 14 Future Agenda Items and Next Meeting Dates

Items for future agenda:

- Review Application of Genesis Medical College for IV Training Provider
- Legislative Stance on:
 - o AB 2685
 - o SB 994
 - o AB 1733
- Review/Approval of Oversight (Sunset) Review Background Paper response
- Naturopathic World Federation information

The next meeting date was scheduled for:

- Thurs., 03/24/2022 at 9:00 a.m.
- Tues., 04/19/2022 at 10:00 a.m.

Agenda Item 15 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 12:17 p.m.