



Naturopathic Medicine Committee

Meeting Minutes

July 14, 2022

DRAFT

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

MEMBERS ABSENT: Vera Singleton, ND, Absent with Cause

STAFF PRESENT: Rebecca Mitchell, Executive Officer (EO)
Michael Kanotz, Esq., Program Legal Counsel, Legal Unit DCA
Elizabeth Coronel, Moderator, SOLID – DCA
Trisha St. Clair, Co-Moderator, SOLID – DCA
Cesar Victoria, Webcast Specialist, Office of Public Affairs, DCA
Raquel Oden, Program Analyst, NMC

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 July 14, 2022, at 10:03 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comment

There was no public comment during this meeting.

Agenda Item 3**Review and Possible Approval of Committee March 24, 2022, Meeting Minutes**

EO Mitchell provided the Committee members with a draft copy of the 03/24/2022 meeting minutes. The Committee had an opportunity to review the minutes.

The Committee members approved the meeting minutes as submitted.

Motion – Thompson / Second – D’Amico, to approve the 03/24/2022, meeting minutes with the amendments. Roll call vote taken; motion carried 6-0-0. (YES – Thompson, D’Amico, Singleton, Mukherjee, Davidson, Yoon / NO – none / Abstentions – none).

Agenda Item 4**Presentation and Possible Action of OPES Review of the National NPLEX Exam**

Dr. Tracy Montez, Ph.D., Chief, Programs and Policy Review Division provided a presentation of the Validation of State and National Examination Program. Dr. Montez explained the process for the review of national exams, which include the psychometric evaluation, comparison of national occupational analysis (OA) to California OA by subject matter experts (SME), and the identification of any critical entry-level content that is not being assessed.

There are costs associated with this review however, Dr. Montez advised that OPES would be flexible in their timelines and costs so that the Committee can work within its current resources to complete this mandated review. OPES would prefer getting the review started within the 2022-2023 fiscal year.

The members of the Committee were agreeable to the review and requested EO Mitchell to work with OPES and get the review facilitated through OPES so that we stay compliant with Business and Professions Code section 139.

Agenda Item 5**Review and Possible Action of Genesis Medical College Application for Intravenous Therapy Training Course Provider**

The Committee received an Intravenous Therapy Training Provider Application (ND-200 form) submitted by Genesis Medical College of Tustin, Ca. Members reviewed the application, along with the course flyer, IV Therapy and Blood Withdrawal hourly breakdown sheet, course information document, course syllabus, and the CV for the head course instructor. Dr. D’Amico and Dr. Davidson both brought up several deficiencies in gap curriculum, lack of practicum within their course as outlined in the Naturopathic Doctors Act, and finally missing CVs from the additional course instructors.

The members moved to deny the application in its current state. EO Mitchell was directed to advise the applicant of the deficiencies and invite them to modify and resubmit their application.

Motion – Thompson / Second – Yoon, to deny the application for Genesis Medical College, advise of deficiencies and invite to reapply. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Mukherjee, Davidson, Yoon / NO – none / Abstentions – none).

Agenda Item 6 Review and Possible Action on Review Legislative Update, Discussion and Possible Action on Proposed Bills:

EO Mitchell provided an update on current status of the following bills:

a) AB 225 – Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licensees

AB 225 – Introduced by Assembly Member Gray on January 11, 2021.

This bill died without being heard in committee. The bill would have required certain boards and bureaus within the Department of Consumer Affairs (DCA) to issue temporary licenses to veterans and active-duty members of the Armed Forces who met specified criteria. The Committee was not listed among the specified boards/bureaus included in this bill.

No action taken on this bill.

b) AB 646 – Department of Consumer Affairs: Boards: Expunged Convictions

AB 646 – Introduced by Assembly Member Low on February 12, 2021.

This bill provides that DCA Boards and Bureaus have the authority to suspend or revoke a license on the basis of a criminal conviction. To allow for consumer transparency, conviction information may be posted with a licensee’s suspension or revocation. Defendants, however, are able to petition the court to set aside a guilty verdict if they have completed all or a substantial portion of their probation requirements. This process is called an expungement.

This bill would require a board to remove evidence on the board’s website of a defendant’s criminal conviction if the action led to their license suspension or revocation.

This bill would require the board to charge a \$25 fee to perform these activities and is currently pending before the Senate Appropriations Committee

EO Mitchell provided a recommendation that the Committee **watch** this bill as it moves forward.

The Committee members agreed and took a position to watch this bill. No vote taken.

c) AB 852 – Health Care Practitioners: Electronic Prescriptions: Nurse Practitioner Scope of Practice: Practice Without Standardized Procedures

AB 852 – Introduced by Assembly Member Wood on February 17, 2021.

This bill would prohibit a pharmacist from refusing to fill an electronic prescription if the prescription does not comply with the pharmacists' proprietary software or other specified criteria. This bill would permit a pharmacy, pharmacist, or other authorized practitioner to decline to dispense or furnish an electronic prescription that fails to meet specified criteria including HIPAA compliance. Additionally, this bill would establish additional exceptions to the requirements that health care practitioners issue electronic prescriptions.

Likely the most important sections of the bill for Committee licensees will be those related to the pharmacy's prohibition on refusing to fill a prescription from a prescriber using another software, and the exceptions to the general electronic prescribing requirements.

This bill was recently amended to remove all provisions unrelated to electronic prescribing. Currently, AB 852 is pending before the Senate Appropriations Committee.

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

The Committee members took action by taking a **position of support** on this bill.

Motion – Yoon / Second – Thompson, to take a **position of support** on AB 852, Health care practitioners: electronic prescriptions. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D'Amico, Mukherjee, Davidson, Yoon / NO – none / Abstentions – none).

d) SB 994 – Vocational Nursing: Direction of Naturopathic Doctors

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, as defined.

This bill authorizes licensed vocational nurses (LVNs) to work under the direction of naturopathic doctors (NDs).

Specifically, this bill:

- Adds NDs to the list of healthcare providers who may direct an LVN.
- Provides that an LVN may not perform any function outside the LVN's scope of practice.
- Authorizes an LVN to perform, under the direction of an ND working within their scope of practice, the functions that currently require physician and surgeon (physician) direction, which are:
 - Administration of medication by hypodermic injections.
 - Withdrawal of blood from a patient, under specified conditions.
 - Starting and superimposing intravenous (IV) fluids, under specified conditions.
 - TB skin tests within the course of a tuberculosis control program.
 - Immunization techniques.
- Imposes the same supervision and oversight requirements that apply to physicians to NDs, including that a supervising ND is not required to be physically present for or examine a person being tested or immunized.

According to the author, this bill “simply allows NDs to hire LVNs. Current law does not allow an ND to be called a “physician.” Current law also only allows physicians to hire LVNs, which the author states is thought to have been an oversight in the original drafting of an ND’s scope of practice.

During the March 24th Meeting, the Committee took a position of support on SB 994. Committee staff recommends no change to support position at this time.

The Committee are still in **support** of SB 994. No further action taken.

e) SB 1031 – Healing Arts Boards: Inactive Fees

SB 1031 – Introduced by the Senator Ochoa Bogh on February 15, 2022.

This bill died in the Senate Appropriations Suspense File.

This bill would have required renewal fees for an inactive license to be half the amount of an active license for DCA healing arts boards, unless a board has already established a lower fee. The idea was for the lower inactive license fee to incentivize licensees to choose to go into an inactive status, rather than allow a license to become delinquent or place it in a retired status, as it’s easier to reactivate an inactive license so the licensee can return to the workforce.

The Committee staff hoped that this bill would be successful to help implement a decrease in the amount collected for an inactive fee. The Committee will continue this attempt through securing a regulatory change to decrease the amount of an inactive fee.

No further action taken on this bill.

f) AB 1102 – Telephone Medical Advice Services

AB 1102 – Introduced by the Assembly Member Low on February 18, 2021.

This bill would clarify that an out-of-state telephone medical advice service serving patients in California must operate consistent with California laws governing the health care providers' licenses and scopes of practice. This bill would also clarify that a telephone medical advice service serving patients in California is required to comply with directions and requests for information by California's healing arts regulatory boards.

It was reported that this bill is currently in the inactive file.

No action taken on AB 1102.

g) AB 1120 – Clinical Laboratories: Blood Withdrawal

AB 1120 – Introduced by the Assembly Member Irwin on February 18, 2021.

This bill would authorize a certified phlebotomy technician to collect blood through a peripheral venous catheter under specified conditions, including that the blood collection is performed using a device approved by the FDA.

This bill is currently in the Senate's Third Reading File.

EO Mitchell did not provide a recommendation for AB 1120, instead asking that the Committee take a stance on this bill that would be in the best interest of consumer safety.

The Committee members took action by taking a ***position of support*** on this bill.

Motion – D'Amico / Second – Mukherjee, to take a ***position of support*** on AB 1120, Clinical Laboratories: blood withdrawal. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D'Amico, Mukherjee, Davidson, Yoon / NO – none / Abstentions – none).

h) AB 2685 – Naturopathic Medicine Committee Sunset Bill

AB 2685 – Introduced by the Committee on Business and Professions on February 18, 2022.

AB 2685 is the Committee’s sunset review bill. This bill will make the following changes to the Naturopathic Doctors Act:

- Changes the name and location of the Naturopathic Medicine Committee (NMC) within the Osteopathic Medical Board of California to the California Board of Naturopathic Medicine (CBNM) within the DCA. Makes conforming changes throughout the BPC to change the name to the CBNM or “Board.” Specifies that the CBNM shall not incur any costs as a result of changing the name of the NMC to the CBNM, as described in BPC §§ 3612 and 3613, beyond what is absorbable within existing resources Clarifies that any reference in law to the NMC shall be deemed to refer to the CBNM.
- Specifies that each appointing authority has power to remove from office at any time any member of the NMB appointed by that authority pursuant to BPC § 106.
- Provides for the NMB to employ a full-time staff position whose responsibilities shall include enforcement against unlicensed activity. Establishes this position as under the direction of the executive officer.
- Requires an applicant to pass any NPLEX elective examinations relevant to a licensee’s scope of practice in California in addition to the requirement for an applicant to pass the NPLEX.
- Adds the North American Naturopathic Continuing Education Accreditation Council to the list of approved continuing education approval organizations for NDs.
- Adds the American College of Naturopathic Obstetricians Examination to the list of examinations approved for NDs to take in order to be certified for the specialty practice of naturopathic childbirth attendance.
- Extends the sunset date for the CBNM by four years, until January 1, 2027.

The Committee had taken a watch stance during the last meeting with a desire to support the bill once text was amended. It is currently the recommendation of the staff to take a position of support on AB 2685.

The Committee members took action by taking a ***position of support*** on Ab 2685.

Motion – Thompson / Second – Yoon, to take a ***position of support*** on Ab 2685, the Naturopathic Medicine Committee Sunset Review Bill. Roll call vote taken; motion

carried 5-0-0. (YES – Thompson, D’Amico, Mukherjee, Davidson, Yoon / NO – none / Abstentions – none).

**Agenda Item 7 Discussion, Review, and Possible Action of Committee’s
Intravenous Therapy and Advanced Injection Therapy
Regulation Proposed Text – Stakeholder Engagement**

The Committee members reviewed and discussed the proposed language for the Intravenous (IV) Therapy and Advanced Injection Therapy regulations. Prior to the meeting, committee members requested for some items to be reviewed and clarified, amended, or added.

In California Code of Regulations (CCR) Section (§) 4237.1, the proposed regulatory changes do not apply to basic intramuscular, intradermal, or subcutaneous injections of medications and nutrients (such as administering a B12 shot), which are part of the basic medical training of all naturopathic doctors.

A change should be considered for the language in CCR § 4237.1(b), as currently the language calls for recertification once every 5 years. However, the current renewal period occurs once every 2 years. Requiring a recertification every 5 years would put an undue burden on licensees since it is not in line with the current continuing education (CE) cycle. It is recommended to change the requirement to either a 4 or 6-year recertification period. The committee members recommended making a 6-year recertification requirement.

Further, in CCR §§ 4237.1(a), 4237.2, and 4237.2(a) (these are sections using the term “Injection therapies”), the suggestion was made to change to “advanced” or “specialized injection therapies” for clarification.

Finally, it was suggested that for the safe and effective administration of IV and advanced injection therapies, that NDs should be allowed to independently administer IV diphenhydramine. This is currently allowed for NDs administering the COVID-19 vaccination independently under Governor Newsom’s State of Emergency waiver. Since this cannot be gained in a regulatory change, EO Mitchell suggested that the Committee request this amendment during the Oversight (sunset) Review process if possible.

During the discussion for this agenda item, although the proposed text was already approved by the Committee at a prior meeting, several NDs were concerned about the need for IV certification for injections. The IV and Advanced Therapy subcommittee members shared that the reason for the proposed requirements came from the suggestion of the San Diego Attorney General’s Office. Any advanced injections administration would need additional training separate from that of what is provided in naturopathic medical schools. Due to the amount of concern from both committee members and licensees, it was decided to table the agenda item and reconvene the IV and Advanced Therapy Subcommittee and amend the proposed text before moving forward. This will be placed back on the agenda at a later meeting date.

Agenda Item 8

Future Agenda Items and Next Meeting Dates

Items for next meeting include rollover items from the last meeting:

- Executive Officer Evaluation
- Legislative Updates:
 - AB 2685 - Oversight (Sunset) Review
 - SB 994 – Naturopathic Doctors: direction of LNVs
- Subcommittee Updates/Reports
- Update Member Vacancies
- Enforcement and Licensing Reports

The next meeting will be scheduled for Sept. 8, 2022, at 10:00 a.m.

Agenda Item 7 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 12:06 p.m.