



MEMORANDUM

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| DATE | 12/05/2023 |
| TO | Board Members |
| FROM | Rebecca Mitchell, Executive Officer |
| SUBJECT | Executive Officer Update – 12/14/2023 Meeting |

This report provides the Board Members of the California Board of Naturopathic Medicine with information on the following topics:

- Board Member Vacancies
- Staffing
- Licensing Statistics
- Enforcement Statistics
- Budget Update

Board Member Vacancies:

The Board is still experiencing appointment vacancies. Currently, the following Board Member positions are vacant:

- 1 professional member (ND, licensed in the state of CA) vacant since 2/2022;
- 1 physician and surgeon, (MD/DO physician) vacant since 9/2019.

Recent Appointments: Mr. Andy Yam was appointed as a public member by the Speaker of the Assembly on 06/26/2023.

Expiring Appointments: Dr. Greta D'Amico, ND, Vice-Chair (professional member) is currently serving her grace period which expires on 12/31/2023.

Staff continues to work with DCA and the Governor's Appointment Office to get these positions filled.

Staffing:

During the 2022 Oversight (Sunset) Review process, the Board provided information to the Legislature about the ongoing issues with unlicensed practice. Assembly Bill 2685 (Chapter 414, Statutes of 2022) was the sunset bill that changed the Committee to the California Board of Naturopathic Medicine along with providing authority to hire an additional staff member to assist with the large amount of unlicensed activity.

EO Mitchell developed the duty statements for the new Consumer Protection Services Analyst position. This is a fulltime, permanent position. The recruitment process has started and the first set of candidate interviews for the position are scheduled for December 18 – 19, 2023.

We hope to fill the position by mid-January or the first part of February 2024, at the latest.

Licensing Statistics:

Applications received and approved between July 1, 2023, and December 5, 2023, are as follows:

| App Types | Application Processing | |
|----------------------------|-------------------------------|-----------------|
| | Received | Approved |
| License Application | 56 | 39 |
| Initial License Fee | 49 | 48 |
| Renewal Application | 308 | 229 |
| Totals | 413 | 316 |

The table below shows the CBNM's total licensee count as of December 5, 2023. The total number of licensees under the CBNM's jurisdiction is 1,415.

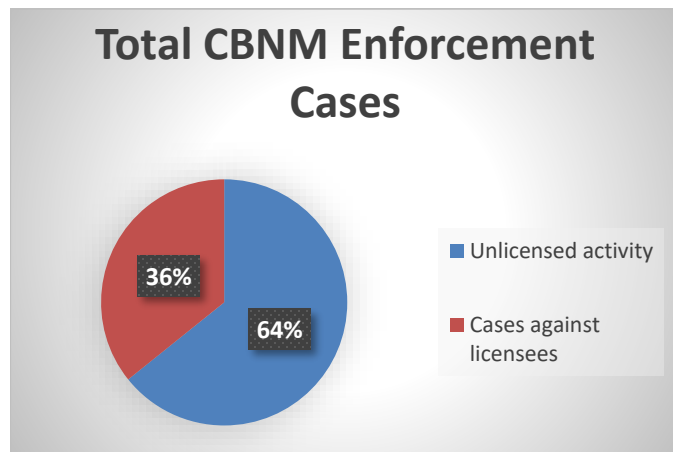
| License Status | Number of Licensees |
|------------------------------|----------------------------|
| Active/Current | 1020 |
| Inactive/Current | 25 |
| Delinquent | 131 |
| Other (Retired, etc.) | 239 |
| Total: | 1,415* |

* Total licensees under the CBNM's jurisdiction

Enforcement Statistics:

The unlicensed activity continues to remain the largest portion of the CBNM's enforcement caseload making up 64% of cases. We hope that continued educational and informational outreach campaigns will assist in reducing the unlicensed activity. The Board is increasing educational letters to traditional naturopaths that use the ND title without the benefit of a license or who violate the Naturopathic Doctors Act. We have been successful in gaining compliance prior to the issuing of citation and fine and/or cease and desist letters.

| Case Type | Qty. |
|-------------------------|------------|
| Unlicensed activity | 88 |
| Cases against licensees | 49 |
| Total cases | 137 |



The unlicensed activity consists of all the following violation types:

- Using the naturopathic doctor (ND) title (CA Bus. Prof. Code §3660)
- 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. (CA Bus. Prof. Code §3644)
- Providing Diagnosis in violation of CA Business and Professions code section 2053.5. (CA Bus. Prof. Code §3644)
- Advising their clients to discontinue medication prescribed by licensed healthcare providers also prohibited within CA BPC section 2053.5 (CA Bus. Prof. Code §3644)
- Providing Treatment within the scope of an ND without the benefit of a license (CA Bus. Prof. Code §3644)
- Causing harm or death to clients (CA Bus. Prof. Code §3644)

CBNM had 27 new cases submitted since July 1, 2023. Staff has been working hard on getting complaints closed. Since the last report (06/29/2023), the

| New Case Intake | Cases Closed |
|------------------------------------|--------------|
| 27 (23 UNL 3 LIC 1 APP) | 3 |

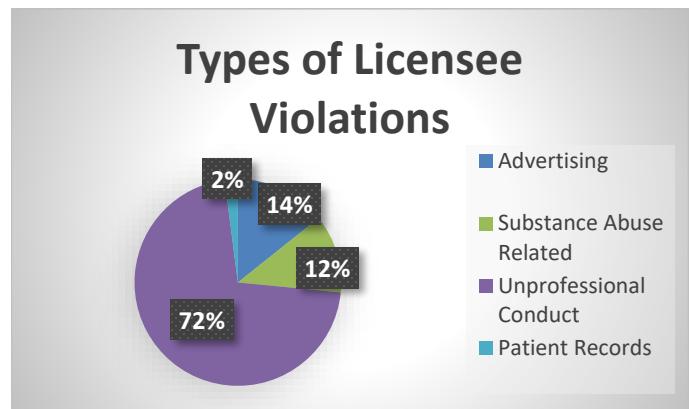
Enforcement Unit has closed 3 cases and sent one (1) licensee to the AG for Unprofessional Conduct. Currently, there are several that have been resolved and are awaiting management review and closure.

Violation Types that make-up enforcement cases against our licensees and applicants are separated into several violation categories.

Currently, the Board has 49 total enforcement cases opened against licensees. Of those 49 cases, the breakdown of violation types are as follows:

- Advertising violations – 7 or 14%
- Substance-abuse related violations – 6 or 13%
- Unprofessional Conduct – 35 or 72%
- Records only – 1 or 2% (not releasing upon patient request)

| Types of Licensee Violations | QTY. |
|------------------------------|-----------|
| Advertising | 7 |
| Substance Abuse Related | 6 |
| Unprofessional Conduct | 35 |
| Patient Records | 1 |
| TOTAL | 49 |



Budget Update:

Staff from DCA – Budget Office will be presenting the budget update.