



**BUREAU OF NATUROPATHIC MEDICINE**  
 1625 N. Market Blvd., Suite S-209, Sacramento, CA 95834  
 Telephone (916) 574-7991 Fax (916) 574-8645  
 Website: [www.naturopathic.ca.gov](http://www.naturopathic.ca.gov)



## NATUROPATHIC MEDICINE ADVISORY COUNCIL

### Meeting Minutes September 17, 2006

#### **COUNCIL MEMBERS PRESENT:**

Carl Hangee-Bauer, ND, Chair  
 Trevor Holly Cates, ND, Vice Chair  
 Cynthia Watson, MD  
 Soram Khalsa, MD  
 David Field, ND  
 Daisy Ma, Public Member

#### **COUNCIL MEMBERS ABSENT:**

Mary Hardy, MD  
 Alexandra Cock, JD, Public Member

#### **STAFF PRESENT:**

Patricia Harris, Deputy Director of Bureau Relations  
 Norine Marks, Legal Counsel  
 Tonya Blood, Bureau Chief  
 Linda Brown, Program Coordinator

### **I. Welcome and Call to Order**

The meeting was called to order at 11:05 a.m. Roll call was taken and a quorum was declared.

### **II. Approval of the May 21, 2006 Meeting Minutes**

It was stated that the minutes should reflect that the Advisory Council requested that the Formulary Committee reconsider the glandular issue. Also the spelling of the word "subcutaneous" should be corrected on page 3. The minutes were approved as corrected.

### **III. Chair Report**

Dr. Hangee Bauer stated that most of the business of the Advisory Council at today's meeting revolves around the legislative reports that were required when SB 907 was passed by the Legislature. He commented that the committees have worked very diligently on gathering the information for the reports and he wanted to thank all the committee members for being on the committees and all the work that they have done over the past year. It has taken a lot of time, expertise, and research to devise the

recommendations in the reports and he wants to thank and acknowledge the committee members and the committee chair people who have taken on the extra task of organizing the work of the committees and making sure that the goals have been met. Dr. Hangee-Bauer also thanked the Bureau staff for their work.

Dr. Hangee-Bauer stated that the reports contain an excellent overview of naturopathic medicine – including the scope of practice of naturopathic doctors in California, the scope of practice of naturopathic doctors in other states, the training of naturopathic doctors, and the safety experience regarding some of the recommendations that have been made. He stated he was impressed by the safety record of all of the procedures that are recommended in the reports. When you see the procedures that naturopathic doctors are trained to do in the schools and the scope of practice of naturopathic doctors in other states, it points out how limited the scope of practice currently is in California with relation to some of these procedures and how there is a lot of room for growth for naturopathic doctors to be able to do some of these things. The Advisory Council exists to help protect the healthcare consumer in California and these reports make a strong case that naturopathic doctors have the tools and abilities to be able to better serve consumers.

#### **IV. Bureau Report**

Chief Tonya Blood reported that we now have 196 licensees. The NPLEX results are coming out soon and the Bureau is receiving calls from interested applicants, so hopefully more applications will be coming shortly.

The naturopathic brochure is in the meeting packets. This is the last chance to make any final comments before the brochures go into print. The Bureau has allocated \$1500 for the initial printing of the brochure. The Bureau is looking for the best rate they can get for printing. The brochure will also be available in PDF format on the Bureau's website so that consumers or licensees can download and print out the brochure. The Bureau would like to mail copies of the brochure to all the licensees, but until we find out much they will cost to print, we are unable to say how many we will be able to mail out.

Tonya stated that the Bureau has been getting a lot of calls from licensees wanting to make credit card payment for their renewal. The Bureau does not have that capability now, but the Department is currently undergoing an i-licensing project where they would be able to do online renewals and pay for renewals with a credit card. The Bureau is looking into creating a very inexpensive database that would be able to interface with i-licensing. That will be probably be rolling out in 2008-2009 and the Bureau is working toward being a part of it.

Dr. Cates asked Tonya about complaints against NDs, and Tonya stated that there have still been no complaints involving patient harm.

Dr. Khalsa asked whether the Bureau gets calls asking how to find a naturopathic doctor. Linda Brown stated that the Bureau does get those calls and that the caller is referred to the website where all NDs are listed by name or by county, or if the caller does not have internet access they are given a list of NDs in their area. The Bureau does not make recommendations, but just gives the names of NDs in the caller's area.

Dr. Cates asked that if there was a budget surplus, would the licensure fees could go down? Tonya stated that the Bureau has been doing everything they could during the year to contain costs. Linda stated that the Bureau needed to have at least a 3-6 month fund reserve and we do not have that at this time.

Dr. Khalsa asked if the Bureau has been doing anything to encourage licensure of NDs. It was stated that the Bureau receives many calls from NDs in other states about licensure in California. Gloria St. John of the California Naturopathic Doctor's Association (CNDA) asked if an ND could be licensed in California and live in another state. It was stated that was possible and that the Bureau already has several licensees living in other states.

Dr. Hangee-Bauer stated that California was a "vacuum" for NDs and that he expected the numbers of NDs in California to grow steadily.

Gloria stated that the CNDA has been making presentations at the American Association of Naturopathic Physicians (AANP) about the climate of licensure in California because the buzz is that the scope of practice here is so limited that no one wants to come here. She spoke about a mentoring program for new NDs in the state.

Dr. Field stated that it would be good to use the website to call attention to the date by which NDs who were licensed pre-NPLEX would need to be licensed without having to take the exam. It was stated that some changes were going to be made to the website and that was a good idea. Norine Marks read aloud Business and Professions Code Section 3633.1, which stated that the pre-NPLEX applications must be received no later than December 31, 2007.

## **V. Committee Updates and Review of Draft Reports**

### **A. Bureau Statement**

Tonya wanted to thank all the committees for their hard work over the last year. She stated there were over 20 meetings over the last year, with the Formulary Committee being the leader with over 14 meetings held. It was a tremendous amount of time and effort on behalf of the committee members without any compensation so the Bureau certainly appreciates everyone's efforts in getting the reports and the recommendations done.

Tonya stated that she would be adding an acknowledgement page to each of the reports thanking everyone for their work and that she would not be changing recommendations in the reports. The reports would be going forward as written and approved by the committees. The reports will move on to the Director October 1<sup>st</sup>.

## **B. Formulary Advisory Committee**

Dr. Hangee-Bauer stated that Peter Wannigman, chair of the committee was not at the meeting but two members of the committee were present.

Dr. Khalsa reported that the Formulary Committee met recently to finalize the reports. He stated that the committee devoted tremendous time to the IV formulary and the inclusionary formulary. He stated that it was agreed that the biologicals were to be under IRB protocol (page 19 of the report), but that isn't how it reads. Dr. Watson agreed with Dr. Khalsa, but Dr. Cates, Tonya, and Linda understood the vote to be how the report currently reads. It was decided that there had been a misunderstanding on what was being voted upon, and that the Committee would have to meet one more time so that everyone on the committee would be comfortable that what is being recommended is safe. It was stated that the Advisory Council should review the report with the idea that the IV formulary would be going back to the Formulary Committee for a unanimous recommendation.

Dr. Khalsa reported that he spoke with Sandra Bressler of the CMA about independent prescribing for NDs. Ms. Bressler made it clear that the CMA would never be supportive of any further independent prescribing of any category of drugs for NDs. After discussion, the Committee decided that it would discard the previous exclusionary formulary they had agreed upon and instead go with a much more limited inclusionary formulary which is currently in the report in recommendation number 6. The inclusionary list would be all that an ND could prescribe without MD supervision. It was stated that the CMA would also be opposed to the more limited formulary but that was a political issue.

Dr. Watson stated that an ND should work with the patient's MD when trying to help a patient get off a drug or lower the dosage of a drug. The ND and MD should work in cooperation to help the patient. Dr. Cates stated that is not always easy to do as some MDs are not open to naturopathic medicine or do not believe in it. It was stated that it would take time for naturopathic medicine to be widely accepted in California.

The Advisory Council reviewed the remaining recommendations and Dr. Khalsa commented that the introductory and background information included at the beginning of the report is excellent for a legislator who is not familiar with naturopathic medicine. Dr. Hangee Bauer stated that the background information helped him to understand the process that the committees went through and how the recommendations came about.

Gloria suggested that recommendation number 6 be clarified to show the intent is to allow independent prescribing of the listed substances in addition to the substances already allowed by current law in Section 3640.7. It was agreed that if the recommendation were to go into law, then changes would have to be made to current statutes, including Section 3640.5. Linda commented that the recommendation was written to be purposely vague regarding whatever statutory or regulatory changes are needed to implement the recommendation. Norine Marks commented that when the time comes, we would have to be very careful about what changes are made in order to implement the recommendation as it is intended.

### **C. Childbirth Attendance Advisory Committee**

Dr. Watson directed the Council to the findings on page 18. She stated the report does a good job of summarizing the licensure laws, and shows that only two schools actually have childbirth training available. She stated there were several problems with the way the laws are currently written: 1) Naturopathic childbirth attendants need to have MD supervision and the Catch 22 in California is that there is no malpractice insurance that will cover an MD assisting a naturopathic doctor, which is a huge obstacle. 2) The law is written to require NDs who already have childbirth training to have additional midwifery training and take additional hours, duplicating what they have already learned. 3) The exam required by the legislation is problematic. The law requires NDs to take the test required by certified nurse-midwives and NDs are not even allowed to take that test. The law does allow the Bureau to deem an equivalent exam, which needs to be done. It was stated that there has only been interest from a couple of NDs in California to have the childbirth attendance certificate. It was stated that education and test requirements could be cleaned up by legislation, but that the malpractice issue was a bigger issue.

### **D. Minor Office Procedures Advisory Group**

Dr. Field stated that the recommendations in the report are procedures that are considered to be safe for naturopathic doctors to perform. There would also be some changes needed in statutory law to allow NDs to perform them.

The report also makes a recommendation regarding laboratory testing which was clearly authorized for NDs in SB 907. The problem is that there is a conflict with California law that requires that anyone performing laboratory tests be a laboratory director. A laboratory director is defined as either a licensed medical doctor, or a person licensed as a lab director under the Business and Professions Code. Therefore, unless an ND is licensed as a lab director, all clinical tests must be performed under the operation and administration of an MD, or other licensed lab director. It was noted that this was a California restriction, as federal law does not require a laboratory director for tests classified as "waived." NDs (and other health professionals) in other states are allowed to perform these waived tests without supervision. NDs did not exist in California when the law was written. The law would have to be amended for NDs to perform laboratory testing. This recommendation was included in the report.

Dr. Khalsa asked if the Minor Office Procedures consultants looked at the training that naturopathic doctors had to perform the procedures that were recommended in the report. It was stated that the recommendations were very conservative, because the courses teach the NDs to do much more than is being recommended in the report. Course syllabi would be included in the report's index.

It was discussed that the formulary report should allow for intramuscular and subcutaneous Bupivacaine, Lidocaine, and Procaine and intramuscular and subcutaneous Epinephrine to aid NDs in performing the recommended procedures. Dr. Khalsa stated that he was in agreement with that. It was decided that suggestion could be brought up at the final Formulary Committee meeting.

Dr. Hangee-Bauer stated that the information contained on the laws in other states does not include Arizona. Arizona state law does not have specific statutes authorizing minor office procedures. Instead, Arizona's law contains a "competency clause" which allows an ND to practice any modalities for which he or she has been trained. This should be added to the Appendix.

Gloria asked if the minor office report would be treated differently than the other reports and Tonya responded that all reports would be treated the same.

Dr. Hangee-Bauer asked what happens next with the reports. Linda responded that a table of contents and appendix would need to be formatted for each report. Tonya would be preparing a cover letter for each report. The reports would need to go through a series of approvals – The Department of Consumer Affairs, the State and Consumer Services Agency, and the Governor's office before being sent on to the Legislature. The Bureau will not be making any changes to the recommendations in the reports. Each approval level would be reviewing and signing off on the reports. Changes to the reports could be made at any level.

Dr. Field asked if a legislator wanted to sponsor legislation with recommendations in the reports could the legislator do so on his own. It was stated that yes, the legislator could author the legislation but the CNDA would have to lobby to promote the legislation. Tonya stated that when it comes to legislation, the Bureau is neutral. Gloria asked if the Advisory Council and committee members could testify in support of their recommendations and it was stated that they could not testify to support legislation unless it is approved by the administration and those approvals often come very late in the legislation session.

## **IX. 2007 Advisory Council Meeting Dates and Locations**

The following tentative meeting dates were set for 2007:

January 21, Bay Area  
May 20, Sacramento  
September 16, Los Angeles/Burbank

Linda asked whether anyone would be flying in for the January meeting in the Bay area so that the meeting location would have to be near an airport. The Bureau could probably find something less expensive not near the airport. It was decided that the Bureau should go with the best deal that they find. Dr. Khalsa offered to host a teleconference meeting in his office.

## **X. Public Comment**

Kevin Schunke of the Medical Board stated that the reports were some of the best reports he had ever read.

Gloria, on behalf of the CNDA, thanked the committees and the bureau staff for all their hard work and the countless hours volunteered in creating the reports.

The Bureau thanked all the professionals on the committees for all their hard work and expertise.

## **XI. Adjournment**

The meeting was adjourned.