



## **NATUROPATHIC MEDICINE ADVISORY COUNCIL**

### **Meeting Minutes September 16, 2007**

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

Carl Hangee-Bauer, ND, Chair  
Trevor Holly Cates, ND, Vice Chair  
Cynthia Watson, MD  
Soram Khalsa, MD  
David Field, ND  
Mary Hardy, MD

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

#### **STAFF PRESENT:**

Dianne Dobbs, Legal Counsel  
Norine Marks, Legal Counsel  
Robert Puleo, Acting Bureau Chief  
Francine Davies, Program Analyst  
Linda Brown, Program Analyst

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

The meeting was called to order at 11:08 a.m. Roll call was taken and a quorum declared.

### **II Approval of the January 21, 2007 Meeting Minutes**

Correction to page 2, third paragraph, line 2 – correct “impetuous” to “impetus”.  
Correction to page 4, section VII, 1<sup>st</sup> line, after “diversion” insert “and disciplinary”.

Correction to page 5, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> to last line, correct “bare” to “bear”.  
The minutes were approved as corrected.

### **III Chair Report**

Dr. Hangee Bauer stated that the American Association of Naturopathic Physicians (AANP) just completed their 22<sup>nd</sup> annual convention in Palm Springs. The California Naturopathic Doctor’s Association (CNDA) had many opportunities

to talk about naturopathic practice in California. Dr. Hangee-Bauer was elected to the board of the AANP for a two year term beginning in 2008.

The CNDA is also sponsoring the third “Merging Medicine” conference in San Diego on October 21 and 22, 2007. The conference will bring together naturopathic doctors (ND) and medical doctors (MD) for an interdisciplinary and integrative approach to their practices.

The pre-NPLEX board examination provision expires on December 31, 2007. Applications for licensure must be postmarked no later than December 31, 2007 and be completed within one year of application for applicants to be considered for licensure.

#### **IV Bureau Report**

Francine reported there were 258 licensees and 15 applications pending completion. One licensee has declared himself “inactive” and licenses have lapsed on twelve licensees. There are a variety of reasons why some doctors have chosen not to renew their licenses or let them lapse; some moved to other states to practice, some left for personal reasons, others are no longer practicing. Doctor Hardy suggested that there be some sort of outreach to those qualified to license in California and who have not yet licensed. Unfortunately, there is no way to identify those persons.

The Bureau was asked about the standard enforcement procedure for unlicensed persons who use the moniker “ND”. The Bureau sends a standard enforcement letter. In 2006, 25% of those persons contacted for illegal use of title were eligible for licensure and became licensed.

At the end of the 2006-2007 fiscal year, the Bureau finished with a \$4382 surplus that was then placed into the Bureau’s reserve fund. The department’s Budget Office has projected a larger surplus for 2007-2008. The money that is set aside for the Attorney General is an allotment - like a retainer – which, if unused, the money will be held for future investigations of complaints.

The Bureau’s new website is under construction – it was suggested that we include on the website a picture and short biography of each of the Advisory Council members.

Francine reported that Linda Brown secured a promotion with the Board of Professional Engineers. The Advisory Council members thanked Linda for all of her past help with the Bureau. Francine introduced Robert Puleo as the Acting Bureau Chief. Robert had been acting since Tonya’s departure in April of 2007. Advisory Council members were appreciative of Robert’s presence because of his counsel during the passage of Senate Bill 907.

Council members were reminded that if they resign or decide not to seek another term on the Advisory Council, they must notify their appointing authority in writing and send a copy of that letter to the Bureau. Dr. Khalsa asked if the Bureau knew anything about the vacant public member positions. Dr. Hangee-Bauer stated that once the applications are submitted to the appointing authority, no one is informed during this very slow process.

## **V Legislative Update**

The Bureau put forth a legislative proposal, which was accepted by the Senate Business and Professions (B & P) Committee, to eliminate the re-certification examination required in 2010. The Bureau proposed this change because it has no funds for the development of a \$50,000 to \$100,000 examination, and because no other board or bureau statutes require their licensees to take a re-certification examination. The proposal is part of SB 1048 – it is on the Governor's desk and he is expected to sign it.

The Bureau was questioned as to why they put forth a legislative proposal. Robert responded that the Bureau cannot put forth legislation that expands or changes the practice of NDs, but can propose legislation that concerns the Bureau's functions – i.e., clean-up for functioning of the program. In addition, it is up to the B & P Committee as to whether they will accept the proposal. It requires administrative approval from DCA thru Agency to the Governor's Office in order to seek an author.

## **VI Diversion Program**

Linda stated that at the last meeting the attendees discussed the company called "Maximus". Other boards and bureaus are not happy with Maximus' services and their contract is up for bid.

The Medical Board ended their diversion program after a lengthy review due to the inherent conflict of interest for a board to regulate a concession that has a program to secretly treat physicians apart from the Board's enforcement program. Dr. Hardy stated that the intent of a diversion program is to find physicians, nurses, etc., who are impaired and get them into treatment. Diversion is a no-fault treatment that preserves a physician's license while watching close enough that the licensee would not be a risk to the public. Impairment is not only defined as drug or alcohol use, but also diabetes or any other physical or psychological condition. Dr. Hangee-Bauer said that Dr. Fantossi's letter suggests a possible statewide program will exist and that NDs would want to have a representative at those meetings.

It was stated that no options for discipline means no leverage and no incentive to seek help. MDs have the ability to practice on a restricted license, NDs do not and any action becomes a matter of public record. There was a discussion about possible legislative actions, contact with the Medical Board, and expense to comply with the program. Francine will contact the Medical Board regarding their consideration of a new diversion program.

## **VII Continuing Education Process**

The attendees reviewed a document containing proposed regulatory language for Naturopathic Medicine's continuing education (CE). It was suggested that language be added to provide that approved naturopathic medical schools are approved providers. The Bureau has yet to determine the fee it will charge for approving providers.

The CNDA is also an approving entity and an approved provider. They will make available to the Bureau a list of courses that have been approved. It will possibly appear on their website.

Anyone can make application as an approved provider as long as they meet the criteria set forth in regulations. Dr. Hangee- Bauer and Dr. Khalsa volunteered at the last meeting to review courses for the Bureau by e-mail. Dr. Field volunteered his expertise, as well. Francine stated the new regulations will not be in place by the time CE is required, which is January 31, 2008, but there are existing regulations that pertain to CE requirements and approvers.

## **VIII Expert Reviewers**

Expert reviewers (ER) or subject matter experts are necessary to review some of the Bureau's enforcement cases, such as complaints on patient care and safety. The Bureau does not need regulations to utilize expert reviewers. An application to be an expert reviewer should be developed, possibly including the following criteria: California license information, disclosure of disciplinary actions and/or practice restrictions, and their areas of expertise in order to match the reviewer to the complaint. It was suggested to look at applications for ER used by other boards.

## **IX Bureau Logo**

The DCA Policy and Publications Unit created two logos for consideration by the Advisory Council. The Bureau will primarily use the logo for the website. Robert pointed out that consideration should be given to how the logo will look shrunken on letterhead. Francine will take suggested changes back to the Policy and Publications Unit and will e-mail copies of the altered logos to the Advisory Council members when they become available.

## **X California Naturopathic Doctors Association (CNDA) Activities**

Bill Bond, Executive Director, said that the CNDA is in a state of transformation due to development of the new board. CNDA is focusing on strong member benefits, the largest of which is cleanup legislation. Last year's focus was on developing CE courses. The new Board members voted to allow 30% of Board members to be non-ND. The current focus is on corporate fundraising. They are also bringing in a lobbyist they used in the past, Judy Wolen. The CNDA would like to provide member benefits such as access to a lawyer who can advise members about naturopathic corporations, build relationships with other associations in Sacramento, and build coalitions.

Dr. Gina Nick, President of the CNDA, stated they are working on generating revenue and raising awareness of the profession with other medical professionals – MDs, DOs, RNs, and L.Acs – by offering CE credits to learn about naturopathic medicine.

They also talked to the AANP about focusing on consumer awareness instead of licensing in non-licensed states.

The CNDA will participate in a legislative awareness day in February 2008.

## **XI 2008 Meeting Dates**

The consensus of the Advisory Council was that there be two meetings in 2008, one in March and one in September. The September 14 meeting will be held in either Burbank or Los Angeles, dependent on finding a suitable venue that can work with the State's contract process. The March meeting date can be either the 2<sup>nd</sup> or 9<sup>th</sup> – Francine will e-mail the Council members for their vote at a later date.

## **XII Election of Officers for 2008**

By unanimous vote, the Advisory Council will keep Dr. Hangee-Bauer as Chair and Dr. Cates as Vice-Chair for 2008.

## **XIII Public Comment**

Josh Jordahl had concerns regarding public access to the Childbirth Committee meetings last year. Advisory Council members were reminded to inform all office staff about requirements for public access to meetings and that each teleconference site is to have a copy of the agenda posted for the public.

**XIV Adjournment**

The meeting was adjourned at 1:25 PM.