



Naturopathic Medicine Committee

Meeting Minutes

April 23, 2012

**COMMITTEE
MEMBERS
PRESENT:**

Koren Barrett, ND
David Field, ND
KT Leung, CPA
Tara Levy, ND
Beverly Yates, ND
Gregory Weisswasser, ND

**COMMITTEE
MEMBERS
ABSENT:**

Caleb Zia, EdD
Michael Hirt, MD

**STAFF
PRESENT:**

Laura Freedman, Legal Counsel
Francine Davies, Interim Executive Officer (Int. EO)

1. Welcome & Call to Order

The meeting was called to order at 9:30 a.m.

2. Establishment of a Quorum

Roll Call was taken and a quorum was declared.

5. Discussion/Approval: Meeting Minutes January 24, 2011

The minutes were approved with no corrections.

8. Discuss/Approve Regulatory Language Pertaining to Transcripts

No vote was taken on this language.

9. Discuss/Approve Regulatory Language Pertaining to Certificates of Registration (Faculty)

The language was adopted by the Committee

10. Discuss/Approve Regulatory Language Pertaining to Adoption of Disciplinary Guidelines

The language was not adopted by the Committee.

11. Discuss/Approve Regulatory Language Pertaining to Continuing Education

The language was approved as amended.

12. Discuss/Approve Regulatory Language to Implement Consumer Protection Enforcement Initiative Provisions (SB1111) (Enforcement)

The language was approved as amended.

13. Discuss/Approve Regulatory language to Implement AB 2699 (Temporary Practice).

The language was approved as amended.

14. Review Previously Approved Regulations pertaining to

(a) Continuing Education

(b) Naturopathic Brochure Fees.

The continuing education regulatory language previously approved by the Committee was deleted and was replaced by the language in # 11 above.

7. Review Regulatory Process – Luis Portillo, Manager, DCA Division of Legislative and Policy Review

Luis Portillo, manager of the DCA Division of Legislative and Policy Review, provided handouts and gave the Committee an overview of the regulatory process. He also introduced Scott Allen who is the Committee's newest analyst in the legislative office.

16. Discussion/Appointment of Sub-Committees: Update Information in the 2007 Bureau of Naturopathic Medicine Reports to the Legislature (Formulary, Childbirth, and Minor Office Procedures)

There was a discussion about the pros and cons of updating the reports. Dr. Field stated that these documents would be used as background data for future regulations and legislative proposals. Dr. Field will make those appointments at a later date.

4. Introduction/DCA Executive Office Update – Reichel Everhart, DCA Deputy Director for Board & Bureau Relations

Bernice Creager, representing the DCA Executive Office, introduced herself to the Committee and gave the Committee an overview of the new members of the DCA Executive Office. Ms. Creager stressed that she is glad to help and answer any questions the Committee or the executive officer may have. She also stated that Tracy Rhine is the Deputy Director of the DCA Division of Legislative and Policy Review and is available for any questions regarding legislation or regulations.

3. Chair Report- Current Topics – Dr. David Field, ND, LAc

Dr. Field did not give a report. He thanked Francine Davies for her work as the interim executive officer of the Committee.

6. Executive Officer Report: Licensing, Budget, Enforcement, Current Topics – Francine Davies, Int. E.O.

Francine Davies presented the report to the Committee and answered questions. She discussed, in detail, the types of complaints made to the Bureau and Committee from 2005 thru 2011, and discussed enforcement actions taken against licensees and unlicensed persons.

She also explained that the Committee cannot act against an unlicensed person except for illegal use of title; when the Committee receives complaints of non-NDs practicing medicine without a license, she refers them to their local DAs Office or local law enforcement. Unfortunately, there are several DAs Offices that have been unresponsive to consumer complaints because DAs prioritize their cases due to budget constraints. Practicing medicine without a license is misdemeanor and some counties are only prosecuting felonies. Ms. Davies also stated that NDs are patrolling themselves and that practically every licensee has called at least once before or after licensing to walk through the practice portion of the Act to make sure they will be in compliance. Many NDs will call asking for scope clarification either for themselves or for an ND they know is practicing a particular procedure.

The Committee is participating in Healthcare Workforce Clearinghouse – first data went to OSHPD in January 2012. The Committee is scheduled to go live on the Breeze system in mid-September. Ms. Davies also discussed the Budget Change Proposal sent to the Budget Office for an additional position for fiscal year 2013-2014.

She also explained to the Committee that she would be looking for a new position, within DCA if possible, in the next two months so she could secure a promotion prior to her impending retirement from state service in 2-3 years. She introduced Rebecca Burton to the Committee and explained that Rebecca was interested in working for the Committee if a position becomes available; Rebecca had expressed interest in working for the Committee last year when the Committee tried to secure a second position via the BCP process.

15. Discussion: Regulations for Naturopathic Assistants Pertaining to IV Therapy

Dr. Field tabled the discussion.

17. California Naturopathic Doctors Association (CNDA): Current Topics

Dr. Angela Agrios, ND, the new president of the California Naturopathic Doctors Association, and Judy Wolen, lobbyist for the CNDA, gave the Committee an update on the association's efforts with clarifying language contained in SB 1446. It was noted that both the California Osteopathic Association and the CMA opposed SB 1446, which clarifies existing statutory language regarding administration of non-prescription items via IM and IV routes of administration.

Dr. Agrios also informed the Committee that Dr. Dennis Godby and sons will be running this summer from Canada and San Diego, meeting in Sacramento, to increase awareness about naturopathic medicine and healthy lifestyles.

18. Discussion – Sunset Report – Francine Davies, Int. E.O.

Ms. Davies stated she believes she has made good progress on the report. She will send a draft copy of the Sunset Report to Dr. Field and the CNDA for their input in specified areas.

19. Discussion/Appointment of Sub-Committee - Sunset Report

Laura Freedman stated that the Committee is responsible for the content of the report. The association can offer input on issues and data.

20. Discussion/Appointment of Sub-Committee - Standard of Practice Document

Dr. Weisswasser wants to make sure that the sub-committee brings in members of the public when drafting the document. He was also concerned that the sub-committee not “cut and paste” out of other California practice acts as naturopathic care is its own, unique form of practice and deviates in some instances from an allopathic standard of care. Dr. Agrios noted that Hawaii recently recreated its standard of practice document and it is being looked at on a national level by the American Association of Naturopathic Physicians.

Dr. Field appointed Dr. Weisswasser as sub-committee chair. Laura Freedman suggested looking at the national exam occupational analysis as a starting point for the scope as well as the language of the Act. A lack of scope could be an issue with the Sunset Review. Laura also noted that scopes do not usually articulate procedures but a broader set of definitions; in an enforcement case, an expert reviewer would determine if the doctor had violated any standards or portions of the scope.

21. Establish Future Meetings and Locations

The next meeting is scheduled for Monday, July 23, 2012.

22. Public Comment

None

23. Adjournment

The meeting was adjourned at 12:30 p.m.