



## Naturopathic Medicine Committee

### Meeting Minutes

July 27, 2015

**COMMITTEE  
MEMBERS  
PRESENT:**

David Field, ND, Lac, Chair  
Tara Levy, ND, Vice-Chair  
Koren Barrett, ND  
Gregory Weisswasser, ND  
Myles Spar, MD  
Alexander Kim

**COMMITTEE  
MEMBERS  
ABSENT:**

Michael Hirt, MD  
Thyonne Gordon, PhD

**STAFF  
PRESENT:**

Ileana Butu, Esq., Legal Counsel  
Rebecca Mitchell, Executive Officer (EO)

**Persons of Interest** Michelle Stout, Analyst, DCA Executive Office

#### 1. Welcome & Call to Order

The meeting was called to order at 10:08 a.m.

#### 2. Establishment of a Quorum

Roll Call was taken and quorum was established.

#### 3. Review and Approval of April 27, 2015 Committee Meeting Minutes:

Motion – Barrett / Second – Levy, to approve April 27, 2015, Meeting Minutes as submitted. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

#### 4. Executive Officer Report – Rebecca Mitchell

##### Licensing:

Mrs. Mitchell reported that there are currently 734 licensed naturopathic doctors since January 2005, 579 current/active licensees, 150 licenses are lapsed or inactive. There are currently 33 Initial License Applications on file. She also reported that there has been a problem with possible applicants learning about the restrictiveness of our

statutes and making the decision not to apply. The main reasons are prescriptive rights and the grandfathering policies here in California.

Enforcement:

Mrs. Mitchell reported that all repeat and egregious offenders are normally cited and fined within the month they are reported to the Committee. However, due to the massive amount of time spent on the testing and conversion to the Breeze system, only the most egregious cases are being investigated and worked. There is a thirteen-month backlog to issue citations and fines for those who illegally use of the title "ND". There are 138 complaints at various stages, currently pending. The majority of these complaints are illegal use of ND title.

Of the 138 cases, 11 (8%) of those cases are NDs in violation of advertising, 1 (1%) is for unprofessional conduct, and the remaining 126 (91%) cases are unlicensed individuals (naturopaths or others) in violation of using the title of ND and or practicing naturopathic medicine. The investigative costs associated with these cases for the FY 2014-15 is \$30,077 which is 9.6% of the total budget. DOI was able to get a cost recovery (restitution) of \$5,624 for one of these unlicensed cases. This cost recovery will be put back into the fund and not within the enforcement line of the current budget.

For the reasons stated above, the staff has recommended a request for additional funding through the Budget Change Proposal (BCO) process, in order to carry legislation for the "naturopath" title protection. Additionally, funding for consumer outreach is also being requested in order to alleviate the public confusion associated with "naturopath" vs. a licensed naturopathic doctor.

Budget Update:

The Executive Officer reported that at the end of fiscal year 2014-15, the Committee had 16.5 months (\$508,000) in reserve, copies of Fund Condition and Year End Financial Reports were provided. As of 2014-15 fiscal year-end, the Committee had 8.63% of its budget remaining; totaling a reversion of \$27,092 which will go back into the fund.

Planned receipts for FY 2014-15 revenue was \$249,000. The actual receipts for FY 2014-15 revenue was \$300,821.64 (21% higher than projected). The breakdowns are as follows:

- Application and Initial Licensing Fees:
  - Projected \$70,000 / Actual \$90,373 (29% higher than projected)
- Biennial Renewal Fees:
  - Projected \$176,000 / Actual \$294,150 (16% higher than projected)

Budget Highlights:

1. In recent years, there have been four (4) BCPs submitted in hopes of securing a staff position for an analyst classification and augmentation for the position. In 2013 a BCP to secure such position beginning in FY 2014-15 was finally approved. In July of 2014, the Committee hired an analyst to cover licensing and enforcement functions. Although the Committee requested an ongoing,

permanent position, the DOF only approved the position for a three (3) year, limited term. Giving the Committee time to quantify the ongoing need for the position. The position is set to expire as of June 30, 2016.

2. The Executive Officer has submitted a BCP requesting to change the current analyst position to a full-time, permanent position and \$73,000 ongoing augmentation to support the position.
3. A second BCP request is being submitted as stated during the enforcement update, (for legislation creation and consumer outreach).

Legislation:

**AB 1351** Deferred Entry of Judgement: Pretrial Diversion  
**AB 1352** Deferred Entry of Judgement: Withdrawal of Plea  
**SB 467** Professions and Vocations  
**AB 179** Dentistry  
**SB 538** Naturopathic Doctors: Scope of Practice

*Information was reported under Agenda Item #10.*

Committee Member Training:

Committee Members were reminded to be sure to review the training requirements that were sent out. All of the required training and the frequency of the training were included within the meeting material.

**4. Closed Session – EO Annual Performance Evaluation**

Pursuant to Government Codes Section 11126(a)(1), the Committee met in closed session for the evaluation of the Committee’s Executive Officer.

**5. Announcement Regarding Closed Session – (Pursuant to Government Code Section 11125.2)**

Dr. Field reported that the Committee waived confidential rights and reported on the following closed session topics discussed and the decisions made (Confidential pursuant to Government Code section 11126(a)(1).)

The Committee discussed the evaluation of the Permanent Executive Officer.

Motion – Barrett / Second – Levy, to approve EO evaluation and request HR process for salary increase. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

**6. Update on Upcoming Strategic Plan Presentation Session:**

An update of the Strategic Plan Session was presented to the Committee by the EO. Staff interviews will take place on Wednesday, 8/5/15, second meeting with SOLID Analyst on 9/22/15. The session will be scheduled for Wednesday 9/30/15 (tentatively).

An Action Plan is not required but is highly recommended to keep the Committee on track in meeting objectives within the Strategic Plan.

Materials for the planning session will be sent out to members by 9/14/15.

Interviews will be conducted by Noel Cornelia from SOLID training unit. She will contact each member individually via phone. The interviews will last an hour. These will take place during the first three (3) weeks in August.

The EO will have options of the mission and vision statements completed prior to the planning session per request of the Committee. EO will pre-screen for suggestions and create a compiled document.

#### **7. Standard of Practice Document:**

There were no suggestions, edits, or concerns from the Committee prior to the meeting. There was discussion of simplifying the document however. The Committee decided to table the adoption of the SOP until after the AANP meeting, since the SOP is a national standard that the AANP is in the process of adopting.

Motion – Barrett / Second – Kim, to Table adoption of Standard of Practice Document. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

#### **8. Legislative Updates:**

- **AB 1351 (Eggman)** Deferred Entry of Judgement: Pretrial Diversion  
This bill would change the existing deferred entry of judgement program for specified offenses involving personal use or possession of controlled substances into a pretrial drug diversion program that allows for a not guilty plea to be entered.

Motion – Weisswasser / Second – Barrett, to take a “watch” stance on AB 1351, mainly due to the fact that they are working on excluding healing arts programs. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **AB 1352 (Eggman)** Deferred Entry of Judgement: Withdrawal of Plea  
This bill would require courts to allow certain defendants in cases involving deferred entries of judgment after January 1, 1997, to withdrawal their guilty or nolo contendere pleas in order to avoid certain adverse consequences, including denial of a license or certificate.

Motion – Weisswasser / Second – Barrett, to take a “watch” stance on AB 1352, mainly due to the fact that they are working on excluding healing arts programs. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **SB 467 (Hill)** Professions and Vocations

This bill would require the Legislature to approve the Department's pro rata distributions. This bill would also require the Attorney General to annually report data regarding Department accusation case referrals beginning January 1, 2018. In addition, this bill would require the Department programs to implement complaint prioritization guidelines per the Consumer Protection Enforcement Initiative of 2010. Finally, this bill would extend the sunset for the Board of Accountancy to January 1, 2020.

Motion – Barrett / Second – Weisswasser, to take a “watch” stance on SB 467. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **AB 179 (Bonilla)** Dentistry  
This bill would, among other things, extend the provisions authorizing the Dental Board from January 1, 2016 to January 1, 2020, and would provide that sexual abuse is not sexual misconduct when the contact is between a licensee and his or her spouse, or person in an equivalent domestic relationship.

Motion – Levy / Second – Kim, to take a “support” stance on AB 179. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **SB 538** Naturopathic Doctors: Scope of Practice  
This bill would expand the independent prescribing scope of a naturopathic doctor to include schedule V and legend drugs. Schedules III and IV drugs would still require a physician protocol to be in place. This bill would benefit consumers by allowing them to seek PCP care from their ND without having to refer to and pay for a secondary visit to a physician (MD/DO) for a prescription.

Motion – Barrett / Second – Levy, to restate a “support” stance on SB 538. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

## 9. Public Comment for Items Not on Agenda:

No public comment.

## 10. Establish Future Meeting Dates & Locations

The next meeting will be scheduled tentatively for Wednesday, Sept. 30, 2015 at 10:00 a.m., in Sacramento for Strategic Planning Session. Teleconferencing will not be available for the upcoming meeting; all members are required to attend in person.

February 8, 2016 – Bastyr University, San Diego, CA

## **11. Agenda Items for Future Meetings**

- Standard of Practice
- Legislation – SB 277 - Vaccines
- Title Protection – “naturopath vs. naturopathic doctor”

## **12. Adjournment**

There being no further business or public comment, the meeting was adjourned at 11:59 a.m.