



## Naturopathic Medicine Committee

### Meeting Minutes

May 15, 2017

**COMMITTEE  
MEMBERS  
PRESENT:**

David Field, ND, Lac, Chair  
Tara Levy, ND, Vice-Chair  
Greta D'Amico, ND  
Michael Hirt, MD  
Thyonne Gordon, PhD  
Gregory Weisswasser, ND  
Alexander Kim  
Dara Thompson, ND

**COMMITTEE  
MEMBERS  
ABSENT:**

Myles Spar, MD

**STAFF  
PRESENT:**

Ryan Marcroft, Esq., Legal Counsel  
Rebecca Mitchell, Executive Officer (EO)

**Persons of Interest** Yeaphana LaMarr, Analyst, DCA, Leg. & Reg. Review Unit  
Mark Ito, Budget Analyst, DCA Budget Unit  
Jonathan Burke, DCA, Executive Office  
Judy Wolen, on behalf of CNDA

#### 1. Welcome & Call to Order

The meeting was called to order at 10:07 a.m.

#### 2. Establishment of a Quorum

Roll Call was taken and quorum was established.

#### 3. Public Comment for Items Not on Agenda

There were no public comments.

#### 4. Appointment of Drug Formulary Subcommittee Member Replacement

Dr. Dara Thompson, ND, was interested in the nomination for the Drug Formulary Subcommittee member replacing Dr. Koren Barrett, ND.

Additionally, Dr. Peter Koshland, PharmD and Dr. Michael Hirt, MD, were also interested in continuing as a member of the subcommittee.

Dr. David Field, ND, Chair, appointed Dr. Thompson as the newest member of the Drug Formulary Subcommittee to sit alongside of Dr's. Koshland and Hirt.

#### **5. Drug Formulary Discussion/Action:**

The Committee discussed the reason for creating an exclusionary drug formulary. The creation of the formulary is needed for two (2) reasons:

1. This document was mandated by the legislature and was the intent to have the program give recommendations for the formulary based on the training and education of the NDs.
2. To assist licensees in determining what drugs are allowed to be prescribed, administered, and furnished within their scope of practice.

Dr. D'Amico requested that a correction be made to a typographical error found on the January 27, 2014 document of the Formulary Subcommittee Report to the Naturopathic Medicine Committee document. This correction will be made and the amended form will be reposted to the Committee's website.

#### **6. Creation of a Naturopathic Childbirth Attendance Application Process**

The Committee is interested in creating regulatory language to clarify the statutory authority of BPC sections 3650 through 3655 et. seq.

Committee Member D'Amico, states that the current statutes are confusing and was not sure what the original intent was designed to do. Dr. Tara Levy, ND, Vice-Chair stated that some parts of the statute relating to naturopathic childbirth attendance is outdated and should be revisited and cleaned up prior to creating the regulatory language.

The Chair appointed Dr. Levy as subcommittee member for the purpose of cleaning up statutory language and clarifying within regulations. Dr. Levy will also consult with outside subject matter experts (SMEs) who could assist with this project.

#### **7. Proposed Regulatory Language to Implement "Naturopathic Committee – Notice to Consumer" signage: Implementation of BPC 138:**

The Committee approved the proposed regulatory language recommended by the staff. The regulation would clarify the general provisions of BPC sections 138 and 680.

Motion – Weisswasser / Second – Levy, to approve proposed language for implementation of BPC sections 138 and 680, start regulation process, and add information regarding the upcoming changes to the website. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D'Amico, Hirt, Gordon, Thompson, Weisswasser, Kim / NO – none / Abstentions – none).

**8. Meeting Minutes for Review/Approval:**

- Approval for Meeting minutes of February 6, 2017

Motion – D’Amico / Second – Weisswasser, to approve 2/6/17 meeting minutes as submitted with no amendments. Roll call vote taken, motion carried 8-0-1. (YES – Field, Levy, D’Amico, Gordon, Thompson, Weisswasser, Kim / NO – none / Abstentions – Spar).

**9. Budget Update – DCA Budget Staff**

Mark Ito, DCA Budget Analyst, reported on the Committee’s current budget. (Included in the meeting material.)

The Budget office and Committee staff has identified that there is an issue with the fund being unbalanced. This issue is the result of adding an additional staff to assist in carrying out the licensing and enforcement workload, along with an increase to DCA and other State Agency pro rata. Mr. Ito has suggested that staff and the budget office work collaboratively to request a raise in the fee ceiling. Unfortunately, a fee cap was placed at the current fee structure in the Committee’s sunset bill, SB 796 (Hill). Amendments to SB 796 can be made to the third reading of the bill.

The Committee has directed the EO to request a fee change amendment to SB 796 with Senator Hill’s office. Proposed caps for the fees are trending at being raised by no less than 25% of current fee.

**10. Establishment of a Proposed Fictitious Name Permit Program:**

In prior meetings, the proposed language for a Fictitious Name Permit Program was adopted by the Committee. The Committee now must establish a fee structure for the new permitting process.

The Committee would like to have the following fee structure included with the proposed FNP bill language.

Fee Type	Min. / Max. Fee	Set Fee by Regulation
FNP Application Fee (1yr)	\$75/\$150	\$100
FNP Renewal Fee (Dec 31 Exp)	\$50/\$100	\$50
FNP Delinquent Fee	Not to exceed \$25	\$25

Motion – Levy / Second – Weisswasser, to add fee structure to the proposed language for the FNP Program and find author. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D’Amico, Hirt, Gordon, Thompson, Weisswasser, Kim / NO – none / Abstentions – none).

**11. Legislative Update – DCA Legislative and Regulatory Review Staff**

The Committee’s legislative analyst, Yeaphana LaMarr, gave an update regarding sunset bill SB 796. She continues to offer her services throughout the remainder of the sunset process.

Additionally, Ms. LaMarr reported on the status of the bill on the agenda. The Committee took the following stances on the bills as outlined:

- SB 746 (Portantino) – no action
- SB 796 (Hill) – continuing support stance
- AB 12 (Cooley) – no action
- AB 77 (Fong) – no action
- AB 208 (Eggman) – oppose, for major concerns over enforcement issues as it pertains to substance abusing licensees and risk to consumers
- AB 241 (Dababneh) – no action
- AB 349 (McCarty) – no action
- AB 492 (Grayson) – no action
- AB 703 (Flora) – no action
- AB 710 (Wood) – no action
- AB 767 (Quirk-Silva) – no action
- AB 827 (Rubio) – no action
- AB 835 (Dababneh) – no action
- AB 1005 (Calderon) – no action
- AB 1053 (Calderon) – no action
- AB 1190 (Oberholte) – no action
- AB 1615 (Garcia) – no action
- SB 27 (Morrell) – no action
- SB 496 (Cannella) – no action
- SB 715 (Newman) – no action
- AB 40 (Santiago) – no action
- AB 508 (Santiago) – no action
- SB 43 (Hill) – no action
- SB 419 (Portantino) – no action
- SB 572 (Stone) – no action
- SB 762 (Hernandez) – no action

Motion – Weisswasser / Second – Levy, to take stance on legislative bills as outlined above. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D’Amico, Hirt, Gordon, Thompson, Weisswasser, Kim / NO – none / Abstentions – none).

## **12. Establish Future Meeting Dates & Locations**

The next meeting will be scheduled tentatively as follows:

- September 11, 2017 at 10:00 a.m. – Sacramento, CA and teleconference options
- December 04, 2017 – Teleconference meeting if business needs exist for SB 796 implementation.

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

- Regulation language examples for proposed FNP program
- Drug Formulary Subcommittee recommendations

**14. Adjournment**

There being no further business or public comment, the meeting was adjourned at 1:44 p.m.