



Naturopathic Medicine Committee

Meeting Minutes

December 04, 2017

**COMMITTEE
MEMBERS
PRESENT:**

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

**COMMITTEE
MEMBERS
ABSENT:**

Michael Hirt, MD

**STAFF
PRESENT:**

Sabina Knight, Esq., Legal Counsel
Rebecca Mitchell, Executive Officer (EO)

Persons of Interest

Jonathan Burke, Analyst, DCA Executive Office
Robert de los Reyes, Budget Manager, DCA
Yeaphana LaMarr, Legislative Analyst, DCA
Jennifer Bahr, ND, President, Ca Naturopathic Doctor's Association
Aliza Cicerone, ND, CNDA
Judy Wolen, Lobbyist, CNDA
Katherine (Kat) Scott, Lobbyist, CNDA

1. Welcome & Call to Order

The meeting was called to order at 10:05 a.m.

2. Establishment of a Quorum

Roll Call was taken and quorum was established at 10:17 a.m.

3. Public Comment for Items Not on Agenda

There was public comment by Ms. Katherine Scott, Lobbyist for CNDA as specified under item #7 in these minutes.

There was a public comment about the dismissal and reappointment of the public members of the Committee. Dr. Field took a moment to thank both Dr. Thyonne

Gordon and Mr. Alexander Kim for their dedication. He acknowledged their commentaries as being invaluable and very well received.

4. Discussion and Possible Action Regarding Current Drug Formulary Draft (Business and Professions Code (BPC) section 3640 (c)(1), and California Code of Regulations (CCR) Title 16 section 4236)

This information was provided for context; however, the Committee decided to table a scope expansion bill this legislative session, which the proposed formulary language would be included in. Dr. D'Amico requested that topical anesthetic be allowed in the formulary. This item will be placed on upcoming agenda items.

This item has been tabled until the Committee pursues scope language.

5. Discussion and Possible Action regarding the creation of a Naturopathic Childbirth Attendance Application Process (BPC sections 3650-3655):

Dr. Tara Levy, Vice Chair, reported on the possible creation of the Naturopathic Childbirth Attendance Application process. Dr. Levy stated that after a lengthy review and discussion with subject matter experts, it was determined that many areas of the current statute surrounding Naturopathic Childbirth Attendance were outdated and no longer valid. It was recommended that the statute be restructured and amended to meet valid requirements.

Dr. Levy and Ms. Mitchell suggested that the statutes be reviewed with legal and create proposed statute language that will realign that statute to meet current national naturopathic standards for Naturopathic Childbirth Attendance. Ms. Mitchell also reported that the current statute already gives that Committee authority to accept an equivalent exam, however other major changes need to be made to the section.

Dr. Field requested that Dr. Levy and staff continue to work on amendments and report back to the Committee at a later date. We can include this in future legislative efforts. This item has been tabled and no further action taken.

6. Review and Approval of September 11, 2017 Meeting Minutes:

Dr. D'Amico called for a clarifying edit to page 025, under "NMC Assessment – Findings and Corrective Actions" paragraph: "...the established policies and procedures in written formats..."

Motion – Spar / Second – Levy, to approve 9/11/17 meeting minutes as submitted with amendments. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D'Amico, Gordon, Weisswasser, Spar, Thompson, Kim / NO – none / Abstentions – none).

7. Budget Update – DCA Staff

Mr. Robert de los Reyes, Budget Manager, DCA reported on behalf of Mark Ito, Budget Analyst who could not attend due to unforeseen circumstances. Mr. Reyes reported that there were no significant updates at this time. The Budget office is in the process of building the Committee's upcoming fiscal year's budget, which should be

released sometime in January 2018. Once the budget has been released, there will be more to update the Committee on at that time.

Additionally, Mr. de los Reyes gave a brief update on the new fiscal reporting system, Fi\$cal. The Department of Consumer Affairs (DCA) has experienced some challenges while transitioning over to the new system. DCA hopes to rectify all of the issues that they are currently facing and have budget reports to the programs by year's-end. They hope to have a report that they can offer to the Committee by the next meeting.

Ms. Mitchell inquired about the Pro Rata charges and how DCA plans to move forward with the process. Mr. de los Reyes stated that the Pro Rata is determined within the budget-building process, where DCA will build-in the program's fair share of DCA's costs. He stated that DCA figures the total costs for each division or unit within the department, which is usually based on two (2) main principles. The first is the position count methodology, where DCA takes the program's total authorized positions and compares that to the total positions for the department. Using this formula, they create a percentage ratio that would be representative of the programs fair share for DCA's costs. The second method is by workload. Some units or divisions, such as Division of Investigation, is tracked by actual workload or services that the unit/division spends on the program specifically.

8. Discussion and Possible Action on Proposed Bill Language:

The question is continuously asked, "Would the public be better served if Naturopathic Doctors (NDs) were able to perform to the full level of their education and full scope of their training?" The answer to this question is, yes.

Currently California consumers are restricted from receiving the same naturopathic medical care that consumers from the neighboring states receive. NDs are trained in both conventional and naturopathic (or natural) modalities; however, the scope of NDs in California is greatly less than the scope of naturopathic medicine that they are educated and trained in. In a time of primary care provider (PCP) shortages, it is a concern that NDs, who are considered PCPs, are being barred from assisting in closing that gap. NDs are more than qualified to reduce the shortage in PCP access to consumers, however, current law does not match the original intent of the legislature when the Naturopathic Doctors Act was created.

Per Business and Professions Code section 3627, the legislature tasked the Committee with establishing a naturopathic formulary advisory subcommittee to determine a naturopathic formulary based upon a review of naturopathic medical education and training. The formulary advisory subcommittee was composed of equal number of representatives from clinical and academic settings of physician and surgeons (MD/DO), pharmacists, and naturopathic doctors (ND). The section specified that the formulary advisory subcommittee review the naturopathic education, training, and practice and make specific recommendations regarding the prescribing, ordering, and furnishing authority of an ND and the required supervision and protocols for those functions. In 2007, these recommendations were submitted to the legislature that confirmed NDs have the education and training to independently prescribe, without physician supervision or protocol, from a very robust formulary, which included

legend drugs and schedule III through V controlled substances. The California Medical Association opposed the changes and at that time. The changes originally intended by the legislature and the formulary advisory subcommittee, were not made.

The Committee has discussed this issue in great lengths and would like to uphold the original intent of both the legislature and the formulary advisory subcommittee's recommendations to broaden the scope of NDs to match their education and training and provide the full naturopathic medical healthcare to California's consumers.

The following items have been identified by the Committee, staff, and stakeholders, as possible areas that need legislative changes or new statutes:

- a) Naturopathic Doctors Act Scope (Practice as trained)
- b) Fee Increase
- c) Naturopathic Medical Assistants
- d) Retired License Status
- e) Fictitious Name Permit Program

Ms. Katherine Scott, Lobbyist for CNDA, gave a brief presentation on the issues of promoting legislation this year surrounding the dismissals and suspensions of several Senators and/or Assembly members for allegations of misconduct.

Due to issues that are transpiring within the legislature at this time, the Committee, staff and stakeholders believe that it was in the best interest to hold off on pursuing a scope expansion bill in the middle of this current 2-year legislative session. The Committee will complete groundwork to ensure the education and information surrounding our request for scope expansion is properly provided to the legislature, stakeholders, and the public. The Committee will move forward with non-contentious bills, such as Fee Increase, Retired License Status, and Fictitious Name Permit Program.

The Committee tabled agenda item #7(a) Naturopathic Doctors Act Scope expansion in order to allow staff and stakeholders to meet, educate and inform on the original intent and recommendation of NDs scope. Will introduce this during the next legislative session

Motion – Levy / Second – Thompson, to approve staff to find author and start conversations regarding agenda item #7(b), Fee Increase request. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D'Amico, Gordon, Weisswasser, Spar, Thompson, Kim / NO – none / Abstentions – none).

The Committee tabled agenda item #7(c) in order to allow staff to find out what statutory authority will be needed for the changes to the Naturopathic Medical Assistants (NMA) scope. Dr. D'Amico has been appointed as the NMA legislative subcommittee.

Motion – D'Amico / Second – Levy, to authorize staff to start the regulatory package for agenda item #7(d) for Retired License Status Language. (Business and Professions Code section 464 authorizes the Committee to offer the Retired status).

Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D’Amico, Gordon, Weisswasser, Spar, Thompson, Kim / NO – none / Abstentions – none).

Motion – Thompson / Second – Weisswasser, to authorize staff to find author and pursue legislative language for agenda item #7(e) the Fictitious Name Permit Program request. Roll call vote taken, motion carried 6-0-0. (YES – Field, Levy, D’Amico, Gordon, Weisswasser, Thompson / NO – none / Abstentions – none – Dr. Spar and Mr. Kim were unavailable for vote).

9. Discussion and Possible Action of the Creation of Frequently Asked Questions (FAQs) for Website:

Ms. Mitchell provided to the Committee, a list of suggested answers to commonly asked questions that pertain to naturopathic medicine. These questions were developed by surveying stakeholders, licensees, and consumers. Some of the FAQs are already on the Committee website and were reviewed to determine whether they were relevant.

Dr. D’Amico requested that an edit be made to page 066, under the question “Will my health insurance pay for licensed naturopathic care?”. In the answer, she requested an edit as follows: “...In ~~some~~ most cases, you have to pay for naturopathic services, then submit a claim to your insurance company.”.

Additionally, she requested that quotations be used on page 067, under the question, “...I am “board certified” and hold a degree in naturopathic medicine...”. As there is no nationally recognized board certification for naturopathic doctors, the board certification that is mentioned, is unrecognized by any of the regulating naturopathic medicine authorities. There are specialty certified fellowships that are legitimate and these should be mentioned so that there is clarification between the association that sells “board certifications” and the fellowships that licensees must successfully complete in order to sit for the specialty exam.

Dr. Thompson made an inquiry about the accuracy of the answers for the FAQs. Ms. Mitchell and Ms. Sabina Knight, Legal Counsel, advised that all questions and their answers will be reviewed and confirmed through legal channels. Only appropriate responses will be provided on the website and must remain within the Committee’s legal authority to provide.

10. Establish Future Meeting Dates and Locations:

- March 19, 2017 (Spring Meeting)
- Use Doodle survey to schedule the Summer 2018 Meetings.

11. Agenda Items for Future Meetings

- Inactive License Regulations (Fee)
- Diversion Program Bids
- Student Loan Repayment Program
- Single-Payer Healthcare – SB 562
- General Anesthetics (Topical) for Naturopathic Assistants and Formulary List
- Discounted Services (Sliding Scales)
- Microscope Usage – Are NDs prohibited

12. Adjournment

There being no further business or public comment, the meeting was adjourned at 12:43 p.m.