



## **Naturopathic Medicine Committee**

### **Meeting Minutes**

**March 5, 2019**

**MEMBERS PRESENT:** Dara Thompson, ND, Acting Chair  
Gregory Weisswasser, ND  
Greta D'Amico, ND  
Minna Yoon, ND  
Vera Singleton, ND  
Myles Spar, MD  
Bruce Davidson, PhD  
Shirley Worrels

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Rebecca Mitchell, Executive Officer (EO)  
Sabina Knight, Esq., Legal Counsel  
Raquel Oden, Program Analyst

**MEMBERS OF THE AUDIENCE:** Brianna Miller, Analyst, DCA Executive Office  
Sarah Hinkle, Budget Analyst

#### **Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum**

Rebecca Mitchell, Executive Officer, Naturopathic Medicine Committee (NMC), called the meeting of the NMC to order on March 5, 2019, at 10:06 a.m. A quorum was present and due notice was provided to all interested parties.

#### **Agenda Item 2 Election of Chair and Vice Chair**

The members of the Committee were provided with information of the officer vacancies, including available positions, duties and responsibilities required, along with the background biographies of each member.

A nomination for Dara Thompson, ND, was provided for the position of the Chair.

*Motion* – D’Amico / Second – Yoon, to elect Dr. Dara Thompson as Chair. Roll call vote taken, motion carried 7-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – None).

A nomination for Greta D’Amico, ND, was provided for the position of the Vice Chair.

*Motion* – Davidson / Second – Yoon, to elect Dr. Greta D’Amico as Vice Chair. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**Agenda Item 3                      Public Comment on Items not on the Agenda**

There were no public comments for any items not on the agenda to discuss.

**Agenda Item 4                      Executive Officer’s Report**

***a.            Office Renovation Update***

Executive Officer (EO), Rebecca Mitchell, reported on the office renovation update originally provided during the November 15, 2018 Committee Meeting. The renovation included building out the suite to include a file room for the Committee and additional cubicle space. The office staff was temporarily housed within the Department of Consumer Affairs, from January 3 through January 27, 2019.

On January 28, 2019, the Committee moved back into their permanent office. The Committee did not notice any significant delays to any of its licensing or enforcement processes.

***b.            Title Protection Statistics Update***

Title protection data was unavailable for this meeting and will be provided during the next Committee Meeting.

**Agenda Item 5                      Discussion and Possible Action Regarding 2020-24 Strategic Plan**

A presentation on the planning session for the 2020-2024 strategic plan was provided to the Committee by Lusine (Lucy) Sarkisyan, DCA SOLID. Ms. Sarkisyan advised the members that they would be contacted, along with committee stakeholders, to gather information known as an environmental scan. This scan will provide a snapshot of current needs, concerns, and other issues related to the Committee

Additionally, a copy of the current 2016-2019 strategic plan was provided to the Committee members to review. Dr. Davidson requested to have a list of stakeholders sent out to the Committee members. Members asked about adding suggestions for points of interest and was advised by Ms. Sarkisyan that they would have an opportunity to make any changes they thought were appropriate during the planning phase.

**Agenda Item 6      Recommendations and Possible Action Regarding  
Amendments to the Naturopathic Doctors Act**

**a.      *Business and Professions Code section 3635 (b) – Continuing  
Education***

Staff provided a copy of the current Business and Professions Code (BPC) § 3635 and highlighted sections that may need to be updated within statute that would allow continuing education (CE) credits be approved by additional entities.

The Committee discussed the possibility to approve the North American Naturopathic Continuing Education Accreditation Council (NANCEAC) as an additional approver for CE providers but requested some additional information on the program before deciding to make this change through the legislative process.

Staff will provide additional NANCEAC information to the members and bring this back to the next meeting.

**b.      *Possible Legislative Proposal for Title Protection***

Staff provided a copy of the proposed title protection language to the members and offered a brief background of the past legislative attempt at gaining the protections on the “naturopathic” titles. As unlicensed activity remains the majority of the Committee’s current enforcement efforts and resources (86%), it still holds true that the term “naturopathic practitioner” is extremely confusing to the general public.

After a brief discussion by the members, it was agreed that title protection would be in the best interest of consumer protection by mitigating the confusion of a naturopath vs. naturopathic doctor.

*Motion* – Thompson / Second – Weisswasser, to request staff to find a sponsor that will carry a bill for Title Protection. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**c.      *Possible Legislative Proposal for Scope Expansion***

Members discussed possible areas of concern and the restrictions placed on licensees by the restrictiveness of the Naturopathic Doctors Act. The Committee chose to continue discussions on the proposal for scope expansion once the recommendations from the two (2) advisory subcommittees have had a chance to complete their evaluation of the data.

No action taken on this item.

## Agenda Item 7

## Regulations Update and Possible Action

The following items were discussed, and action taken as noted:

**a. *New California Code of Regulations (CCR) section, Title 16, Div. 40, Article 9 – Notice to Consumers***

Staff provided a copy of the proposed language for the Notice to Consumers, CCR § 4255. After a brief discussion by the members, the Committee moved to approve the proposed text for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion – D’Amico / Second – Worrels, to adopt proposed text for new CCR § 4255 – Notice to Consumers and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).*

**b. *Amend Title 16, CCR section 4240 – Fees***

Staff provided a copy of the proposed language for CCR § 4240. After discussing the changes to the fee floors and ceilings, the Committee requested that the original four-hundred dollar (\$400) License Application fee be increased to five-hundred dollars (\$500) and agreed to the proposed text that was provided which included an updated initial license fee schedule, changes to subsections (c), (d), (e), and (f), and the addition of subsections (g), (h), and (i) .

The Committee moved to approve the proposed text with edits shown above for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion – Worrels / Second – Davidson, to approve proposed text for CCR § 4240 – Fees and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).*

**c. *Amend Title 16, CCR section 4228 – Inactive Status***

Staff provided a copy of the proposed text to amend CCR § 4228 to the Committee. This amendment makes changes to the inactive status. Additionally, CCR § 4227 would be created to further define an “Inactive License”. After discussion, the Committee requested a change be made to section 4228(b)(2).

The Committee moved to approve the proposed text with edit, for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion* – Davidson / Second – Thompson, to approve proposed text for CCR §§ 4227 and 4228 – Inactive License Status and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**d. Amend Title 16, CCR section 4222 – Duration and Renewal of License (Compliance with AB 2138)**

Staff provided a copy of the proposed text to amend CCR § 4222 – Duration and Renewal of License to the Committee. This amendment makes changes to comply with the mandates of AB 2138. During discussion, a numerical error under subsection (d) was identified and corrected.

The Committee moved to approve the proposed text with amendment, for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion* – Thompson / Second – D’Amico, to approve proposed text for CCR §§ 4222 – Duration and Renewal of License, in compliance with AB 2138 and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**e. Add Title 16, CCR section 4229 – Retired License**

Staff provided a copy of the proposed text for CCR § 4229 – Retired License to the Committee. This amendment creates a new section, which allows a licensee to place their license in a retired, non-practicing status. Dr. Davidson requested an amendment to section 4229(b), removing the conviction text to comply with AB 2138. Additionally, the Committee directed the Executive Officer to leave section 4229(2)(B) proposed text as a placeholder while researching an appropriate competency evaluation option. The Committee moved to approve the text and move forward with the regulatory process.

The Committee moved to approve the proposed text with amendments, for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so

and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion* – Davidson / Second – Thompson, to approve proposed text for CCR § 4229 – Retired License and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**f. Add/Amend Title 16, CCR sections 4212 –License Application; Process, 4256 – Substantial Relationship Criteria, 4258 – Criteria for Rehabilitation, 4260 – Unprofessional Conduct**

Staff provided a copy of the proposed text for CCR §§ 4212 – License Application; Process, 4256 – Substantial Relationship Criteria, 4258 – Criteria for Rehabilitation, 4260 – Unprofessional Conduct, to the Committee. This amendment makes changes to comply with the mandates of AB 2138. During discussion, a typographical error within section 4259 (c) was identified and corrected.

The Committee moved to approve the proposed text with amendment, for a 45-day public comment period and delegated to the Executive Officer, the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period. To follow established procedures and processes in doing so and also delegated to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

*Motion* – Worrels / Second – Yoon, to approve proposed text for CCR §§ 4212 – License Application; Process, 4256 – Substantial Relationship Criteria, 4258 – Criteria for Rehabilitation, 4260 – Unprofessional Conduct, in compliance with AB 2138 and directed Executive Officer to move forward with the regulatory process. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**Agenda Item 8 Introduction of Minor Office Procedures Subcommittee**

Information pertaining to subcommittee Meetings and Appointments was provided to the Committee as a review of policies. Additionally, an introduction, including the background, recommendation and need for the Minor Office Procedures Subcommittee was presented. Minor Office Procedures subcommittee participants include:

- Greta D’Amico, ND
- Myles Spar, MD
- Bruce Davidson, PhD

Dr. Davidson was appointed as the Chair of the subcommittee. The subcommittee will meet and bring the recommendations on possible legislative changes regarding minor office procedures back to the full Committee at a future meeting.

**Agenda Item 9                      Introduction of Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee**

An introduction, including the background, recommendation and need for the Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee was presented. Prescribing and Furnishing Authority of Naturopathic Doctors subcommittee participants include:

- Minna Yoon, ND
- Peter Koshland, PharmD
- [Physician (MD/DO member – currently vacant position)]

Dr. Yoon was appointed as the Chair of the subcommittee. The subcommittee will meet and bring the recommendations on possible legislative changes regarding the prescribing and furnishing authority of Naturopathic Doctors back to the full Committee at a future meeting.

**Agenda Item 10                      Introduction of Intravenous (IV) Therapy Subcommittee**

An introduction, including the background, recommendation and need for the Intravenous (IV) Therapy Subcommittee was presented. IV Therapy subcommittee participants include:

- Dara Thompson, ND
- Shirley Worrels, public member
- Virginia Osborne, ND, consultant
- Vera Singleton, ND

Dr. Thompson is the Chair of the subcommittee. The subcommittee will meet and bring the recommendations on possible regulatory changes regarding IV Therapy back to the full Committee at a future meeting.

**Agenda Item 11                      California Naturopathic Doctors Association (CNDA) Update**

The California Naturopathic Doctors Association (CNDA) held this year's conference Cells Gone Wild – Taming Autoimmune Disease, in Palm Springs, CA on March 1-3, 2019. Unfortunately, there was no representative from the Committee available to attend due to time and fiscal restraints.

However, CNDA wanted to provide an update regarding this year's Lobby Week. The Lobby Week event will be held April 15-19, 2019. It will not be held in Sacramento this year, instead CNDA is encouraging all their members to visit their state representatives in their district offices.

There were no further updates at this time.

**Agenda Item 12                      Review and Approval of November 15, 2018 NMC Meeting Minutes**

The Committee reviewed the 11/15/2018 meeting minutes. The minutes were approved as submitted.

*Motion* – Davidson / Second – D’Amico, to approve 11/15/2018 meeting minutes as submitted. Roll call vote taken, motion carried 8-0-0. (YES – Thompson, D’Amico, Spar, Yoon, Davidson, Worrels, Singleton, Weisswasser/ NO – none / Abstentions – None).

**Agenda Item 13                      Budget Update**

The budget update was provided to the members by Sarah Hinkle, DCA Budget Analyst. Documents included in the meeting materials.

No further discussion. No action taken on this item.

**Agenda Item 14                      Establish Future Meeting Dates and Locations**

- 2<sup>nd</sup> Quarter Meeting – April 30<sup>th</sup>
- 3<sup>rd</sup> Quarter Meeting – Did not schedule at this time
- 4<sup>th</sup> Quarter Meeting – Did not schedule at this time

**Agenda Item 15                      Agenda Items for Future Meetings**

The following are items that were requested to be added to future meetings:

- Scope Expansion Discussion
- Addition of NANCEAC and Other CE Providers (amend BPC section 3635(b))

**Agenda Item 16                      Adjournment**

***There being no further business or public comment, Ms. Mitchell adjourned the meeting at 2:58 p.m.***