



## **Naturopathic Medicine Committee**

### **Meeting Minutes**

**January 28, 2020**

**MEMBERS PRESENT:** Dara Thompson, ND, Chair  
Greta D'Amico, ND  
Minna Yoon, ND  
Vera Singleton, ND  
Bruce Davidson, PhD  
Shirley Worrels

**MEMBERS ABSENT:** Gregory Quinn, MD

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

**MEMBERS OF THE AUDIENCE:** None

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

Dara Thompson, ND, Chair, Naturopathic Medicine Committee (NMC), called the meeting of the NMC to order on January 28, 2020, at 10:11 a.m. A quorum was present and due notice was provided to all interested parties.

#### **Agenda Item 2                      Public Comment**

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

### **Agenda Item 3**

### **Review and Possible Adoption of Naturopathic Medicine Committee 2020 – 2024 Strategic Plan**

The Committee reviewed the 2020 – 2024 Strategic Plan and made some non-substantive changes. The Strategic Plan was adopted with amendments as noted below:

- Switch page 4 (Goal Area Summaries) with page 5 (Mission, Vision, and Values)
- Page 7 (2. Enforcement): 2.4 should read, “Educate licensees in verifying and confirming that any professional practitioner that they work with appropriately licensed, to prevent being in violation and further protect consumers.”
- Page 8 (3. Legislation and Regulation): 3.3 should read, “Advance scope of practice to meet legislative mandates of the Committee.”
- Page 8 (3. Legislation and Regulation): 3.5 should read, “Add North American Naturopathic Continuing Education Accreditation Council (NANCEAC) as a continuing education provider, to broaden continuing education opportunities.”
- Page 8 (3. Legislation and Regulation): 3.6 should read, “Clarify guidelines for naturopathic medical assistants and create regulations as needed.”
- Page 8 (3. Legislation and Regulation): 3.8 should change “statue” to “statute”
- Page 9 (4. Administration): 4.2 should read, “Identify and implement a resource to assist member in tracking the Committee’s work.”
- Page 10 (5. Outreach and Education): 5.1 should read, “Explore opportunities to educate legislators, health related boards, and professional associations about naturopathic medicine and the Naturopathic Medicine Committee in order to inform and foster relationships and support.”
- Page 11 (Strategic Planning Process): Insert online survey table
- Page 12 (Back Page): Correct Committee zip code

*Motion* – Davidson / Second – D’Amico, to adopt the 2020 – 2024 Strategic Plan with amendments. Roll call vote taken, motion carried 6-0-0. (YES – Thompson, D’Amico, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – none).

### **Agenda Item 4**

### **Executive Officer’s Update**

#### **a) Budget:**

Budget information was provided to the Committee during this meeting. The report was presented by the Dept. of Consumer Affairs, Budget Unit staff, Sarah Hinkle, Analyst. Items attached to meeting materials.

#### **b) Licensing Statistics:**

The Licensing statistics were provided by Ms. Mitchell during the license update and are as follows:

Total licensee population:

- 840 Current In-State/ Out-of-State
- 18 Inactive
- 159 Delinquent
- 1,017 total licensees under the Committee's jurisdiction.

**c) Enforcement Statistics:**

The Enforcement stats were provided by Ms. Mitchell during an Enforcement update and are as follows:

- 60 open cases in various stages of the enforcement process
- 42 Unlicensed Activity (70%)
- 18 Licensee Cases (26.6%)
- 2 Applicant Case (3.4%)

Case types against Licensees:

- 8 Advertising (44%)
- 1 Failure to update address (6%)
- 3 DUI/Controlled Substance violation (17%)
- 4 Unprofessional practice (22%)
- 2 Death or Serious Patient Harm (11%)

**d) Regulatory Package Updates:**

As of January 17, 2020, the regulatory package for AB 2138 for Substantial Relationship and Rehabilitation was sent to Agency for review. Once the package has been sent to the Office of Administrative Law (OAL), the members will be advised with an update.

**Agenda Item 5                      Recommendations and Possible Action on Legislative Proposals to Amend the Naturopathic Doctors Act**

The Committee discussed the possible legislative proposal for a scope modernization to allow ND supervision over nurses and LVNs, ability to perform minor office procedures, independent prescriptive authority, cannabis recommendations. In addition to requesting a modernization of scope to obtain parity with the other naturopathic licensing states, the Committee also want to request some technical changes be made during the Oversight (Sunset) Review. These items are allowing the use of Narcan (naloxone) and the ability to sign disability forms.

## Agenda Item 6

### Minor Office Procedures Subcommittee Update and Possible Action on Updated Recommendations to the Legislature

Dr. Bruce Davidson, PhD, Chair of the Minor Office Procedures subcommittee provided an update. Dr. Davidson notified the Committee that the Subcommittee lost their physician member of the team. They are currently awaiting another physician member to be appointed to the Committee. Once the Subcommittee has a new member appointed, they will resume their business.

## Agenda Item 7

### Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee Update and Possible Action on Updated Recommendations to the Legislature

Dr. Minna Yoon, ND, Chair of the Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee, provided the update to the Committee. Dr. Yoon advised that the Subcommittee has met on three (3) occasions.

- During the 5/9/2019 meeting, the Subcommittee members reviewed the original recommendation that was provided to the Legislature in 2007. They discussed that keeping the **exclusionary formulary** based on drug classifications would be easy to maintain moving forward. In addition, for independent prescribing ability there needs to be set standards for all NDs practicing in California whether they were trained in another state or country, if they have been practicing for a long time or a recent graduate, residency or not. The NPLEX Pharmacology elective examination or a minimum number of years with a physician supervision was considered as possible standards. Further, the Subcommittee agreed that additional training is needed for some categories of legend drugs such as Botox, etc.
- During the 7/18/2019 meeting, the Subcommittee members discussed a grandfathering clause and an appropriate time period of physician supervision that would ensure competency in the independent prescriptive rights for current licensees. After a thorough discussion, the members felt that in order to ensure that all licensees have met the same requirements for competency in pharmacology, that a grandfathering clause would not be allowed for NDs who want independent prescriptive rights. An exam would be needed to be passed in order to have independent prescriptive rights. All members agreed to the NPLEX pharmacology elective exam as being a minimum requirement for licensees wanting independent prescriptive authority.
- During the 10/24/2019 meeting, the Subcommittee recognized that not all pharmaceuticals are appropriate for the practice of naturopathic medicine and/or tested in the NPLEX Pharmacology elective exam. However, NDs should have access to pharmaceuticals that are generally used in primary care practices. The

Subcommittee is currently working on categorizing specific drug classifications into four (4) categories: 1) allow NDs to have full independent prescriptive authority; 2) drugs that are only allowed with physician supervision agreement; 3) prohibited (for referral to a specialist); and 4) unknown.

## **Agenda Item 8                      Discussion and Possible Action Regarding the Intravenous (IV) and Injection Therapy Subcommittee Recommendations**

Dr. Thompson, Chair of the Intravenous (IV) and Injection Therapy Subcommittee, provided an update on the recommendation of the Intravenous and Injection Therapy Subcommittee. Proposed language for the California Code of Regulations (CCR) (sections 4237.1, 4237.2, 4237.3, and 4237.4 was provided to the Committee members.

All recommendations were discussed. There were no changes to proposed language of CCR section 4237.1. There were some amendments made to the following CCR sections as shown below:

- CCR 4237.2 – Training Requirements for Certification, Injection Therapy:
  - (a) – add “outlined in subsection (b)”
  - (b)(1) – change to “For the use of IV Chelating agents, including EDTA, DMPS, and any other known IV chelating agents, a naturopathic doctor must have an additional twelve (12) hours of training for IV chelation as outlined in 3635 and 3635.2 of the Code.”
  - (4) – change “section” to “Code”
  - (5) – change “section” to “Code”
- CCR 4237.3 – Intravenous and Injection Therapy, Office Requirements:
  - (a) add – “outlined in 4237.1 and 4237.2”
  - (d) add – “Thermometer” to list. Had a non-substantive change request as well.
  - (d)(9)(E) change to – “Diphenhydramine: oral and injectable”
  - (f) – non-substantive change requested
  - (g) – change to “The office must have access to restrooms that are easily monitored by staff.”
  - (h) – remove this section.
- CCR 4237.4 – Intravenous and Injection Therapy, Staffing Requirements:
  - (a) – add “listed in section 4237.2(b)”
  - (b) – change to “There must be at least 2 personnel onsite (one of which must be an naturopathic doctor, during IV or infection therapies when there are one (1) to ten (10) patients present. An additional staff member or naturopathic doctor is required for every five (5) additional patients.”

*Motion – Worrels / Second – Yoon, to approve the proposed text with amendments, start process for a 45-day comment period and give the Executive Officer (EO) the authority to make any non-substantive changes if needed. If no comments are received, the Committee further give the EO the authority to move forward with the*

normal regulatory process. Roll call vote taken, motion carried 6-0-0. (YES – Thompson, D’Amico, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – none).

**Agenda Item 9                      California Naturopathic Doctors Association (CNDA) Update**

Ms. Kathy Konst, Executive Director of the California Naturopathic Doctors Association, was present and provided an update to the Committee. The CNDA recently moved from Culver City to Santa Monica and currently has approximately 500 members, which include several student members. This year the CNDA will hold their annual conference in Palm Springs, CA from February 28 through March 1, 2020.

The CNDA would like to work with the Committee to find out what the pharmacology continuing education courses they should be offering. In addition, they would like to become one of the providers when the IV and Advanced Injection Therapy Certification regulations are in place, and work with the Committee to develop a more modern scope that will be in parity with other naturopathic regulatory states.

**Agenda Item 10                      Review and Possible Approval of July 25, 2019 Meeting Minutes**

The Committee reviewed the July 25, 2019 meeting minutes. The minutes were approved as submitted.

*Motion* – Thompson / Second – D’Amico, to approve the July 25, 2019 meeting minutes as submitted. Roll call vote taken, motion carried 6-0-0. (YES – Thompson, D’Amico, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – none).

**Agenda Item 11                      Establish Future Meeting Dates and Locations**

- 2<sup>rd</sup> Quarter Meeting – March 23 or March 26, 2020
- 3<sup>rd</sup> Quarter Meeting – June 11, 2020

**Agenda Item 12                      Agenda Items for Future Meetings**

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

- Scope Modernization Discussion
- Regulation Package Updates
- AB 5 – Independent Contractors
- RN/LVN scope change to include orders to nurses by NDs
- Subcommittee updates

**Agenda Item 13    Adjournment**

***There being no further business or public comment, Dr. Thompson adjourned the meeting at 3:10 p.m.***