



Naturopathic Medicine Committee

Meeting Minutes

May 28, 2020

**MEMBERS
PRESENT:** Dara Thompson, ND, Chair
Greta D'Amico, ND, Vice Chair
Minna Yoon, ND
Vera Singleton, ND
Bruce Davidson, PhD
Shirley Worrels
T. Gregory Quinn, MD

**MEMBERS
ABSENT:** None

**STAFF
PRESENT:** Rebecca Mitchell, Executive Officer (EO)
Sabina Knight, Esq., Legal Counsel, Legal Unit DCA
Karen Halbo, Esq., Legal Counsel, Regulatory Unit, DCA
Raquel Oden, Program Analyst
Dennis Zanchi, Manager, SOLID, DCA (video meeting coordinator)

**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 May 28, 2020, at 8:15 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

Executive Officer's Update

a) Licensing Statistics:

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

Total licensee population

- 849 Current In-State/ Out-of-State
- 20 Inactive
- 164 Delinquent
- 1,033 total licensees under the Committee's jurisdiction.

b) Enforcement Statistics:

The Enforcement stats were unavailable at the time of the meeting and will be provided at a later date.

c) COVID-19:

On March 19, 2020, Governor Newsom issued Executive Order N-33-20. This Executive Order provided a stay at home order for the citizens of California, except as needed to maintain continuity of operations. Committee management determined that all Committee staff are considered essential at this time considering the nature of the profession. The Committee's office is operational but is closed to the public. Committee management set up a hybrid-telecommuting schedule for staff that doesn't compromise the Committee's workload. Staff is required to intermittently work from the office while maintaining the appropriate social distancing guidelines.

On March 30, 2020, Governor Newsom issued Executive Order N-39-20. This Executive Order authorized the Director of the Department of Consumer Affairs (DCA) to waive any of the professional licensing requirements and amend scopes of practice in Division 2 of the Business and Professions Code and regulations. The following waivers were issued on March 31, 2020:

- **DCA 20-01 Continuing Education** – Active licensees that expire between March 31, 2020 and June 30, 2020 are temporarily exempt from completing or demonstrating compliance with any continuing education requirements in order to renew a license. These licensees must satisfy any waived renewal requirements within six months, unless further extended. Additionally, these waivers do not apply to any continuing education required pursuant to a disciplinary order against a license.
- **DCA 20-02 Reinstatement of Licensure** – Inactive licensees who are seeking to reactivate their license are temporarily exempt from completing or demonstrating compliance with any continuing education requirements. Additionally, these

licensees do not need to pay any fees in order to reactivate their license. These licenses are valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner. Additionally, licenses that were surrendered or revoked pursuant to disciplinary proceedings or any licensee who entered an inactive status following an initiation of a disciplinary proceeding are not eligible for this waiver.

d) CURES Fee Increase:

Assembly Bill 528 (Controlled Substances: CURES database) was chaptered on October 9, 2019. This bill, among other things, does the following:

- Changes the required timeframe in which pharmacists are required to report dispensed prescriptions to CURES from seven days to the following working day
- Expands access to CURES for delegates acting on behalf of licensed prescribers
- Adjusts the timeline on which a prescriber must re-query the CURES database prior to renewing a prescription for Schedule II-IV drugs from once every four months to once every six months
- Authorizes physicians and surgeons licensed by the Board but do not possess a federal DEA registration to register for access to CURES

The Department of Justice (DOJ) is seeking additional funding to carry out the mandates of AB 528. DCA does not control CURES costs and all funding in the CURES fund is directed solely to DOJ to cover the cost of CURES. This is necessitating a CURES fee increase from \$6 - \$14 annually. The new fee will be collected from all individuals authorized to prescribe or dispense controlled substance beginning January 1, 2021.

e) Staffing Office:

The Committee was understaffed for a three (3) month period while its sole analyst was out on an unplanned leave of absence. During this time period, the Committee's workload was diverted to the Executive Officer. Everything was processed within normal timelines and there were no backlogs during Ms. Oden's absence. On 05/11/2020, Ms. Oden was able to return to work and resume her full duties.

Due to the positive feedback from staff and the ease of being able to transition to a hybrid-telework system without any issues, the Executive Officer has decided to make this arrangement permanent. While all state agencies are being asked to reduce lease costs and office space requirements, the hybrid-telework option can do both; in addition to doing our part in reducing carbon footprints and allowing staff a better home-work life balance. Productivity has increased along with the general moral of staff.

Agenda Item 4 Review and Possible Approval of January 28, 2020 Meeting Minutes

The Committee reviewed the January 28, 2020 meeting minutes. The minutes were approved as submitted.

Motion – Thompson / Second – Davidson, to approve the January 28, 2020 meeting minutes as submitted. Roll call vote taken, motion carried 6-0-1. (YES – Thompson, D’Amico, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – Quinn).

Agenda Item 5 Discussion and Possible Action on AB 2138 – Substantial Relationship and Rehabilitation Criteria

At its March 5, 2019 meeting, the Committee approved regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018). The Committee noticed the regulation proposal on March 13, 2020 and gave the public forty-five (45) days to provide public comment ending on April 28, 2020. No hearing was requested or conducted. One (1) public comment was received on April 28, 2020.

During the May 28, 2020 meeting, the Committee members reviewed and considered the public comment and proposed responses. After the review, the Committee agreed with Option No. 1 and directed staff to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials and complete the regulatory process as authorized by the following motion at the Committee’s March 5, 2019 meeting. The Committee further authorized the Executive Officer to make any non-substantive changes to the proposed regulation.

Motion – Thompson / Second – D’Amico, to approve the July 25, 2019 meeting minutes as submitted. Roll call vote taken, motion carried 7-0-0. (YES – Thompson, D’Amico, Yoon, Davidson, Worrels, Singleton, Quinn / NO – none / Abstentions – none).

Agenda Item 6 Establish Future Meeting Dates and Locations

- 3rd Quarter Meeting – August 4, 2020

Agenda Item 7 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 8 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 9:20 a.m.