



Naturopathic Medicine Committee

Meeting Minutes

July 29, 2021

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

MEMBERS ABSENT: T. Gregory Quinn, MD

STAFF PRESENT: Rebecca Mitchell, Executive Officer (EO)
Sabina Knight, Esq., Program Legal Counsel, Legal Unit DCA
Michael, Kanotz, Esq., Program Legal Counsel, Legal Unit DCA
Brittany Ortega, Moderator, SOLID, DCA
Elizabeth Coronel, Co-Moderator, DCA

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 July 29, 2021, at 10:02 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 Approval of April 29, 2021 Meeting Minutes

The Committee reviewed the April 29, 2021 meeting minutes. The minutes were approved as submitted.

Motion – Thompson / Second – Singleton, to approve the April 29, 2021 meeting minutes as submitted. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Yoon, Singleton, Worrels / NO – none / Abstentions – none).

Agenda Item 4 Pending Regulations Status Update

EO Mitchell provided information about pending regulations statuses as follows:

Regulation Name	CCR Section(s)	Status
Notice to Consumers	Title 16 CCR section 4255	Filed w/OAL 7/9/21. OAL has 30-working days to review. Awaiting DOF-signed std. 399 & signed certification opening and closing the record.
IV and Advanced Injection Therapy Requirements	Title 16 CCR section 4235	Reviewed by Regulation attorney, sent back to Committee on 7/16/2021 with draft revised text with new section to address authority concerns.
Fees	Title 16 CCR section 4240	Package is currently being completed by staff – as of 7/16/2021.
Inactive Status	Title 16 CCR sections 4227 and 4228	Awaiting Fees package to be completed.
Retired Status	Title 16 CCR section 4229	Awaiting Fees package to be completed.

AB 2138 Substantial Relationship and Rehabilitation Criteria	Title 16 CCR sections 4256, 4258, and 4259	Filed w/OAL 7/13/2021. OAL review deadline is 8/20/21. On 7/26/2021 DOF-signed 399 & signed certification opening and closing the record were submitted to OAL.
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Agenda Item 5 Executive Officer Update

- **Staffing and Committee Member Vacancies:**

EO Mitchell provided a staffing and committee member vacancy update. Staffing was limited for the last several months causing slight licensing and enforcement backlogs. Normal performance measure for processing applications is normally completed on an average of 21 days until staff went on leave in October of 2020. The standard time is 45 days or under. The current licensing application workload is being processed in 52 days.

The program management has been working with DCA OHR to find a solution for the staffing shortfall. There is a possibility that this position will be permanent if we can get approval.

- The EO continues to cover enforcement duties and is currently assisting with licensing and clerical duties to get the numbers back to our normal processing times.
- A review of the processes shows delays due to telework schedule and limited staffing.
- Staff has been directed to return to in-office work beginning July 16th. We will be working to bring the licensing times back under 45 days and will also be working to get the enforcement caseload back to manageable time frames.

For the last 12 plus months, the Committee has had 2 committee member vacancies; 1 naturopathic doctor position and 1 physician (MD/DO) position. Both are Governor appointed positions. The Governor’s appointment office received some applications for these positions and were scheduling interviews over the last few weeks.

We should be notified as soon as the Governor’s office has made their final decisions on appointments. We remain hopeful that we will have appointments within the next 1 to 2 meetings and be able to continue carrying out our mandated functions.

Licensing Report

EO Mitchell provided a report of the licensing data:

- The NMC’s total licensee count as of July 22, 2021:
- Active/Current Licensees – 917
- Inactive/Current – 23
- Delinquent – 139

The total number of licensees under the NMC's jurisdiction is 1,255.

Enforcement Report

EO Mitchell updated the Committee on the enforcement unit. Currently, the NMC has 78 total enforcement cases open. Of the 78 cases, 16 are against licensees while the remaining 62 cases are against unlicensed individuals.

The unlicensed activity still remains the largest portion of the NMC's enforcement caseload at 79% of the cases. We hope that continuing our educational and informational outreach campaign will keep the trend of lowering the unlicensed activity within our Committee.

Unlicensed activity consists of all the following:

- Using the naturopathic doctor (ND) title
- Not providing a written disclaimer of unlicensed practice to their client and having a signed copy by the client on file
- Providing Diagnosis
- Providing Treatment within the scope of an ND
- Harming Clients

There were 8 new cases received since the 4/29/2021 meeting and 14 cases have been closed in that time period.

Currently, the NMC has 16 total enforcement cases opened on ND licensees. Of the 16 cases, the breakdown of violation types are as follows:

- Advertising violations – 2 or 13%
- Failure to update address with the committee – none this period
- Substance abuse violations – 1 or 6%
- Unprofessional Practice – 9 or 56%
- Records only – 1 or 6%
- Patient harm or death – 3 or 19% (although this includes death and patient harm, there are no cases of deaths resulting in complaints)

Agenda Item 6 Update on Oversight (Sunset) Review

During the 2/25/2021 meeting, the Committee decided to establish two (2) subcommittees to assist with the preparation of the Oversight Report. With two subcommittees of two (2) members each, they would be able to work on an adhoc basis.

Dr. Thompson, Chair, appointed Dr. D'Amico and Dr. Yoon on one subcommittee and Dr. Thompson and Dr. Davidson on the second subcommittee.

On 7/1/2021, DCA met with the licensing programs and provided an update on the Oversight Review Process. The oversight form (questions) has been shared with Committee members. Meetings will be scheduled to start working on getting these sections completed. Staff will start running the reports and/or collecting the data for our subcommittees.

Agenda Item 7 Budget Update

Karen Munoz, Budget Manager, DCA Budget Unit provided an update of the Committee's Fund Condition, Expenditures and Revenue reports.

The Committee is in good fiscal standing.

All reports are included in the meeting materials.

Agenda Item 8 Discussion, Update, and Review of Social Media Subcommittee

Dr. Singleton provided an overview of what content creation and scheduling will look like moving forward with the social media accounts. Dr. Davidson will provide input and feedback on content structure.

Agenda Item 9 Future Agenda Items and Next Meeting Dates

Items for future agenda:

- IVT Regulations
- Oversight (Sunset) Review

The next meeting date will be scheduled for Tuesday, September 7, 2021 at 9:00 a.m.

Agenda Item 10 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 12:20 p.m.