



Naturopathic Medicine Committee

Meeting Minutes

November 10, 2022

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

MEMBERS ABSENT: Diparshi Mukherjee, DO, Absent with Cause

STAFF PRESENT: Rebecca Mitchell, Executive Officer (EO)
Michael Kanotz, Esq., General Counsel, Legal Unit – DCA
Gina Tomaselli, Regulatory Counsel, Regulation Unit – DCA
Ann Fisher, Moderator, SOLID – DCA
David Bouilly, Co-Moderator, SOLID – DCA
Bryce Penney, Audio/Visual Specialist, Office of Public Affairs, DCA
Raquel Oden, Program Analyst, NMC

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 November 10, 2022, at 10:02 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comment

A member of the public requested that the Committee include traditional Indian modalities such as Ayurveda and Siddha, and Perso-Arabic naturopathic medicine known as Unani, to the current allowable treatments.

Agenda Item 3 Review and Possible Approval of Committee July 14, 2022, Meeting Minutes

EO Mitchell provided the Committee members with a draft copy of the 07/14/2022 meeting minutes. The Committee had an opportunity to review the minutes.

The Committee members approved the meeting minutes with minor edits.

Motion – Davidson / Second – Yoon, to approve the 07/14/2022, meeting minutes with the amendments. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Singleton, Davidson, Yoon / NO – none / Abstentions – none).

Agenda Item 4 Committee Chair Update, Discussion and Possible Action

a) 2022 Virtual Intergovernmental Working Meeting (FDA)

Chair Thompson presented on the 2022 Virtual Intergovernmental Working Meeting which was led by the Food and Drug Administration (FDA). Unfortunately, due to technical difficulties, Dr. Thompson was unable to attend, but was able to provide the members with information that the meeting was developed to review current issues with the IV Hydration bars. Some of the issues outlined in the agenda show that FDA has concerns that these IV hydration clinics are being set up and run by technician/nurse-level practitioners, without proper physician or doctor oversight. Additionally, there is concern of harm to consumers due to the treatments being provided without thorough examinations, inadequate practitioner training, and in-office compounding of IV therapies.

Chair Thompson reiterated the importance of the Committee developing and adopting guidelines in way of regulations to ensure that NDs continue to provide safe and effective IV Therapy treatments to the consumers.

Agenda Item 5 Discussion, Review, and Possible Action of Committee’s Intravenous Therapy and Advanced Injection Therapy Regulation Proposed Text – Stakeholder Engagement

On October 10, 2022, two (2) members of the IV Therapy subcommittee met and made changes to the proposed language based on the feedback provided by stakeholders during the Committee’s prior meeting. The amended language was provided to the

Committee. The Committee members reviewed and discussed the proposed language for the Intravenous (IV) Therapy and Advanced Injection Therapy regulations.

Member Yoon suggested that a change be made to further clarify that not all PRP and micro-needling treatments, would use IV therapy and that they should not be included to require the additional training outlined in the proposed language. Member Singleton agreed and further stated that Orthopedic PRP should not require additional chelation training.

In California Code of Regulations (CCR) Section (§) 4237.1, the proposed regulatory changes do not apply to basic intramuscular, intradermal, or subcutaneous injections of medications and nutrients (such as administering a B12 shot), which are part of the basic medical training of all naturopathic doctors. An amendment to add the following statement, “*that involve IV administration [...]*” was taken to further clarify the training requirements for advanced injections in CCR § 4237.1 et. seq., only apply when they involve IV administration in conjunction with the injection. Additionally, in CCR §§ 4237.1(a), 4237.2, and 4237.2(a), the term “Injection therapies” should be changed to “advanced injection therapies” or “specialized injection therapies” for clarification. These amendments were taken.

Finally, it was suggested that for the safe and effective administration of IV and advanced injection therapies, NDs should be allowed to independently administer IV diphenhydramine. This is currently allowed for NDs administering the COVID-19 vaccination independently under Governor Newsom’s State of Emergency waiver. Since this change was not provided during the Oversight (Sunset) Review process, the *injectable* diphenhydramine has been removed from the proposed text.

Dr. Virginia Osborne, ND, Member, IV Therapy Subcommittee, was present and provided subject matter expert opinion on the suggested amendments that were proposed during this meeting. Dr. Osborne also provided the guidance stating that the section §4237.2(b)(4) regarding micro needling could be removed.

Motion – Thompson / Second – Singleton, to take the amendments suggested for CCR §§ 4237.1, 4237.2, 4237.3, and 4237.4. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Singleton, Davidson, Yoon / NO – none / Abstentions – none).

The proposed language for the new CCR section for IV therapy course approval was provided to the Committee for their review. It was suggested that new section number 4237.5 be assigned. An amendment was taken to add the new section number and to change subsection (e) from a four (4) year period to a **six (6) year** retention period for continuing education (CE) proof of completion. No other amendments were taken.

Motion – Yoon / Second – D’Amico, to take the amendments suggested for CCR §§ 4237.5. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Singleton, Davidson, Yoon / NO – none / Abstentions – none).

Agenda Item 6

Review, Discussion and Possible Action on Approval for Naturopathic College IV Therapy Courses (Authority Business and Professions Code section 3640.8(2)):

EO Mitchell provided an update regarding two accredited naturopathic schools that are interested in having their respective IV Therapy courses approved for California IV therapy specialty. Below is an outline of the individual outcomes.

a) Canadian College of Natural Medicine (CCNM)

Since the CCNM - Toronto provided an outdated 2019 syllabus, the Committee is requesting new curriculum for the current terms. This will allow the Committee Members the opportunity to review the course and determine whether the course meets the requirements within California Business and Professions Code §3640.8.

b) CCNM – Boucher Campus

Since the CCNM - Boucher provided an outdated 2019 syllabus, the Committee is requesting new curriculum for the current terms. This will allow the Committee Members the opportunity to review the course and determine whether the course meets the requirements within California Business and Professions Code §3640.8.

The Committee has requested to ***table this agenda item*** until CCNM can provide the current terms outlined curriculum.

Agenda Item 7

Executive Officers Update, Discussion and Possible Action

a) Committee Member Vacancies

Executive Officer (EO) Mitchell presented information regarding Committee Member vacancies. Currently there are three (3) vacancies as follows:

- 1 Professional Member (naturopathic doctor)
- 1 physician and surgeon (allopathic or osteopathic)
- 1 public member

EO Mitchell provided what the requirements are for appointments and advised that she will work with the Governor's appointment office and DCA to attempt to get the positions filled.

b) Federation of Naturopathic Medicine Regulatory Authority (FNMRA) Update

EO Mitchell provided the following Federation of Naturopathic Medicine Regulatory Authority (FNMRA) updates:

- The FNMRA is the naturopathic medicine professions equivalent to the Federation of State Medical Boards (FSMB). Both are a national-level agencies

that support the state medical boards in licensing, disciplining and regulations for their respective professional licensees.

- The FNMRA has a Board of Directors that are made up of naturopathic regulators from North America. The Committee is a member of the FNMRA and has voting rights. Currently, EO Mitchell sits as the President of the Board of Directors, working alongside with the directors from Washington and Oregon.
- During the last Board of Directors meeting on 10/05/2022, FNMRA made the decision to support reaccreditation of the ND program offered by National University of Health Sciences through the Council on Naturopathic Medical Education (CNME). We also discussed ways to lower the barriers to licensure.

Recently, California has pushed for licensing boards to remove barriers to licensure in many ways, such as limiting certain types of past convictions from being used during the application process. Other west-coast states are taking these positions as well. There was discussion around allowing foreign trained practitioners to become licensed and allowing reciprocity from one state to another within North America. Although this sounds like a great way to assist in closing the gap in primary care practitioners, this has proven more difficult in the naturopathic realm than other healing art professions. Since the training and education for naturopathy and naturopathic medicine differs so much worldwide, most other countries do not meet the educational standards that have been standardized in all north America.

These challenges are also present when looking into reciprocity between the regulating states since each states prescriptive authorities are not in line with each other. We will continue the discussions about reciprocity since this is something that many boards and bureaus under the department are looking into.

- The FNMRA had their most recent annual members meeting on 11/09/2022. During this meeting, the regulators discussed some of the emerging trends, challenges, and regulations that have been identified in their respective states.

Some of these challenges included the hydration clinics or drip bars, pre-paid packages that many Chiropractic boards are having issues with, and concierge medicine or retainer medicine. Some of these set-ups can easily blur the line between a provider and an HMO. In California, NDs have been contacted by the Department of Managed Healthcare about this type of possible violation.

Since the conversations have started regarding non-pharmacist compounding and the IV Hydration Clinics, we want to ensure that NDs are represented in these discussions since both in-office compounding and IV Therapy have been occurring in naturopathic practices in California and beyond for decades with very few violations or instances of harm to patients.

- Lastly, FNMRA is checking with all its members (and non-members) to see which states are tracking IV and advanced injection therapies separate from other enforcement actions.

c) Renewal Form transition to Postcard Notices for ND License Renewal

To reduce postage costs and in attempts to go green, the staff has been working with our BreEZe business integration analyst (BIA) to change our renewal process from a 10-page renewal form to a renewal notice postcard.

The postcard will provide instructions to the licensee on how they renew and pay their license renewal online. The design of the postcard is currently being completed and is scheduled to debut in February 2023. To make this transition seamless, staff will also add a section to the Committee's website that will assist licensees in registering an account on BreEZe and linking it up to their license records.

d) Wind-down and End of California State of Emergency

EO Mitchell provided an update on the wind-down and end of the California State of Emergency, advising that Governor Newsom provided an outline of his plan to end the state of emergency in California on February 28, 2023.

Committee staff will send communication and outreach to all stakeholders, using our email system and social media accounts to provide the information.

Unfortunately, the end of the state of emergency concludes any waivers that were provided during this period. During the State of Emergency NDs were able to independently administer the COVID vaccine and injectable diphenhydramine in the event of an adverse reaction. During this time, it was communicated to the professional trade associations that they would need to seek a legislative change to make these changes permanent once the end of the state of emergency expired. EO Mitchell checked in with the California Naturopathic Doctors Association (CNDA) to see if they were able to secure this change with a legislative proposal, but they have not done so at this point. As of March 1, 2023, an ND who would like to provide the COVID vaccination to their patients will need to do so under a physician protocol.

e) Licensing Report

EO Mitchell reported on the NMC's total licensee count as of November 7, 2022, is as follows:

- Active/Current Licensees – 991 (There is 1 suspension for Family support issues – once the licensee clears their case with family support court, they will be placed back into an active status)
- Inactive/Current – 25
- Delinquent – 125
- Other (retired/etc.) – 242

The total number of licensees under the NMC's jurisdiction is 1,383.

Additionally, the Committee has reviewed and approved 48 new naturopathic doctor license applications for the 2022-23 fiscal year. In fiscal year 2021-22, the Committee licensed 89 new naturopathic doctors. The Committee appears to be on track for a similar outcome this year.

f) Enforcement Report

EO Mitchell reported that currently the NMC has 105 total enforcement cases open. Of the 105 cases, 36 are against licensees, 4 are against applicants, while the remaining 65 cases are against unlicensed individuals.

The unlicensed activity continues to remain the largest portion of the NMC's enforcement caseload making up 62% of cases. We hope that continued educational and informational outreach campaigns will assist in continuing to reduce the unlicensed activity.

The 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 per CA business and profession section 2053.6.
- Providing Diagnosis in violation of CA Business and Professions code section 2053.5.
- Advising their clients to discontinue medication prescribed by licensed healthcare providers also prohibited with CA BPC section 2053.5
- Providing treatment within the scope of an ND
- Causing harm or death to clients

EO Mitchell also reported that there have been 17 new cases since the 07/14/2022 meeting. Since the last meeting, 9 cases have been closed and several that are awaiting closure at this time.

Two (2) cases are filed with the AGs office and one (1) case is pending submission at this time. One case against an unlicensed individual was worked with the California Dental Board and the individual had their license revoked for several violations of the Dental practice act and a violation of using the ND title and practicing within the ND scope.

Currently, the NMC has 40 total enforcement cases opened on ND licensees (36 licensees plus 4 applicant cases). Of those 40 cases, the breakdown of violation types are as follows:

- Advertising violations – 9 or 25%
- Failure to update address with the committee – 2 or 6%
- Substance abuse related violations – 4 or 11%
- Unprofessional Conduct – 16 or 44%

- Records only – 4 or 11% (not releasing upon patient request)
- Patient harm - 1 or 3%

Agenda Item 8 Legislative Implementation Update, Discussion and Possible Action on Chaptered Bills

a) Chapter 713, Statutes of 2022 (Senate Bill 994) – Vocational Nursing: Direction of Naturopathic Doctors

EO Mitchell reported Senate bill 994 was the bill that provided authority to NDs to provide direction and oversight to LVNs.

This bill was chaptered on September 1, 2022 and becomes effective on January 1, 2023. Due to the way staff was able to get the language written, regulatory language is not needed to implement the new law. We are facilitating discussion between the Board of Vocational Nurses and Psychiatric Technicians (BVNPT) and the CNDA to get an IV therapy course approved for LVNs that will assist with the IV therapies used in naturopathic practices.

Next week, staff will start working on the outreach plan to send to our stakeholders. We will also update the website with the information.

b) Chapter 414, Statutes of 2022 (Assembly Bill 2685) – Naturopathic Doctors Act: Naturopathic Medicine Committee

EO Mitchell reported Assembly bill 2685 is the Committee’s sunset bill that changes the Committee to the California Board of Naturopathic Medicine, provides authority to hire a staff member to assist with the large number of unlicensed activity violators, added the authority to require any of the NPLEX elective exams relevant to the scope of California NDs, adds North American Naturopathic Continuing Education Accreditation Council (NANCEAC) as one of the CE Provider approvers, and updated the examination for the naturopathic childbirth attendance specialty.

This bill was chaptered on September 18, 2022 and becomes effective on January 1, 2023. There will be a need to develop and or update some of our regulations to clarify these changes.

EO Mitchell advised that staff would start working on the outreach plan to send to stakeholders regarding the changes along with an update to the website.

Agenda Item 9 New Program Name and Logo, Discussion and Possible Action

Staff worked with DCA’s office of publication, design, and editing (PDE) to create a new modern looking logo to go along with our new name. Committee staff provided several samples of logos that were created. Staff reviewed and discussed all the possible

options and decided to adopt logo #2 but requested that the font be changed to remain consistent.

Due to limited implementation time, the logo will be created using the current color scheme. However, the Committee will have an opportunity to update the color of the logo during the next meeting.

There was one public comment asking why the Committee did not incorporate the mortar and pestle into the logo. Chair Thompson thanked the individual for the comment and stated that since there are so many facets of naturopathic medicine, that using the mortar and pestle would only show one side of modalities used and believes that the Staff of Aesculapius is more fitting to represent the Committee.

Motion – D’Amico / Second – Davidson, to adopt the new board logo number 2 in the samples provided. Roll call vote taken; motion carried 5-0-0. (YES – Thompson, D’Amico, Singleton, Davidson, Yoon / NO – none / Abstentions – none).

Agenda Item 10 Future Agenda Items and Next Meeting Dates

Items for next meeting include:

- Executive Officer Evaluation
- DMV/EDD Forms and Signing Authority for NDs

EO Mitchell will send out a Doodle Poll to schedule best date/time for next meeting.

Agenda Item 11 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 3:05 p.m.