

California Board of Naturopathic Medicine

Meeting Minutes

January 23, 2025

DRAFT

MEMBERS

PRESENT:

Dara Thompson, ND, President
Minna Yoon, ND, Vice President
Andy Yam, MPP, Secretary
Setareh Tais, ND
Vera Singleton, ND
Diparshi Mukherjee, DO
Bruce Davidson, PhD

MEMBERS

ABSENT:

N/A

STAFF PRESENT:

Rebecca Mitchell, Executive Officer (EO)
Yuping Lin, Program Legal Counsel, Legal Affairs Div., DCA
Kristy Schieldge, Regulations Counsel, Legal Affairs Div., DCA
Sarah Irani, Moderator, SOLID Unit, DCA
Melissa Gear, Dpty. Director, Board and Bureau Relations, DCA
Harmony DeFillippo, Budget Manager, Budget Office, DCA
Kirsten Cox, Budget Analyst, Budget Office, DCA
Cahterine Bachiller, Office of Human Resources, DCA
Stephanie Louie, Office of Human Resources, DCA
Matthew Wainwright, Manager, Legislative Affairs Div., DCA
Raquel Oden, Program Analyst, Co-Moderator, CBNM
Florencia Francisco, Consumer Protection Svc. Analyst, CBNM
Tess Townsend, PDE, DCA

MEMBERS OF THE AUDIENCE:

None

Agenda Item 1

Call to Order/Roll Call/Establishment of a Quorum

Dara Thompson, N.D., Chair, California Board of Naturopathic Medicine (CBNM or Board) called the meeting of the CBNM to order on January 23, 2025, at 10:32 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2

Public Comment

The Board invited public comments on items not included in the agenda. No public comments were received at any of the meeting locations.

Agenda Item 3

Review and Possible Approval of October 4, 2024 Board Meeting Minutes

EO Mitchell provided the Board members with a draft copy of the 10/04/2024 Board meeting minutes. The Board had an opportunity to review the minutes prior to the commencement of the meeting.

The Board members approved the October 4, 2024, minutes as amended, adding Regulation Counsel to the Staff Present section.

No public comments were made during this agenda item.

Motion – Thompson / *Second* – Yoon, to approve the 10/04/2024 board meeting minutes as submitted. Roll call vote taken; motion carried 6-0-1. (YES – Thompson, Yoon, Singleton, Tais, Mukherjee, Yam / NO – none / Abstentions – Davidson).

Agenda Item 4

Discussion and Possible Action on Executive Officer's Report

EO Mitchell provided reports on the following items:

a. Program Update

Board Member Vacancies: The Board is still experiencing appointment vacancies. Currently, the following Board Member positions are vacant:

- 1 professional member (ND, licensed in the state of CA) vacant since 2/2022
- 1 physician and surgeon, (MD/DO physician) vacant since 9/2019

Staff is working with DCA and the Governor's Appointment Office to get the last two positions filled.

b. Licensing Program

The applications processed for Quarter 2: October 1, 2024 – December 31, 2024 were reported as follows:

Application Type	Received	Approved
License Application	14	28

Initial License Fee	30	31
Renewal Application	201	201
Totals	245	260

Total Licensee count as of December 31, 2024, is 1,541 under CBNM's jurisdiction.

License Status	Number of Licensees
Active/Current	1,039
Inactive/Current	29
Delinquent	130
Other (Retired, etc.)	343
Total	1,541

c. Consumer Protection Services Program

Case Intake and Closures for Quarter 2: October 1, 2024 – December 31, 2024 were reported as follows:

Metric	Total
New Cases Intake	16
Cases Closed	14
Citations Issued	1
Pending Cases	26

Unlicensed vs. licensed enforcement activity is as follows:

- **Unlicensed Activity:** Accounts for approximately 62% of the Board's enforcement caseload. The Board has increased educational outreach to traditional naturopaths who use the ND title without a license or violate the Naturopathic Doctors Act. Compliance is often achieved before citations or fines are issued.
- **16 pending cases.**
- **Violations include:**

- Misuse of the ND title (CA Bus. Prof. Code §3660).
 - Failure to provide a written disclaimer of unlicensed practice (CA Bus. Prof. Code §3644).
 - Diagnosis or treatment outside of legal scope (CA Bus. Prof. Code §3644).
 - Advising discontinuation of prescribed medication (CA Bus. Prof. Code §3644).
 - Causing harm or death to clients (CA Bus. Prof. Code §3644).
- **Cases against Licensed Naturopathic Doctors:** Accounts for 38% of the Board's enforcement caseload.
 - **10 pending cases.**
 - **Violations include:**
 - Unprofessional Conduct/Sexual Misconduct: 6 cases (60%).
 - Incompetence/Unsafe Practice: 3 cases (30%).
 - Subsequent Arrests: 1 case (10%).

No public comments for this item.

Agenda Item 5 Status Update and Report of the Board's Current Rulemaking Proposals

EO Mitchell provided an update to the board's current Rulemaking proposals with the following anticipated target dates for providing a final draft of text:

Subject	Current Status	Target Completion Dates
Name Change (Sec. 100)	Ready for Board review/possible action at 01/23/2025 meeting	01/16/2025
Delegation of Functions	Staff and Regulatory Counsel to work on this package in February 2025 for projected publication in May 2025	12/12/2024
Fees	Effective 01/01/2025	12/12/2024
Inactive Status	Allow for inactive fee to collect half of current/active status. Notice of publication est. for July 2025	12/12/2024
Retired Status	Under development. Need to determine appropriate fee for the application process (auth. BPC 464). Notice of Publication est. for July 2025	12/12/2024
IV/Advanced Injection Therapies	Staff researching infection control for action in this area. Reconvene advisory committee	12/12/2024

	during Jan 2025 meeting. Proposed to submit by end of 2026	
Disciplinary Guidelines (DG)/Uniform Standards	Staff to start working with Regulatory Counsel on this package. Notice of Publication est. for Sept. 2025	12/12/2024

No public comments were made during this agenda item.

Agenda Item 6

Discussion and Possible Action to Make Non-Substantive Rule Changes Per Section 100 of Title 1 of the California Code of Regulations (CCR) to Amend CCR, Title 16, Sections 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4226, 4228, 4230, 4234, 4236, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4255, 4256, 4258, 4259, 4260, 4264, and 4268 Concerning the Board's Name Change and Other Technical Clean Up Changes.

Regulatory Counsel Schieldge presented the Board Members with the background of the Section 100 Regulatory process. The proposed text outlining the changes being made were provided in the meeting materials.

Issue addressed: Title 1, California Code of Regulations section 100 permits technical clean-up changes to regulations contained in the California Code of Regulations (CCR) without going through a formal rulemaking process. These changes are also known as "non-substantive changes" or "Section 100 changes". A Section 100 change is a change to a regulation by a state agency in the CCR that doesn't significantly alter any of its requirements, rights, or responsibilities. Non-regulatory changes can include:

- (1) renumbering, reordering, or relocating regulations.
- (2) deleting regulations that have been repealed by statute or court judgment.
- (3) changing the syntax, grammar, punctuation, or numbering of language within a regulation.
- (4) changing an "authority" or "reference" citation for a regulation; and,
- (5) making a regulatory provision consistent with a changed California statute if both of the following conditions are met: (A) the regulatory provision is inconsistent with and superseded by the changed statute, and (B) the adopting agency has no discretion to adopt a change which differs in substance from the one chosen.

A Section 100 rulemaking package is intended to address changes without regulatory effect and permits updating of existing regulations through a shorter procedure than what is required for a regular rulemaking. Upon review, staff and Regulations Counsel are recommending the Board initiate Section 100 changes to address the Board's name change from Committee to Board pursuant to Assembly Bill (AB) No. 2685 (Stats. 2022, ch. 414), remove gendered pronouns and replace them with other gender-

neutral nouns, correct grammar and numbering, and make other technical clean-up changes throughout the Board's regulations.

The proposed text was provided in meeting material as **Attachment 1** and a complete list of each change and the corresponding justification for each change was contained in **Attachment 2**.

A copy of Attachment 1 – Section 100 Changes-Proposed language, and Attachment 2 – Written justification for Section 100 changes without regulatory effect were provided in the meeting materials.

Action Requested:

Board staff requests that the Board review and consider the proposed changes in **Attachment 1** and the justification for those changes in **Attachment 2**. If the Board agrees that it should initiate the proposed Section 100 package as recommended by staff, it should move to make that recommendation using Motion A. Suggested motion language follows:

Motion A – (To be used if the Board approves the proposed Section 100 package with no changes).

I move to approve the proposed regulatory text described in **Attachment 1** and authorize the Executive Officer to take all steps necessary to pursue the rulemaking through the Title 1, CCR section 100 rulemaking process, make any non-substantive changes to the text and/or rulemaking package as needed throughout the process and adopt the changes as described in the proposed text.

Motion B – (To be used if the Board approves the proposed rulemaking with changes. The changes would have to be described separately as part of the recommended motion.)

I move to approve the proposed regulatory text as set forth in **Attachment 1** and as amended with the following changes (describe the changes here) and authorize the Executive Officer to take all steps necessary to pursue the rulemaking through the Title 1, CCR section 100 rulemaking process, make any non-substantive changes to the text and/or rulemaking package as needed throughout the process and adopt the changes as described in the proposed text as amended at this meeting.

If the Board does not wish to initiate the Section 100 package, no motion is necessary.

No public comments were made during this agenda item.

Motion – Thompson / Second – Yam, move to approve the proposed regulatory text described in Attachment 1 and authorize the Executive Officer to take all steps necessary to pursue the rulemaking through the Title 1, CCR section 100 rulemaking process, make any non-substantive changes to the text and/or rulemaking package as needed throughout the process and adopt the changes as described in the proposed text. Roll call vote taken; motion carried 7-0-0. (YES – Thompson, Yoon, Singleton, Tais, Mukherjee, Yam, Davidson/ NO – none / Abstentions – none).

Agenda Item 7

Discussion, Review and Possible Action on Department of Consumer Affairs (DCA) Updates

a. Executive Office

Melissa Gear, Deputy Director of Board and Bureau Relations, DCA, provided the DCA Leadership update to the Board. Dpty. Director Gear thanked the members for their service and dedication. She also encouraged board staff to advertise for new/potential candidates for board member vacancies and work with her office to get positions filled.

Dpty. Director Gear provided information on the staff vacancy reduction and funding proposal the DCA submitted and stated that it should be approved in the Spring Budget.

Gear provided an update on the proposed reorganization of the California Business, Consumer Services and Housing Agency, which will be divided into two separate agencies. She noted that the Department of Consumer Affairs (DCA) will keep stakeholders informed as the process progresses and indicated that the reorganization is not expected to result in significant changes to DCA operations.

Gear reminded all members that Form 700 – Conflict of Interest statements must be filed by April 1, 2025. She noted that with the passage of AB 1170, members are now required to file directly through the FPPC's online system, as paper submissions will no longer be accepted. A Presidents training will be available on 02/14/2025 and both the President and Vice President should take the course. They can sign up for the training through the LMS.

Vice President Yoon asked if the Board President training would be recorded and Gear stated that it would not be, this will be a virtual real-time webinar. Board member Singleton inquired if all members would need to take this training, Gear stated that it is only for Pres/Vice Presidents.

There were no public comments made.

b. Legislative Office – Oversight (Sunset) Review Process – Overview

This report was provided under agenda item 12.

c. Budget Office

Kirsten Cox, Budget Analyst, Budget Office, DCA, provided the Board's budget update, along with Harmony DeFillipo, Budget Manager. Projections for Expenditures, Revenue and Fund Condition were presented to the board members and was provided in the meeting materials.

Regulations Counsel, Kristy Schieldge, asked if the fee increase which was effective as of 01/01/2025 was reflected in the projections. Budget staff said that it was not. They will include the next projections with the new fees to provide a better snapshot of the fund condition.

There were no member questions or public comments made.

d. Office of Human Resources

Catherine Bachiller, Manager, Office of Human Resources (OHR), DCA, attempted to provide an overview of the Executive Officer (EO) Evaluation process. Due to technical issues, Ms. Stephanie Louie, Section Chief, stepped in and started the presentation.

A flow chart was provided showing the Executive Officer Annual Performance Appraisal Process. It was stated that one (1) month prior to the evaluation, OHR will send out information for assessment. These evaluations will be discussed during a closed session during the next board meeting. The Board President will consolidate all members' assessments and meet with the EO and discuss the appraisal.

Catherine provided information about salary increases, stating that it can be no more than 5% or up to the band level ceiling. There will need to have a motion by the board and require a board vote. A justification will be required to outline and capture exemplary performance and pay equity. The salary and/or band-level increase request will then be sent to Agency for approval and then to CalHR for approval.

President Thompson asked how the Board members would know what the current salary is and what the maximum salary could be. OHR staff stated that this information would be provided to the members during the closed session portion of the meeting.

There were no public comments made during this item.

Agenda Item 8

Discussion and Consideration of Possible Options to Address Fiscal Issues in the Naturopathic Doctor's Fund.

Executive Officer (EO) Mitchell noted that this agenda item was added at the request of Member Yam during the previous board meeting to explore ways to address the fund imbalance. She invited members to discuss the budget information presented earlier in the meeting and reminded them that the budget projections will require a minor revision to reflect the newly adopted fees, which were not included in the original figures.

Regulatory Counsel Schieldge reminded members that during the March 2024 meeting, it was acknowledged that the recent fee increase alone would not resolve the long-term structural budget imbalance. She noted that the Board would need to pursue legislative solutions to ensure long-term financial stability. Potential options include requesting an increase to the statutory fee ceiling to allow for future adjustments, as well as considering scope-of-practice changes that could expand or retain the licensee population to better support the Board's funding needs.

Member Davidson expressed his view that both proposed options should be pursued, as relying on only one may not be sufficient to address the Board's long-term financial needs.

Member Yoon noted that other boards generate revenue by approving continuing education providers and inquired whether the Board could implement a similar program, given that the authority already exists in statute. EO Mitchell responded that such a program would require significant staff resources and would necessitate additional staffing and salary expenditures to implement and manage effectively.

Member Yoon noted that the Acupuncture Board offers wall certificates to licensees for a fee and inquired whether this Board provides a similar certificate, suggesting it could serve as a potential revenue source. EO Mitchell confirmed that the Board does issue wall certificates, which are sent to licensees at the time of renewal. She also stated that she would look into how the Acupuncture Board processes and manages its wall certificates for further insight.

Member Singleton asked whether there are other processes or services offered by programs under the Department of Consumer Affairs (DCA) that the Board may want to explore. EO Mitchell responded that the Board has previously considered implementing a Fictitious Name Permit, which would allow naturopathic corporations or sole proprietors to apply for and use a fictitious business name in their practice. The Board will revisit the possibility of including this item in the upcoming sunset review report.

Regulations Counsel Schieldge recommended that the Board consider establishing a permit process for the IV Therapy specialty that includes a fee. She noted that this specialty involves additional minimum training requirements and presents a higher level of risk, which contributes to increased staff workload. She cited the Dental Board's permit process for its anesthesia specialty as a comparable example.

EO Mitchell added that staff would need to conduct a workload study on additional permits and specialties—such as Drug Furnishing numbers and IV Therapy—to determine whether an associated fee revenue would be sufficient to help offset the current budget imbalance. If the findings are favorable, this could be an item for consideration during the upcoming sunset review.

No public comments were made during this agenda item.

**Agenda Item 9 Discussion and Possible Action on Reconvening Board
Advisory Committee (formerly known as subcommittee):**

a. Intravenous and Advanced injection Therapy Advisory Committee

President Thompson stated that there is a need to reconvene the previous subcommittee as an advisory committee, noting that both she and Dr. Virginia Osborne, ND, served as members of the original subcommittee. She expressed her willingness to continue serving alongside Dr. Osborne to complete the work on the infection control standards. President Thompson requested that EO Mitchell coordinate and set a date to reconvene the advisory committee.

There were no member questions or public comments made.

**Agenda Item 10 Discussion and Possible Action on Reestablishing and
Appointment of New Members for Board Advisory
Committees (formerly known as subcommittee):**

a. Prescribing and Furnishing Authority of Naturopathic Doctors Advisory Committee

President Thompson reiterated that the purpose of this advisory committee is to review and determine the appropriate formulary for licensees. She inquired whether there are current members serving on the committee. EO Mitchell responded that the previous subcommittee included Vice President Yoon, Dr. Peter Koshland, PharmD, and Dr. Thomas Quinn, MD, who is no longer on the Board. President Thompson asked if Member Dr. Mukherjee would be willing to fill the physician position on the advisory committee. Member Mukherjee agreed and will now serve on the committee. President Thompson requested that EO Mitchell coordinate and set a date to reconvene the advisory committee.

There were no member questions or public comments made.

a. Minor Office Procedures Advisory Committee

President Thompson restated that the purpose of this advisory committee is to review appropriate minor office procedures for licensees, including suturing, hormone pellet placements, and other outpatient surgical procedures taught in naturopathic medical schools.

EO Mitchell informed the Board that the previous subcommittee included Member Dr. Davidson and former Members D'Amico and Spar. She noted that the advisory committee must include at least one licensee and one physician member.

Member Dr. Mukherjee volunteered to serve in the physician role on the advisory committee. No other members expressed interest in serving at this time. EO Mitchell offered to reach out to Bastyr University in San Diego to explore whether the instructor for minor office procedures would be willing to consult with the advisory committee. Additional information will be provided to President Thompson as the process moves forward.

There were no member questions or public comments made.

Agenda Item 11 Discussion and Possible Action to Create Legislative Advisory Committee

EO Mitchell reminded the board that during the 10/04/2024 meeting, the board had discussed and agreed to create a Legislative Committee. Vice President Yoon and Secretary Yam volunteer to serve on this committee. Both members confirmed that they were still interested in serving on this committee.

President Thompson requested that EO Mitchell coordinate and set a date to reconvene the advisory committee.

There were no member questions or public comments made.

Agenda Item 12 Update, Discussion and Possible Action on 2025 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Naturopathic Doctors profession

a. 2025 Tentative Legislative Calendar – Informational Only

Matthew Wainwright, Legislative Manager, Budget Office, DCA, provided the Board with a presentation for the tentative legislative calendar. Stated that the calendar is subject to changes. Dates of importance are as follows:

- 02/21/2025 – Last day for bills to be introduced.
- 05/02/2025 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

- 05/09/2025 – Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
- 05/23/2025 – Last day for fiscal committees to hear and report to the floor bills introduced in their house.
- 07/18/2025 – Last day for policy committees to meet and report bills; Summer Recess begins upon adjournment, provided the Budget Bill has been passed.
- 08/18/2025 – Legislature reconvenes from Summer Recess.
- 09/12/2025 – Last day for each house to pass bills; Interim Study Recess begins upon adjournment.
- 10/12/2025 – Last day for the Governor to sign or veto bills passed by the Legislature on or before September 12 and in the Governor's possession after September 12.

There were no member questions or public comments made.

b. Update Regarding the Board's Sunset Review Oversight Hearing

Mr. Wainwright also provided an overview of the Oversight (Sunset) Review Process as a tentative general guideline and process. He did state that this could be subject to changes as well. Every four (4) years, programs under the Department of Consumer Affairs (DCA) are evaluated to determine if they need to be abolished (sunset). If programs have major issues, the Joint Legislative Sunset Review Committee, made up of the Assembly Business and Professions Committee and the Senate Business, Professions, and Economic Development Committee, can give a shorter sunset deadline. This would create a review to take place in less time than the normal four (4) year period.

Mr. Wainwright stated that the process is normally as follows:

- A template report provided by the Legislature needs to be completed and submitted to the Joint Committee in December 2025.
- March 2026 (the following year), a hearing will be scheduled, and the Board President and Executive Officer must appear to provide testimony and answer questions that the Joint Committee raises.
- The hearings will be scheduled over a 2-day period.
- A background paper will be provided to the program 30-days after the hearing and the Board must provide a response to the background paper.
- Statutory changes can be made, and a sunrise bill will be introduced during the current legislative session.
- Bill will go through the legislative process and be enacted by July 2026.

Mr. Wainwright advised that the Office of Legislative Affairs is available as a resource to boards during their sunset review process and can even schedule mock-hearings for practicing testimony.

There were no member questions or public comments made.

Agenda Item 13 Future Agenda Items and Next Meeting Dates

Items added for upcoming meeting:

- Scope Modernization
- Working with other professions
- Outreach and Education
- Sunset Issues
- Updates of all Advisory Committees
- Update on the reconvening of Minor Office Procedures Advisory Committee

The next meetings will be scheduled for the following:

- Quarter 2 2025 – Wed., May 14, 2025
- Quarter 3 2025 – Thurs., Aug 14, 2025
- Quarter 4 2025 – Wed., Oct 8, 2025
- Quarter 1 2026 – Will send a Doodle Poll out for this meeting

No public comments were made during this agenda item.

Agenda Item 14 Adjournment

There being no further business or public comment, Dr. Thompson adjourned the meeting at 1:03 p.m.