

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 40.

CALIFORNIA BOARD OF NATUROPATHIC MEDICINE

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Delegation of Functions

NOTICE IS HEREBY GIVEN that the California Board of Naturopathic Medicine (hereafter “Board”) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by Monday, July 21, 2025**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 3621 and 3622 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 3621 and 3626, the Board is considering adopting section 4201 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The California Board of Naturopathic Medicine (“Board”) licenses, regulates, and investigates complaints against naturopathic doctors in California, totaling approximately 1,500 licensees. The Board is a state agency vested with the authority to regulate the practice of naturopathic doctors (Bus. & Prof. Code, § 3612). The Board’s mandate and highest priority is to protect the public (Bus. & Prof. Code, § 3620.1). It is the Board’s duty to enforce and administer the Naturopathic Doctors Act (Chapter 8.2

(commencing with section 3610 of Division 2 of the Business and Professions Code (BPC)) (Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 3622.)

Business and Professions Code section BPC section 3621(e) provides:

“The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter.” (Emphasis added.)

The Board has adopted a few regulations in Division 40 of title 16 of the California Code of Regulations (16 CCR) that specify the Executive Officer’s duties, including: (1) 16 CCR section 4208 (complaint disclosures), (2) 16 CCR section 4242 (issuance of citation and fines), (3) 16 CCR section 4246 (setting fine amounts), (4) 16 CCR section 4250 (contest of citations), (5) 16 CCR section 4252 (granting extensions of time for correction under orders of abatement), and, (6) 16 CCR section 4254 (issuance of citations for unlicensed activity). However, the Board currently does not have a regulation that prescribes the overall day-to-day duties commonly assigned to Executive Officers or Executive Directors in the Department of Consumer Affairs (Department). Other boards within this Department have specified their Executive Officer’s duties in regulation.

To address this problem, this proposal would formally delegate the day-to-day duties and functions of the Board’s Executive Officer, as specified, and centralize all delegated duties in one location through the adoption of 16 CCR section 4201 in Article 1 of Division 40 of the Board’s regulations.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The objective of this proposal is to ensure that the Board’s regulations accurately reflect the duties delegated to the Board’s Executive Officer in compliance with the laws related to the Board’s jurisdiction in one convenient location. This helps avoid licensee and staff confusion about who is authorized to make decisions on behalf of the Board. This also helps ensure transparency, legal compliance and accuracy in the Board’s operations and a well-informed public.

This regulatory proposal does not affect worker safety or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state. This proposal conforms the regulation regarding the Executive Officer's duties to current law and Board enforcement-related practices. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

The proposed regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The proposed regulatory changes are administrative and help to ensure transparency, legal compliance, and accuracy in the Board's operations. This proposal conforms the regulation regarding the Executive Officer's duties to current law and Board enforcement-related practices. The Board does not anticipate that any businesses, including any businesses employing naturopathic doctors, would be impacted by an action to merely formalize delegations to its Executive Officer.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This determination is based upon the facts set forth in the "Business Impact Estimates" section above.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS:

Impact on Jobs / Businesses

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

The proposal makes administrative changes in conformity with current law and Board enforcement-related practices.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents.

The objective of this proposal is to ensure that the Board's regulations accurately reflect the duties delegated to the Board's Executive Officer in compliance with the laws related to the Board's jurisdiction in one convenient location. This helps avoid licensee and staff confusion about who is authorized to make decisions on behalf of the Board. This further ensures transparency, legal compliance and accuracy in the Board's operations and a well-informed public.

This regulatory proposal does not affect worker safety or the state's environment as it does not involve worker safety or the environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses as stated in the "Business Impact Estimates" section of this Notice. Any costs of compliance are a result of current law. This proposal simply conforms the regulation regarding the Executive Officer's duties to current law and Board enforcement practices and would not affect small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at the California Board of Naturopathic Medicine, 1747 North Market Blvd., Suite 240, Sacramento, CA 95834, and to the attention of either of the persons listed under the section "Contact Persons" listed below, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this Notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 240, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting either of the persons named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Rebecca Mitchell, Executive Officer
Address:	California Board of Naturopathic Medicine 1747 North Market Blvd., Suite 240 Sacramento, CA 95834
Telephone No.:	(916) 928-5862
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E-Mail Address:	Rebecca.Mitchell@dca.ca.gov

The backup contact person is:

Name:	Raquel Oden, Program Analyst
Address:	California Board of Naturopathic Medicine 1747 North Market Blvd., Suite 240 Sacramento, CA 95834
Telephone No.:	(916) 928-4785
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E-mail Address:	Raquel.Oden@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.naturopathic.ca.gov/laws/proposed_regulations.shtml