

Department of Consumer Affairs



Committee Meeting

Monday, February 6, 2017
10:00 a.m.

TELECONFERENCE SITES

Main Meeting Location:

Naturopathic Medicine Committee
1300 National Drive, Suite 150
Conference Room
Sacramento, CA 95834-1991

Naturopathic Medicine Committee
Phone: (916) 928-4785

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TAB 1

Agenda



Naturopathic Medicine Committee
 1300 National Drive, Suite 150, Sacramento, CA 95834
 P (916) 928-4785 F (916) 928-4787 | www.naturopathic.ca.gov



NATUROPATHIC MEDICINE
 COMMITTEE
 NOTICE OF TELECONFERENCE
 MEETING

February 06, 2017
10:00 AM – Until the conclusion of
business

Meeting Site:

Department of Consumer Affairs
 1625 North Market Blvd., Ste. 220
 El Dorado Conference Room
 Sacramento, CA 95834
 (916) 928-4785

Teleconference Site(s):

Michael Hirt, MD
 The Center for Integrative Health
 5620 Wilbur Ave., Suite 220
 Tarzana, CA 91356

Myles Spar, MD
 Southern Men's Medical Group
 9201 W Sunset Blvd., Suite 812
 Los Angeles, CA 90069

Alexander Kim, MBA
 Los Angeles City Hall – 4th
 District
 200 North Spring St., Rm. 425
 Los Angeles, CA 90012

Thyonne Gordon, PhD
 Foundation for Second Chances
 3734 W Slauson Ave., Conf. Room
 Los Angeles, CA 90043

One or more Committee members will participate in this meeting at the teleconference site(s) listed above. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Committee at each teleconference location.

AGENDA

NOTE: The order of business is subject to change.

1. Call to Order and Roll Call / Establishment of Quorum
2. Officer Elections
3. Public Comment for Items Not on Agenda

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Gov. Code §§ 11125, 11125.7(a).)

4. Executive Officer's Update
 - a) Budget
 - b) Licensing Statistics
 - c) Enforcement Statistics
 - d) Strategic Plan / Action Plan Updates
 - e) Committee Member Training
5. Discussion and Possible Action regarding the 2016/2017 Oversight Report – Assembly Business and Professions Committee and Senate Business, Professions and Economic Development Committee
6. Discussion and Possible Action regarding Proposed 2017 NMC Legislative Language: Scope of Practice
7. Discussion and Possible Action regarding Proposed New Regulatory Language to Implement a Retired License Status
8. Review and Approval of Committee Meeting Minutes:
 - a) July 27, 2015
 - b) January 14, 2016
 - c) June 6, 2016
 - d) October 6, 2016
 - e) November 7, 2016
9. Budget Update – DCA Budget Office
10. Legislative Update – DCA Legislative Office
11. Establish Future Meeting Dates & Locations
12. Agenda Items for Future Meetings
13. Adjournment

For further information about this meeting, please contact Rebecca Mitchell at (916) 928-4785 or in writing at 1300 National Drive, Suite 150, Sacramento, CA 95834-1991. This notice can be accessed at www.naturopathic.ca.gov.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting. (Gov. Code, sections 11125, 11125.7(a).)

In accordance with the Bagley Keene Open Meeting Act, all meetings of the Committee are open to the public and all meeting locations are accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting, may make a request by contacting Rebecca Mitchell, ADA Liaison, at (916) 928-4785 or via email at Rebecca.Mitchell@dca.ca.gov or may send a written request to the Committee's office at 1300 National Drive, Suite 150, Sacramento, CA 95834-1991. Providing your request to our office at least five (5) business days before the meeting will help ensure availability of the requested accommodation(s).

TAB 2

Officer Elections

(Should table until after Oversight Hearing)

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TAB 3

Public Comments

Name of Public Providing Comment		Comment Presented

TAB 4

Executive Officers Report

AGENDA ITEM 4

Naturopathic Medicine Committee Meeting
Executive Officer Report
February 6, 2017

Licensing:

- ♦ There are **659** active licensees.
- ♦ There are **16** inactive licensees.
- ♦ There are **173** lapsed licenses, including **2** deceased.
- ♦ There are **22** new-Part I applications pending.
- ♦ There are **15** new-Part II applications pending.
- ♦ There are **141** renewal applications pending.

(Numbers as of 01/26/2017)

Enforcement:

All repeat and egregious offenders are normally cited and fined within the month they are reported to the Committee. In FY 2014-15 there was a backlog of enforcement cases. The backlog has been reduced dramatically with the addition of new staff.

The Committee's Enforcement unit had an intake of 76 complaints. Of the 76 cases the breakdown is as follows:

- ♦ 20 cases were closed for non-jurisdiction or no merit to the complaint
- ♦ 56 complaints are pending in various stages; these are as follows:
 - 15 are against NDs
 - 41 are against unlicensed individuals – (naturopaths or others) in violation of using the title of ND or practicing naturopathic medicine.

The investigative cost as of 12/31/2016 is \$14,532 of the \$31,000 enforcement encumbrance.

For the reasons stated above, the staff recommends promoting legislation or requesting within Oversight hearing for the "naturopath" title protection. Additionally, consumer outreach campaigns may alleviate the public confusion associated with "naturopath" vs. a naturopathic doctor.

Budget Update:

Currently, the Committee has 11.2 months (\$400,000) in reserve (copy of Fund Condition and Budget Reports are attached). As of 12/31/2016, the Committee had \$180,224 of its \$335,000 budget remaining.

Planned receipts for FY 2016-17 revenue is \$229,000. The actual receipts for FY 16-17 revenue as of 12/31/2016 are \$188,660.20.

Budget Highlights:

1. The fund remains unbalanced due to increased pro rata. This includes increased Division of Investigation (DOI) costs associated with enforcement. The Committee should start discussion of raising fees or implementing fees for services currently being provided at no charge. (for example Out-of-State License Verification with Osteo Board fee is \$25)
2. Addition of the Fictitious Name Permit Program as discussed under agenda item 5 will also assist in balancing out the current fund condition.

Strategic Plan / Action Plan Updates

1. Explore and adopt CE approval system and coordinate with other states and allow for greater accessibility to licensees. (1.1)
 - a. Staff has started efforts in the research of other regulatory states boards' current CE requirements.
2. Facilitate licensees' ability to track their CE for increased efficiency in the license renewal and auditing process and promote public safety by confirming compliance. (1.2)
 - a. Staff has implemented a random CE audit function within the BreEZe licensing system which will allow the Committee to confirm CE compliance.
 - b. A new Excel table has been created that will allow licensees to easily calculate CE unit totals for easier reporting online. The form will also be posted to the website under the "Licensee" tab for those that send in a paper renewal form.
 - c. Proposed regulatory language has been developed and will need Committee approval to move forward.
3. Create a clear naturopathic doctor-physician and surgeon (ND-MD/DO) supervision agreement template for use by NDs to conform to the law regarding pharm prescribing. (1.3)
 - a. Staff is currently reviewing an agreement that is currently being used to provide as a sample for licensees to use. This document will need to be reviewed by legal.
4. Implement a regular and efficient CE auditing system to confirm that licensees have met their respective CE requirements. (1.4)
 - a. Staff has implemented a random CE audit function within the BreEZe licensing system which will allow the Committee to confirm CE compliance.
 - b. Proposed regulatory language has been developed and will need Committee approval to move forward.
5. Identify and contract with naturopathic expert reviewers to assist with implementing enforcement actions by reviewing cases to determine a deviation from the standard or practice. (2.1)
 - a. Staff has created a database and contracting system to use for this goal area.
 - b. Staff is working on completing an Expert Reviewer Manual – this will need review by legal prior to use.
 - c. Staff has communicated our need/search for interested licensees by reaching out to CNDA. The association has agreed to post notice for reviewers.
6. Strengthen penalties for illegal use of ND title to protect consumers from unscrupulous practitioners. (2.2)

- a. Staff has completed a survey of other healing art programs cite and fine penalty structure for first time offenses.
 - b. Staff is creating a new structure for Committee review and approval.
- 7. Execute timely enforcement and collection of fines to protect public safety. (2.3)
 - a. Staff is currently creating a process map for enforcement processes.
 - b. Staff is prioritizing backlog of current caseload, analyst is diligently working cases to get a baseline created in the enforcement program.
 - c. Once baseline is created, staff can monitor timelines to determine if timelines are acceptable or need adjustment.
- 8. Explore and identify policy change that implements stronger penalties for unlicensed practice to protect the public. (2.4)
 - a. Staff has created proposed language to change statute regarding "Naturopath Title Protection."
 - b. Staff is hopeful that this can be added to the Sunset bill to protect public against unlicensed practice.
 - c. During this meeting, the Committee can review and approved the language for title protection (BPC 3645 and 3660)
- 9. Craft and introduce Naturopathic Medicine Committee (NMC) sponsored legislation (including additional title protection and scope expansion for allowing naturopathic doctors to practice as trained) to address consumer needs and protections, and to improve public access to primary care. (3.1)
 - a. Due to the failure of SB 538, staff has drafted proposed language for "Naturopath Title Protection" as seen in Objective 2.4, along with scope expansion as written in original proposed SB 538. This allows for beneficial access to consumers and also allows consumers to receive a full scope of naturopathic medical care as they can receive in other regulating states.
 - b. Committee and staff will need to find an author if language is not included within Sunset bill.
- 10. Review, update and announce regulations to clarify the Naturopathic Practice Act. (3.2)
 - a. Staff has drafted new and modified regulatory language to clarify statutes.
 - b. Regulatory language needs to be reviewed and approved by Committee.
- 11. Open communication between the NMC, appropriate boards and associations in order to facilitate greater understanding of potential legislative and regulatory changes. (3.4)
 - a. Staff has requested to be placed on the Osteopathic Medical Board (OMB) next meeting agenda in order to present educational demonstration (May 2017 – Chino, CA).
 - b. Staff will contact Medical Board of Ca (MBC) to request above presentation.
 - c. Committee is willing to consider recommendations from MBC and OMC and incorporate into proposed legislation.
- 12. Clarify workflow to establish clear priorities for Executive Officer and create efficiencies. (4.1)
 - a. Staff has created and has started implementing action plan goals.

- b. Staff is currently sharing Action Plan progress at this and subsequent committee meetings.
 - c. Staff is creating a workflow form for analyst to complete daily in order analyze workload and workflow effectiveness. This will also establish the need for additional staffing or where deficiencies are in the processes.
- 13. Create operational manual for the office and positions to prepare for staff change and provide continuity. (4.2)
 - a. Staff has identified functions of the Committee that need to be mapped (clerical support, licensing, and enforcement).
 - b. Staff is combining process maps with current drafts of manuals.
 - c. Drafts of manuals are currently being developed by staff for review.
 - d. Administrative Manual has been completed and was approved by the Committee.
- 14. Create clear expectations for responsiveness by the NMC to staff in order to improve workflow and shorten cycle times. (4.2)
 - a. Require Committee members to check email every other day regarding committee business and respond within one working business day.
 - b. Staff (EO) currently utilizes "high priority" or "action required" in email subject lines for matters requiring immediate response.
- 15. Secure adequate staff to support the functions and duties of the Executive Officer and the Committee. (4.4)
 - a. Staff (EO) is creating a workflow form to conduct job analysis as stated in #12 (4.1).
- 16. Explore opportunities to educate legislators and health-related boards and associations about naturopathic medicine and NMC to inform, foster relationships, reduce confusion, and educate the public about naturopathic medicine. (5.3)
 - a. Staff has started to research and identify mediums of disseminating educational materials (i.e. pamphlets, video/PowerPoint, and comparison charts on website).
 - b. Once items are drafted, staff will present materials to Committee for review and approval.
- 17. Increase the frequency of online communications and website updates (newsletter, FAQs, social media) concerning naturopathic medicine (intravenous (IV) therapy and prescription (RX) formulary) to better educate the public and licensees. (5.4)
 - a. Currently staff is reviewing contents of website and determining best business practices and standards to include on website.

Committee Member Training:

Committee Members are reminded to be sure to review the training requirements. All of the required training and the frequency of the training are included within this meeting material.

Once your training is complete, please be sure to submit your Certificates of Completion to the Executive Officer.

TAB 5

Update 2016-17 Oversight Report

Article 3. Licensure

BUSINESS AND PROFESSIONS CODE
SECTION 3630

3630. An applicant for a license as a naturopathic doctor shall file with the committee a written application on a form provided by the committee or online through the committee website, that shows, to the committee's satisfaction, compliance with all of the following requirements:

(a) The applicant has not committed an act or crime that constitutes grounds for denial of a license under Section 480, and has complied with the requirements of Section 144.

(b) The applicant has received a degree in naturopathic medicine from an approved naturopathic medical school where the degree substantially meets the educational requirements in paragraph (2) of subdivision (a) of Section 3623.

Article 4. Application of Chapter

BUSINESS AND PROFESSIONS CODE
SECTION 3645

3645 (a) This chapter ~~permits, and does not restrict~~ the use of, the following titles to persons authorized to practice, or able to practice naturopathic medicine as a naturopathic doctor ~~by persons who are educated and trained as any of the following:~~

(1) "Naturopath."

(2) "Naturopathic practitioner."

(3) "Traditional naturopathic practitioner."

(4) or any other form of the word "naturoapathic."

~~(b) This chapter permits, and does not restrict, the education of persons as described in paragraphs (1) to (3), inclusive, of subdivision (a). Those persons are not required to be licensed under this chapter.~~

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

Article 6. Offenses and Enforcement

BUSINESS AND PROFESSIONS CODE
SECTION 3660

3660. Except as provided in subdivision (h) of Section 3644, a person shall have a valid, unrevoked, or unsuspended license issued under this chapter to do any of the following:

- (a) To claim to be a naturopathic doctor, licensed naturopathic doctor, doctor of naturopathic medicine, doctor of naturopathy, or naturopathic medical doctor.
- (b) To use the professional abbreviation "N.D." or other titles, words, letters, or symbols, including, but not limited to; naturopath, naturopathic practitioner, traditional naturopathic practitioner, with the intent to represent that he or she practices, is authorized to practice, or is able to practice naturopathic medicine as a naturopathic doctor.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

Proposed Language – Fictitious Name Permits (Addition of BPC 3670.1 and 3674.1)

3670.1

The use of any fictitious, false, or assumed name, or any name other than his or her own by a licensee either alone, in conjunction with a partnership or group, or as the name of a professional corporation, in any public communication, advertisement, sign, or announcement of his or her practice without a fictitious-name permit obtained pursuant to Section 3674.1 constitutes unprofessional conduct. This section shall not apply to the following:

- (a) Licensees who are employed by a partnership, a group, or a professional corporation that holds a fictitious name permit.
- (b) Licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.
- (c) Any medical or naturopathic medical school approved by the division or a faculty practice plan connected with the school.

3674.1

(a) Any naturopathic doctor, who as a sole proprietor, or in a partnership, group, or professional corporation, desires to practice under any name that would otherwise be a violation of Section [above code] may practice under that name if the proprietor, partnership, group, or corporation obtains and maintains in current status a fictitious-name permit issued by the Naturopathic Medicine Committee, under the provisions of this section.

(b) The committee shall issue a fictitious-name permit authorizing the holder thereof to use the name specified in the permit in connection with his, her, or its practice if the committee finds to its satisfaction that:

- (1) The applicant or applicants or shareholders of the professional corporation hold valid and current licenses as naturopathic doctors.
- (2) The professional practice of the applicant or applicants is wholly owned and entirely controlled by the applicant or applicants.
- (3) The name under which the applicant or applicants propose to practice is not deceptive, misleading, or confusing.

(c) Each permit shall be accompanied by a notice that shall be displayed in a location readily visible to patients and staff. The notice shall be displayed at each place of business identified in the permit.

(d) This section shall not apply to licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code or any medical or naturopathic medical school approved by the division or a faculty practice plan connected with that school.

(e) The committee shall establish procedures for the renewal of fictitious-name permits every as frequent as one (1) year or up to two (2) years on an anniversary basis. For the purpose of the conversion of existing permits to this schedule the committee may fix prorated renewal fees.

(f) The committee may revoke or suspend any permit issued if it finds that the holder or holders of the permit are not in compliance with the provisions of this section or any regulations adopted pursuant to this section. A proceeding to revoke or suspend a fictitious-name permit shall be conducted in accordance with Section 3663.

(g) A fictitious-name permit issued to any licensee in a sole practice is automatically revoked in the event the licensee's certificate to practice naturopathic medicine is revoked.

(h) The committee may delegate to the executive officer, or to another official of the board, its authority to review and approve applications for fictitious-name permits and to issue those permits.

TAB 6

Proposed 2017 NMC Legislative Language:
Scope of Practice

CHAPTER 8.2. Naturopathic Doctors Act [3610 - 3686]

(Chapter 8.2 added by Stats. 2003, Ch. 485, Sec. 5.)

ARTICLE 1. General Provisions [3610 - 3615]

(Article 1 added by Stats. 2003, Ch. 485, Sec. 5.)

3610. This chapter may be cited as the Naturopathic Doctors Act.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3612. The Naturopathic Medicine Committee is hereby created within the Osteopathic Medical Board of California.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 6. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3613. The following definitions apply for the purposes of this chapter:

(a) "Committee" means the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Any reference in any law or regulation to the Bureau of Naturopathic Medicine shall be deemed to refer to the Naturopathic Medicine Committee within the Osteopathic Medical Board of California.

~~(b) "Formulary" means the non-legend, legend, or prescription substances that a naturopathic doctor may use in the practice of his or her profession, as authorized by the committee.~~

~~(bc)~~ "Naturopathic childbirth attendance" means the specialty practice of natural childbirth by a naturopathic doctor that includes the management of normal pregnancy, normal labor and delivery, and the normal postpartum period, including normal newborn care.

~~(ed)~~ "Naturopathic medicine" means a distinct and comprehensive system of primary health care practiced by a naturopathic doctor for the diagnosis, treatment, and prevention of human health conditions, injuries, and disease.

~~(de)~~ "Naturopathic doctor" means a person who holds an active license issued pursuant to this chapter.

~~(ef)~~ "Naturopathy" means a noninvasive system of health practice that employs natural health modalities, substances, and education to promote health.

~~(f) "Drug" means any substance defined as a drug by Section 11014 of the Health and Safety Code.~~

(gg) "Naturopathic assistant" means a person who may be unlicensed, who performs basic administrative, clerical, and technical supportive services in compliance with this chapter for a licensed naturopathic doctor or naturopathic corporation and who is at least 18 years of age, and who has had at least the minimum amount of hours of appropriate training pursuant to standards established by the Medical Board of California for a medical assistant pursuant to Section 2069. The naturopathic assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training. A copy of the certificate shall be retained as a record by each employer or the naturopathic assistant.

(h) "Naturopathic technical supportive services" means simple routine medical tasks and procedures that may be safely performed by a naturopathic assistant who has limited training and who functions under the supervision of a licensed naturopathic doctor.

(i) "Specific authorization" means a specific written order prepared by the supervising naturopathic doctor authorizing the procedures to be performed on a patient, which shall be placed in the patient's medical record, or a standing order prepared by the supervising naturopathic doctor authorizing the procedures to be performed. A notation of the standing order shall be placed on the patient's medical record.

(j) "Supervision" means the supervision of procedures authorized under this section or Section 3640.2 by a naturopathic doctor, within his or her scope of practice, who is physically present in the treatment facility during the performance of those procedures.

(Amended by Stats. 2010, Ch. 523, Sec. 3. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3615. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, by Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 2. Administration [3620 - 3627]

(Article 2 added by Stats. 2003, Ch. 485, Sec. 5.)

3620. The committee shall enforce and administer the provisions of this chapter and shall be solely responsible for the implementation of this chapter.

(Amended by Stats. 2010, Ch. 143, Sec. 1. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3620.1. Protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(Added by Stats. 2010, Ch. 143, Sec. 2. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3621. (a) The committee shall consist of nine members appointed by the Governor. Members of the committee shall include five members who are California licensed naturopathic doctors, or have met the requirements for licensure pursuant to this chapter, two members who are California licensed physicians and surgeons, and two public members.

(b) A member of the committee shall be appointed for a four-year term. A person shall not serve as a member of the committee for more than two consecutive terms. A member shall hold office until the appointment and qualification of his or her successor, or until one year from the expiration of the term for which the member was appointed, whichever first occurs. Vacancies shall be filled by appointment for unexpired terms.

(c) (1) A public member of the committee shall be a citizen of this state for at least five years preceding his or her appointment.

(2) A person shall not be appointed as a public member if the person or the person's immediate family in any manner owns an interest in a college, school, or institution engaged in naturopathic education, or the person or the person's immediate family has an economic interest in naturopathy or has any other conflict of interest. "Immediate family" means the public member's spouse, parents, children, or his or her children's spouses.

(d) Each member of the committee shall receive a per diem and expenses as provided in Section 103.

(e) The committee 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 committee and vested in him or her by this chapter.

(Amended by Stats. 2010, Ch. 143, Sec. 3. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3621.5. The committee shall meet at least two times each calendar year and shall conduct additional meetings in appropriate locations that are necessary to transact its business.

(Added by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 10. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3622. (a) The committee shall adopt regulations in order to carry out the purposes of this chapter.

(b) Unless contrary to the provisions of this chapter, regulations adopted by the Bureau of Naturopathic Medicine shall continue to apply to the committee and its licensees.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 11. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3623. (a) The committee shall approve a naturopathic medical education program accredited by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession that has the following minimum requirements:

(1) Admission requirements that include a minimum of three-quarters of the credits required for a bachelor's degree from a regionally accredited or preaccredited college or university or the equivalency, as determined by the council.

(2) Program requirements for its degree or diploma of a minimum of 4,100 total hours in basic and clinical sciences, naturopathic philosophy, naturopathic modalities, and naturopathic medicine. Of the total requisite hours, not less than 2,500 hours shall consist of academic instruction, and not less than 1,200 hours shall consist of supervised clinical training approved by the naturopathic medical school.

(b) A naturopathic medical education program in the United States shall offer graduate-level full-time studies and training leading to the degree of Doctor of Naturopathy or Doctor of Naturopathic Medicine. The program shall be an institution, or part of an institution of, higher education that is either accredited or is a candidate for accreditation by a regional institutional accrediting agency recognized by the United States Secretary of Education and the Council on Naturopathic Medical Education, or an equivalent federally recognized accrediting body for naturopathic doctor education.

(c) To qualify as an approved naturopathic medical school, a naturopathic medical program located in Canada or the United States shall offer a full-time, doctoral-level, naturopathic medical education program with its graduates being eligible to apply to the committee for licensure and to the North American Board of Naturopathic Examiners that administers the naturopathic licensing examination.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 12. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3624. (a) The committee may grant a certificate of registration to practice naturopathic medicine to a person who does not hold a naturopathic doctor's license under this chapter and is offered a faculty position by the dean of a naturopathic medical education program approved by the committee, if all of the following requirements are met to the satisfaction of the committee:

- (1) The applicant submits an application on a form prescribed by the committee.
- (2) The dean of the naturopathic medical education program demonstrates that the applicant has the requisite qualifications to assume the position to which he or she is to be appointed.
- (3) The dean of the naturopathic medical education program certifies in writing to the committee that the applicant will be under his or her direction and will not be permitted to practice naturopathic medicine unless incident to and a necessary part of the applicant's duties as approved by the committee.
- (b) The holder of a certificate of registration issued under this section shall not receive compensation for or practice naturopathic medicine unless it is incidental to and a necessary part of the applicant's duties in connection with the holder's faculty position.
- (c) A certificate of registration issued under this section is valid for two years.

(Amended by Stats. 2014, Ch. 752, Sec. 8. Effective January 1, 2015. Repealed as of January 1, 2018, pursuant to Section 3686.)

3624.5. (a) This chapter does not apply to a practitioner licensed as a naturopathic doctor in another state or country who meets both of the following requirements:

- (1) The practitioner is in consultation with a licensed practitioner of this state, or is an invited guest of any of the following for the purpose of professional education through lectures, clinics, or demonstrations:
 - (A) The California Medical Association.
 - (B) The Osteopathic Physicians and Surgeons of California.
 - (C) The California Podiatric Medical Association.
 - (D) The California Naturopathic Doctors Association.
 - (E) A component county society of subparagraph (A), (B), (C), or (D).
- (2) The practitioner does not open an office, appoint a place to meet patients, receive calls from patients, give orders, or have ultimate authority over the care or primary diagnosis of a patient.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 14. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3626. The committee may employ other officers and employees as necessary to discharge the duties of the committee.

(Amended by Stats. 2010, Ch. 143, Sec. 4. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3627. (a) The committee shall establish a naturopathic formulary advisory subcommittee to determine a naturopathic formulary based upon a review of naturopathic medical education and training.

(b) The naturopathic formulary advisory subcommittee shall be composed of an equal number of representatives from the clinical and academic settings of physicians and surgeons, pharmacists, and naturopathic doctors.

(c) The naturopathic formulary advisory subcommittee shall review naturopathic education, training, and practice and make specific recommendations regarding the prescribing, ordering, and furnishing authority of a naturopathic doctor and the required supervision and protocols for those functions.

(Amended by Stats. 2012, Ch. 728, Sec. 6. Effective January 1, 2013. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 3. Licensure [3630 - 3637]

(Article 3 added by Stats. 2003, Ch. 485, Sec. 5.)

3630. An applicant for a license as a naturopathic doctor shall file with the committee a written application on a form provided by the committee, or online through the committee website, that shows, to the committee's satisfaction, compliance with all of the following requirements:

(a) The applicant has not committed an act or crime that constitutes grounds for denial of a license under Section 480, and has complied with the requirements of Section 144.

(b) The applicant has received a degree in naturopathic medicine from an approved naturopathic medical school where the degree substantially meets the educational requirements in paragraph (2) of subdivision (a) of Section 3623.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 19. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3631. An applicant for licensure shall pass the Naturopathic Physicians Licensing Examination (NPLEX) or an equivalent approved by the North American Board of Naturopathic Examiners. In the absence of an examination approved by the North American Board of Naturopathic Examiners, the committee may administer a substantially equivalent examination.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 20. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3633. The committee may grant a license to an applicant who is licensed and in good standing as a naturopathic doctor in another state, jurisdiction, or territory in the United States, provided the applicant has met the requirements of Sections 3630 and 3631.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 21. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3633.1. The committee may grant a license to an applicant who meets the requirements of Section 3630, but who graduated prior to 1986, pre-NPLEX, and passed a state or Canadian Province naturopathic licensing examination. Applications under this section shall be received no later than December 31, 2007.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 22. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3634. A license issued under this chapter shall be subject to renewal biennially as prescribed by the committee and shall expire unless renewed in that manner. The committee may provide by regulation for the late renewal of a license.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 23. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3635. (a) In addition to any other qualifications and requirements for licensure renewal, the committee shall require the satisfactory completion of 60 hours of approved continuing education biennially. This requirement is waived for the initial license renewal. The continuing education shall meet the following requirements:

- (1) At least 20 hours shall be in pharmacotherapeutics.
 - (2) No more than 15 hours may be in naturopathic medical journals or osteopathic or allopathic medical journals, or audio or videotaped presentations, slides, programmed instruction, or computer-assisted instruction or preceptorships.
 - (3) No more than 20 hours may be in any single topic.
 - (4) No more than 15 hours of the continuing education requirements for the specialty certificate in naturopathic childbirth attendance shall apply to the 60 hours of continuing education requirement.
- (b) The continuing education requirements of this section may be met through continuing education courses approved by the committee, the California Naturopathic Doctors Association, the American Association of Naturopathic Physicians, the California State Board of Pharmacy, the State Board of Chiropractic Examiners, or other courses that meet the standards for continuing education for licensed physicians and surgeons or pharmacists in California.

(Amended by Stats. 2009, Ch. 308, Sec. 38.5. Effective January 1, 2010. Repealed as of January 1, 2018, pursuant to Section 3686.)

3636. (a) Upon a written request, the committee may grant inactive status to a naturopathic doctor who is in good standing and who meets the requirements of Section 462.

- (b) A person whose license is in inactive status may not engage in any activity for which a license is required under this chapter.
- (c) A person whose license is in inactive status shall be exempt from continuing education requirements while his or her license is in that status.
- (d) To restore a license to active status, a person whose license is in inactive status must fulfill continuing education requirements for the two-year period prior to reactivation, and be current with all licensing fees as determined by the committee.

(Amended by Stats. 2009, Ch. 308, Sec. 39.5. Effective January 1, 2010. Repealed as of January 1, 2018, pursuant to Section 3686.)

3637. Only an individual may be licensed under this chapter.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 4. Application of Chapter [3640 - 3645]

(Article 4 added by Stats. 2003, Ch. 485, Sec. 5.)

3640. (a) A naturopathic doctor may order and perform physical and laboratory examinations for diagnostic purposes, including, but not limited to, phlebotomy, clinical laboratory tests, speculum examinations, orificial examinations, and physiological function tests:

(b) A naturopathic doctor may order diagnostic imaging studies, including X-ray, ultrasound, mammogram, bone densitometry, and others, consistent with naturopathic training as determined by the committee, but shall refer the studies to an appropriately licensed health care professional to conduct the study and interpret the results:

(a) A naturopathic doctor may order, perform, review, and interpret the results of diagnostic procedures commonly used by physicians and surgeons in general practice, including:

(1) Venipuncture.

(2) Physical and orificial examinations.

(3) Electocardiograms.

(4) Diagnostic imaging technique consistent with the practice of naturopathic medicine.

(5) Phlebotomy.

(6) Clinical laboratory test and examinations, as described in subdivision (e).

(7) Obtaining samples of human tissue, consistent with the practice of naturopathic medicine.

(c) A naturopathic doctor may dispense, administer, order, prescribe, ~~and furnish~~ provide, furnish, or perform the following:

(1) Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical medicines, homeopathic medicines, all dietary supplements and nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act, and the non-legend, legend, or prescription substances that a naturopathic doctor may use in the practice of his or her profession, as authorized by the committee consistent with the routes of administration identified in subdivision (d).

(2) Hot or cold hydrotherapy; naturopathic physical medicine inclusive of the manual use of massage, stretching, resistance, or joint play examination but exclusive of small amplitude movement at or beyond the end range of normal joint motion; electromagnetic energy; colon hydrotherapy; and therapeutic exercise.

(3) Devices, including, but not limited to, therapeutic devices, barrier contraception, and durable medical equipment.

(4) Health education and health counseling.

~~(5) Repair and care incidental to superficial lacerations and abrasions, except suturing.~~

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(6) Removal of foreign bodies located in the superficial tissues.

(5) Parenteral therapy.

(6) Minor procedures.

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(dc) A naturopathic doctor may utilize routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular.

(ed) The committee may establish regulations regarding ocular or intravenous routes of administration that are consistent with the education and training of a naturopathic doctor.

(f) The committee may authorize a licensee to prescribe legend drugs, prescription substances, and controlled substances consistent with naturopathic medical education, training, and scope of practice, except for the following:

(1) Schedule I or II controlled substances.

(2) Cancer chemotherapeutics.

(3) Antipsychotics.

(fg) Nothing in this section shall exempt a naturopathic doctor from meeting applicable licensure requirements for the performance of clinical laboratory tests, including the requirements imposed under Chapter 3 (commencing with Section 1200).

(h) For purposes of this section:

(1) "Minor procedures" means care and operative procedures relative to superficial laceration, lesions, and abrasions, and the removal of foreign bodies located in superficial structures and aspiration of joints, and the topical and parenteral use of substances consistent with the practice of naturopathic medicine, in accordance with rules established by the Naturopathic Medicine Committee.

(2) "Parenteral therapy" means the administration of substances by means other than through the gastrointestinal tract, including intravenous, subcutaneous and intramuscular, intravenous and other areas of the body excluding the ventral and dorsal body cavities.

(Amended by Stats. 2012, Ch. 333, Sec. 1. Effective January 1, 2013. Repealed as of January 1, 2018, pursuant to Section 3686.)

3640.2. Notwithstanding any other provision of law, a naturopathic assistant may do all of the following:

(a) Administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical support services upon the specific authorization and supervision of a licensed naturopathic doctor. A naturopathic assistant may also perform all these tasks and services in a clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code upon the specific authorization of a naturopathic doctor.

(b) Perform venipuncture or skin puncture for the purposes of withdrawing blood upon specific authorization and under the supervision of a licensed naturopathic doctor if prior thereto the naturopathic assistant has met the educational and training requirements for medical assistants as established in Section 2070. A copy of any related certificates shall be retained as a record by each employer of the assistant.

(c) Perform the following naturopathic technical support services:

(1) Administer medications orally, sublingually, topically, vaginally, or rectally, or by providing a single dose to a patient for immediate self-administration. Administer medication by inhalation if the medications are patient-specific and have been or will be repetitively administered to the patient. In every instance, prior to administration of medication by the naturopathic assistant, the naturopathic doctor shall verify the correct medication and dosage.

(2) Apply and remove bandages.

(3) Collect by noninvasive techniques and preserve specimens for testing, including urine, sputum, semen, and stool.

(4) Assist patients to and from a patient examination room or examination table.

(5) As authorized by the naturopathic doctor, provide patient information and instructions.

(6) Collect and record patient data, including height, weight, temperature, pulse, respiration rate, and blood pressure, and basic information about the presenting and previous conditions.

(7) Perform simple laboratory and screening tests customarily performed in a medical office.

(d) Perform additional naturopathic technical support services under the regulations and standards established by the committee. The committee shall, prior to the adoption of any regulations, request recommendations regarding these standards from appropriate public agencies, including, but not limited to, the Osteopathic Medical Board of California, the Medical Board of California, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Laboratory Field Services division of the State Department of Public Health, and the Physical Therapy Examining Committee. The Naturopathic Medicine Committee shall also request recommendations regarding these standards from associations of medical assistants, physicians, and others, as appropriate, including, but not limited to, the Osteopathic Physicians and Surgeons of California, the California Medical Association, the California Society of Medical Assistants, and the California Medical Assistants' Association. Nothing in this subdivision shall be construed to supersede or modify that portion of the Administrative Procedure Act that relates to the procedure for the adoption of regulations set forth in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 2010, Ch. 523, Sec. 4. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3640.3. (a) Nothing in this chapter shall be construed as authorizing the licensure of naturopathic assistants. Nothing in this chapter shall be construed as authorizing the administration of local anesthetic agents by a naturopathic assistant. Nothing in this chapter shall be construed as authorizing the Naturopathic Medicine Committee to adopt any regulations that violate the prohibitions on diagnosis or treatment in Section 2052.

(b) Nothing in this chapter shall be construed as authorizing a naturopathic assistant to perform any clinical laboratory test or examination for which he or she is not authorized under Chapter 3 (commencing with Section 1200).

(c) Notwithstanding any other provision of law, a naturopathic assistant may not be employed for inpatient care in a licensed general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code.

(Added by Stats. 2010, Ch. 523, Sec. 5. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3640.5. Nothing in this chapter or any other ~~provision of~~ law shall be construed to prohibit a naturopathic doctor from furnishing ~~or, prescribing, administering, or~~ ordering drugs. ~~when all of the following apply:~~

~~(a) The drugs are furnished or ordered by a naturopathic doctor in accordance with standardized procedures or protocols developed by the naturopathic doctor and his or her supervising physician and surgeon;~~

~~(b) The naturopathic doctor is functioning pursuant to standardized procedure, as defined by subdivisions (a), (b), (d), (e), (h), and (i) of Section 2836.1 and paragraph (1) of subdivision (c) of Section 2836.1, or protocol. The standardized procedure or protocol shall be developed and approved by the supervising physician and surgeon, the naturopathic doctor, and, where applicable, the facility administrator or his or her designee;~~

~~(c) The standardized procedure or protocol covering the furnishing of drugs shall specify which naturopathic doctors may furnish or order drugs, which drugs may be furnished or ordered under what circumstances, the extent of physician and surgeon supervision, the method of periodic review of the naturopathic doctor's competence, including peer review, and review of the provisions of the standardized procedure;~~

~~(d) The furnishing or ordering of drugs by a naturopathic doctor occurs under physician and surgeon supervision. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but does include all of the following:~~

~~(1) Collaboration on the development of the standardized procedure;~~

~~(2) Approval of the standardized procedure;~~

~~(3) Availability by telephonic contact at the time of patient examination by the naturopathic doctor.~~

~~(e) For purposes of this section, a physician and surgeon shall not supervise more than four naturopathic doctors at one time.~~

~~(fb) Drugs furnished or ordered by a naturopathic doctor may include Schedule III through Schedule V controlled substances under the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) and shall be further limited to those drugs agreed upon by the naturopathic doctor and physician and surgeon as specified in the standardized procedure. When Schedule III controlled substances, as defined in Section 11056 of the Health and Safety Code, are furnished or ordered by a naturopathic doctor, the controlled substances shall be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician. A copy of the section of the naturopathic doctor's standardized procedure relating to controlled substances shall be provided upon request, to a licensed pharmacist who dispenses drugs, when there is uncertainty about the naturopathic doctor furnishing the order. Code.~~

~~(gc) The committee has certified shall certify that the naturopathic doctor has satisfactorily completed adequate coursework in pharmacology covering the drugs to be furnished, prescribed, administered, or ordered under this section. The committee shall establish the requirements for satisfactory completion of this subdivision.~~

~~(hd) Use of the term "furnishing" in this section, in health facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section 1250 of the Health and Safety Code, shall include both of the following:~~

~~(1) Ordering, ordering and furnishing a drug in accordance with the standardized procedure drug.~~

~~(2) Transmitting an order of a supervising physician and surgeon.~~

~~(ie) For purposes of this section, "drug order" or "order" means an order for medication which is dispensed to or for an ultimate user, issued by a naturopathic doctor as an individual practitioner, within the meaning of Section 1306.02 of Title 21 of the Code of Federal Regulations.~~

~~(jf) Notwithstanding any other provision of law, both of the following apply:~~

~~(1) A drug order issued pursuant to this section shall be treated in the same manner as a prescription of the supervising physician.~~

~~(2) All references to prescription in this code and the Health and Safety Code shall include drug orders issued by naturopathic doctors.~~

~~(3) The signature of a naturopathic doctor on a drug order issued in accordance with this section shall be deemed to be the signature of a prescriber for purposes of this code and the Health and Safety Code.~~

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 28. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3640.7. Notwithstanding the requirements of Section 3640.5 or any other provision of this chapter, a naturopathic doctor may independently prescribe and administer the following:

- (a) Epinephrine to treat anaphylaxis.
- (b) Natural and synthetic hormones.
- (c) Vitamins, minerals, amino acids, glutathione, botanicals and their extracts, homeopathic medicines, electrolytes, sugars, and diluents that may be administered utilizing routes of administration, pursuant to subdivision (d) of Section 3640, only when such substances are chemically identical to those for sale without a prescription.

(Amended by Stats. 2012, Ch. 333, Sec. 2. Effective January 1, 2013. Repealed as of January 1, 2018, pursuant to Section 3686.)

3640.8. (a) To qualify to administer intravenous (IV) therapy in his or her practice pursuant to Section 3640.7, a naturopathic doctor shall demonstrate that he or she has complied with both of the following requirements:

- (1) Has a current naturopathic doctor's license in this state.
- (2) Has completed a qualifying course on IV therapy from a course provider approved by the committee.
- (b) The qualifying course shall consist of a minimum of 25 classroom hours on IV administration through injection of applicable naturopathic formulary substances, of which at least 14 classroom hours shall be identified as practicum. At a minimum, the qualifying course shall have covered all of the following topics:
 - (1) Evaluation of laboratory results, including, but not limited to, the fluid status, cardiovascular status, and kidney function of the patient.
 - (2) The use of IV fluids, including, but not limited to, osmolarity calculations, diluents, and admixtures pertinent to IV therapeutics.
 - (3) Sterile techniques and admixing.
 - (4) Vein and site selection, site preparation, and insertion techniques.
 - (5) Complications with therapies, nutrient and drug interactions, errors and adverse reactions, reporting errors to appropriate agencies, error prevention, and followup with patient complications.
 - (6) Emergency protocols, management, and referral.
 - (7) Pharmacology, indications, preparation, and IV administration of vitamins, minerals, amino acids, glutathione, botanicals and their extracts, homeopathic medicines, electrolytes, sugars, and diluents.

(8) Practicum, including, but not limited to, the following:

(A) Observation of at least 10 IV setups, including administration and management.

(B) Successful completion of at least 10 IV setups, including administration and management.

(9) Successful completion of an examination with 70 percent or greater correct answers to a minimum of 50 questions, where 10 percent or more of the questions have direct content to the California formulary.

(c) For the purposes of the qualifying course required by this section, one classroom hour is defined as 50 minutes out of each 60-minute segment and may include time devoted to examinations. No credit shall be granted for distance education, including, but not limited to, correspondence courses, Internet courses, or video or remote television offerings.

(d) Pursuant to subdivision (e) of Section 3640, the committee may establish regulations regarding IV administration that are consistent with the education and training of a naturopathic doctor.

(Added by Stats. 2012, Ch. 333, Sec. 3. Effective January 1, 2013. Repealed as of January 1, 2018, pursuant to Section 3686.)

3641. (a) A naturopathic doctor shall document his or her observations, diagnosis, and summary of treatment in the patient record. Patient records shall be maintained for a period of not less than seven years following the discharge of the patient. The records of an unemancipated minor shall be maintained until at least one year after the minor has reached 18 years of age or seven years following the discharge of the minor, whichever is longer.

(b) A naturopathic doctor shall have the same authority and responsibility as a licensed physician and surgeon with regard to public health laws, including laws governing reportable diseases and conditions, communicable disease control and prevention, recording vital statistics, and performing health and physical examinations consistent with his or her education and training.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3642. A naturopathic doctor may not perform any of the following functions:

(a) Prescribe, dispense, or administer a controlled substance or device identified in Sections 801 to 971, inclusive, of Title 21 of the United States Code, except as authorized by this chapter.

(b) Administer therapeutic ionizing radiation or radioactive substances.

(c) Practice or claim to practice any other system or method of treatment beyond that authorized by this chapter, for which licensure is required, unless otherwise licensed to do so.

(d) Administer general or spinal anesthesia.

(e) Perform an abortion.

(f) Perform any surgical procedure.

(g) Perform acupuncture or traditional Chinese and Asian medicine, including Chinese herbal medicine, unless licensed as an acupuncturist as defined in subdivision (c) of Section 4927.

(Amended by Stats. 2005, Ch. 649, Sec. 3. Effective January 1, 2006. Repealed as of January 1, 2018, pursuant to Section 3686.)

3643. This chapter may not be construed to authorize a naturopathic doctor to practice medicine, as defined under Chapter 5 (commencing with Section 2000), except as specifically authorized in this chapter.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3643.5. (a) This chapter may not be construed to limit the practice of a person licensed, certified, or registered under any other provision of law relating to the healing arts when the person is engaged in his or her authorized and licensed practice.

(b) This chapter may not be construed to limit an activity that does not require licensure or is otherwise allowed by law, including the practice of naturopathy, when performed consistent with Sections 2053.5 and 2053.6.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3644. This chapter does not prevent or restrict the practice, services, or activities of any of the following:

(a) A person licensed, certified, or otherwise recognized in this state by any other law or regulation if that person is engaged in the profession or occupation for which he or she is licensed, certified, or otherwise recognized.

(b) A person employed by the federal government in the practice of naturopathic medicine while the person is engaged in the performance of duties prescribed by laws and regulations of the United States.

(c) A person rendering aid to a family member or in an emergency, if no fee or other consideration for the service is charged, received, expected, or contemplated.

(d) A person who makes recommendations regarding or is engaged in the sale of food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical

medicines, homeopathic medicines, dietary supplements, and nonprescription drugs or other products of nature, the sale of which is not otherwise prohibited under state or federal law.

(e) A person engaged in good faith in the practice of the religious tenets of any church or religious belief without using prescription drugs.

(f) A person acting in good faith for religious reasons as a matter of conscience or based on a personal belief, while obtaining or providing information regarding health care and the use of any product described in subdivision (d).

(g) A person who provides the following recommendations regarding the human body and its function:

(1) Nonprescription products.

(2) Natural elements such as air, heat, water, and light.

(3) Class I or class II nonprescription, approved medical devices, as defined in Section 360c of Title 21 of the United States Code.

(4) Vitamins, minerals, herbs, homeopathics, natural food products and their extracts, and nutritional supplements.

(h) A person who is licensed in another state, territory, or the District of Columbia to practice naturopathic medicine if the person is incidentally called into this state for consultation with a naturopathic doctor.

(i) A student enrolled in an approved naturopathic medical program whose services are performed pursuant to a course of instruction under the supervision of a naturopathic doctor.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3645. (a) This chapter ~~permits, and does not restrict~~ the use of, the following titles ~~by persons who are educated and trained as any of the following to persons authorized to practice, or able to practice naturopathic medicine as a naturopathic doctor:~~

(1) "Naturopath."

(2) "Naturopathic practitioner."

(3) "Traditional naturopathic practitioner."

(4) or any other form of the word "naturopathic."

~~(b) This chapter permits, and does not restrict, the education of persons as described in paragraphs (1) to (3), inclusive, of subdivision (a). Those persons are not required to be licensed under this chapter.~~

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 5. Naturopathic Childbirth Attendance [3650 - 3655]

(Article 5 added by Stats. 2003, Ch. 485, Sec. 5.)

3650. A naturopathic doctor may perform naturopathic childbirth attendance if he or she has completed additional training and has been granted a certificate of specialty practice by the committee.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 29. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3651. In order to be certified for the specialty practice of naturopathic childbirth attendance, a naturopathic doctor shall obtain a passing grade on the American College of Nurse Midwives Written Examination, or a substantially equivalent examination approved by the committee, and shall establish, to the committee's satisfaction, compliance with one of the following requirements:

(a) Successful completion of a certificate of midwifery or naturopathic obstetrics specialty from an approved naturopathic medical education program consisting of not less than 84 semester units or 126 quarter units that substantially complies with the following educational standards and requirements:

(1) The curriculum is presented in semester or quarter units under the following formula:

(A) One hour of instruction in theory each week throughout a semester or quarter equals one unit.

(B) Three hours of clinical practice each week throughout a semester or quarter equals one unit.

(2) The program provides both academic and clinical preparation that is substantially equivalent to that provided in a program accredited by the American College of Nurse Midwives. The program includes, but is not limited to, preparation in all of the following areas:

(A) The art and science of midwifery, one-half of which shall be in theory and one-half of which shall be in clinical practice. Theory and clinical practice shall be concurrent in the areas of maternal and child health, including, but not limited to, labor and delivery, neonatal well care, and postpartum care.

(B) Communications skills that include the principles of oral, written, and group communications.

(C) Anatomy and physiology, genetics, obstetrics and gynecology, embryology and fetal development, neonatology, applied microbiology, chemistry, child growth and development, pharmacology, nutrition, laboratory diagnostic tests and procedures, and physical assessment.

(D) Concepts in psychosocial, emotional, and cultural aspects of maternal and child care, human sexuality, counseling and teaching, maternal and infant and family bonding process, breast feeding, family planning, principles of preventive health, and community health.

(E) Aspects of the normal pregnancy, labor and delivery, postpartum period, newborn care, family planning, or routine gynecological care in alternative birth centers, homes, and hospitals.

(3) The program integrates the following subjects throughout its entire curriculum:

(A) Midwifery process.

(B) Basic intervention skills in preventive, remedial, and supportive midwifery.

(C) The knowledge and skills required to develop collegial relationships with health care providers from other disciplines.

(D) Related behavioral and social sciences with emphasis on societal and cultural patterns, human development, and behavior related to maternal and child health, illness, and wellness.

(4) Instruction in personal hygiene, client abuse, cultural diversity, and the legal, social, and ethical aspects of midwifery.

(5) Instruction in the midwifery management process which shall include all of the following:

(A) Obtaining or updating a defined and relevant database for assessment of the health status of the client.

(B) Identifying problems based upon correct interpretation of the database.

(C) Preparing a defined needs or problem list, or both, with corroboration from the client.

(D) Consulting, collaborating with, and referring to, appropriate members of the health care team.

(E) Providing information to enable clients to make appropriate decisions and to assume appropriate responsibility for their own health.

(F) Assuming direct responsibility for the development of comprehensive, supportive care for the client and with the client.

(G) Assuming direct responsibility for implementing the plan of care.

(H) Initiating appropriate measures for obstetrical and neonatal emergencies.

(I) Evaluating, with corroboration from the client, the achievement of health care goals and modifying the plan of care appropriately.

(b) Successful completion of an educational program that the committee has determined satisfies the criteria of subdivision (a) and current licensure as a midwife by a state with licensing standards that have been found by the committee to be substantially equivalent to those adopted by the committee pursuant to this article.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 30. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3651.5. A naturopathic doctor certified for the specialty practice of naturopathic childbirth attendance shall do both of the following:

- (a) Maintain current certification in neonatal resuscitation and cardiopulmonary resuscitation.
- (b) File with the committee a written plan for the following:
 - (1) Consultation with other health care providers.
 - (2) Supervision by a licensed physician and surgeon who has current practice or training in obstetrics to assist a woman in childbirth so long as progress meets criteria accepted as normal. The plan shall provide that all complications shall be referred to a physician and surgeon immediately.
 - (3) Emergency transfer and transport of an infant or a maternity patient, or both, to an appropriate health care facility, and access to neonatal intensive care units and obstetrical units or other patient care areas.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 31. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3652. (a) A certificate of specialty practice in naturopathic childbirth attendance shall expire concurrently with the licensee's naturopathic doctor's license.

(b) The certificate may be renewed upon submission of the renewal fee set by the committee and evidence, to the committee's satisfaction, of the completion of 30 hours of continuing education credits in naturopathic childbirth, midwifery, or obstetrics. Fifteen hours may be applied to the 60 hours of continuing education required for naturopathic doctors.

(c) Licensing or disciplinary action by the committee or a judicial authority shall be deemed to have an equal effect upon the specialty certificate to practice naturopathic childbirth issued to a licensee, unless otherwise specified in the licensing or disciplinary action. When the subject of a licensing or disciplinary action relates specifically to the practice of naturopathic childbirth by a licensee holding a specialty certificate, the action may, instead of affecting the entire scope of the licensee's practice, suspend, revoke, condition, or restrict only the licensee's authority under the specialty certificate.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 32. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3653. (a) Naturopathic childbirth attendance does not include the use or performance of any of the following:

- (1) Forceps delivery.
- (2) General or spinal anesthesia.
- (3) Cesarean section delivery.

(4) Episiotomies, except to the extent that they meet the same supervision requirements set forth in Section 2746.52.

(b) Naturopathic childbirth attendance does not mean the management of complications in pregnancy, labor, delivery, or the neonatal period. All complications shall be referred to an obstetrician or other licensed physician and surgeon as appropriate.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3654. In addition to Section 3640, a naturopathic doctor who holds a specialty certificate in naturopathic childbirth attendance may administer, order, or perform any of the following:

- (a) Postpartum antihemorrhagic drugs.
- (b) Prophylactic ophthalmic antibiotics.
- (c) Vitamin K.
- (d) RhoGAM.
- (e) Local anesthetic medications.
- (f) Intravenous fluids limited to lactated ringers, 5 percent dextrose with lactated ringers, and heparin and 0.9 percent sodium chloride for use in intravenous locks.
- (g) Epinephrine for use in maternal anaphylaxis pending emergency transport.
- (h) Measles, mumps, and rubella (MMR) vaccine to nonimmune, nonpregnant women.
- (i) HBIG and GBV for neonates born to hepatitis B mothers, per current Centers for Disease Control guidelines.
- (j) Antibiotics for intrapartum prophylaxis of Group B Betahemolytic Streptococcus (GBBS), per current Centers For Disease Control guidelines.
- (k) Equipment incidental to the practice of naturopathic childbirth, specifically, dopplers, syringes, needles, phlebotomy equipment, suture, urinary catheters, intravenous equipment, amnihooks, airway suction devices, neonatal and adult resuscitation equipment, glucometer, and centrifuge.
- (l) Equipment incidental to maternal care, specifically, compression stockings, maternity belts, breast pumps, diaphragms, and cervical caps.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3655. (a) A licensee holding a speciality certificate in naturopathic childbirth attendance shall disclose to each client, in writing, the following:

- (1) The qualifications and credentials of the naturopathic doctor.
- (2) A copy of the written plan for consultation, emergency transfer, and transport.
- (3) A description of the procedures, benefits, and risks of birth in the home or outside of a hospital setting.
- (4) The status of liability coverage of the licensee for the practice of naturopathic childbirth attendance.
- (b) The form must be signed by the client, filed in the client's chart, and a copy given to the client.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 6. Offenses and Enforcement [3660 - 3664]

(Article 6 added by Stats. 2003, Ch. 485, Sec. 5.)

3660. Except as provided in subdivision (h) of Section 3644, a person shall have a valid, unrevoked, or unsuspended license issued under this chapter to do any of the following:

(a) To claim to be a naturopathic doctor, licensed naturopathic doctor, doctor of naturopathic medicine, doctor of naturopathy, or naturopathic medical doctor.

(b) To use the professional abbreviation "N.D." or other titles, words, letters, or symbols, including the restricted titles within section 3645 of the code, with the intent to represent that he or she practices, is authorized to practice, or is able to practice naturopathic medicine as a naturopathic doctor.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3661. A naturopathic doctor who uses the term or designation "Dr." shall further identify himself or herself as "Naturopathic Doctor," "Licensed Naturopathic Doctor," "Doctor of Naturopathic Medicine," or "Doctor of Naturopathy" and shall not use any term or designation that would tend to indicate the practice of medicine, other than naturopathic medicine, unless otherwise licensed as a physician and surgeon, osteopathic doctor, or doctor of chiropractic.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3661.1 The use of any fictitious, false or assumed name, or any name other than his or her worn by a licensee either alone, in conjunction with a partnership or group, or as the name of a professional corporation, in any public communication, advertisement, sign, or announcement of his or her practice without a fictitious-name permit obtained pursuant to Section 3670 constitutes unprofessional conduct. This section shall not apply to the following:

(a) Licensees who are employed by a partnership, a group, or a professional corporation that holds a fictitious name permit.

(b) Licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.

(c) Any naturopathic medical school approved by the division or a faculty practice plan connected with the naturopathic medical school.

3662. It shall constitute unprofessional conduct for a naturopathic doctor to violate, attempt to violate, assist in the violation of, or conspire to violate, any provision or term of this chapter or any regulation adopted under it.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3663. (a) The committee shall have the responsibility for reviewing the quality of the practice of naturopathic medicine carried out by persons licensed as naturopathic doctors pursuant to this chapter.

(b) The committee may discipline a naturopathic doctor for unprofessional conduct. After a hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), the committee may deny, suspend, revoke, or place on probation the license of, or reprimand, censure, or otherwise discipline a naturopathic doctor in accordance with Division 1.5 (commencing with Section 475).

(Amended by Stats. 2010, Ch. 143, Sec. 5. Effective January 1, 2011. Repealed as of January 1, 2018, pursuant to Section 3686.)

3664. A person who violates Section 3660 or 3661 is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five thousand dollars (\$5,000), or by imprisonment of not more than one year in a county jail, or by both that fine and imprisonment.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 7. Naturopathic Corporations [3670 - 3675]

(Article 7 added by Stats. 2003, Ch. 485, Sec. 5.)

3670. A naturopathic corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, if the corporation and its shareholders, officers, directors, and employees rendering professional services who are naturopathic doctors are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this chapter, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs. With respect to a naturopathic corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the committee.

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3670.1 (a) Any naturopathic doctor, who as a sole proprietor, or in a partnership, group, or professional corporation, desires to practice under any name that would otherwise be a violation of Section [XXXX] may practice under that name if the proprietor, partnership, group, or corporation obtains and maintains in current status a fictitious-name permit issued by the Division of Licensing, or, in the case of doctors of podiatric medicine, the California Board of Podiatric Medicine, under the provisions of this section.

(b) The division or the board shall issue a fictitious-name permit authorizing the holder thereof to use the name specified in the permit in connection with his, her, or its practice if the division or the board finds to its satisfaction that:

(1) The applicant or applicants or shareholders of the professional corporation hold valid and current licenses as physicians and surgeons or doctors of podiatric medicine, as the case may be.

(2) The professional practice of the applicant or applicants is wholly owned and entirely controlled by the applicant or applicants.

(3) The name under which the applicant or applicants propose to practice is not deceptive, misleading, or confusing.

(c) Each permit shall be accompanied by a notice that shall be displayed in a location readily visible to patients and staff. The notice shall be displayed at each place of business identified in the permit.

(d) This section shall not apply to licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code or any medical school approved by the division or a faculty practice plan connected with that medical school.

(e) Fictitious-name permits issued under this section shall be subject to Article 19 (commencing with Section 2420) pertaining to renewal of licenses, except the division shall establish procedures for the

renewal of fictitious-name permits every two years on an anniversary basis. For the purpose of the conversion of existing permits to this schedule the division may fix prorated renewal fees.

(f) The division or the board may revoke or suspend any permit issued if it finds that the holder or holders of the permit are not in compliance with the provisions of this section or any regulations adopted pursuant to this section. A proceeding to revoke or suspend a fictitious-name permit shall be conducted in accordance with Section 2230.

(g) A fictitious-name permit issued to any licensee in a sole practice is automatically revoked in the event the licensee's certificate to practice medicine or podiatric medicine is revoked.

(h) The division or the board may delegate to the executive director, or to another official of the board, its authority to review and approve applications for fictitious-name permits and to issue those permits.

(i) The California Board of Podiatric Medicine shall administer and enforce this section as to doctors of podiatric medicine and shall adopt and administer regulations specifying appropriate podiatric medical name designations.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 34. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3671. A naturopathic corporation shall not engage in any conduct that constitutes unprofessional conduct. In the conduct of its practice, the naturopathic corporation shall comply with statutes and regulations to the same extent as an individual holding a license under this chapter.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3672. The income of a naturopathic corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of the shareholder or his or her shares in the naturopathic corporation.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3673. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a naturopathic corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined by Section 13401 of the Corporations Code.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3674. The name of a naturopathic corporation and any name or names under which it may render professional services, shall contain the words "naturopathic" or "naturopathic doctor" and, as appropriate, wording or abbreviations denoting its status as a corporation.

(Added by Stats. 2003, Ch. 485, Sec. 5. Effective January 1, 2004. Section operative July 1, 2004, pursuant to Section 3685 as added by Stats. 2003, Ch. 485. Repealed as of January 1, 2018, pursuant to Section 3686.)

3675. The committee may adopt and enforce regulations to carry out the purposes and objectives of this article, including, but not limited to, regulations requiring the following:

(a) That the bylaws of a naturopathic corporation include a provision whereby the capital stock of the corporation owned by a disqualified person, as defined in Section 13401 of the Corporations Code, or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within any time as the regulations may provide.

(b) That a naturopathic corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 35. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 8. Fiscal Administration [3680 - 3681]

(Article 8 added by Stats. 2003, Ch. 485, Sec. 5.)

3680. The committee shall establish the amount of the fee assessed to conduct activities of the committee, including the amount of fees for applicant licensure, licensure examination, licensure renewal, late renewal, and childbirth certification.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 36. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

3681. (a) All fees collected by the committee shall be paid into the State Treasury and shall be credited to the Naturopathic Doctor's Fund which is hereby created in the State Treasury. The money in the fund shall be available to the committee for expenditure for the purposes of this chapter only upon appropriation by the Legislature.

(b) Notwithstanding subdivision (a), all money other than revenue described in Section 207 received and credited to the Naturopathic Doctor's Fund in the 2003–04 fiscal year is hereby appropriated to the committee for the purpose of implementing this chapter.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 18, Sec. 37. Effective October 23, 2009. Repealed as of January 1, 2018, pursuant to Section 3686.)

ARTICLE 9. Miscellaneous Provisions [3685 - 3686]

(Article 9 added by Stats. 2003, Ch. 485, Sec. 5.)

3685. Notwithstanding any other law, the repeal of this chapter renders the committee subject to review by the appropriate policy committees of the Legislature.

(Amended by Stats. 2013, Ch. 516, Sec. 19. Effective January 1, 2014. Repealed as of January 1, 2018, pursuant to Section 3686. Note: Formerly, this section, as added by Stats. 2003, Ch. 485, prescribed a delayed operative date for Chapter 8.2 (except Article 8), commencing with Section 3610.)

3686. This chapter shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

(Amended by Stats. 2013, Ch. 516, Sec. 20. Effective January 1, 2014. Repealed as of January 1, 2018, by its own provisions. Note: Repeal affects Chapter 8.2, commencing with Section 3610.)

TAB 7

Proposed New Regulatory Language to
Implement a Retired License Status

Retired Status

A licensee who applies for a retired license will be exempt from payment of the renewal fees and the continuing education (CE) requirements.

The holder of a retired license may not engage in the practice of naturopathic medicine.

To receive a fee exemption, a licensee must apply for the status change before the expiration date of the license. If the license is current, no fee is required.

If the license is in a delinquent status, a payment of all accrued renewal fees, delinquent fee, and \$12.00 mandatory fees, and penalty fee must be submitted with the application.

For further information, please contact the Naturopathic Medicine Committee (916) 928-4785.

16 CCR § 4229

§ 4229. Retired Status.

(a) On or after July 1, 2017, a holder of a naturopathic doctors license that is current and whose license is not suspended, revoked, or otherwise restricted by the committee or subject to discipline, may apply for retired status, upon application and payment of the fee prescribed in section 4240 of the Code.

(b) The application shall be on a form prescribed by the Committee titled "Application for Retired Status" (ENTER FORM #), and shall disclose under penalty of perjury whether the licensee has been disciplined by another public agency or been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country.

(c) A license in retired status is not subject to renewal.

(d) The holder of a license in retired status shall not engage in any activity for which an active license is required. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.

(e) A naturopathic doctor holding a license in retired status shall be permitted to use the title "naturopathic doctor, retired" or "retired naturopathic doctor." The designation of retired shall not be abbreviated in any way. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.

(f) In order to restore his or her license to active status the holder of a license in retired status shall:

(1) Complete a form prescribed by the committee titled "Application to Restore License to Active Status," (ENTER FORM #), and pay the biennial renewal fee in effect at the time the request for activation is received; and

(2) Satisfy continuing competency requirements as follows:

(A) Complete [] CEs, within two (2) years of the date the application for reactivation is received, if the license is in retired status for a period of five (5) years or less, or

(B) Meet one of the requirements set forth in section 4229.1 of the Code if the license is in retired status for a period of more than five (5) years. If qualifying under 4229.1(a), the holder of a license in retired status must complete [] CEs as specified in section 3635(a) of the Code.

(g) A licensee may be granted a license in retired status on no more than two separate occasions.

TAB 8

Meeting Minutes for Review/Approval



Naturopathic Medicine Committee
 1300 National Drive, Suite 150, Sacramento, CA 95834
 P (916) 928-4785 F (916) 928-4787 | www.naturopathic.ca.gov



Naturopathic Medicine Committee

DRAFT Meeting Minutes

July 27, 2015

COMMITTEE MEMBERS PRESENT:

David Field, ND, Lac, Chair
 Tara Levy, ND, Vice-Chair
 Koren Barrett, ND
 Gregory Weisswasser, ND
 Myles Spar, MD
 Alexander Kim

COMMITTEE MEMBERS ABSENT:

Michael Hirt, MD
 Thyonne Gordon, PhD

STAFF PRESENT:

Ileana Butu, Esq., Legal Counsel
 Rebecca Mitchell, Executive Officer (EO)

Persons of Interest Michelle Stout, Analyst, DCA Executive Office

1. Welcome & Call to Order

The meeting was called to order at 10:08 a.m.

2. Establishment of a Quorum

Roll Call was taken and quorum was established.

3. Review and Approval of April 27, 2015 Committee Meeting Minutes:

Motion – Barrett / Second – Levy, to approve April 27, 2015, Meeting Minutes as submitted. Roll call vote taken, motion carried 5-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar / NO – none / Abstentions – none).

4. Executive Officer Report – Rebecca Mitchell

Licensing:

Mrs. Mitchell reported that there are currently 734 licensed naturopathic doctors since January 2005, 579 current/active licensees, 150 licenses are lapsed or inactive.

There are currently 33 Initial License Applications on file. She also reported that there

has been a problem with possible applicants learning about the restrictiveness of our statutes and making the decision not to apply. The main reasons are prescriptive rights and the grandfathering policies here in California.

Enforcement:

Mrs. Mitchell reported that all repeat and egregious offenders are normally cited and fined within the month they are reported to the Committee. However, due to the massive amount of time spent on the testing and conversion to the Breeze system, only the most egregious cases are being investigated and worked. There is a thirteen-month backlog to issue citations and fines for those who illegally use of the title "ND". There are 138 complaints at various stages, currently pending. The majority of these complaints are illegal use of ND title.

Of the 138 cases, 11 (8%) of those cases are NDs in violation of advertising, 1 (1%) is for unprofessional conduct, and the remaining 126 (91%) cases are unlicensed individuals (naturopaths or others) in violation of using the title of ND and or practicing naturopathic medicine. The investigative costs associated with these cases for the FY 2014-15 is \$30,077 which is 9.6% of the total budget. DOI was able to get a cost recovery (restitution) of \$5,624 for one of these unlicensed cases. This cost recovery will be put back into the fund and not within the enforcement line of the current budget.

For the reasons stated above, the staff has recommended a request for additional funding through the Budget Change Proposal (BCO) process, in order to carry legislation for the "naturopath" title protection. Additionally, funding for consumer outreach is also being requested in order to alleviate the public confusion associated with "naturopath" vs. a licensed naturopathic doctor.

Budget Update:

The Executive Officer reported that at the end of fiscal year 2014-15, the Committee had 16.5 months (\$508,000) in reserve, copies of Fund Condition and Year End Financial Reports were provided. As of 2014-15 fiscal year-end, the Committee had 8.63% of its budget remaining; totaling a reversion of \$27,092 which will go back into the fund.

Planned receipts for FY 2014-15 revenue was \$249,000. The actual receipts for FY 2014-15 revenue was \$300,821.64 (21% higher than projected). The breakdowns are as follows:

- Application and Initial Licensing Fees:
 - Projected \$70,000 / Actual \$90,373 (29% higher than projected)
- Biennial Renewal Fees:
 - Projected \$176,000 / Actual \$294,150 (16% higher than projected)

Budget Highlights:

1. In recent years, there have been four (4) BCPs submitted in hopes of securing a staff position for an analyst classification and augmentation for the position. In 2013 a BCP to secure such position beginning in FY 2014-15 was finally approved. In July of 2014, the Committee hired an analyst to cover licensing and

enforcement functions. Although the Committee requested an ongoing, permanent position, the DOF only approved the position for a three (3) year, limited term. Giving the Committee time to quantify the ongoing need for the position. The position is set to expire as of June 30, 2016.

2. The Executive Officer has submitted a BCP requesting to change the current analyst position to a full-time, permanent position and \$73,000 ongoing augmentation to support the position.
3. A second BCP request is being submitted as stated during the enforcement update, (for legislation creation and consumer outreach).

Legislation:

AB 1351 Deferred Entry of Judgement: Pretrial Diversion
AB 1352 Deferred Entry of Judgement: Withdrawal of Plea
SB 467 Professions and Vocations
AB 179 Dentistry
SB 538 Naturopathic Doctors: Scope of Practice

Information was reported under Agenda Item #10.

Committee Member Training:

Committee Members were reminded to be sure to review the training requirements that were sent out. All of the required training and the frequency of the training were included within the meeting material.

5. Closed Session – EO Annual Performance Evaluation

Pursuant to Government Codes Section 11126(a)(1), the Committee met in closed session for the evaluation of the Committee's Executive Officer.

6. Update on Upcoming Strategic Plan Presentation Session:

An update of the Strategic Plan Session was presented to the Committee by the EO. Staff interviews will take place on Wednesday, 8/5/15, second meeting with SOLID Analyst on 9/22/15. The session will be scheduled for Wednesday 9/30/15 (tentatively).

An Action Plan is not required but is highly recommended to keep the Committee on track in meeting objectives within the Strategic Plan.

Materials for the planning session will be sent out to members by 9/14/15.

Interviews will be conducted by Noel Cornelia from SOLID training unit. She will contact each member individually via phone. The interviews will last an hour. These will take place during the first three (3) weeks in August.

The EO will have options of the mission and vision statements completed prior to the planning session per request of the Committee. EO will pre-screen for suggestions and create a compiled document.

7. Standard of Practice Document:

There were no suggestions, edits, or concerns from the Committee prior to the meeting. There was discussion of simplifying the document however. The Committee decided to table the adoption of the SOP until after the AANP meeting, since the SOP is a national standard that the AANP is in the process of adopting.

Motion – Barrett / Second – Kim, to Table adoption of Standard of Practice Document. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

8. Legislative Updates:

- **AB 1351 (Eggman)** Deferred Entry of Judgement: Pretrial Diversion
This bill would change the existing deferred entry of judgement program for specified offenses involving personal use or possession of controlled substances into a pretrial drug diversion program that allows for a not guilty plea to be entered.

Motion – Weisswasser / Second – Barrett, to take a “watch” stance on AB 1351, mainly due to the fact that they are working on excluding healing arts programs. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **AB 1352 (Eggman)** Deferred Entry of Judgement: Withdrawal of Plea
This bill would require courts to allow certain defendants in cases involving deferred entries of judgment after January 1, 1997, to withdrawal their guilty or nolo contendere pleas in order to avoid certain adverse consequences, including denial of a license or certificate.

Motion – Weisswasser / Second – Barrett, to take a “watch” stance on AB 1352, mainly due to the fact that they are working on excluding healing arts programs. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **SB 467 (Hill)** Professions and Vocations
This bill would require the Legislature to approve the Department’s pro rata distributions. This bill would also require the Attorney General to annually report data regarding Department accusation case referrals beginning January 1, 2018. In addition, this bill would require the Department programs to implement complaint prioritization guidelines per the Consumer Protection Enforcement Initiative of 2010. Finally, this bill would extend the sunset for the Board of Accountancy to January 1, 2020.

Motion – Barrett / Second – Weisswasser, to take a “watch” stance on SB 467. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **AB 179 (Bonilla)** Dentistry

This bill would, among other things, extend the provisions authorizing the Dental Board from January 1, 2016 to January 1, 2020, and would provide that sexual abuse is not sexual misconduct when the contact is between a licensee and his or her spouse, or person in an equivalent domestic relationship.

Motion – Levy / Second – Kim, to take a “support” stance on AB 179. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

- **SB 538 Naturopathic Doctors: Scope of Practice**

This bill would expand the independent prescribing scope of a naturopathic doctor to include schedule V and legend drugs. Schedules III and IV drugs would still require a physician protocol to be in place. This bill would benefit consumers by allowing them to seek PCP care from their ND without having to refer to and pay for a secondary visit to a physician (MD/DO) for a prescription.

Motion – Barrett / Second – Levy, to restate a “support” stance on SB 538. Roll call vote taken, motion carried 6-0-0. (YES – Field, Barrett, Levy, Weisswasser, Spar, Kim / NO – none / Abstentions – none).

9. Public Comment for Items Not on Agenda:

No public comment.

10. Establish Future Meeting Dates & Locations

The next meeting will be scheduled tentatively for Wednesday, Sept. 30, 2015 at 10:00 a.m., in Sacramento for Strategic Planning Session. Teleconferencing will not be available for the upcoming meeting; all members are required to attend in person.

February 8, 2016 – Bastyr University, San Diego, CA

11. Agenda Items for Future Meetings

- Standard of Practice
- Legislation – SB 277 - Vaccines
- Title Protection – “naturopath vs. naturopathic doctor”

12. Adjournment

There being no further business or public comment, the meeting was adjourned at 11:59 a.m.



Naturopathic Medicine Committee

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Naturopathic Medicine Committee

DRAFT

Meeting Minutes

January 14, 2016

**COMMITTEE
MEMBERS
PRESENT:**

David Field, ND, LAc, Chair
Tara Levy, ND, Vice-Chair
Greta D'Amico, ND
Gregory Weisswasser, ND
Myles Spar, MD
Dara Thompson, ND
Alexander Kim
Thyonne Gordon, PhD

**COMMITTEE
MEMBERS
ABSENT:**

Michael Hirt, MD

**STAFF
PRESENT:**

Ileana Butu, Esq., Legal Counsel
Rebecca Mitchell, Executive Officer (EO)

Persons of Interest Noel Cornelia, Strategic Planner, DCA SOLID Unit
Brianna Miller, Co-Facilitator and Scribe, DCA SOLID Unit

1. Welcome & Call to Order

The meeting was called to order at 9:32 a.m.

2. Establishment of a Quorum

Roll Call was taken and quorum was established.

3. Strategic Planning Session:

The Committee, along with the assistance of the DCA SOLID Unit Planners, was able to develop and draft the new objectives and goals for a new Strategic Plan for the period of 2016 – 2019.

Although Committee Member, Michael Hirt, MD, could not attend, he was able to provide his feedback prior to the meeting with the Executive Officer and the

information was shared with the rest of the members for this planning exercise. Also, Koren Barrett, ND, participated in the strategic planning prior to leaving her official capacity as a Committee Member, and provided important feedback on objectives and goals to improve current program issues.

5. Public Comment for Items Not on Agenda:

No public comment.

6. Adjournment

There being no further business or public comment, the meeting was adjourned at 3:45 p.m.



Naturopathic Medicine Committee
 1300 National Drive, Suite 150, Sacramento, CA 95834
 P (916) 928-4785 F (916) 928-4787 | www.naturopathic.ca.gov



Naturopathic Medicine Committee

DRAFT Meeting Minutes

June 06, 2016

COMMITTEE MEMBERS PRESENT:

David Field, ND, Lac, Chair
 Tara Levy, ND, Vice-Chair
 Greta D'Amico, ND
 Michael Hirt, MD
 Thyonne Gordon, PhD
 Myles Spar, MD
 Gregory Weisswasser, ND
 Alexander Kim

COMMITTEE MEMBERS ABSENT:

Dara Thompson, ND

STAFF PRESENT:

Ileana Butu, Esq., Legal Counsel
 Jason Hurtado, Esq., Legal Counsel
 Rebecca Mitchell, Executive Officer (EO)
 Raquel Oden, Program Analyst, NMC

Persons of Interest Kurt Heppler, Senior Staff Counsel, DCA, Legal Unit
 Yeaphana LaMarr, Analyst, DCA, Legislative & Regulatory Review Unit
 Judy Wolen, Lobbyist, CNDA
 Elisa Chohan, Strategic Plan Facilitator, DCA, SOLID Unit

1. Welcome & Call to Order

The meeting was called to order at 10:05 a.m.

2. Establishment of a Quorum

Roll Call was taken and quorum was established. Dr. Levy joined the meeting at 10:18 a.m.; however there was no change to quorum.

3. Introduction of New Committee Members

Dr. David Field, ND, LAc, Committee Chair, welcomed the new Committee Members, Dr. Greta D'Amico, ND and Dr. Dara Thompson, ND. He also thanked Dr. Koren Barrett, ND along with Dr. Tabatha Parker, ND, for their service and dedication to the Committee. Both, Dr. Parker and Dr. Barrett are no longer on the Committee.

4. Review and Approval of April 27, 2015 Committee Meeting Minutes

The minutes for 7/27/2015 were not available for review and approval due to corrupted files and were tabled for an upcoming meeting.

5. Naturopathic Medicine Committee Strategic Plan

Elisa Chohan, Facilitator, DCA SOLID Unit led the review of the draft copy of the new 2016-19 Strategic Plan. The Committee requested minor grammatical changes, (i.e., remove periods in "Mission" and "Vision" area.

- In area #3 Legislation and Regulations – justify the left margin
- Remove the 3.3 "grandfathering issue"
- Remove the 3.5 "develop standard of practice" (per legal opinion)
- Amend 3.6 "Open communication between appropriate boards, and association in order to facilitate a greater understanding of potential legislative and regulatory changes".
- Amend 5.6 "Develop outreach campaigns to educate public in regards to naturopathic medicine."

Committee directed staff to develop an Action Plan in order to carry out goals and objectives outlined in the new Strategic Plan.

Motion – Levy / Second – Gordon, to make edits to the strategic plan 2016-19 draft, adopt Strategic Plan 2016-19 as amended and direct staff to develop an Action Plan. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D'Amico, Hirt, Gordon, Spar, Weisswasser, Kim / NO – none / Abstentions – none).

6. Executive Officer Report – Rebecca Mitchell

Licensing:

Mrs. Mitchell reported that there are currently 608 licensed naturopathic doctors since January 2005, 10 inactive licensees, 126 licenses are lapsed. There are currently 21 Initial License Applications on file.

Enforcement:

Mrs. Mitchell reported that all repeat and egregious offenders are normally cited and fined within the month they are reported to the Committee. However, due to the massive amount of time spent on the testing and conversion to the Breeze system, enforcement became backlogged. There is a eleven-month backlog to issue citations and fines for those who illegally use of the title "ND". The backlog has been reduced dramatically with the addition of a fulltime staff working the cases.

The Committee's Enforcement unit had an intake of 92 complaints. Of the 92 cases, the breakdown is as follows:

- 40 cases were closed for non-jurisdiction or no merit to the complaint,
- 52 complaints are pending in various stages; these are as follows:
 - 4 (13% are against NDs (3 for advertisements, 1 unprofessional conduct)

- 48 (87%) are against unlicensed individuals (naturopaths or others) in violation of using the title of ND and or practicing naturopathic medicine.

The investigative costs associated with these cases for the FY 2015-16 is \$60,020 which is 27.69% of the total budget.

For the reasons stated above, the staff has recommended promoting legislation for the "naturopath" title protection.

Budget Update:

The Executive Officer reported that currently, the Committee has 18.0 months (\$500,000) in reserve. As 04/30/2016, the Committee had 23.43% (\$88,568) of its \$378,000 budget remaining.

Planned receipts for FY 2015-16 revenue is \$290,000. The actual receipts for FY 2015-16 revenue will be provided after July 2016

Budget Highlights:

1. In recent years, there have been four (4) BCPs submitted in hopes of securing a staff position for an analyst classification and augmentation for the position. In 2013 a BCP to secure such position beginning in FY 2014-15 was finally approved. In July of 2014, the Committee hired an analyst to cover licensing and enforcement functions. Although the Committee requested an ongoing, permanent position, the DOF only approved the position for a three (3) year, limited term. Giving the Committee time to quantify the ongoing need for the position. The position is set to expire as of June 30, 2016.
2. The Executive Officer submitted a BCP requesting to change the current analyst position to a full-time, permanent position and \$73,000 ongoing augmentation to support the position.
3. Last month the BCP was approved and the limited term position is in the process of being converted to a fulltime permanent position. The program will be able to keep the staff that we have spent the last several months training. This is the first position added since the creation of the Committee from the Bureau.

Legislation:

SB 1155	(Morrell)	Professions and Vocations: Licenses: Military Service
SB 1195	(Hill)	Professions and Vocations: Board Actions: Competitive Impact
AB 1992	(Jones)	Pupil Health: Physical Examinations
SB 1033	(Hill)	Medical Board: Disclosure of Probationary Status
SB 538	(Block)	Naturopathic Doctors: Scope of Practice

Information was reported under Agenda Item #7.

Committee Member Training:

Committee Members were reminded to be sure to review the training requirements that were sent out. All of the required training and the frequency of the training were included within the meeting material.

5. Legislative Updates:

- **SB 538 (Block – change in author)** Naturopathic Doctors
Location of Bill: Assembly Committee on Appropriations – This bill would amend the scope of practice for Doctors of Naturopathic Medicine.

Stance: The Committee is in support of this SB 538.

- **SB 1155 (Morrell)** Professions and Vocations: Licenses: Military Service
Location of Bill: Senate Committee on Appropriations – Suspense File

This bill would require every program within DCA to waive application and initial license fees for veterans who have been honorably discharged from the California National Guard or the US Armed Forces.

Stance: At this time, the Committee does not have a quantifiable number of how many licensees fall into this category. If there is a large amount of licensees that are within this category, the revenue loss due to this bill would have a significant impact on the Committee's fund and budget.

Motion – D'Amico / Second – Levy, to support SB 1155. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D'Amico, Gordon, Spar, Weisswasser, Kim / NO – none / Abstentions – none).

- **SB 1195 (Hill)** Professions and Vocations: Board Actions: Competitive Impact
Location of Bill: Senate Committee on Appropriations – Bill pulled by author at this time.

This bill would do the following: 1) authorize the Departments Director to review a decision or other action of a board within the Department to determine whether it unreasonably restrains trade and to approve, disapprove, or modify the board decision or action, as specified; 2) allow the Director to veto a regulatory package for anticompetitive impacts; 3) provide state indemnification for liability of board members for antitrust violations; 4) require board to include information regarding anticompetitive impacts in their regulatory packages; 5) add competitive impact as an additional standard for the Office of Administrative Law to review; 6) prohibit the Board of Registered Nurses from employing an executive officer that is a Board licensee; 7) extend the effective date of the Board of Veterinary Medicine to January 1, 2021; 8) allow drug compounding; 9) authorize a university license type; and 10) prohibit premise registration after five years of nonrenewal among other technical changes.

Stance: no stance.

- **AB 1992 (Jones)** Pupil Health: Physical Examinations
Location of Bill: Dead

This bill would have added chiropractic examiners, naturopathic doctors, and nurse practitioners to the list of authorized medical practitioners that may perform a physical examination required for participation in an interscholastic athletic program, as specified.

This bill failed passage in Committee on April 26, 2016.

Stance: none.

- **SB 1033 (Hill)** Medical Board: Disclosure of Probationary Status
Location of Bill: Senate Committee on Appropriations – Bill pulled by author at this time.

This bill would require physicians, doctors of osteopathic medicine, doctors of podiatric medicine, chiropractors, acupuncturists, and doctors of naturopathic medicine to disclose their probationary status on a standardized document to patients prior to a medical appointment or visit. This bill would require the licensee to obtain verification that patients were notified of the licensee's probationary status. Finally, this bill would exempt a licensee from this requirement if the patient is unable to comprehend the disclosure or sign an acknowledgment of receipt when a guardian or health care surrogate is unavailable.

This bill failed passage.

Stance: Staff suggestion to oppose this bill as it has the high potential to increase fraudulent claims against a licensee. No action taken on this bill.

- **Discussion and Possible action regarding seeking legislative amendments relating to Scope Expansion and Reciprocity / NPLEX Exam Requirements**
 - The Committee thought that an amendment to B&P Code Sections 3631 and 3633.1 would need to be made in order to allow NDs who graduated pre-1986 and took an era appropriate State Examination to be able to be licensed in California. However, legal opinion was received that the clause "or an equivalent approved by the North American Board of Naturopathic Examiners.", in B&P code Section 3631, currently allows for this situation.
 - No changes to B&P code Sections 3631 and 3633.1 are needed.
 - A change to B&P code Section 3630 should be amended as follows:

An applicant for a license as a naturopathic doctor shall file with the committee a written application on a form provided by the committee or online through the committee website that shows, to the committee's satisfaction, compliance with all of the following requirements:

(a) The applicant has not committed an act or crime that constitutes grounds for denial of a license under Section 480, and has complied with the requirements of Section 144.

(b) The applicant has received a degree in naturopathic medicine from an approved naturopathic medical school where the degree substantially meets the educational requirements in paragraph (2) of subdivision (a) of Section 3623.

Motion – D’Amico / Second – Levy, to amend 3630 (for cleanup) to include submitting applications through the Committee’s Online BreEZe website. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D’Amico, Gordon, Spar, Weisswasser, Kim / NO – none / Abstentions – none).

- If SB 538 does not pass, the Committee would like to propose language for a scope expansion in order to provide the California consumers with the full-scope of naturopathic care and allow ND licensees to practice as trained.

6. California Code of Regulations – Title 16, Section 4212: License Application

CCR 4212 should be changed to comply with B&P code Section 114.5, by adding “A statement as to whether the applicant is serving in, or has previously served in the military.” and “Is your spouse serving in, or has previously served in the military.”

Also, B&P 4212(a)(8) should have the Bureau reference changed to Committee. B&P

Motion – Weisswasser / Second – Levy, to authorize the EO generate regulation package to make changes to CCR 4212 to include the military questions as stated in B&P code Sections 114.5 and 115.5. Roll call vote taken, motion carried 8-0-0. (YES – Field, Levy, D’Amico, Gordon, Spar, Weisswasser, Kim / NO – none / Abstentions – none).

7. Public Comment for Items Not on Agenda

Judy Wolen, Lobbyist for CNDA, stated that at this time CNDA is carrying SB 538 and reported that the bill is still active and in the last Committee (Assembly Appropriations). Call of bill did not receive votes as anticipated; however bill had been given option of reconsideration (2-year bill).

The Chair and Executive Officer welcomed the Committee’s new legal counsel, Jason Hurtado, Esq. and thanked Ileana Butu, Esq., for her dedicated service to the Committee.

8. Establish Future Meeting Dates & Locations

The next meeting will be scheduled tentatively as follows:

- November 4, 2016 at 10:00 a.m., in San Diego (Bastyr University).
- December 5, 2016 – Sacramento, CA

9. Agenda Items for Future Meetings

- Inactive Fees and Regulations
- CCR Section 4258 Criteria for rehabilitation when considering license reinstatement or modification penalty
- Fictitious Name Permit Regulations and Fee
- Telehealth Regulations
- Amend CCR 4214 to comply with B&P code Section 30
- "Naturopath" Title Protection
- Scope Expansion for Benefit of Consumer Protection

10. Adjournment

There being no further business or public comment, the meeting was adjourned at 12:16 p.m.

**Naturopathic Medicine Committee**

1300 National Drive, Suite 150, Sacramento, CA 95834

P (916) 928-4785 F (916) 928-4787 | www.naturopathic.ca.gov**Naturopathic Medicine Committee****DRAFT****Meeting Minutes****October 4, 2016****COMMITTEE
MEMBERS
PRESENT:**

David Field, ND, Lac, Chair
 Tara Levy, ND, Vice-Chair
 Greta D'Amico, ND
 Michael Hirt, MD
 Thyonne Gordon, PhD
 Myles Spar, MD
 Gregory Weisswasser, ND
 Alexander Kim
 Dara Thompson, ND

**COMMITTEE
MEMBERS
ABSENT:**

No members absent

**STAFF
PRESENT:**

Jason Hurtado, Esq., Legal Counsel
 Rebecca Mitchell, Executive Officer (EO)
 Raquel Oden, Program Analyst, NMC

Persons of Interest Heather Olivares, Legislative Analyst, DCA, Leg & Reg Review Unit**1. Welcome & Call to Order**

The meeting was called to order at 12:32 p.m.

2. Establishment of a Quorum

Roll call was taken and a quorum was established.

3. Discussion and Possible Action regarding the creation of a Sub-Committee in response to the 2016/17 Oversight Report – Assembly Business and Professions Committee and Senate Business, Professions and Economic Development Committee

The Committee Chair appointed an Oversight Review Sub-Committee consisting of Drs. Field and D'Amico.

Motion – Spar / Second – Gordon, to appoint an Oversight Review Sub-Committee. Roll call vote taken, motion carried 9-0-0. (YES – Field, Levy, D’Amico, Hirt, Gordon, Weisswasser, Spar, Kim, Thompson / NO – none / Abstentions – none).

4. Public Comment for Items Not on Agenda

No public comment

5. Establish Future Meeting Dates & Locations

The next meeting will be scheduled tentatively as follows:

- Wednesday, November 4, 2016 - Sacramento, CA

6. Agenda Items for Future Meetings

- Review and Approve Administrative Manual
- Review and Approve 2016-17 Oversight Review (Sunset) Report

7. Adjournment

There being no further business or public comment, the meeting was adjourned at 12:52 p.m.



Naturopathic Medicine Committee
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Naturopathic Medicine Committee

DRAFT Meeting Minutes

November 7, 2016

COMMITTEE MEMBERS PRESENT:

David Field, ND, Lac, Chair
 Tara Levy, ND, Vice-Chair
 Greta D'Amico, ND
 Michael Hirt, MD
 Gregory Weisswasser, ND
 Alexander Kim
 Dara Thompson, ND

COMMITTEE MEMBERS ABSENT:

Thyonne Gordon, PhD
 Myles Spar, MD

STAFF PRESENT:

Jason Hurtado, Esq., Legal Counsel
 Rebecca Mitchell, Executive Officer (EO)
 Raquel Oden, Program Analyst, NMC

Persons of Interest Heather Olivares, Legislative Analyst, DCA, Leg & Reg Review Unit
 Jennifer Bahr, ND, CNDA President

1. Welcome & Call to Order

The meeting was called to order at 10:10 a.m.

2. Establishment of a Quorum

Roll call was taken and a quorum was established.

3. Discussion and Possible Action regarding Adoption of Committee's Administrative Manual

The Committee adopted the Administrative Manual without any changes.

Motion – D'Amico / Second – Levy, to adopt Committee's Administrative Manual. Roll call vote taken, motion carried 7-0-0. (YES – Field, Levy, D'Amico, Hirt, Weisswasser, Kim, Thompson / NO – none / Abstentions – none).

- 4. Discussion and Possible Action regarding the Approval of the 2016-17 Oversight Report – Assembly Business and Professions Committee and Senate Business, Professions and Economic Development Committee**
Heather Olivares, Legislative Analyst, provided an explanation of the Sunset process. Report will be due to the Joint Oversight Committee by 12-1-2016. It was reported that the hearings are tentatively planned for the end of February 2017.

There were a few technical changes made to the draft at the meeting. The Committee agreed to the report as amended.

Motion – D’Amico / Second – Kim, to approve Committee’s 2016-17 Oversight Review Report. Roll call vote taken, motion carried 7-0-0. (YES – Field, Levy, D’Amico, Hirt, Weisswasser, Kim, Thompson / NO – none / Abstentions – none).

5. Public Comment for Items Not on Agenda

No public comment

6. Establish Future Meeting Dates & Locations

Due to the upcoming sunset hearings, the Committee requested that staff find out the upcoming schedule and contact members with available dates for the next meeting as needed.

7. Agenda Items for Future Meetings

No additional agenda items at this time.

8. Adjournment

There being no further business or public comment, the meeting was adjourned at 2:15 p.m.

TAB 9

Budget Update – DCA Budget Staff

3069 - Naturopathic Medicine Committee

Analysis of Fund Condition

Prepared 1/6/17

(Dollars in Thousands)

2017-18 Governor's Budget

	ACTUAL 2015-16	Budget Act CY 2016-17	Governor's Budget BY 2017-18
BEGINNING BALANCE	\$ 589	\$ 510	\$ 400
Prior Year Adjustment	\$ (1)	\$ -	\$ -
Adjusted Beginning Balance	\$ 588	\$ 510	\$ 400
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 6	\$ -	\$ -
125700 Other regulatory licenses and permits	\$ 67	\$ 30	\$ 30
125800 Renewal fees	\$ 217	\$ 196	\$ 212
125900 Delinquent fees	\$ 1	\$ 1	\$ 1
141200 Sales of documents	\$ 2	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 2	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues	\$ 295	\$ 227	\$ 243
Totals, Revenues and Transfers	\$ 295	\$ 227	\$ 243
Totals, Resources	\$ 883	\$ 737	\$ 643
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (State Operations)	\$ 372	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ 315	\$ 398
9990 Statewide Pro Rata Adjustment	\$ -	\$ 22	\$ 32
8880 Financial Information System for CA (State Operations)	\$ 1	\$ -	\$ -
Total Disbursements	\$ 373	\$ 337	\$ 430
FUND BALANCE			
Reserve for economic uncertainties	\$ 510	\$ 400	\$ 213
Months in Reserve	18.2	11.2	5.8

NATUROPATHIC MEDICINE COMMITTEE - 3069
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
Dec-2016

FISCAL MONTH 6

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES 12/31/2015	BUDGET STONE 2016-17	CURRENT YEAR EXPENDITURES 12/31/2016	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	57,960	28,980	66,000	30,426	46.1%	60,852	5,148
Statutory Exempt (EO)	79,430	37,863	64,000	39,177	61.2%	78,354	(14,354)
Temp Help Reg (Seasonals)	0	0	0	0	0.0%	0	0
Temp Help (Exam Proctors)	0	0	0	0	0.0%	0	0
Board Member Per Diem	0	0	0	0	0.0%	0	0
Committee Members (DEC)	1,400	700	4,000	0	0.0%	1,500	2,500
Overtime	223	0	0	0	0.0%	0	0
Staff Benefits	63,810	31,245	65,000	35,177	54.1%	70,354	(5,354)
TOTALS, PERSONNEL SVC	202,823	98,788	199,000	104,780	52.7%	211,060	(12,060)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	1,157	273	7,000	593	8.5%	1,423	5,577
Fingerprint Reports	0	0	3,000	0	0.0%	0	3,000
Minor Equipment	3,747	0	1,000	0	0.0%	1,000	0
Printing	3,134	2,032	2,000	591	29.6%	1,182	818
Communication	753	301	3,000	178	5.9%	427	2,573
Postage	4	3	2,000	0	0.0%	0	2,000
Insurance	0	0	0	0	0.0%	0	0
Travel In State	4,520	1,880	3,000	0	0.0%	0	3,000
Travel, Out-of-State	0	0	0	0	0.0%	0	0
Training	299	0	1,000	0	0.0%	0	1,000
Facilities Operations	10,440	10,649	7,000	10,518	150.3%	10,518	(3,518)
Utilities	0	0	0	0	0.0%	0	0
C & P Services - Interdept.	0	0	14,000	0	0.0%	0	14,000
C & P Services - External	2,935	4,000	6,000	4,087	68.1%	4,087	1,913
DEPARTMENTAL SERVICES:							0
Departmental Pro Rata	13,942	7,000	14,000	4,500	32.1%	14,000	0
Admin/Exec	23,975	12,000	25,000	11,502	46.0%	25,000	0
Interagency Services	10,000	0	0	0	0.0%	0	0
IA w/ OER	0	0	0	0	0.0%	0	0
DOI-ProRata Internal	983	500	1,000	498	49.8%	1,000	0
Public Affairs Office	2,000	500	2,000	1,998	99.9%	2,000	0
CCED	0	500	2,000	0	0.0%	2,000	0
INTERAGENCY SERVICES:							0
Consolidated Data Center	0	0	0	0	0.0%	0	0
DP Maintenance & Supply	398	0	2,000	999	50.0%	2,398	(398)
Central Admin Svc-ProRata	9,586	4,793	0	0	0.0%	0	0
EXAM EXPENSES:							0
Exam Supplies	0	0	0	0	0.0%	0	0
Exam Freight	0	0	0	0	0.0%	0	0
Exam Site Rental	0	0	0	0	0.0%	0	0
C/P Svcs-External Expert Administrative	0	0	0	0	0.0%	0	0
C/P Svcs-External Expert Examiners	0	0	0	0	0.0%	0	0
C/P Svcs-External Subject Matter	0	0	0	0	0.0%	0	0
ENFORCEMENT:							0
Attorney General	4,250	553	5,000	1,530	30.6%	5,000	0
Office Admin. Hearings	0	0	0	0	0.0%	0	0
Court Reporters	0	0	0	0	0.0%	0	0
Evidence/Witness Fees	600	0	0	0	0.0%	0	0
DOI - Investigations	76,708	37,500	100,000	13,002	13.0%	75,000	25,000
INVEST SVS-MBC ONLY	0	0	0	0	0.0%	0	0
Major Equipment	0	0	0	0	0.0%	0	0
Special Items of Expense	0	0	0	0	0.0%	0	0
Other (Vehicle Operations)	0	0	0	0	0.0%	0	0
TOTALS, OE&E	169,431	82,484	200,000	49,996	25.0%	145,035	54,965
TOTAL EXPENSE	372,254	181,272	399,000	154,776	78%	356,095	42,905
Sched. Reimb. - External/Private			(1,000)	0	0.0%	(1,000)	0
Sched. Reimb. - Fingerprints					0.0%		0
Sched. Reimb. - Other					0.0%		0
Unsched. Reimb. - Other					0.0%		0
NET APPROPRIATION	372,254	181,272	398,000	154,776	38.9%	355,095	42,905
SURPLUS/(DEFICIT):							10.8%

TAB 10

Legislative Update – DCA Legislative and
Regulatory Review Staff

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TAB 11

Establish Future Meeting
Dates and Locations

Naturopathic Medicine Committee
Establish Future Meeting Dates and Locations

<i>Dates</i>	<i>Locations</i>

*Please keep in mind costs associated with meeting when choosing locations for meetings.

TAB 12

Agenda Items for Future Meetings

[illegible]