

# Department of Consumer Affairs



## Committee Meeting

Tuesday, March 5, 2019  
10:00 a.m.

## TELECONFERENCE SITES

### *Main Meeting Location:*

Department of Consumer Affairs  
1747 North Market Blvd., Suite 186  
HQ2 Hearing Room  
Sacramento, CA 95834

Naturopathic Medicine Committee  
Phone: (916) 928-4785



## Table of Contents

**Committee  
Meeting**

***March 5, 2019***



Tab 1 - Agenda

Tab - Election of Officers

Tab 3 - Public Comments

Tab 4 - Executive Officer's Update

Tab 5 - Strategic Planning for Updated  
2020-2024 Plan

Tab 6 - Recommendations and Possible  
Actions on Amendments to the ND Act

Tab 7 - Regulations: Updates and  
Possible Actions

Tab 8 - Introduction to Minor Office  
Procedures Subcommittee

Tab 9 - Intro to Prescribing & Furnishing  
Authority of NDs Subcommittee

Tab 10 - Introduction to Intravenous (IV)  
Therapy Subcommittee

Tab 11 - California Naturopathic Doctors  
Association (CNDA) Update

Tab 12 - Review and Approval  
November 15, 2018 Meeting Minutes

Tab 13 - Budget Update

Tab 14 - Future Meeting Dates and  
Locations

Tab 15 - Agenda Items for Future  
Meetings

# TAB 1

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## Agenda



NATUROPATHIC MEDICINE COMMITTEE  
AGENDA AND NOTICE OF TELECONFERENCE MEETING

March 5, 2019

10:00 AM – Until the conclusion of business

**Meeting Site:**

Department of Consumer Affairs  
1747 North Market Blvd.  
HQ2 Hearing Room – Ste. 186  
Sacramento, CA 95834  
(916) 928-4785

**Teleconference Site:**

Southern California Men's Med Grp  
9201 W. Sunset Blvd., Suite 812  
Los Angeles, CA 90069

**Naturopathic Medicine Committee**

1300 National Drive, Suite 150  
Sacramento, CA 95834

Rebecca Mitchell  
Executive Officer

(916) 928-4785  
(916) 928-4787 – Fax  
(916) 322-1700 – TDD  
[www.naturopathic.ca.gov](http://www.naturopathic.ca.gov)

**Committee Members:**

Dara Thompson, ND  
Greta D'Amico, ND  
Gregory Weisswasser, ND  
Minna Yoon, ND  
Vera Singleton, ND  
Myles Spar, MD  
Bruce Davidson, PhD  
Shirley Worrels  
Physician Position - VACANT

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 [10:00 – 10:05 am]
2. Election of Officers [10:05 – 10:20 am]
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).)* [10:20 – 10:35 am]
4. Executive Officer's Report [10:35 – 11:05 am]
  - a. Office Renovation Update
  - b. Title Protection Statistics Update

5. Discussion and Possible Action Regarding 2020-2024 Strategic Plan – SOLID Strategic Planning Staff [11:05 – 11:45 am]
 

[BREAK FOR LUNCH [11:45 am – 12:15 pm]
6. Recommendations and Possible Action on Amendments to the Naturopathic Doctors Act: [12:15 – 1:00 pm]
  - a. Business and Professions Code section 3635(b) - Continuing Education Requirements
  - b. Possible Legislative Proposal for Title Protection
  - c. Possible Legislative Proposal for Scope Expansion
7. Regulations Update and Possible Action: [1:00 – 2:05 pm]
  - a. New California Code of Regulations (CCR) section, Title 16, Div. 40, Article 9 – Disciplinary Disclosure to Patients
  - b. Amend Title 16, CCR section 4240 - Fees
  - c. Amend Title 16, CCR section 4228 – Inactive License
  - d. Amend Title 16, CCR section 4222(d)(2) – Duration and Renewal of License
  - e. New Title 16, CCR section 4229 - Retired License
  - f. Amend Title 16, CCR section 4212 – License Application; Process; section 4256 – Substantial Relationship Criteria; section 4258 – Criteria for Rehabilitation; section 4260 – Unprofessional Conduct
8. Introduction of Minor Office Procedures Subcommittee [2:05 – 2:25 pm]
  - a. Discussion and Possible Action on Updated Recommendations to Legislature
9. Introduction of Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee [2:25 – 2:45 pm]
  - a. Discussion and Possible Action on Updated Recommendations to Legislature
10. Introduction of Intravenous (IV) Therapy Subcommittee [2:45 – 3:05 pm]
  - a. Discussion and Possible Action on Future Regulatory Efforts for IV Therapy
11. California Naturopathic Doctors Association (CNDA) Update – CNDA Staff [3:05 – 3:10 pm]
12. Review and Approval of November 15, 2018 Committee Meeting Minutes [3:10 – 3:15 pm]
13. Budget Update – DCA Budget Office [3:15 – 3:30 pm]
14. Future Meeting Dates and Locations [3:30 – 3:35 pm]
15. Agenda Items for Future Meetings [3:35 – 3:40]

16. Adjournment [3:40 – 3:45 pm]

**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](http://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 made a request by contacting Rebecca Mitchell, ADA Liaison, at (916) 928-4785 or via email at [Rebecca.Mitchell@dca.ca.gov](mailto: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 you request to our office at least five (5) business days before the meeting will help ensure availability of the requested accommodation(s).

# TAB 2

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## Election of Officers

## **Election of Officers**

Elections of the officers shall occur annually at the first or last meeting of each year.

## **Officer Vacancies**

If an office becomes vacant during the year, the Chair may appoint a member to fill the vacancy for the remainder of the term until the next annual election. If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair. Elected officers shall then serve the remainder of the term.

## **Position(s) for Election:**

- **Chair**
- **Vice Chair**

All officer positions are elected annually. The Chair and/or Vice Chair duties include, but are not limited to:

- Attend and testify at legislative hearings and Oversight Review (Sunset) hearings.
- All communications relating to any Committee action or policy to any individual or organization shall be made only by the Chair of the Committee, his or her designee (Vice Chair), or the Executive Officer.
- Review and Approval of Executive Officer's Attendance/Vacation use.
- Monthly contact with Executive Officer for updates, issues, or tasks.
- Periodic travel approximately 2-6 times a year in addition to Committee/subcommittee meetings.
- Appoint and provide direction to subcommittees.
- If the Chair is unable to attend a meeting, the Vice Chair acts in place of the Chair in their absence.
- The Chair will evaluate the Executive Officer on an annual basis. (However, all Committee members provide information to the Chair on the Executive Officer's performance in advance of the evaluation. Once compiled, the Committee Chair meets with the Executive Officer to provide the Committee's evaluation.)
- The Chair leads Committee meetings.
- Attend meetings via teleconference or in person for Department of Consumer Affairs (DCA) meetings. (Only about 2-4 times a year.)



## Current Committee Member Biographies

**Gregory Weisswasser, N.D.** – Is now in his grace period of his final four-year term.

**Dara Thompson, N.D.**, received her bachelor's degree in biology from the University of California at Santa Cruz and her doctorate in naturopathic medicine from The National College of Naturopathic Medicine in Portland, Oregon. After 5 years of clinical practice she completed a 1-year post-graduate training in Environmental Medicine. Dr. Thompson taught Anatomy and Physiology as well as Clinical Nutrition and the Hawaii College of Oriental Medicine for 9 years.

Dr. Thompson currently practices at Azzolino Chiropractic Neurology and Integrative Wellness in San Francisco. In this dynamic setting, she enjoys active collaboration with medical doctors and chiropractors. Dr. Thompson has been in practice since 2002 and her passion for medicine continues to grow. She combines the foundations of naturopathic medicine with her knowledge of environmental influences and genomic analysis to find solutions for complex medical conditions.

Dr. Thompson is currently the Acting Chair of the NMC and Former Chair of the NMC Formulary Subcommittee.

*Dr. Thompson was appointed to the Committee by former Governor Brown in December 2015.*

**Greta Hauck D'Amico, ND**, received her Bachelor of Arts Degree in Social Science from UC Berkeley in 1990 and her Doctorate of Naturopathic Medicine (ND) from the Southwest College of Naturopathic Medicine and Health Sciences in 2004. She is currently President of the Four Rivers Naturopathic Clinic where she sees patients of all ages with her husband, Sandro D'Amico, ND, in Auburn. She utilizes several novel approaches to help her patients, including classical homeopathy, biotherapeutic drainage and European biological medicine, counseling and physical medicine.

Dr. D'Amico has been active in the California Association of Naturopathic Doctors since 2004 and has served the association as Legislative Lead. She is also a member of the American Association of Naturopathic Physicians and P.E.O., a philanthropic organization that raises money for women's education. She is multi-lingual and has lived and studied in Norway, France, Thailand and Costa Rica.

*Dr. D'Amico was appointed to the Committee by former Governor Brown in December 2015.*

**Myles Spar, MD, MPH**, directs the Integrative Medicine program at the Simms-Mann Health and Wellness Center at Venice Family Clinic and is a Board-Certified Internist in private practice as well as a clinical Instructor at the UCLA School of Medicine. Dr. Spar is board certified in Internal Medicine and completed a fellowship in Integrative Medicine with the University of Arizona CIM. He has presented internationally on issues relating to bringing integrative medicine to diverse settings, including underserved communities. He recently co-edited an edition in the Andrew Weil series with Oxford University Press

on Integrative Men's Health. Dr. Spar is the recipient of the Bravewell Award for Leadership in Integrative Medicine in 2013.

Born in Charleston, South Carolina, Dr. Spar attended the University of Michigan Medical School, from where he graduated in 1993. He completed his residency in Internal Medicine at Tulane University and then pursued a fellowship in Health Services Research at UCLA while earning a Masters in Public Health.

Dr. Spar has founded a new 501(c)(3) organization dedicated to facilitating access to Integrative Medicine among the underserved, Integrative Medicine Access.

*Dr. Spar was appointed by former Governor Brown in November 2014.*

**Bruce N. Davidson, Ph.D.** has held executive positions in healthcare performance improvement, quality analytics, and data governance for prominent healthcare delivery organizations in Southern California. With 40 years of experience in health services delivery and evaluation, Dr. Davidson currently consults to healthcare and human service organizations nationwide. He is also an Adjunct Assistant Professor in the Department of Health Policy and Management at the UCLA Fielding School of Public Health, where for nine years he taught the Quality Improvement course in the Executive Master of Public Health program. Dr. Davidson's prior public service includes three annual appointments as a Member of the Board of Examiners for the national Malcolm Baldrige Performance Excellence Program.

Dr. Davidson earned his Ph.D. in Health Policy and Health Services Research and a Master's degree in Population and Family Health from the UCLA Fielding School of Public Health. He was a Pew Health Policy Fellow at RAND during his doctoral studies. He also has a Master's degree in Social Policy and Planning from USC's School of Urban & Regional Planning, and earned his BS from MIT.

*Dr. Davidson was appointed by Senate Rules Committee in August 2018 as a public member.*

**Minna Yoon, ND, MSTOM** received her Bachelor of Arts in Biology from Washington University in St. Louis, Missouri in 1997, her Doctorate in Naturopathic Medicine from Bastyr University in Seattle, Washington in 2002, and her Master of Science in Traditional Oriental Medicine at Pacific College of Oriental Medicine in San Diego, California in 2004. For over 10 years, Dr. Yoon has been practicing at her clinic Bay Natural Medicine in San Francisco with an emphasis on treating adults with chronic illnesses, hormone imbalances, and digestive issues. She is also a licensed acupuncturist and Chinese herbalist.

Dr. Yoon served as the Legislative Chair for the California Naturopathic Doctors Association from 2009-2015 and was awarded “Doctor of the Year” by the California Naturopathic Doctors Association in 2013.

*Dr. Yoon was appointed to the NMC by former Governor Brown in July 2018.*

**Vera Singleton, ND, MBA**, has been a naturopathic doctor in private practice since 2011. She was Executive Medical Director at My Fertility Cures from 2014 to 2016 and a naturopathic doctor at Tara Natural Medicine, at Paeonia Health and at Lolo Health Center from 2011 to 2015.

Dr. Singleton served as a project manager in the inaugural MBA Fellows program at the U.S. Department of Labor from 2003 to 2007. She is a member of the Society of Cannabis Clinicians and the California Naturopathic Doctors Association. Dr. Singleton earned a Master of Business Administration degree in health information systems at Wayne State University and a Doctor of Naturopathic Medicine degree from Southwest College of Naturopathic Medicine and Health Sciences.

*Dr. Singleton was appointed to the NMC by former Governor Brown in July 2018.*

**Shirley Worrels**, is a retiree. She served as Department Administrator for Kaiser Permanente from 1979 to 2014. During her tenure she managed the day to day and financial operations for the Psychiatry Dept. and several Primary Care departments. She implemented, coordinated and managed several organizational initiatives for Kaiser. Ms. Worrels received her undergraduate degree from Cal State Los Angeles and her graduate degree in psychology from Pepperdine University. In retirement Shirley is involved in many civic and community service endeavors.

*Ms. Worrels was appointed to the Naturopathic Committee by Speaker of the Assembly in August of 2018 as a public member.*

# TAB 3

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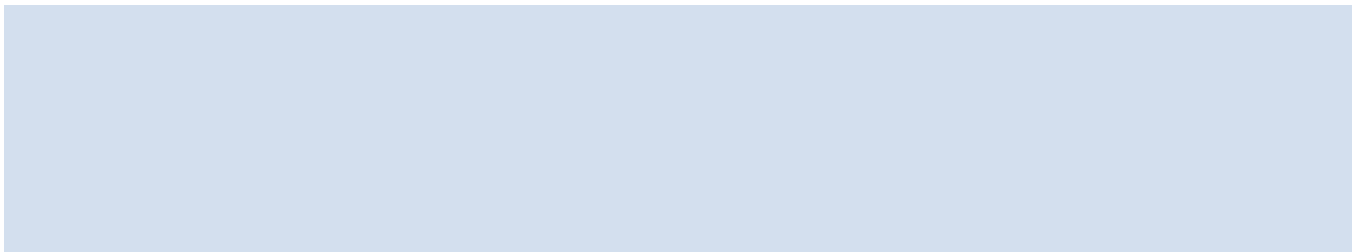
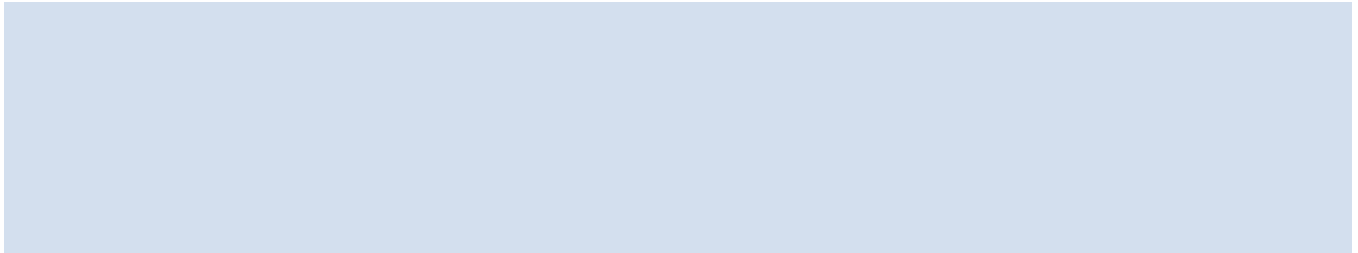
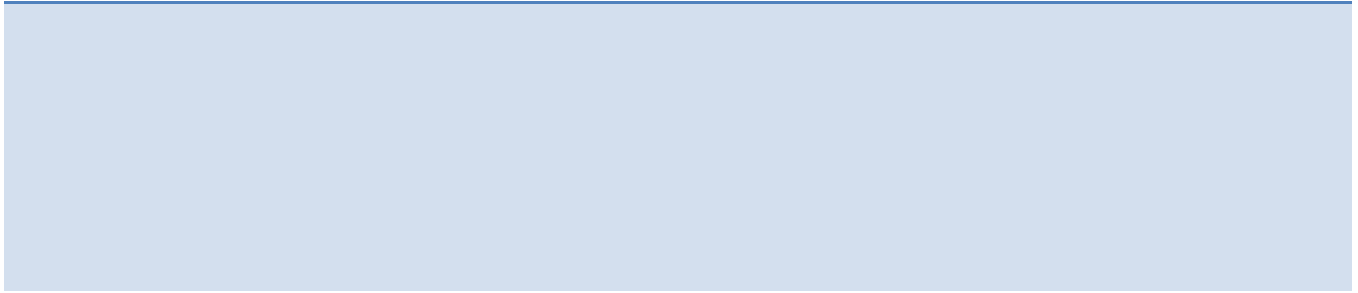
## Public Comments

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**Name of Public Providing  
Comment**

**Comment Presented**

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# TAB 4

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## Executive Officer's Update

## **AGENDA ITEM 4**

Naturopathic Medicine Committee Meeting  
Executive Officer Report  
March 5, 2019

### **Office Renovation:**

During the November 15, 2018 meeting, it was reported that both the Naturopathic Medicine Committee (Committee) and the Osteopathic Medical Board of California (OMBC) would be temporarily moved during an office renovation. Additionally, on November 15<sup>th</sup>, the Executive Director of the OMBC approved the final plans and authorized the Department of General Services, along with Department of Consumer Affairs (DCA), Facilities Unit, to move forward and start the renovations.

During the renovation, the staff for both Committee and OMBC were temporarily relocated to vacant office space within DCA. Although, the renovation was originally scheduled to start the last week of November and go through the first two weeks of December, certain circumstances made that schedule unattainable.

On January 3, 2019, staff from Committee and OMBC were relocated to the temporary office location and the renovation on the office located at National Drive was started. The renovations were completed without any issues and the staff was able to return to the permanent office on January 28, 2019. During this time, the Committee did not notice any significant delays to any of its licensing or enforcement processes.

Staff has now settled into the new office and seems to enjoy the new space. The renovation increased natural light to the office, included an addition of a file/supply room for the Committee and added several more cubicles which were needed to increase staffing in the near future.

### **Title Protection Statistics:**

Title protection data is unavailable at this time and will be provided at the next committee meeting.

# TAB 5

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## Strategic Planning for Updated 2020-2024 Plan



# Strategic Planning Process Overview

SOLID Training and Planning Solutions

# Facilitators & Role

## Facilitators

Lucy Sarkisyan

Julie Kolaszewski

## Roles of Facilitators

- Neutral party, non-participant
- Provides structure (not content)
- Documents the discussion
- Not the expert

# Strategic Planning Questions

Where are we now?



**Values, mission, SWOT**

Where are we going?



**Vision**

How will we get there?



**Goals and objectives**



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graph TD; A[Preliminary Meetings] --> B[Environmental Scan]; B --> C[Planning Session]; C --> D[Action Planning Session];
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Preliminary Meetings

Environmental Scan

Planning Session

Action Planning Session

# SWOT Analysis

1

Strengths

2

Weaknesses

3

Opportunities

4

Threats

# SWOT Analysis

	INTERNAL	EXTERNAL	
Capitalize	<p><b>Strengths</b></p> <p>Resources or capabilities that help an organization accomplish its mandate or mission.</p> <p>What does the program do well?</p>	<p><b>Opportunities</b></p> <p>Outside factors, trends, or situations that can affect your organization in a favorable way.</p> <p>What are potential opportunities?</p>	Invest
Repair	<p><b>Weaknesses</b></p> <p>Deficiencies in resources and capabilities that hinder an organization's ability to accomplish its mandate or mission.</p> <p>What can the program improve?</p>	<p><b>Threats</b></p> <p>Outside factors or situations that can affect your organization in a negative way.</p> <p>What are potential threats?</p>	Mitigate

## Prior Goals

- Licensing & Continuing Education
- Enforcement
- Legislation and Regulations
- Administration
- Outreach & Education



# Licensing & Continuing Education

The Committee promotes licensing standards for licensees to protect consumers and allow reasonable access to the profession. The Committee also oversees and approves continuing education standards to promote excellence in practice and public safety.

# Enforcement

The Committee protects the safety of consumers through enforcement of the laws and regulations governing the practice of naturopathic medicine.



# Legislation and Regulations

Committee statutes, regulations, policies and procedures strengthen and support their mandate and mission.

# Administration

Through effective leadership, the Committee efficiently utilizes its resources and personnel to meet its objectives. It provides excellent customer service and consumer protection.



# Outreach & Education

The Committee informs consumers, licensees and stakeholders about the practice and regulation of the profession, while providing responsive customer service.



# Prior Mission, Vision, Values

# Mission

To protect health care consumers through the proper licensing and regulation of Naturopathic Doctors utilizing the vigorous, objective enforcement of the Naturopathic Doctors Act, and to promote access to quality naturopathic medical care

# Vision

To promote excellence in the safe and effective practice of naturopathic medicine



# Values

- Consumer Protection
- Quality
- Transparency
- Efficiency
- Integrity

# Contact Information

Lucy Sarkisyan

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*Naturopathic  
Medicine  
Committee  
Strategic Plan  
2016-2019*



Adopted: June 6, 2016

## Contents

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Table of Contents	2
Committee Members	3
Message from the Chair	4
Goal Area Summaries	5
Mission, Vision and Values	6

## Goal Areas

Licensing & Continuing Education	7
Enforcement	8
Legislation and Regulations	9
Administration	10
Outreach & Education	11
Strategic Planning Process	12

## Committee Members

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David Field, N.D., LAc, Chair

Tara Levy, N.D., Vice Chair

Gregory Weisswasser, N.D.

Dara Thompson, N.D.

Greta D'Amico, N.D.

Michael Hirt, M.D.

Myles Spar, M.D., MPH

Thyonne Gordon, Ph.D. , Public Member

Alexander Kim, Public Member

*Former committee member(s) who also participated in the development of this strategic plan:*

Koren Barrett, N.D.

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING  
AGENCY

AWET KIDANE, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

REBECCA MITCHELL, EXECUTIVE OFFICER, NATUROPATHIC MEDICINE COMMITTEE

**Naturopathic Medicine Committee 2016-2019 Strategic Plan**



## Message from the Chair

As Chair of the Naturopathic Medicine Committee under the Osteopathic Medical Board of California, it is my pleasure to present our 2016 Strategic Plan. This Plan was developed with expert guidance from the Department of Consumer Affairs, SOLID Planning Unit, Noel Cornelia and Brianna Miller, as well as contributions from all of our Committee Members and our dedicated Executive Officer, Rebecca Mitchell.

The Committee will continue to focus on the following areas:

- Licensing and Continuing Education
- Enforcement
- Legislation and Regulations
- Administration
- Outreach and Education

The Naturopathic Medicine Committee thanks you for your interest in our work. Please check our website at [www.naturopathic.ca.gov](http://www.naturopathic.ca.gov) and keep apprised of our progress!

David Field, ND, LAc  
Chair, Naturopathic Medicine Committee



## Goal Area Summaries

### **#1 Licensing and Continuing Education**

The Committee promotes licensing standards for licensees to protect consumers and allow reasonable access to the profession. The Committee also oversees and approves continuing education standards to promote excellence in practice and public safety.

### **#2 Enforcement**

The Committee protects the safety of consumers through enforcement of the laws and regulations governing the practice of naturopathic medicine.

### **#3 Legislation and Regulations**


Committee statutes, regulations, policies and procedures strengthen and support their mandate and mission.

### **#4 Administration**

Through effective leadership, the Committee efficiently utilizes its resources and personnel to meet its objectives. It provides excellent customer service and consumer protection.

### **#5 Outreach and (Public) Education**

The Committee informs consumers, licensees and stakeholders about the practice and regulation of the profession, while providing responsive customer service.



## **Mission, Vision and Values**

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### **Mission:**

To protect health care consumers through the proper licensing and regulation of Naturopathic Doctors utilizing the vigorous, objective enforcement of the Naturopathic Doctors Act, and to promote access to quality naturopathic medical care

### **Vision:**

To promote excellence in the safe and effective practice of naturopathic medicine

### **Values:**

1. Consumer Protection
2. Quality
3. Transparency
4. Efficiency
5. Integrity



## #1 Licensing and Continuing Education

- 1.1. Explore and adopt a continuing education (CE) approval system and coordinate with the California Naturopathic Doctors Association (including the designation of pharmacy and non-pharmacy CE) to be consistent with other states and allow for greater accessibility to licensees.
- 1.2. Facilitate licensees' ability to track their CE for increased efficiency in the license renewal and auditing process and to promote public safety by confirming compliance.
- 1.3. Create a clear naturopathic doctor-physician and surgeon (ND-MD/DO) supervision agreement template for use by NDs to conform to the law regarding pharmacy prescribing.
- 1.4. Implement a regular and efficient CE auditing system to confirm that licensees have met their respective CE requirements.
- 1.5. Update Web site information on Committee-approved CE offerings to provide current information to licensees.

## #2 Enforcement

- 2.1. Identify and contract with naturopathic expert reviewers to assist with implementing enforcement actions by reviewing cases to determine a deviation from the standard of practice.
- 2.2. Strengthen penalties for illegal use of ND title to protect consumers from unscrupulous practitioners.
- 2.3. Execute timely enforcement and collection of fines to protect public safety.
- 2.4. Explore and identify policy change that implements stronger penalties for unlicensed practice to protect the public.

### **#3 Legislation and Regulations**

- 3.1. 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.
- 3.2. Review, update and announce regulations to clarify the Naturopathic Practice Act.
- 3.3. Develop the standard of practice guidelines for licensees to promote safe and professional practice and to protect public safety.
- 3.4. Open communication between the NMC, appropriate boards and associations in order to facilitate greater understanding of potential legislative and regulatory changes.

## #4 Administration

- 4.1. Clarify workflow to establish clear priorities for Executive Officer and create efficiencies.
- 4.2. Create operational manual for the office and positions to prepare for staff change and provide continuity.
- 4.3. Create clear expectations for responsiveness by the NMC to staff in order to improve workflow and shorten cycle times.
- 4.4. Secure adequate staff to support the functions and duties of the Executive Officer and the Committee.

## #5 Outreach and Education Objectives

- 5.1. Create a webinar and/or other educational opportunities around ethical and legal practice for licensed NDs to educate them about scope of practice.
- 5.2. Post disciplinary processes, results and cases (pending legal research and approval) to protect public safety.
- 5.3. 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.
- 5.4. Increase the frequency of online communications and Web site updates (newsletter, FAQs, social media) concerning naturopathic medicine (intravenous (IV) therapy and prescription (RX) formulary) to better educate the public and licensees.
- 5.5. Update the consumer brochure to provide current information to the public.
- 5.6. Develop outreach campaigns to educate the public about naturopathic medicine.

## Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Committee's success, the California Department of Consumer Affairs' SOLID Unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- ◆ Interviews conducted with eight members of the Committee were completed during August and September 2015 to assess the strengths, challenges, opportunities and threats the Committee is currently facing or will face in the upcoming years.
- ◆ Interviews conducted with the Committee Executive Officer and support staff person, completed in of August 2015 to identify the strengths and weaknesses of the Committee from an internal perspective.
- ◆ An online survey sent 550 Committee stakeholders in August 2015 to identify the strengths and weaknesses of the Committee from an external perspective. 54 stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Committee during a strategic planning session facilitated by SOLID on January 14, 2016. This information guided the Committee in the revision of its mission, vision and values, while directing the strategic goals and objectives outlined in this 2015 strategic plan.

PREPARED BY:  
**SOLID PLANNING SOLUTIONS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
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Phone: 916.574.8316 • Fax: 916.574.8386  
[SOLID@dca.ca.gov](mailto:SOLID@dca.ca.gov)

*This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Naturopathic Medicine Committee during the time period of July through September, 2015. Subsequent amendments may have been made after Committee adoption of this plan.*



## TAB 6

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### Recommendations and Possible Actions on Amendments to the Naturopathic Doctor's Act



(a) Business and Professions Code  
Section 3635(b) – Continuing Education

Agenda Item #6 (a) – Continuing Education

**BUSINESS AND PROFESSIONS CODE - BPC**

**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.

(5) Course content shall pertain to the practice of naturopathic, osteopathic, or allopathic medicine.

(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 in California.**

All continuing education providers shall comply with Section 3635.2. Continuing education providers shall submit an annual declaration to the committee that their educational activities satisfy the requirements described in Section 3635.2 and the committee shall maintain a list of these providers on its Internet Web site.

*(Amended by Stats. 2017, Ch. 600, Sec. 6. (SB 796) Effective January 1, 2018. Repealed as of January 1, 2022, pursuant to Section 3686.)*

## (b) Possible Legislative Proposal for Title Protection

Proposed amendments to Business and Professions Code section 3645

Article 4. Application of Chapter

BUSINESS AND PROFESSIONS CODE  
SECTION 3645

3645 (a) This chapter ~~permits, and does not restrict,~~ restricts the use of, the following titles 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.”

## Agenda Item #6 (b) – Title Protection

Proposed amendments to Business and Professions Code section 3660

### 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 designation “N.D.” or other titles, words, letters, or symbols, including, 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.

## Licensed Naturopathic Doctor vs. Naturopath

### Naturopathic Doctors (ND):

A licensed *naturopathic doctor (ND)* attends a four-year graduate level naturopathic medical school after completing a minimum of 3 years undergraduate pre-medical studies. A naturopathic doctor is educated in all of the same basic sciences as an MD/DO but also studies holistic and nontoxic approaches to therapy with a strong emphasis on disease prevention and optimizing wellness. In addition to a standard medical curriculum, the naturopathic doctor is required to complete four years of training in clinical nutrition, oriental medicine, homeopathic medicine, botanical medicine, psychology, and counseling. A naturopathic doctor takes rigorous professional board exams prior to being licensed in a jurisdiction that regulates the practice of naturopathic medicine. A licensed ND belongs to a regulatory body that oversees standards of practice, complaints and discipline. Naturopathic doctors must carry malpractice insurance, maintain continuing education and practice ethically and professionally.

### Naturopath:

A *naturopath* is a term that has been used by the general public and other medical professions to sometimes inaccurately refer to what more accurately is a naturopathic doctor. Considered a somewhat non-specific, derogatory expression by licensed naturopathic doctors, the term naturopath nevertheless, has been around for over 100 years. In reality, the words naturopathic doctor and naturopath have often been used interchangeably.

In modern times, the term naturopath has been more accurately applied to non-medically trained natural health providers from correspondence/long distance education programs, short-term naturopathy schools, and grandfathered in practitioners of varied backgrounds. Typically, naturopaths practice in unlicensed, unregulated jurisdictions and do not have the same training or privileges as that of a naturopathic doctor.

There has been a long history of legal and philosophical disagreements between naturopathic doctors and naturopaths that has only undermined the political and medical progress of naturopathic medicine. Unfortunately, the public has generally not been aware of the differences between the two groups, even though large differences exist.

# TAB 7

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## Regulations: Updates and Possible Actions

(a) New California Code of Regulations  
Section  
Disclosure to Consumers



**State of California**  
**NATUROPATHIC MEDICINE COMMITTEE**  
**Notice to Consumers by Naturopathic Doctors**  
**Specific Language of Proposed Changes**

Adopt section 4255 in Article 9 to read as follows:

4255. Notice to Consumers

(a) A licensee engaged in the practice of naturopathic medicine shall provide notice to each patient of the fact that the licensee is licensed and regulated by the committee. The notice shall include the following statement and information:

NOTICE TO CONSUMERS  
Naturopathic doctors are licensed and regulated by the  
State of California  
Naturopathic Medicine Committee  
(916) 928-4785  
[www.naturopathic.ca.gov](http://www.naturopathic.ca.gov)

(b) The notice required by this section shall be provided by one of the following methods:

- (1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 48-point type in Arial font.
- (2) Including the notice in a written statement, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the physician is licensed and regulated by the board.
- (3) Including the notice in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

NOTE: Authority cited: Section 3622, Business and Professions Code; Reference: Sections 138 and 680, Business and Professions Code.

(b) Amend California Code of Regulations  
section  
4240 – Fees

Agenda Item #7 (b), (c), and (e)

**Article 7. Fees**

**§ 4240. Fees.**

The following fees are established:

(a) The application fee for a doctor of naturopathic medicine license shall be four hundred dollars (\$400).

(b) The initial license fee shall be ~~eight hundred~~ one thousand dollars (~~\$800~~ \$1,000); prorated according to the applicant's birth month and the date the license is issued pursuant to Section 4222. No license shall be issued for less than twelve (12) or more than 24 months. The fee for an initial license shall be in accordance with the following schedule:

**Initial Licensing Fee Schedule**

Birth Month	Month Fee Received by the 15th.											
	If received after the 15th, use the next month fee.											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
January	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>
February	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>
March	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>
April	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>
May	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>
June	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>
July	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>
August	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>
September	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>
October	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>	\$766 <u>958</u>
November	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>	\$800 <u>1000</u>
December	\$800 <u>1000</u>	\$766 <u>958</u>	\$733 <u>917</u>	\$700 <u>875</u>	\$667 <u>833</u>	\$633 <u>791</u>	\$600 <u>750</u>	\$567 <u>708</u>	\$533 <u>667</u>	\$500 <u>625</u>	\$467 <u>583</u>	\$433 <u>541</u>

Agenda Item #7 (b), (c), and (e)

The Committee must receive payment by the 15th of any given month for the Committee to process and issue the license for that month. If payment is received after the 15th, the license will be process for issuance for the following month.

(c) The renewal fee for a license shall be ~~eight hundred~~one thousand dollars (~~\$800~~1,000).

(d) The late renewal fee for a license shall be ~~one~~two hundred and ~~ifty~~twenty-five dollars (~~\$150~~225).

(e) The fee for processing fingerprint cards shall be the current fee charged by the Department of Justice.

(f) The fee for a duplicate or replacement license shall be ~~twenty-five~~thirty-eight dollars (~~\$25~~38)-dollars.

(g) The fee for a certified license verification shall be thirty dollars (\$30).

(h) The fee for an application for retired status shall be twenty-five dollars (\$25).

(i) The fee for inactive certificate is five hundred dollars (\$500); prorated according to the time remaining in the current license cycle (first or last year of cycle).

(c) Amend California Code of Regulations  
Section 4227/4228 – Inactive License

## Article 4. Licenses

### § 4227. Inactive License Scope of Practice.

(a) The purpose of an inactive license is to enable an individual to maintain licensure as a naturopathic doctor in a non-practicing status; as such, an inactive license holder shall not engage in the practice of naturopathic medicine in California as defined in Article 4.

(b) The holder of an inactive license need not comply with the continuing education requirements established by the Committee within Business and Professions Code section 3635.

### § 4228. ~~Inactive License~~ Procedure for Obtaining an Inactive License or for Restoration to Active Status.

(a) A licensee in good standing who desires an inactive license shall submit ~~his or her written request for an inactive license~~ an application to the Committee at its principal office.

(b) In order to restore an inactive license to active status, the licensee shall: ~~submit a written request for reactivation to the Committee and evidence that the licensee has completed the required number of hours of approved continuing education in compliance with this article, as applicable for the renewal period preceding the request to reactivate~~

(1) provide proof of the completion of a minimum of thirty (30) hours of continuing education (CE) as defined in Business and Professions Code section 3635. Ten (10) of the thirty (30) hours must meet the pharmacy CE requirement. The CE must be completed within the preceding 12-month period. CE courses must be approved as defined in Business and Professions Code section 3635(b), and

(2) pay the inactive fee set forth in section 4240.

(c) ~~The holder of an inactive license shall continue to pay to the Committee the required biennial renewal fee~~ The inactive status of a license holder shall not deprive the Committee of its authority to institute or continue a disciplinary proceeding against the licensee on any grounds provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any grounds.

(d) The Committee shall inform a licensee who wishes to reactivate ~~his or her~~ their license in writing within thirty (30) days of receipt of the request specified in subdivision (b) whether the request is complete and accepted for filing or is deficient and what specific information is required. The Committee shall decide within thirty (30) days after the filing of a completed request whether the licensee meets the requirements for activation.

(e) An inactive license shall be renewed upon payment of the inactive license fees as set forth in section 4240.

(f) An inactive license shall be renewed biennially on the last day of the birth month of the licensee.

(d) Amend California Code of Regulations  
section 4222 – Duration and Renewal of  
License

**Article 4. Licenses**

**§ 4222. Duration and Renewal of License.**

(a) The initial license fee shall be prorated from the month of issuance to the month in which the second birthday of the licensee occurs after the issuance of the license.

(b) A naturopathic doctor's license shall expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term if not renewed.

(c) To renew an unexpired license, a licensee shall, before the time at which the license would otherwise expire, apply for renewal and pay the renewal fee required in Section 4240.

(d) The renewal application shall include all of the following:

(1) A statement by the licensee specifying whether the licensee was ~~convicted of a crime or~~ disciplined by another public agency during the preceding renewal period;

(2) A statement by the licensee that he or she has complied with the continuing education requirements established pursuant to Section 3635 of the Code, as applicable. The licensee shall attach documentation to the renewal application verifying the successful completion of the required continuing education.

(3) A statement by the licensee that his or her representations on the renewal form are true, correct, and contain no material omissions of fact, signed under penalty of perjury.



(e) New California Code of Regulations  
section 4229 – Retired License

## Agenda Item #7 (e) – Proposed Regulatory Language for Retired License

### Article 4. Licenses

#### § 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 education (CE) or exam requirements as follows:

(A) Complete a minimum of thirty (30) hours of CE as defined in Business and Professions Code section 3635. Ten (10) of the thirty (30) hours must meet the pharmacy requirement. The CE must be completed within the preceding 12-month period 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.

(B) If license is in a retired status for a period of more than five (5) years, the individual must meet the requirements of section 4229(2)(b) and pass a competency exam pre-approved by the Committee.

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

*(Information for Website)*

**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 CURES fees, and penalty fee must be submitted with the application.

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

(f) Amend/Add California Code of Regulations  
section 4212 – License Application; Process;  
section 4256 – Substantial Relationship Criteria;  
section 4258 – Criterial for Rehabilitation;  
section 4260 – Unprofessional Conduct

**§ 4212. License Application; Process.**

(a) A person who desires a license as a naturopathic doctor shall submit an application to the Committee on a form prescribed by the Committee that includes all of the following:

(1) The applicant's name, mailing and street addresses, telephone numbers, ~~s~~Social Security number (SSN) or Individual Taxpayer Identification Number (ITIN), date and place of birth and the institutions attended that provided naturopathic medical education.

(2) As to any other health care license or certificate currently or previously held by the applicant:

(A) The date that a license or certificate was first issued to the applicant, the name of the body that issued the license or certificate, and the status of the license or certificate.

(B) A statement as to whether or not the applicant has ever been denied a health care license or certificate.

(C) A statement as to whether or not any type of disciplinary action has ever been taken against a health care license or certificate.

(D) A statement as to whether the applicant ever voluntarily surrendered a health care license or certificate.

(3) The date, jurisdiction and official results of any naturopathic licensing examinations taken by the applicant, including the Naturopathic Physicians Licensing Examination (NPLEX).

(4) A statement as to whether or not the applicant has any condition which in any way impairs their ability to practice naturopathic medicine with reasonable skill and safety, including but not limited to a condition that required admission to an inpatient psychiatric treatment facility, an alcohol or chemical substance dependency or addiction, an emotional, mental or behavioral disorder(s) or other condition.

(5) Official transcripts embossed with the registrar's seal from an approved naturopathic medical school indicating that the applicant received a degree or diploma from the school.

~~(6) A statement as to whether the applicant ever been convicted of any crime other than a minor traffic violation.~~

~~(7)~~ (6) A statement as to whether the applicant intends to furnish or order drugs pursuant to Sections 3640.5 or 3640.7 of the Code and Section 4236. An applicant who intends to furnish or order drugs shall submit written evidence to the ~~Bureau~~ Committee that the licensee has completed at least forty-eight (48) hours of instruction in pharmacology that included the pharmacokinetic and pharmacodynamic principles and properties of the drugs

Agenda Item #7 (f) - Amend CCR section 4212 to comply with AB 2138

to be ordered or furnished under the provisions of the Act. To comply with this requirement, the instruction must have been offered by one of the following:

(A) An approved naturopathic medical school;

(B) An institution of higher learning that offers a baccalaureate or higher degree in medicine, nursing, pharmacy, or public health; or

(C) An educational institution or provider with standards and course content that are equivalent to the instruction provided by subparagraph (A) or (B), as determined by the Committee.

| ~~(87)~~ Proof of completion of Live Scan fingerprinting or for out-of-state applicants a set of original certified fingerprints and fee specified in Section 4240.

| ~~(98)~~ A passport-size photograph of the applicant taken within six months immediately preceding filing the application.

| ~~(109)~~ A certification under the penalty of perjury as to the contents of the application and any attachments thereto, signed and dated by the applicant.

| ~~(110)~~ A statement authorizing release to the Committee of the information enumerated in the application and any attachments thereto.

| ~~(1211)~~ The application fee as specified in Section 4240. The application fee is not refundable.

## **Summary of AB 2138**

AB 2138 (Chiu, Chapter 995, Statutes of 2018) made significant changes to the Committee's enforcement process. It becomes effective on July 1, 2020. Key provisions are as follows:

- Only permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of these are met (Business and Professions Code (BPC) §480(a):
  1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code §1192.7), or for those who must register as a sex offender as described in Penal Code §290(d)(2) or (3).
  2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Committee and is substantially related to the profession. (The prior disciplinary action cannot be used to deny if it was based on a dismissed or expunged conviction.)
- Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request it for the purpose of determining substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC §480(f)(2))
- Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession. These criteria will aid the Committee when considering the denial, suspension, or revocation of a license. The criteria must include all of the following (BPC §481):
  1. The nature and gravity of the offense.
  2. The number of years elapsed since the date of the offense. 87
  3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.
- Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation. (BPC §481)
- Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has been completed

their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC §482)

### **Proposed Regulations**

The Committee must amend its regulations (shown in **Attachment A**) in order to implement the requirements of AB 2138. Currently, the Committee defines substantial relationship criteria and criteria for rehabilitation in regulation sections 4256, and 4258 (**Attachment B**). However, AB 2138 requires the criteria to be outlined in greater detail.

Key amendments to the regulations are as follows:

1. **Substantial Relationship Criteria (§4256):** Includes professional misconduct in the substantial relationship determination, since §480(a)(2) of AB 2138 includes this as an option.
2. **Substantial Relationship Criteria (§4256):** Includes the nature and gravity of the offense, years elapsed since the offense, and the nature and duties of the profession as criteria for determining whether a crime is substantially related. AB 2138 requires this via §481(b).
3. **Substantial Relationship Criteria (§4256):** Adds language that substantially related crimes include, but are not limited to, violations of Chapter 1 of Article 6 of Division 2 of the Business and Professions Code (these provisions cover rebates, refunds, and discounts, and also false advertising), or violations of any of the Committee's practice acts.
4. **Criteria for Rehabilitation (§§4257 and 4258):** The criteria for rehabilitation for denial of licensure (§4257) and for suspensions or revocations (§4258) was expanded upon the requirements of AB 2138 §482 and based upon guidance from the DCA Legal Affairs Division.
5. **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (§4259):** The Committee's Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Uniform Standards) are incorporated by reference via §4259 of the regulations. A portion of Uniform Standards need to be updated because they detail the Committee's criteria for rehabilitation, which AB 2138 updated. We will work the Uniform Standards and Disciplinary Guidelines after the March 5, 2019 meeting.
6. **Required Actions Against Registered Sex Offenders (§4259.1):** Section 480(a)(1)(A) of AB 2138 permits denial of a license for sex offense crimes that require registration pursuant to Penal Code (PC) Section 290(d)(2) or (3). PC §290 outlines sex offense violations by type of offense and length of registration required (See **Attachment D** for text of Penal Code §290).



Regulation §4259.1 needs to be added because by specifying PC 290(d)(2) or (3) for sex offense denials, AB 2138 narrowed denials for sex offenses. Therefore, §4259.1 of the regulations must be added to reflect this.

### **Recommendation**

Conduct an open discussion about the proposed language. Motion if language approved: To approve the proposed text for a 45-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period; to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

### **Attachments**

**Attachment A:** Proposed Regulations

**Attachment B:** Current Law: Substantial Relationship Criteria and Criteria for Rehabilitation

**Attachment C:** AB 2138 Text

**Attachment D:** Penal Code §290 (Effective January 1, 2021)

## Attachment A

Agenda Item #7 (f) AB 2138 – NMC Proposed Regulatory Language for CCR 4256, 4257, 4258, 4259, and 4259.1

### Article 9. Enforcement

#### § 4256. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension or revocation of a license or certificate pursuant to section 141 or Division-division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or certificate under the Naturopathic Doctors Act if to a substantial degree it ~~evinces~~ evidences present or potential unfitness of a person holding such a license or certificate to perform the functions authorized by the license or certificate in a manner consistent with the public health, safety or welfare. ~~Such crimes or acts shall include but not be limited to the following:~~

~~(ab) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Naturopathic Doctors Act. In making the substantial relationship determination required under subdivision (a) for a crime, the Committee shall consider the following criteria:~~

~~(b1) A conviction of child abuse. The nature and gravity of the offense;~~

~~(e2) A conviction as a sex offender. The number of years elapsed since the date of the offense; and~~

~~(d3) The conviction of any crime involving the sale, gift, administration, or furnishing of narcotics, dangerous drugs or dangerous devices, as defined in Section 4022 of the Code. The nature and duties of a naturopathic doctor.~~

~~(ec) A conviction for assault and/or battery, lewd conduct, or driving under the influence of drugs or alcohol. For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:~~

(1) Any violation of Article 6, Chapter 1, Division 2 of the Code.

(2) Any violation of the provisions of Chapter 8.2 of Division 2 of the Code.

~~(f) A conviction of a crime involving fiscal dishonesty.~~

*NOTE: Authority cited: Sections 481, 3622, Business and Professions Code. Reference: Sections 480, 481, 3660, and 3662, Business and Professions Code.*

#### § 4257~~8~~. Criteria for Rehabilitation – Denial of Licensure.

(a) When considering the denial of a license or certification under Section 480 of the ~~Code~~ Business and Professions Code on the ground that the applicant was convicted of a crime, the Committee shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue

## Attachment A

Agenda Item #7 (f) AB 2138 – NMC Proposed Regulatory Language for CCR 4256, 4257, 4258, 4259, and 4259.1

without a violation or parole or probation. In making this determination, the Committee shall consider the following criteria:~~the Committee, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:~~

- (1) The nature and ~~severity of the act(s) or crime(s) under consideration as grounds for denial~~gravity of the crime(s).
  - (2) ~~Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.~~The length(s) of the applicable parole or probation period(s).
  - (3) ~~The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
  - (4) ~~The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
  - (5) ~~Evidence, if any, of rehabilitation submitted by the applicant.~~The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.
- (b) ~~When considering the suspension or revocation of a license on the grounds that a naturopathic doctor has been convicted of a crime, the Committee, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:~~If subdivision (a) is inapplicable, or the Committee determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Committee shall apply the following criteria in evaluating the applicant's rehabilitation. The Committee shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Committee finds that the applicant is rehabilitated:
- (1) Nature and severity of the act(s) or ~~offense~~crime(s) under consideration as grounds for denial.
  - (2) ~~Total criminal record~~Evidence of any act(s) or crime(s) Committee subsequent to the act(s) or crime(s) under consideration as grounds for denial under section 480 of the Business and Professions Code.
  - (3) The time that has elapsed since commission of the act(s) or ~~offense~~crime(s) referred to in subdivision (1) or (2).

## Attachment A

Agenda Item #7 (f) AB 2138 – NMC Proposed Regulatory Language for CCR 4256, 4257, 4258, 4259, and 4259.1

(4) Whether the ~~licensee~~ applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the ~~licensee~~ applicant.

(5) ~~If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code~~ The criteria in subdivision (a)(1)-(5), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the ~~licensee~~ applicant.

### § 4258. Criteria for Rehabilitation – Suspension or Revocation.

(a) When considering the suspension or revocation of a license on the ground that the holder of the license has been convicted of a crime, the Committee shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Committee shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(b) If subdivision (a) is inapplicable, or the Committee determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the Committee shall apply the following criteria in evaluating the licensee's rehabilitation. The Committee shall find that the licensee made a showing of rehabilitation if, after considering the following criteria, the Committee finds that the licensee is rehabilitated:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

## **Attachment A**

Agenda Item #7 (f) AB 2138 – NMC Proposed Regulatory Language for CCR 4256, 4257, 4258, 4259, and 4259.1

(6) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(7) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent, or immaterial.

(8) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.

(9) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license or certification under the provisions of Section 11522 of Government Code, the Committee shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in Section 4258 of this article.

### **§ 4259. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.**

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Naturopathic Medicine Committee shall consider the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” [Rev. OAL to Insert Effective Date] which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards Related to Substance Abuse apply to cases of substance abuse. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Committee in its sole discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), if the conduct found to be a violation involves drugs and/or alcohol, the violation is a substance abuse violation for purpose of Section 315 of the Code. If the licensee or applicant does not rebut that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse shall apply without deviation.

(c) Nothing in this section shall prohibit the Committee from imposing additional terms or conditions of probation in any order that the Committee determines would provide greater public protection.

### **§ 4259.1. Required Actions Against Registered Sex Offenders.**

(a) Except as otherwise provided by law, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the Committee shall:

(1) Deny an application by the individual for licensure and certification, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if the crime meets the conditions for denial specified in Section 480 of the Business and Professions Code.

## Attachment A

Agenda Item #7 (f) AB 2138 – NMC Proposed Regulatory Language for CCR 4256, 4257, 4258, 4259, and 4259.1

(2) Revoke the license or certification of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and shall not stay the revocation nor place the license or certification on probation.

(3) Deny any petition to reinstate or reissue the individual's license or certification.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of their duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required certification.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code, provided, however, that nothing in this paragraph shall prohibit the Committee from exercising its discretion to deny or discipline a license or certification under any other provision of state law based upon the licensee's or applicant's conviction under Section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license or certification shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license or certification shall govern.

## Attachment B

### 16 CCR § 4256

#### **§ 4256. Substantial Relationship Criteria.**

For the purposes of denial, suspension or revocation of a license or certificate pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or certificate under the Naturopathic Doctors Act if to a substantial degree it evinces present or potential unfitness of a person holding a license or certificate to perform the functions authorized by the license or certificate in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

- (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Naturopathic Doctors Act.
- (b) A conviction of child abuse.
- (c) A conviction as a sex offender.
- (d) The conviction of any crime involving the sale, gift, administration, or furnishing of narcotics, dangerous drugs or dangerous devices, as defined in Section 4022 of the Code.
- (e) A conviction for assault and/or battery, lewd conduct, or driving under the influence of drugs or alcohol.
- (f) A conviction of a crime involving fiscal dishonesty.

Note: Authority cited: Sections 481 and 3622, Business and Professions Code. Reference: Sections 480, 481, 3660 and 3662, Business and Professions Code.

#### **§ 4258. Criteria for Rehabilitation.**

(a) When considering the denial of a license under Section 480 of the Code, the Committee, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

## Attachment B

- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
  - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
  - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of a license on the grounds that a naturopathic doctor has been convicted of a crime, the Committee, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
  - (2) Total criminal record.
  - (3) The time that has elapsed since commission of the act(s) or offense(s).
  - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
  - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
  - (6) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 3622, Business and Professions Code. Reference: Sections 480, 481, 482, 3660 and 3662, Business and Professions Code.



**Assembly Bill No. 2138**

CHAPTER 995

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with  
Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from

denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 1 (commencing with Section 5000) of Division 3.
- (ii) Chapter 6 (commencing with Section 6500) of Division 3.

- (iii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iv) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.
- (vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing

with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) “Conviction” as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false

statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary



Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480;  
or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.
- (2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.
- (c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”
- (d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:
  - (1) The State Athletic Commission.
  - (2) The Bureau for Private Postsecondary Education.
  - (3) The California Horse Racing Board.
- (e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual’s felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual’s felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser

refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

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## Attachment D

State of California

PENAL CODE

Section 290

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290. (a) Sections 290 to 290.024, inclusive, shall be known, and may be cited, as the Sex Offender Registration Act. All references to “the Act” in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the period specified in subdivision (d) while residing in California, or while attending school or working in California, as described in Sections 290.002 and 290.01, shall register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall register thereafter in accordance with the Act, unless the duty to register is terminated pursuant to Section 290.5 or as otherwise provided by law.

(c) The following persons shall register:

Every person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 287, 288, or 289 or former Section 288a, Section 207 or 209 committed with intent to violate Section 261, 286, 287, 288, or 289 or former Section 288a, Section 220, except assault to commit mayhem, subdivision (b) or (c) of Section 236.1, Section 243.4, Section 261, paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 287, 288, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, or former Section 288a, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the offenses described in this subdivision; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the offenses described in this subdivision.

## Attachment D

(d) A person described in subdivision (c), or who is otherwise required to register pursuant to the Act shall register for 10 years, 20 years, or life, following a conviction 153 and release from incarceration, placement, commitment, or release on probation or other supervision, as follows:

(1) (A) A tier one offender is subject to registration for a minimum of 10 years. A person is a tier one offender if the person is required to register for conviction of a misdemeanor described in subdivision (c), or for conviction of a felony described in subdivision (c) that was not a serious or violent felony as described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(B) This paragraph does not apply to a person who is subject to registration pursuant to paragraph (2) or (3).

(2) (A) A tier two offender is subject to registration for a minimum of 20 years. A person is a tier two offender if the person was convicted of an offense described in subdivision (c) that is also described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, Section 285, subdivision (g) or (h) of Section 286, subdivision (g) or (h) of Section 287 or former Section 288a, subdivision (b) of Section 289, or Section 647.6 if it is a second or subsequent conviction for that offense that was brought and tried separately.

(B) This paragraph does not apply if the person is subject to lifetime registration as required in paragraph (3).

(3) A tier three offender is subject to registration for life. A person is a tier three offender if any one of the following applies:

(A) Following conviction of a registerable offense, the person was subsequently convicted in a separate proceeding of committing an offense described in subdivision (c) and the conviction is for commission of a violent felony described in subdivision (c) of Section 667.5, or the person was subsequently convicted of committing an offense for which the person was ordered to register pursuant to Section 290.006, and the conviction is for the commission of a violent felony described in subdivision (c) of Section 667.5.

(B) The person was committed to a state mental hospital as a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(C) The person was convicted of violating any of the following:

(i) Section 187 while attempting to commit or committing an act punishable under Section 261, 286, 287, 288, or 289 or former Section 288a.

(ii) Section 207 or 209 with intent to violate Section 261, 286, 287, 288, or 289 or former Section 288a.

(iii) Section 220.

## Attachment D

(iv) Subdivision (b) of Section 266h.

(v) Subdivision (b) of Section 266i.

(vi) Section 266j. (vii) Section 267.

(viii) Section 269.

(ix) Subdivision (b) or (c) of Section 288.

(x) Section 288.2. 154

(xi) Section 288.3, unless committed with the intent to commit a violation of subdivision (b) of Section 286, subdivision (b) of Section 287 or former Section 288a, or subdivision (h) or (i) of Section 289.

(xii) Section 288.4.

(xiii) Section 288.5.

(xiv) Section 288.7.

(xv) Subdivision (c) of Section 653f.

(xvi) Any offense for which the person is sentenced to a life term pursuant to Section 667.61.

(D) The person's risk level on the static risk assessment instrument for sex offenders (SARATSO), pursuant to Section 290.04, is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.

(E) The person is a habitual sex offender pursuant to Section 667.71.

(F) The person was convicted of violating subdivision (a) of Section 288 in two proceedings brought and tried separately.

(G) The person was sentenced to 15 to 25 years to life for an offense listed in Section 667.61.

(H) The person is required to register pursuant to Section 290.004.

(I) The person was convicted of a felony offense described in subdivision (b) or (c) of Section 236.1.

(J) The person was convicted of a felony offense described in subdivision (a), (c), or (d) of Section 243.4.

(K) The person was convicted of violating paragraph (2), (3), or (4) of subdivision (a) of Section 261 or was convicted of violating Section 261 and punished pursuant to paragraph (1) or (2) of subdivision (c) of Section 264.



## Attachment D

(L) The person was convicted of violating paragraph (1) of subdivision (a) of Section 262.

(M) The person was convicted of violating Section 264.1.

(N) The person was convicted of any offense involving lewd or lascivious conduct under Section 272.

(O) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 286.

(P) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 287 or former Section 288a.

(Q) The person was convicted of violating paragraph (1) of subdivision (a) or subdivision (d), (e), or (j) of Section 289.

(R) The person was convicted of a felony violation of Section 311.1 or 311.11 or of violating subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, or 311.10.

(4) (A) A person who is required to register pursuant to Section 290.005 shall be placed in the appropriate tier if the offense is assessed as equivalent to a California registerable offense described in subdivision (c). 155

(B) If the person's duty to register pursuant to Section 290.005 is based solely on the requirement of registration in another jurisdiction, and there is no equivalent California registerable offense, the person shall be subject to registration as a tier two offender, except that the person is subject to registration as a tier three offender if one of the following applies:

(i) The person's risk level on the static risk assessment instrument (SARATSO), pursuant to Section 290.06, is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.

(ii) The person was subsequently convicted in a separate proceeding of an offense substantially similar to an offense listed in subdivision (c) which is also substantially similar to an offense described in subdivision (c) of Section 667.5, or is substantially similar to Section 269 or 288.7.

(iii) The person has ever been committed to a state mental hospital or mental health facility in a proceeding substantially similar to civil commitment as a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(5) (A) The Department of Justice may place a person described in subdivision (c), or who is otherwise required to register pursuant to the Act, in a tier-to-be-determined category if his or her appropriate tier designation described in this subdivision cannot be immediately ascertained. An individual placed in this tier-to-

## Attachment D

be-determined category shall continue to register in accordance with the Act. The individual shall be given credit for any period for which he or she registers towards his or her mandated minimum registration period.

(B) The Department of Justice shall ascertain an individual's appropriate tier designation as described in this subdivision within 24 months of his or her placement in the tier-to-be-determined category.

(e) The minimum time period for the completion of the required registration period in tier one or two commences on the date of release from incarceration, placement, or commitment, including any related civil commitment on the registerable offense. The minimum time for the completion of the required registration period for a designated tier is tolled during any period of subsequent incarceration, placement, or commitment, including any subsequent civil commitment, except that arrests not resulting in conviction, adjudication, or revocation of probation or parole shall not toll the required registration period. The minimum time period shall be extended by one year for each misdemeanor conviction of failing to register under this act, and by three years for each felony conviction of failing to register under this act, without regard to the actual time served in custody for the conviction. If a registrant is subsequently convicted of another offense requiring registration pursuant to the Act, a new minimum time period for the completion of the registration requirement for the applicable tier shall commence upon that person's release from incarceration, placement, or commitment, including any related civil commitment. If the subsequent conviction requiring registration pursuant to the Act occurs prior to an order to terminate the registrant from the registry after completion of a tier associated with 156

the first conviction for a registerable offense, the applicable tier shall be the highest tier associated with the convictions.

(f) Nothing in this section shall be construed to require a ward of the juvenile court to register under the Act, except as provided in Section 290.008.

(g) This section shall become operative on January 1, 2021.

(Amended (as added by Stats. 2017, Ch. 541, Sec. 2.5) by Stats. 2018, Ch. 423, Sec. 52. (SB 1494) Effective January 1, 2019. Section operative January 1, 2021, by its own provisions. Note: This section was amended on November 6, 2012, by initiative Prop. 35. )

# TAB 8

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## Introduction of Minor Office Procedures Subcommittee

### **Sub-Committees & Sub-Committee Appointments**

The Chair shall establish and abolish sub-committees as he or she deems necessary at any time. The composition of the sub-committees and the appointment of the members shall be determined by the Committee Chair. The Chair can change the composition including the sub-committee Chair at any time. The number of members on each sub-committee can range from two to five members.

Sub-Committees with three or more members will be subject to following the Open Meetings Act.

### **Sub-Committee Meetings**

Each sub-committee will be comprised of at least two members. The Committee Chair designates one member of each sub-committee as the sub-committee's chairperson. The chairperson coordinates the sub-committee's work, ensures progress toward the sub-committee's priorities, and presents reports as necessary at each meeting. During any public sub-committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a sub-committee.

### **Ex Parte Communications**

(Government Code Section 11430.10 et. seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of Section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication." Committee Members are prohibited from an ex parte communication with Committee enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Committee Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer. If a Committee Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Committee's legal counsel.

## Agenda Item #8, 9, and 10

If the person insists on discussing the case, the Committee Member may be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee. If a Committee Member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Committee's legal counsel.

## **Introduction of Minor Office Procedures Subcommittee**

### **Background**

In 2005, the Naturopathic Medicine Committee (Committee), formerly the Bureau of Naturopathic Medicine (Bureau), was directed by the Legislature to consult with physicians and surgeons and licensed naturopathic doctors in order to develop findings and recommendations regarding the development of scope and supervision requirements of a naturopathic doctor for the performance of minor office procedures. At that time, the Bureau consulted with two naturopathic doctors, two emergency room physicians, and an interested member of the public. These consultants unanimously agreed upon the findings and recommendations presented in the 2007 Findings and Recommendations Regarding Minor Office Procedures report.

Unfortunately, the original intent of the Legislature was not acted upon and the Naturopathic Doctors Act continues to be extremely limited in scope compared to the education and training of naturopathic doctors (ND). Due to the restricted scope of practice, naturopathic medicine in California falls short in comparison to the other regulated states and territories.

With a shortage of primary care physicians, allowing California NDs to practice-as-trained seems in line with Governor Newsom's plan of expanding access to health care.

### **Proposed Action**

The Committee determined that the original report is outdated and should be reexamined to ensure that the Legislature's intent to bring the ND scope in line with the most current education and training is met.

During the November 15, 2018 Committee meeting, it was determined that a subcommittee should be formed to examine the current education and training of NDs in regard to performing minor office procedures.

### **Recommendation**

The Subcommittee should examine the education and training of accredited naturopathic medical colleges, the current minor office procedures included on the Naturopathic Physician Licensing Exam (NPLEX), and the ND scopes of other regulated states in an effort to develop a scope that equates to the ND education and training.

Furthermore, the Subcommittee should conduct an open discussion about the changes needed to be made to the 2007 Findings and Recommendations Regarding Minor Office Procedures report.

Agenda Item #8

**Subcommittee Participants**

Greta D'Amico, ND  
Myles Spar, MD  
Bruce Davidson, PhD

**Attachments**

**Attachment A:** Business and Professions Code section 3640

**Attachment B:** Business and Professions Code section 3642

**BUSINESS AND PROFESSIONS CODE - BPC**

**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.

(c) A naturopathic doctor may dispense, administer, order, prescribe, and 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, 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.**

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

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

(e) 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) 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).

*(Amended by Stats. 2012, Ch. 333, Sec. 1. (SB 1446) Effective January 1, 2013.  
Repealed as of January 1, 2022, pursuant to Section 3686.)*



**BUSINESS AND PROFESSIONS CODE - BPC**

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, 2022, pursuant to Section 3686.)*

## TAB 9

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### Introduction of Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee

## **Introduction of Prescribing and Furnishing Authority of Naturopathic Doctors Subcommittee**

### **Background**

In 2005, the Naturopathic Medicine Committee (Committee), formerly the Bureau of Naturopathic Medicine (Bureau), was directed by the Legislature to appoint a formulary committee with developing specific findings and recommendations which would be presented in a report to the Legislature.

Senate Bill 907 (Burton; Chapter 485, Statutes of 2003) established the Naturopathic Doctors Act (Act) and created the Bureau within the Department of Consumer Affairs (DCA) to administer the Act. The Act set up criteria for the licensure and regulation of Naturopathic Doctors (NDs) and established a scope of practice for the profession.

SB 907 specified (Business and Professions Code Sec. 3627):

- The Bureau shall establish a naturopathic formulary advisory committee (Committee) to determine the naturopathic formulary based upon a review of naturopathic medical education and training.
- The Committee shall be composed of an equal number of representatives from the clinical and academic settings of physicians and surgeons, pharmacists, and naturopathic doctors.
- The Committee shall review naturopathic education, training, and practice and made specific recommendations regarding the prescribing, ordering, and furnishing authority of a naturopathic doctor and the required supervision and protocols for those functions.
- The Bureau shall make recommendations to the Legislature no later than January 1, 2006, regarding the prescribing and furnishing authority of an ND and the required supervision and protocols, including those for the utilization of intravenous and ocular routes of prescription drug administration.
- The Committee and the Bureau shall consult with physicians and surgeons, pharmacists, and licensed naturopathic doctors in developing the findings and recommendations submitted to the Legislature.

Assembly Bill 302 (Committee on Business and Professions; Chapter 506, Statutes of 2005) extended the date that the Bureau was to made recommendations to the Legislature to January 1, 2007. The purpose of the Findings and Recommendations

## Agenda Item #9

Regarding the Prescribing and Furnishing Authority of a Naturopathic Doctor report was to fulfill that legislative mandate.

Around March 2006, the Naturopathic Formulary Advisory Committee (NFAC) was appointed by Charlene Zettel, Former Director of the Department of Consumer Affairs. The NFAC was chaired by Dr. Peter Wannigman, a pharmacist and ND, and was vice-chaired by Dr. Soram Singh Khalso, a medical doctor, and three NDs. The NFAC first met on June 26, 2005 and met every 4 – 6 weeks for over a year to determine the recommendations included in the original Findings and Recommendations Regarding the Prescribing and Furnishing Authority of a Naturopathic Doctor report.

Unfortunately, the original intent of the Legislature was not acted upon entirely. Only a limited amount of the recommendations was enacted, and the Naturopathic Doctors Act continues to be extremely limited in scope compared to the education and training of naturopathic doctors (ND). Due to the restricted scope of practice, naturopathic medicine in California falls short in comparison to the other regulated states and territories.

With a shortage of primary care physicians, allowing California NDs to practice-as-trained seems in line with Governor Newsom's plan of expanding access to health care.

### **Proposed Action**

The Committee determined that the original Findings and Recommendations Regarding the Prescribing and Furnishing Authority of a Naturopathic Doctor report is outdated and should be reexamined to ensure that the Legislatures intent to bring the ND scope in line with the most current education and training is met.

During the November 15, 2018 Committee meeting, it was determined that a subcommittee should be formed to examine the current education and training of NDs in regard to the prescribing and furnishing authority of a naturopathic doctor.

### **Recommendation**

The Subcommittee should examine the education and training of accredited naturopathic medical colleges, the current pharmacology exam included in the Naturopathic Physician Licensing Exam (NPLEX), and the ND scopes of other regulated states in an effort to develop a scope that equates to the ND education and training.

Furthermore, the Subcommittee should conduct an open discussion about the changes needed to be made to the 2007 Findings and Recommendations Regarding the Prescribing and Furnishing Authority of a Naturopathic Doctor report.

Agenda Item #9

**Subcommittee Participants**

Minna Yoon, ND

Peter Koshland, PharmD

[Physician (MD/DO) member – currently vacant]

**Attachments**

**Attachment A:** Business and Professions Code section 3640

**Attachment B:** Business and Professions Code section 3642

**BUSINESS AND PROFESSIONS CODE - BPC**

**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.

(c) **A naturopathic doctor may dispense, administer, order, prescribe, and 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, 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.

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

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

(e) 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) 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).

*(Amended by Stats. 2012, Ch. 333, Sec. 1. (SB 1446) Effective January 1, 2013.  
Repealed as of January 1, 2022, pursuant to Section 3686.)*

**BUSINESS AND PROFESSIONS CODE - BPC**

**3640.5.**

Nothing in this chapter or any other provision of law shall be construed to prohibit a naturopathic doctor from furnishing 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.

(f) 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.

## Agenda Item #9 – Attachment B

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

(h) 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 a drug in accordance with the standardized procedure.

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

(i) 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.

(j) Notwithstanding any other provision of law, 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. (AB 20 4x) Effective October 23, 2009. Repealed as of January 1, 2022, pursuant to Section 3686.)*



# TAB 10

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## Introduction of Intravenous (IV) Therapy Subcommittee

## **Introduction of Intravenous (IV) Therapy Subcommittee**

### **Background**

In 2012, SB 1446 (Negrete McLeod) was enacted allowing naturopathic doctors (ND) to furnish nutraceuticals, vitamins, amino acids, and minerals, among other substances, as specified, and to independently prescribe and administer epinephrine and hormones. The bill further authorized NDs to administer intramuscular, intravenous, or other specified routes only when such substances are chemically identical to those for sale without a prescription. The bill required NDs to demonstrate that they complied with specific requirements, including the successful completion of specified coursework by approved provider by the Committee.

Lastly, the bill created the authority for the Committee to establish regulations regarding IV administration that are consistent with the education and training of a naturopathic doctor.

Since that time, NDs who have met the training requirements, have been afforded the opportunity to provide IV Therapy to their patients. However, there are currently no established regulations on the standard of practice for this treatment approach.

Due to an adverse event surrounding IV Therapies by an ND, the San Diego District Attorney's Office recommended that regulations be promulgated for the safe and effective use of IV Therapy by NDs.

### **Proposed Action**

During the November 15, 2018 Committee meeting, it was determined that a subcommittee should be formed to assist in establishing regulations that meet the best practices and standards regarding the use of IV Therapy.

### **Recommendation**

The Subcommittee should examine the education and training of accredited naturopathic medical colleges, current standards for IV therapies, and the ND scopes of other regulated states in an effort to develop regulatory language that closely matches to the ND education, training and standards of practice.

Agenda Item #10

**Subcommittee Participants**

Dara Thompson, ND  
Shirley Worrels, public member  
Virginia Osborne, ND, consultant

**Attachments**

**Attachment A:** Business and Professions Code section 3640.8

**BUSINESS AND PROFESSIONS CODE - BPC**

**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

## Agenda Item #10 – Attachment A

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. (SB 1446) Effective January 1, 2013. Repealed as of January 1, 2022, pursuant to Section 3686.)*

# TAB 11

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## California Naturopathic Doctors Association (CNDA) Update

Agenda Item #11 –  
California Naturopathic Doctors Association Update

The California Naturopathic Doctors Association (CNDA) held this year's conference Cells Gone Wild – Taming Autoimmune Disease, in Palm Springs, CA on March 1-3, 2019. Unfortunately, there was no representative from the Naturopathic Medicine Committee available to attend due to time and fiscal constraints.

However, CNDA wanted to send out an update regarding this year's Lobby Week. The Lobby Week event will be held April 15-19, 2019. It will not be held in Sacramento this year, and instead, CNDA is encouraging all of their members to visit their state representatives in their district offices.

There were no other updates from CNDA at this time.

## TAB 12

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### Review and Approval of November 15, 2018 Committee Meeting Minutes





## Naturopathic Medicine Committee

**Draft**

### Meeting Minutes

**November 15, 2018**

<b>MEMBERS PRESENT:</b>	Dara Thompson, ND, Acting Chair Gregory Weisswasser, ND Greta D'Amico, ND Minna Yoon, ND Vera Singleton, ND Michael Hirt, MD Myles Spar, MD Bruce Davidson, PhD Shirley Worrels
<b>MEMBERS ABSENT:</b>	None
<b>STAFF PRESENT:</b>	Sabina Knight, Esq., Legal Counsel Rebecca Mitchell, Executive Officer (EO)
<b>MEMBERS OF THE AUDIENCE:</b>	Brianna Miller, Analyst, DCA Executive Office Robert de los Reyes, Budget Manager, DCA Sarah Hinkle, Budget Analyst Yeaphana LaMarr, Legislative Analyst, DCA Aliza Cicerone, ND, CNDA

#### **Agenda Item 1                      Call to Order/Roll Call/Establishment of a Quorum**

Rebecca Mitchell, Executive Officer, Naturopathic Medicine Committee (NMC), called the meeting of the NMC to order on November 15, 2018, at 10:09 a.m. A quorum was present and due notice was provided to all interested parties.

#### **Agenda Item 2                      Introduction of New Committee Members**

The new members of the Committee were introduced, to include Bruce Davidson, PhD, Minna Yoon, ND, Vera Singleton, ND, and Shirley Worrels.

#### **Agenda Item 3                      Election of Chair and Vice Chair**

The Committee decided that they would only elect an acting Chair until the next meeting of the Committee and chose to table the election of officers at this time. Dr. Weisswasser nominated

Dr. Dara Thompson, who was unofficially acting as the Chair after the prior Chair was replaced by the Governor's Appointment Office.

*Motion* – Weisswasser / Second – Worrels, to elect Dr. Dara Thompson as Acting Chair. Roll call vote taken, motion carried 9-0-0. (YES – Thompson, D'Amico, Weisswasser, Hirt, Spar, Yoon, Davidson, Worrels, Singleton/ NO – none / Abstentions – None).

#### **Agenda Item 4                      Public Comment on Items not on the Agenda**

There were no public comments for any items not on the agenda to discuss.

#### **Agenda Item 5                      Executive Officer Update**

Ms. Mitchell reported on the following:

- Office Move and Build-out:  
During a prior meeting, it was reported that both the Committee and the Osteopathic Medical Board of California (OMBC) would be looking for a new office space that would provide additional room for new staff and for added filing rooms. Both programs have worked with DCA Facilities and Dept. of General Services (DGS) to come up with options that would keep both programs within their budgets.

The current property management at National Drive agreed to a lower lease rate which includes all suite improvements. To add more staff workspace, cubicle sizes will be reduced slightly and will increase individual storage space and space functionality. The build-out also includes a new file room that is solely for the use of NMC.

The final build-out meeting is scheduled for 11/15/2018. The Executive Director of the OMBC will approve any last-minute changes from DCA Facilities and will get the schedule of the construction work.

The estimated date of construction will start the last week of November and go through the first two weeks of December. Currently there are 40 library carts and over 200 boxes of files that will need to be loaded and moved during construction. Staff will be housed over at the DCA main headquarters building. There will be limited access to files and some services from staff during this time.

- New Fees Effective 01/01/2019:  
SEC. 19.  
Section 3680 of the Business and Professions Code is amended to read:  
3680.  
(a) The application fee for a doctor of naturopathic medicine shall be no more than five hundred dollars (\$500) and may be increased to not more than six hundred dollars (\$600).  
(b) The initial license fee shall be one thousand dollars (\$1,000) and may be increased to not more than one thousand two hundred dollars (\$1,200).  
(c) The renewal fee for a license shall be one thousand dollars (\$1,000) and may be increased to not more than one thousand two hundred dollars (\$1,200).

- (d) The late renewal fee for a license shall be two hundred twenty-five dollars (\$225).
- (e) The fee for processing fingerprint cards shall be the current fee charged by the Department of Justice.
- (f) The fee for a duplicate or replacement license shall be thirty-eight dollars (\$38).
- (g) The fee for a certified license verification shall be thirty dollars (\$30).

Due to the way section (a) was written in statute, the Committee must change the regulations to set the new fees in regulation. All fees except the application fee can be charged effective 01/01/2019 without a change in regulations, however, the list must be updated, so all fees should be updated in one regulation package.

The Enforcement stats were provided by Ms. Mitchell during an Enforcement update and are as follows:

- 51 open cases in various stages of the enforcement process
- 31 Unlicensed Activity (61%)
- 19 Licensee Cases (37%)
- 1 Applicant Case (2%)

Case types against Licensees:

- 7 Advertising (37%)
- 1 Failure to update address (5%)
- 3 DUI/Controlled Substance violation (16%)
- 4 Failure to register for CURES (21%)
- 4 Unprofessional practice (21%)

Total licensee population:

- 673 Current In-State
- 93 Current Out-of-State
- 15 Inactive
- 154 Delinquent
- 935 total licensees under the Committee's jurisdiction.

## **Agenda Item 6                      2007 Report “Findings and Recommendations Regarding Minor Office Procedures” – Discussion and Possible Action**

Ms. Mitchell provided a copy of the 2007 Report of the “Findings and Recommendations Regarding Minor Office Procedures” to the Committee. Additionally, Ms. Sabina Knight, Committee Counsel, suggested that all members review the prior report and made a new sub-committee that can update this report in order to implement the original intent of the law, which was to create a statute that was in line with naturopathic doctor's training and education.

Ms. Mitchell gave a brief history of the scope bills and why the scope is so restrictive in California compared to the rest of the states.

Dr. Davidson asked why the Committee believes that California was behind in terms of scope compared to all of the other regulated states, when California is normally the leader in medical

treatments and modalities. Dr. Weisswasser, advised that the unlicensable naturopaths, along with the California Medical Association (CMA) opposed the original bill text, which would have allowed the title of “Naturopathic Physician” as used in the other states, and which included the use of “Naturopathic Practitioner” by those who could not be licensed as a naturopathic doctor in the state. Dr. Weisswasser also stated that there was a lot of resistance to allow a full scope until the education and training was reviewed by an advisory council made up of physician and surgeons, naturopathic doctors, and pharmacists.

The 2007 report was created to satisfy this intent; however, no actions were taken on the reports by the legislature at that time.

**Agenda Item 7**                                    **2007 Report “Findings and Recommendations Regarding Prescribing and Furnishing Authority of a Naturopathic Doctor” – Discussion and Possible Action**

Ms. Mitchell provided a copy of the 2007 Report of the “Findings and Recommendations Regarding Prescribing and Furnishing Authority of a Naturopathic Doctor” to the Committee. Additionally, Ms. Sabina Knight, Committee Counsel, suggested that all members review the prior report and made a new sub-committee that can update this report in order to implement the original intent of the law, which was to create a statute that was in line with naturopathic doctor’s training and education.

Ms. Mitchell gave a brief history of the scope bills and why the scope is so restrictive in California compared to the rest of the states.

The original intent for the prescribing and furnishing of the Act was supposed to be fashioned by the review of the education and training by an advisory council made up of physician and surgeons, naturopathic doctors, and pharmacists.

The 2007 report was created to satisfy this intent; however, no actions were taken on the reports by the legislature at that time.

**Agenda Item 8**                                    **Discussion and Possible Action Regarding Regulations**

Ms. Knight gave a brief overview of what is needed in order to develop and change regulation language. She suggested that staff bring a draft copy of the original and amended language.

- Add Title 16, CCR section 4237 – IV Therapy

The Committee requested that staff prepare a list of rules/regulations from other states ND regulating authorities so they have a standard to start forming regulations. Arizona has broadest scope and Oregon has a medium scope – these are two (2) of the main states of interest. The Committee believes it would be beneficial to that a sub-committee work on this task.

- Add Title 16, CCR section 4240 – Fees

Due to the way section (a) was written in statute, the Committee must change the regulations to set the new fees in regulation. All fees except the application fee can be charged effective 01/01/2019 without a change in regulations, however, the list must be updated, so all fees should be updated in one regulation package.

The Committee directed staff to bring proposed language back to the next meeting for discussion and action.

- Add Title 16, CCR section 4228 – Inactive Status

The Committee directed staff to bring proposed language back to the next meeting for discussion and action.

### **Agenda Item 9                      Review and Approval of March 19, 2018 NMC Meeting Minutes**

Upon review of the 03/19/2018 meeting minutes, it was noted that an error in the name of the DCA Budget staff needed to be amended to reflect Mr. Mark Ito and a clarification to the Closed Session item (pg. 2, para 1).

*Motion – Weisswasser / Second – Thompson, to approve 03/19/18 meeting minutes as submitted with amendments as specified. Roll call vote taken, motion carried 9-0-0. (YES – Thompson, D’Amico, Weisswasser, Hirt, Spar, Yoon, Davidson, Worrels, Singleton/ NO – none/ Abstentions – None).*

### **Agenda Item 10                      Budget Update – DCA Budget Office**

Mr. Robert de los Reyes, Budget Manager, DCA reported on the services that the Budget Office provides to the programs. Mr. De los Reyes explained the budget process to the Committee members and how the fund works. Additionally, he explained that the transition to the new accounting system occurred in July 2017, yet there are still significant challenges with the new Fi\$cal system. The estimated time to close the budget for fiscal year 2017-18 should occur by March 2019.

Dr. Davidson asked where the revenue for the Committee is derived from. Mr. De los Reyes explained that most revenue comes from license fees with a very small percentage coming from enforcement cost recovery.

Ms. Sarah Hinkle, Budget Analyst, DCA reported on the current year expenditures and revenues (figures attached in Budget Report and Analysis of Fund Condition).

Dr. Davidson asked if it matters that there are line items in the negative (red), even though the net appropriations shows that the figures are a positive number. Mr. De los Reyes stated that the Department uses bottom-line budgeting. However, if the program sees areas constantly in a negative, funds can be moved to cover the areas as long as the bottom-line shows a positive result.

## Agenda Item 11

## Discussion and Possible Action Regarding 2020-2024 Strategic Plan

Due to scheduling conflicts, SOLID staff did not attend the meeting to provide the Strategic Plan presentation. However, Ms. Brianna Miller, DCA Office of Board and Bureau Services, was in the audience and was able to give a brief description of the strategic planning services offered by SOLID.

Staff will contact SOLID and schedule the start of the planning sessions.

## Agenda Item 12

## Legislative Update

Ms. Yeaphana LaMarr, Legislative Analyst, DCA, gave a legislative update to the Committee regarding the following bills:

- AB 2193 (Maienschein) – This bill would require PCPs to exam/screen pregnant patients once during pregnancy and once during the postpartum period for mental illness. *This bill has been chaptered and will be effective July 1, 2019.*
- AB 2215 (Kalra) – This bill would allow licensees of the Board of Veterinary Medicine to discuss cannabis use with clients. This bill would prohibit the Board to take enforcement action against a licensee for discussing cannabis with the animal patient's owner. This bill has set the standard for other healing arts programs to adopt similar statutory language. *This bill has been chaptered.*
- AB 2682 (Burke) – This bill would have made changes to laws surrounding Nurse-midwives and Naturopathic Doctors who are certified to practice Naturopathic Childbirth, to repair episiotomies and lacerations of the perineum. *This bill did not pass.*
- SB 1448 (Hill) – This bill requires licensees of healing arts to provide a separate disclosure, as specified, to a patient or a patient's guardian or health care surrogate before the patient's first visit if the licensee is on probation pursuant to a probationary order made on and after July 1, 2019. *This bill has been chaptered and is effective 01/01/2019. The Committee would like to move forward in future meeting to create regulations on how to disclose a probationary action by licensees.*
- SB 1480 (Hill) – This bill has made several fee changes for programs under DCA, including increases to all of the Committee's fees and one (1) new fee. Due to the way in which this bill language was written, the Committee can start collecting almost all amended and new fees effective 01/01/2019. However, the Application Fee will need to remain at \$400 until regulations can be amended to show the new fee floor as written in statute. *This bill has been chaptered and will be effective January 1, 2019.*
- AB 2138 (Chiu) – This bill, would revise and recast existing law provisions to authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been

convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. This bill will prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction. *This bill has been chaptered and is effective July 1, 2020. Statutory and regulatory changes will need to be made.*

- AB 2198 (Obernolte) – This bill expands the expenditure data (Fi\$cal) to which the public is required to have access using an Internet Web site to include special fund expenditure data. *This bill has been chaptered.*
- AB 2958 (Quirk) – This bill provides optional methods for State bodies when conducting meetings. *This bill has been chaptered.*
- AB 710 (Wood) – This bill would expressly exclude from regulation under that act, medicinal product composed of cannabidiol approved by the federal Food and Drug Administration and either placed on a schedule of the federal Controlled Substances Act other than Schedule I, or exempted from one or more provisions of that act. *This bill has been chaptered and will be effective immediately as an urgency statute.*
- AB 1659 (Low) – This bill would prohibit an inactive licensee to represent themselves as having an active license. This bill also establishes the authority for any healing arts board to set a reduced fee for an inactive status license within their regulations. *This bill has been chaptered.*

### **Agenda Item 13                      Presentation and Overview of the Legislative Cycle**

Yeaphana LaMarr, DCA, Legislative Analyst, presented a high-level review of statutory changes, and regulatory process. Ms. LaMarr also reported on the 2019 legislative calendar. These dates are important. Last day to submit bill request is January 25, 2019. Last day to introduce bills is February 22, 2019.

### **Agenda Item 14                      California Naturopathic Doctors Association (CNDA) Updates**

Dr. Aliza Cicerone, ND, Vice President and Legislative Chair, CNDA, reported on the current leadership roles within the association as follows:

- Chris Holder, ND, President
- Aliza Cicerone, ND Vice President and Legislative Chair
- Kathy Konst, Executive Director

Dr. Cicerone reported that the association no longer has a lobbyist. There have been discussions on legislative plans between the Committee and CNDA to identify resource needs for practice-as-trained scope changes.

Additionally, Dr. Cicerone reported that there are several changes in current statutes that CNDA would like to see occur; with title protection being hugely sought after. Both the association and the Committee believe that this is paramount to providing public safety to consumers who do not understand that a “naturopathic practitioner” is not a licensed naturopathic doctor.

Dr. Cicerone inquired whether the Committee had plans on consulting with a lobbyist and whether the Committee had plans to start conversations with the Board of Vocational Nursing to determine if they would be interested in promulgating changes in current law to allow NDs to hire and give orders to LVN’s.

**Agenda Item 15                      Drug Formulary and Route of Administration Presentation –  
Optimizing Hormones using BioTE Pellet Therapy: A  
Comprehensive Approach**

Ms. Lea Wood, RN, BSN, BioTE Representative provided a presentation of BioTE, a pellet hormone therapy. In recent months, there have been several licensee inquiries regarding whether the use of this treatment would be within current ND scope. Currently, this treatment is allowed for CA registered nurses (RN) and the licensees are appalled that although ND education would allow for this treatment, that NDs are currently prohibited from performing this type of hormone pelleting.

Ms. Wood presented on how and why BioTE procedures would be utilized. This information is needed to determine what, if any, changes or clarification to existing statutes or regulations would be required.

Dr. Weisswasser asked whether there is a way to stop or alter the dosage if there were adverse reactions to the dose that is administered/implanted. Ms. Wood stated that there would not be a way to remove the pellet or reduce it after the implantation, however this is the reason that it is important to know the correct calculations on the administration of the hormones per patient.

Dr. Weisswasser also inquired whether this would be within current scope. Ms. Mitchell stated that currently when there is a new treatment introduced to the marketplace, and the treatment is in line with naturopathic medicine standards, the Committee’s responsibility is to first determine whether the substance meets the ND scope, and second, whether the route of administration is within the scope.

Dr. Thompson stated that she thought that this treatment would require a minor surgical procedure and asked if this was the case with BioTE.

Dr. Hirt explained that BioTE procedure would need a trocar which assists with implanting the pellet subcutaneously. Additionally, this procedure would need a topical anesthetic.

The Committee will research and entertain this further in order to determine if any changes need to be made to allow this procedure.



## **Agenda Item 16**

### **Establish Future Meeting Dates and Locations**

- Winter Meeting – Last week in Jan – first week in Feb 2019
- Spring Meeting – 1<sup>st</sup> and 2<sup>nd</sup> week in May 2019
- Summer Meeting – Did not schedule
- Fall Meeting – Did not schedule

## **Agenda Item 17**

### **Agenda Items for Future Meetings**

The following are items that were requested to be added to future meetings:

- Strategic Plan
- Addition of NANCEAC and Other CE Providers (amend BPC section 3635(b))
- Regulations for SB 1448 – How to disclose a disciplinary action to patients
- Officer Elections
- Regulations for IV Therapy
- Regulations for Fees
- Regulations for Inactive License
- Regulatory review for SB 2138
- Title Protection Statistics
- Future Legislative Efforts (Next Bill Cycle)

## **Agenda Item 18**

### **Adjournment**

***There being no further business or public comment, Ms. Mitchell adjourned the meeting at 2:43 p.m.***

# TAB 13

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## Budget Update



## MEMORANDUM

<b>DATE</b>	January 14, 2019
<b>TO</b>	Rebecca Mitchell Executive Officer Naturopathic Medicine Committee
<b>FROM</b>	Sarah Hinkle, Budget Analyst Budget Office
<b>SUBJECT</b>	<b>Fiscal Year 2018-19 &amp; 2019-20 – Budget Information</b>

The subject documentation is attached for your information and provides revised fiscal year 2018-19 and proposed 2019-20 budget data. The information is consistent with the recently released 2019-20 Governor’s Budget Proposal. A summary of the data provided is as follows:

- **2019-20 Governor’s Budget Release Memo** – This memo summarizes the main incremental changes and fund level assessments included in the Governor’s Budget.
- **2019-20 Proposed Governor’s Budget** – Printouts of your board/bureau/program’s budget can be found posted on the Department of Finance’s (DOF) website at [www.ebudget.ca.gov](http://www.ebudget.ca.gov).
- **Budget Summary** – This one-page summary displays all changes to your current year 2018-19 and proposed budget year 2019-20 budgets. The document identifies your 2018-19 and 2019-20 “base” funding levels and the specific budget/funding adjustments (some affecting both current and budget year) and provides final budget totals for the proposed 2019-20 Governor’s Budget.
- **Current and Budget Year Worksheets** – These are internal working documents used in adjusting your current year and budget year budgets by line item. The last column on the current year worksheet reflects your final budget for the current year. The same column on your budget year worksheet reflects your proposed budget for the upcoming fiscal year, as it is displayed in the Governor’s Budget.
- **Fund Condition Statement** – This document incorporates projected revenue for 2018-19 and 2019-20, based on the workload, expenditure, and revenue information prepared by your program staff (including applicable General Fund loans and/or repayments). The fund condition also incorporates your current and budget year budgets, as reflected in the Governor’s Budget.

- **2019-20 Approved Major and Minor Equipment (Schedule 9)** – The approved total from the 2019-20 Schedule 9 has been incorporated into your 2019-20 worksheet and is part of your new base for that year.
- **Expenditure Projections** – These documents display the budget and projected line item expenditures, by line item, for the current fiscal year based on Prelim Fiscal Month 4.
- **2019-20 DOF Approved BCPs** – No BCP's for Naturopathic Medicine Committee were included in the Governor's budget for 2019-20.

If you have questions on any of the above documents or any other budget issues, please call me at 916-574-7161.



## MEMORANDUM

<b>DATE</b>	January 14, 2019
<b>TO</b>	Executive Officers, Bureau and Division Chiefs DCA Boards, Bureaus and Programs
<b>FROM</b>	Taylor Schick, Fiscal Officer Robert de los Reyes, Budget Manager Mark Ito, Budget Manager
<b>SUBJECT</b>	<b>2019-20 Governor’s Budget Release</b>

The Governor released the proposed fiscal year 2019-20 Governor’s Budget on Thursday, January 10, 2019. The Departmental displays in the Governor’s Budget generally include the following:

- 3-yr Expenditures and Positions
- Detailed Budget Adjustments
- Detailed Expenditures by Program
- Expenditures by Category
- Detail of Appropriations and Adjustments
- Fund Condition Statements
- Changes in Authorized Positions

The annual budget cycle provides adjustments to Board and Bureau budgets through various exercises administered by the Department of Finance. These adjustments can be found in the “Detail of Appropriations and Adjustments” section within the Governor’s Budget. This display only shows the overall program budget adjustments, it does not provide a detailed breakdown of each of them.

The adjustments that are accounted for in the 2019-20 Governor’s Budget include:

- Employee compensation and staff benefits:
  - Salary augmentations approved through the collective bargaining process and by the Director of the California Department of Human Resources (CalHR) for employees excluded from collective bargaining.
  - Staff health and dental benefit adjustments.

- Section 3.60 Pension Contribution:
  - Reflects the new employer retirement contribution rates as adopted by the Legislature and provides an adjustment to accurately reflect the state's share of the retirement costs through the Budget Executive Order process.

Another major item that is accounted for in this release are Budget Change Proposals (BCPs) that can be found in the "Detailed Budget Adjustments" section of the Governor's Budget. Among program specific BCPs, there is one Departmental BCP that addresses the workload needs of FI\$Cal, regulations, investigations, and examinations. The Governor's Budget does not provide detail on these proposals, nor does it display the specific impact to the Department and Boards and Bureaus. However, this information can be found in the BCPs, which are located on [Department of Finance 2019-20 BCPs](#) website. Additionally, please see below for more detailed information regarding the Departmental BCP:

- Consolidated Administrative Workload BCP – The Governor's Budget provides \$5.182 million to fund 24.5 positions for the following:
  - Business Services and Fiscal Operations: Provides two-year limited term funding of \$1.2 million to fund seven positions to address significant workload increases, enhanced audit requirements, and exceedingly complex accounting processes. These resources will result in more timely reconciliation of accounting records, faster processing of invoices, and better reporting of expenditure and revenue information.
  - The Legal Affairs Division: Provides three-year limited term funding of \$1.67 million to fund six Attorney IIIs, one Senior Legal Analyst, and one Research Program Specialist II to create a dedicated Regulations Unit to review the Department's significant and increasing regulatory workload. This will result in improved regulations, timelines, and training for all of our programs, plus faster response times on other non-regulatory workload
  - The Division of Investigation: Provides \$1.98 million to fund 4.5 positions and medical consultant costs to address investigator case workload and aging cases. This will result in more efficient, timely and high quality investigatory work
  - Office of Human Resources: Provides \$46,000 to fund the conversion of three permanent intermittent Office Technician positions into permanent full-time positions to address recruitment and return to work workload. This will maintain the current service levels within OHR.
  - The Office of Professional Examination Services: Provides \$287,000 to fund two Research Data Specialist II positions to meet the increased workload for developing, maintaining, and validating occupational licensing examinations

In addition to the program budget adjustments there are fund level assessments that also are displayed and accounted for in this Governor's Budget release including:

- Supplemental Pension Payments:
  - Chapter 50, Statutes of 2017 (SB 84) authorized the state to make a one-time \$6 billion supplemental pension payment to CalPERS in 2017-18, in addition to the annual state contribution. The additional pension payment will be funded through a loan from the Surplus Money Investment Fund (SMIF). SB 84 requires all funds that are normally responsible for paying retirement contributions, to repay the interest and principal on the SMIF loan. Beginning in 2018-19, in addition to the General Fund, special and non-governmental cost funds will begin repaying their proportionate share of the loan's principal and interest. The Department of Finance currently estimates eight years of loan repayments, through 2024-25.
  
- Statewide General Administrative Expenditures (Pro Rata):
  - Pro Rata is charged directly at the fund level pursuant to Chapter 31, Statutes of 2016 (SB 836). Previously, Pro Rata was charged to the Departments' appropriations (which indirectly charged the underlying funds). These are costs of the state's centralized administrative service departments including but not limited to the State Controller's Office, Department of Finance, State Treasurer's Office, etc.
  
- Financial Information System for California (FI\$Cal):
  - Statewide Assessment to all special funds & the General Fund based on appropriation amounts & percentage of total state operations for a respective fiscal year for the cost of the FI\$Cal system. FI\$Cal's costs are allocated to various special and nongovernmental cost funds through the annual statewide Central Service Cost Recovery plan administered by the Department of Finance.

If you have any questions or need assistance in viewing the Governor's Budget display, please contact the Budget Office.

Thank you.

**1205 - Naturopathic Medicine Committee**  
**Item 1111-001-3069**  
**BUDGET SUMMARY**

	<u>CY 2018-19</u>	<u>Governor's Proposed Budget BY 2019-20</u>		
2018-19 Governor's Budget	413,000			
Change Book / Governor's Veto:				
1111-300-BCP-2018-A1 CCSD Technical Reduction SB 173	-1,000			
2018 Budget Act	412,000	412,000		
One-Time Costs / Full Year Cost Adj:				
OTECH Costs Redistribution		1,000		
Baseline Adjustments:				
Employer Retirement Rate (BL 18-24)	2,000	2,000		
Employee Compensation (BL 18-27)	11,000	11,000		
Other Post Employment Benefits (BL 18-27)	3,000	3,000		
Department Distributed Costs		11,000		
Administrative/Executive (5,000)				
Division of Investigations - Investigative Enforcement Unit (5,000)				
Program Policy Review Division (1,000)				
Equipment Adjustment (net)		1,000		
Budget Change Proposals (BCPs):				
Department-wide:				
1111-005-BCP-2019-GB (Consumer Affairs Administration Workload)		10,000		
	<hr/>	<hr/>	Net Change	
<b>Revised Net Appropriation (from fund)</b>	<b>429,000</b>	<b>452,000</b>		
Reimbursements	1,000	1,000		
<b>REVISED APPROPRIATION</b>	<b>428,000</b>	<b>451,000</b>	<b>23,000</b>	<b>5.4%</b>
<b>POSITIONS</b>	<b>2.0</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0%</b>
Authorized Positions	2.0	2.0		



# 3069 - Naturopathic Doctor's Fund

## Analysis of Fund Condition

(Dollars in Thousands)

2019 Governor's Budget	PY 2017-18	CY 2018-19	Governor's Budget BY 2019-20
<b>BEGINNING BALANCE</b>	\$ 531	\$ 379	\$ 286
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 531</u>	<u>\$ 379</u>	<u>\$ 286</u>
 <b>REVENUES AND TRANSFERS</b>			
Revenues:			
4121200 Delinquent fees	\$ -	\$ 1	\$ 2
4127400 Renewal fees	\$ 216	\$ 230	\$ 288
4129200 Other regulatory fees	\$ -	\$ 7	\$ 7
4129400 Other regulatory licenses and permits	\$ 84	\$ 112	\$ 140
4140000 Sales of documents	\$ -	\$ -	\$ -
4143500 Miscellaneous services to the public	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 1	\$ 11	\$ 7
Totals, Revenues	<u>\$ 301</u>	<u>\$ 361</u>	<u>\$ 444</u>
 Totals, Revenues and Transfers	<u>\$ 301</u>	<u>\$ 361</u>	<u>\$ 444</u>
 Totals, Resources	<u>\$ 832</u>	<u>\$ 740</u>	<u>\$ 730</u>
 <b>EXPENDITURES</b>			
Disbursements:			
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 421	\$ 428	\$ 451
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 5	\$ 11
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 32	\$ 21	\$ 28
Total Disbursements	<u>\$ 453</u>	<u>\$ 454</u>	<u>\$ 490</u>
 <b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 379	\$ 286	\$ 240
 <b>Months in Reserve</b>	10.0	7.0	5.9

## EQUIPMENT REQUEST

MINOR EQUIPMENT

### Naturopathic Medicine Committee

Department of Consumer Affairs

EXPENDITURE CLASSIFICATION & DESCRIPTION	COST PER ITEM	2019-20 REQUESTED BUDGET YEAR			2019-20 APPROVED BUDGET YEAR			2018-19 APPROVED CURRENT YEAR			2017-18 PURCHASED PRIOR YEAR		
		QUANTITY	AMOUNT	ADDITIONAL OR REPLACEMENT	QUANTITY	AMOUNT	ADDITIONAL OR REPLACEMENT	QUANTITY	AMOUNT	ADDITIONAL OR REPLACEMENT	QUANTITY	AMOUNT	ADDITIONAL OR REPLACEMENT
<b>BUDGET YEAR:</b>													
Justification No.                      Description													
(1)	Ergonomic Sit/Stand Desktop (Corner Unit Riser)	\$ 495	2	\$ 990	Additional	2	\$ 990	Additional					
				\$ -			\$ -						
				\$ -			\$ -						
				\$ -			\$ -						
<b>CURRENT YEAR:</b>													
Justification No.                      Description													
		\$ -											
									\$ -				
									\$ -				
									\$ -				
									\$ -				
									\$ -				
<b>PRIOR YEAR:</b>													
Description													
		\$ -											
										\$ -			
										\$ -			
										\$ -			
										\$ -			
										\$ -			
										\$ -			
										\$ -			
										\$ -			
			MINOR	\$ 990			\$ 990			\$ -			\$ -
			<b>GRAND TOTAL</b>	<b>\$ 990</b>			<b>\$ 990</b>			<b>\$ -</b>			<b>\$ -</b>

\* If different from Standard Equipment Cost - Please address why cost is different in justification.

DEPARTMENT OF CONSUMER AFFAIRS  
**NATUROPATHIC MEDICINE COMMITTEE**  
**Fund 3069**

**BUDGET REPORT**  
**FY 2018-19 Expenditure Projection**  
**Dec-2018**

FISCAL MONTH 06

OBJECT DESCRIPTION	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19				
	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES (Prelim Mo 12)	Governors Budget 2018-19	CURRENT YEAR EXPENDITURES 12/31/2018	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
<b>PERSONNEL SERVICES</b>								
Salary & Wages (Staff)	57,960	63,352	66,456	37,000	36,288	98.1%	72,571	(35,571)
Statutory Exempt (EO)	79,430	78,933	85,873	64,000	43,002	67.2%	86,000	(22,000)
Committee Members (DEC)	1,400	2,800	3,100	4,000	2,900	72.5%	5,800	(1,800)
Overtime	223	0	21,268	0	0	0.0%	0	0
Staff Benefits	63,810	71,892	55,587	76,000	41,041	54.0%	77,077	(1,077)
<b>TOTALS, PERSONNEL SERVICES</b>	<b>202,823</b>	<b>216,977</b>	<b>232,283</b>	<b>181,000</b>	<b>123,231</b>	<b>68.1%</b>	<b>241,447</b>	<b>(60,447)</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>								
General Expense	1,157	1,063	984	53,000	600	1.1%	1,068	51,932
Fingerprint Reports	0	0	0	0	107	0.0%	0	0
Minor Equipment	3,747	0	776	0	0	0.0%	0	0
Printing	3,134	1,940	2,022	2,000	770	38.5%	2,365	(365)
Communication	753	1,257	2,704	3,000	517	17.2%	1,571	1,429
Postage	4	0	5	2,000	0	0.0%	3	1,997
Insurance	0	2	590	0	0	0.0%	0	0
Travel In State	4,520	447	526	3,000	0	0.0%	487	2,514
Training	299	426	0	1,000	0	0.0%	242	758
Facilities Operations	10,440	10,540	11,697	7,000	5,394	77.1%	10,788	(3,788)
C & P Services - Interdept.	0	0	8	14,000	0	0.0%	0	14,000
C & P Services - External	2,935	4,123	10,355	6,000	2,147	35.8%	6,000	0
<b>DEPARTMENTAL SERVICES</b>								
Office of Information Services	13,942	8,674	15,000	17,000	8,500	50.0%	17,000	0
Administration Pro Rata	23,975	23,907	26,000	31,000	15,500	50.0%	31,000	0
DOI-ISU Pro Rata	983	920	1,000	1,000	500	50.0%	1,000	0
Communications Pro Rata	2,000	3,852	2,000	2,000	1,000	50.0%	2,000	0
Program Policy Review Division Pro Rata	0	0	2,000	1,000	500	50.0%	1,000	0
<b>INTERAGENCY SERVICES:</b>								
Consolidated Data Center	0	0	1,908	0	0	0.0%	0	0
DP Maintenance & Supply	398	999	751	2,000	125	6.3%	716	1,284
Central Admin Svc-ProRata	9,586	0	0	0	0	0.0%	0	0
<b>ENFORCEMENT</b>								
Attorney General	4,250	11,642	2,230	5,000	149	3.0%	2,000	3,000
Office Admin. Hearings	0	0	0	0	0	0.0%	0	0
Court Reporters	0	0	0	0	0	0.0%	0	0
Evidence/Witness Fees	600	600	0	0	0	0.0%	0	0
DOI - Investigations	76,708	25,222	109,000	98,000	49,000	50.0%	98,000	0
<b>TOTALS, OE&amp;E</b>	<b>169,431</b>	<b>95,614</b>	<b>189,556</b>	<b>248,000</b>	<b>84,809</b>	<b>34.2%</b>	<b>175,240</b>	<b>72,760</b>
<b>TOTAL EXPENSE</b>	<b>372,254</b>	<b>312,591</b>	<b>421,839</b>	<b>429,000</b>	<b>208,040</b>	<b>102%</b>	<b>416,687</b>	<b>12,313</b>
Sched. Reimb. - External/Private				(1,000)	0	0.0%	(1,000)	0
Sched. Reimb. - Fingerprints						0.0%		0
Sched. Reimb. - Other		(5,500)				0.0%		0
Unsched. Reimb. - Other						0.0%		0
<b>NET APPROPRIATION</b>	<b>372,254</b>	<b>307,091</b>	<b>421,839</b>	<b>428,000</b>	<b>208,040</b>	<b>48.6%</b>	<b>415,687</b>	<b>12,313</b>
Prelim 04	<b>SURPLUS/(DEFICIT):</b>							<b>2.9%</b>

**Naturopathic Medicine Committee  
History of Division of Investigation Services**

	FISCAL YEARS				
	2015-16	2016-17	2017-18	2018-19	2019-20
	Actual	Actual	Actual	<i>Estimated</i>	<i>Estimated</i>
	242.81	235.78	260.53	260.53	260.53
Investigative Hours	369.00	207.75	105.00	<i>105.00</i>	<i>105.00</i>
Budget	\$ 78,000	\$ 27,000	\$ 109,000	\$ <i>98,000</i>	\$ <i>112,000</i>
Actual Costs	\$ 89,597	\$ 48,983	\$ 27,355	\$ 27,356	\$ 27,356
Amount Charged	\$ 76,708	\$ 25,222	\$ 102,154	\$ 98,000	\$ 112,000
Annual Difference	\$ 12,889	\$ 23,761	\$ (74,799)	\$ (70,644)	\$ (84,644)
2-yr roll forward	\$ 136,594	\$ 15,372	\$ 149,483	\$ 39,134	\$ 74,684
Bd. Debt/ Credit	\$ 149,483	\$ 39,134	\$ 74,684	\$ (31,510)	\$ (9,961)

This amount rolled forward as a debt to 2017/18	This amount rolled forward as a debt to 2018/19	This amount rolled forward as a debt to 2019/20	All estimated amounts are displayed in <i>Italics</i> . Theoretically, if workload levels out and remains constant the budget will match the expenditures and there would no longer be a roll-forward amount.
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# TAB 14

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Establish Future Meeting Dates & Locations

Naturopathic Medicine Committee  
Establish Future Meeting Dates and Locations

<b><i>Dates</i></b>	<b><i>Locations</i></b>
2 <sup>nd</sup> Quarter 2019 Meeting May 2 <sup>nd</sup> or May 9 <sup>th</sup> ?	
Summer 2019 Meeting (Jul – Sept)	
Fall 2019 Meeting (Oct – Dec)	

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

# TAB 15

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## Agenda Items for Future Meetings

Naturopathic Medicine Committee  
Agenda Items for Future Meetings

<b><i>Agenda Item</i></b>	<b><i>Requestor</i></b>