



April 19, 2023

The Honorable Chris Holden, Chair  
Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**Fiscal Analysis – AB 765 (Wood, 2023) (AMENDED)**

Dear Assemblymember Holden:

AB 765 as amended on April 12, 2023, prohibits the use of any medical specialty titles, including “oncologist”, “pediatrician”, “endocrinologist”, and other titles, terms, letters, words, abbreviations, description of services, designations, or insignia, alone or in combination with other titles, indicating or implying that the person is licensed under the chapter to practices as such. This bill would require the California Board of Naturopathic Medicine (Board) to ensure compliance from its licensees. The Board is responsible for the licensure and enforcement of Naturopathic Doctors (ND).

Currently, NDs, also known as naturopathic physicians in other regulating states, have four (4) board specialty associations which allow the use of a few of the proposed “protected titles”. The respective specialty board associations certify NDs who pass rigorous requirements, and once examinations are passed successfully, are allowed to use the specialty titles as follows:

<b>Naturopathic Specialty Board Associations</b>	<b>Board Specialty Certifications</b>	<b>Titles allowed to be used by NDs</b>
American Board of Naturopathic Oncology (ABNO) – Oncology Association of Naturopathic Physicians (OncANP) <sup>1</sup>	Naturopathic Oncology	Naturopathic Oncologist / ND Oncologist / Fellow to the American Board of Naturopathic Oncologists (FABNO)

<sup>1</sup> <https://www.fabno.org/index.html>

Gastroenterology Association of Naturopathic Physicians (GastroANP) – American Board of Naturopathic Gastroenterologists (ABNG) <sup>2</sup>	Naturopathic Gastroenterology	Naturopathic Gastroenterologist / ND Gastroenterologist / Fellow to the American Board of Naturopathic Gastroenterologists (FABNG)
American Board of Naturopathic Endocrinology (ABNE) – Endocrinology Association of Naturopathic Physicians (EndoANP) <sup>3</sup>	Naturopathic Endocrinology	Naturopathic Endocrinologist / ND Endocrinologist / Fellow to the American Board of Naturopathic Endocrinologists (FABNE)
American Board of Naturopathic Pediatrics – Pediatric Association of Naturopathic Physicians (PedANP) <sup>4</sup>	Naturopathic Pediatrician	Naturopathic Pediatrician / ND Pediatrician / Fellow to the American Board of Naturopathic Pediatricians (FABNP)

Prohibiting the board-certified titles in California would go against the naturopathic medicine community standards and could potentially cause harm to the consumers and patients of naturopathic doctors.

AB 765 undermines the specialty titles that are allowed to be utilized by those NDs who are additionally trained in the respective board-certified specialties. Many NDs coming in from other states, or who provide these specialty services within California, have been advertising with the ability to use these specialty titles for over 15 years, with no violations for the illegal or inappropriate use of the title by a licensee who does not have the additional training in the specialty.

AB 765 places the Board in a very precarious position. There is an anticipation that the Board would be subject to lawsuits for prohibiting the use of earned titles within the naturopathic medicine profession after use of these titles has been long-established. Further there is question of whether this is in direct violation of the Federal Trade Commission's (FTC) non-compete policies. The impacted naturopathic medicine specialties are used commonly and within naturopathic medicine standards in all regulating authorities within North America.

Taking action against, and prohibiting NDs from using these four specialty titles, would create an unabsorbable workload impact to the Board's enforcement program which

<sup>2</sup> <https://www.gastroanp.org/fellowship-board-examination>

<sup>3</sup> <https://www.endoanp.org/board-certification>

<sup>4</sup> <https://pedanp.org/board-certification>

would be required to investigate complaints of improper title use by a population that has used these titles for over 15 years. The Board would also need to conduct outreach to ensure specialists know they are no longer permitted to use the specialized titles within California.

The Board's current licensee population of 1,124 NDs, has approximately 237 of these board-certified specialists. This means that approximately 1 out of every 5 licensees (21.08%) of the current ND population in California hold a specialty in one or more of the board-certified specialties. Assuming 10 percent of the specialists receive a complaint for incorrect use, that would result in 24 additional complaints that would need to be investigated at an approximate cost to our enforcement program of \$120,000.

The Board anticipates costs and workload associated with this bill to require 1.0 analyst position (FT for two-year limited term position) and then half-time ongoing, and augmentation of \$282,000 in FY 2024-25, \$274,000 in 2025-26, and \$197,000 in 2026-27 and ongoing to perform enforcement and outreach related work.

Further, this will have associated costs to the licensees who will be required to print new advertisements and documents, such as; business cards, stationary, prescription pads, literature, and necessitating additional IT costs to update websites, online lists, etc.

The Board would like to continue working with the author's office to have the board-certified specialties in Naturopathic Medicine to be excluded from the AB 765 proposed language or provide the Board with the funding to implement and enforce the prohibition of the earned specialty titles.

Sincerely,



Rebecca Mitchell  
Executive Officer  
California Board of Naturopathic Medicine

CC: The Honorable Jim Wood, Assembly Member  
Department of Consumer Affairs, Budget Unit  
Department of Consumer Affairs, Legislative Affairs Unit