

## MEMORANDUM

<b>DATE</b>	January 23, 2025
<b>TO</b>	Board Members, California Board of Naturopathic Medicine
<b>FROM</b>	Rebecca Mitchell, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 6: Discussion and Possible Action to Make Non-Substantive Rule Changes Per Section 100 of Title 1 of the California Code of Regulations (CCR) to Amend CCR, Title 16, Sections 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4226, 4228, 4230, 4234, 4236, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4255, 4256, 4258, 4259, 4260, 4264, and 4268 Concerning the Board’s Name Change and Other Technical Clean Up Changes</b>

### Issue Addressed

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

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- (2) deleting regulations that have been repealed by statute or court judgment.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California statute if both of the following conditions are met: (A) the regulatory provision is inconsistent with and superseded by the changed statute, and (B) the adopting agency has no discretion to adopt a change which differs in substance from the one chosen.

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

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

### **Action Requested**

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

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

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

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

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

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

**Attachments:**

1. Section 100 Changes -- Proposed Regulatory Language
2. Written Justification for Section 100 Changes Without Regulatory Effect