

## California Board of Naturopathic Medicine

### Section 100 JUSTIFICATION FOR CHANGE WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(a), of the California Code of Regulations (CCR), the California Board of Naturopathic Medicine (Board) submits this written statement explaining why the proposed amendments do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Board proposes to amend text in Title 16 of Division 40 of the CCR as follows and for the following reasons:

#### CCR 4200

Proposed Change: The Board proposes to revise CCR section 4200 to strike the reference to Naturopathic Medicine Committee (“Committee”) and replace it with California Board of Naturopathic Medicine (“Board”).

Justification: Assembly Bill (AB) No. 2685 (Stats. 2022, ch. 414) amended the Naturopathic Doctors Act to change the name of this agency from the Naturopathic Medicine Committee to the California Board of Naturopathic Medicine effective January 1, 2023. This proposal would update the regulations to strike the old name and add the Board’s current and formal name consistent with the changes enacted by AB 2685. With the enactment of AB 2685, the prior statutes establishing a committee within the Osteopathic Medical Board were superseded and replaced with a newly established Board with a new title. Existing regulations that refer to a “Committee” and not this Board are therefore inconsistent with these amendments. This Board has no discretion to use any other title than that given it by law.

#### CCR 4202

Proposed Change: The Board proposes to revise this section to repeal the Board’s prior address and add its current address, as follows: ~~Naturopathic Medicine Committee~~ California Board of Naturopathic Medicine is located at ~~1300 National Drive, Suite 150~~ 1747 North Market Blvd., Suite 240, Sacramento, California 95834.

Justification: The Board moved its physical office location to 1747 North Market Blvd., Suite 240, Sacramento, CA on April 1, 2023. As a result, the Board proposes to amend this regulation to delete the Board’s former address and add its current address as

specified. This update will ensure removal of inaccurate information about the Board's actual address, consistent with information already provided to the public on the Board's website.

### **CCR § 4204**

Proposed Changes: The Board proposes to strike references to "Committee" and replace it with references to "Board" and to remove references to "his or her" and replace them with "their".

Justification: As noted above, this proposal would update the regulations to use the Board's current and formal name consistent with the changes to its title from a "Committee" to a "Board" that were enacted by AB 2685.

The terms "his or her" are being removed and replaced with "their" to ensure the use of gender-neutral language in the Board's laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

### **CCR § 4206**

Proposed Changes: The Board proposes to strike references to "Committee" and replace it with references to "Board" in subsections (b), (c), (g) and (i).

Justification: As noted above, this proposal would update the regulations to use the Board's current and formal name consistent with the changes to its title from a "Committee" to a "Board" that were enacted by AB 2685.

### **CCR § 4208**

Proposed Changes: The Board proposes to strike references to "Committee" and replace it with references to "Board" in subsections (a), (c), and (e), and correct renumbering errors in subsection (c) by removing the second paragraph "(2)", renumbering it as (3) and paragraphs that follow sequentially thereafter to (4)-(10).

Justification: As noted above, this proposal would update the regulations to use the Board's current name consistent with the changes to its title from a "Committee" to a "Board" that were enacted by AB 2685.

The originally adopted text contained an inadvertent duplicate paragraph number (c)(2) and would be corrected to (3); all other paragraphs that follow would be renumbered sequentially to correct this numbering error.

## **CCR § 4210**

Proposed Changes: The Board proposes to strike the reference to “Committee” and replace it with a reference to “Board” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

## **CCR § 4212**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in this section at subsections (a), (a)(7), (a)(7)(C) and (a)(11).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

## **CCR § 4214**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in this section at subsections (a), (a)(2), (b), (c), (d)(1), (d)(2) and (e). The Board also proposes to add the words “or individual taxpayer identification number.”

Finally, the Board proposes to strike the words “his or her” and replace it with “the dean’s” to remove gendered pronouns for this regulation.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

Business and Professions Code (BPC) section 30(a)(2)(A) (as amended by Senate Bill No. 1159, Stats. 2014, ch. 752 and effective January 1, 2015) requires the Board and other state agencies to collect either a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) from each applicant for an individual license prior to issuance of the license. Prior law only required collection of the SSN; this current regulation still only requires collection of the SSN. Since the Board has no discretion to not collect the ITIN, if applicable, this proposal would update the requirements mandated by BPC section 30 to include the requirement that the Board also collect an ITIN as part of the application for certificate of registration per BPC section 3624.

The terms “his or her” are being removed and replaced with “the dean’s” to ensure the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

### **CCR § 4216**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in this section at subsections (a) and (b)

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4218**

Proposed Changes: The Board proposes to strike a reference to “Committee” and replace it with a reference to “Board” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4220**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsections (c)(1) and (c)(3).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4222**

Proposed Changes: The Board proposes to strike the words “he or she has” and “his or her” and replace it with “they have” or “their” to remove gendered pronouns throughout this section.

Justification: The terms “his or her” and “he or she” are being removed and replaced with “they have” or “their” to ensure the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter

190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

### **CCR § 4226**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsection (e) and in the last paragraph of this section. The Board also proposes to strike the words “he or she” and replace it with gender neutral pronouns such as “the applicant”, “them,” “they”, and “their” in subsection (e).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685. Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

### **CCR 4228**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsections (a)-(d) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR 4230**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsections (a)-(c) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4234**

Proposed Changes: The Board proposes to strike a reference to “Committee” and replace it with a reference to “Board” in subsection (a) of this section. The Board also proposes to strike the word “the” before the word “utilize” in subsection (d) so that it would read “A licensee may utilize all of the routes....”

The Board also proposes to strike the words “he or she” and “is” and replace it with gender neutral pronouns “they”, and the plural verb “are” in subsection (d).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685. Deletion of the extraneous “the” and the addition of word “are” to replace “is” are being made for grammatical reasons, which does not alter the original adopted text in any substantive manner. Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

### **CCR 4236**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsections (a), (b)(3) and (c) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR 4242**

Proposed Changes: The Board proposes to strike references to “Committee” or “Committee’s” and replace it with references to “Board” or “Board’s” in subsections (a) and (e) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4244**

Proposed Changes: The Board proposes to strike a reference to “Committee” and replace it with a reference to “Board” in subsection (d). The Board also proposes to strike the words “he or she desires” and replace it with gender neutral pronouns “they desire” in subsection (d).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685. Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and

regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

#### **CCR 4246**

Proposed Changes: The Board proposes to strike references to “Committee” or “Committee’s” and replace it with references to “Board” or “Board’s” in subsection (b) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

#### **CCR 4248**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in subsections (e) and (h) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

#### **CCR § 4250**

Proposed Changes: The Board proposes to strike references to “Committee” or “Committee’s” and replace it with references to “Board” or “Board’s” in subsections (a)-(c). The Board also proposes to strike the words “his or her” and replace it with gender neutral pronoun “their” in subsections (a)-(c).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685. Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.



## CCR § 4252

Proposed Changes: The Board proposes to strike references to “Committee” or “Committee’s” and replace it with references to “Board” or “Board’s” in subsections (a) and (b) of this section. The Board also proposes to strike the words “his or her” and replace it with gender neutral pronoun “their” in subsection (a).

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685. Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

## CCR § 4254

Proposed Changes: The Board proposes to strike references to “Committee” or “Committee’s” and replace it with references to “Board” or “Board’s” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

## CCR 4255

Proposed Change: The Board proposes to revise CCR section 4255 to strike references to Naturopathic Medicine Committee and replace it with the California Board of Naturopathic Medicine in subsection (a), and strike a reference to “Committee” and replace it with “Board” in subsection (b)(2). The Board also proposes to strike an inadvertent reference to “physician” and replace it with the correct title of the licensee the Board regulates “naturopathic doctor.”

Justification: Assembly Bill (AB) No. 2685 (Stats. 2022, ch. 414) amended the Naturopathic Doctors Act to change the name of this agency from the Naturopathic Medicine Committee to the California Board of Naturopathic Medicine effective January 1, 2023. This proposal would update the regulations to strike the old name and add the Board’s current and formal name consistent with the changes enacted by AB 2685.

In addition, the Board regulates naturopathic doctors (see e.g., BPC section 3613(d)); physicians are regulated by the Medical Board of California or the Osteopathic Medical Board of California (see BPC section 2041). This proposal would correct this inadvertent error created when this regulation was adopted as a committee within the



Osteopathic Medical Board. Effective January 1, 2023 per AB 2685, this agency became an independent board and now proposes to correct this terminology.

### **CCR 4256**

Proposed Changes: The Board proposes to strike the reference to “Committee” and replace it with a reference to “Board” in subsection (b) of this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4258**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR § 4259**

Proposed Changes: The Board proposes to strike references to “Committee” and replace it with references to “Board” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

### **CCR 4260**

Proposed Changes: The Board proposes to strike the words “his or her” and replace it with gender neutral pronoun “their” in subsection (u) and striking the words “himself or herself” and replacing them with “themselves” in subsection (x). The Board also proposes to add the word “school” behind the word “medical” in subsection (x) of this section so that it would read, in part: “Permitting a student enrolled in an approved naturopathic medical school,...”

Justification: Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting

policies, regulations, and other guidance.

The Board uses the terms “Approved naturopathic medical school” as defined in CCR section 4206 throughout its regulations. In this one instance the word “school” was inadvertently left out when this regulation was adopted. Since the Board only approves “schools” where a student would be supervised by a licensee (see CCR 4230), the Board believes the addition of this word would not substantively alter the meaning of this subsection, any duty, right or responsibility of any licensee supervising a student, or the existing standard itself that prohibits a licensee who supervises a student to allow the student to hold himself or herself out as competent to perform, professional services beyond the student's level of education, training, or experience.

#### **CCR 4264**

Proposed Changes: The Board proposes to strike the reference to “Committee” and replace it with a reference to “Board” in this section.

Justification: As noted above, this proposal would update the regulations to use the Board’s current name consistent with the changes to its title from a “Committee” to a “Board” that were enacted by AB 2685.

#### **CCR § 4268**

Proposed Changes: The Board proposes to strike the words “his or her” and “he or she” and replace it with gender neutral pronouns “their” or “they” in subsections (b) and (c). The Board also proposes to the word “ceases” and replace it with “cease” after replacing “he or she” with “they” in subsection (c), so that it would read, in part, “when they again cease to become a disqualified person.”

Justification: Removal and replacement of gendered pronouns ensures the use of gender-neutral language in the Board’s laws and regulations in accordance with Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018), which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance. The word “ceases” is being replaced with “cease” for grammatical reasons in conformity with the change from “he or she” to “they.”

These proposed amendments do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any regulation in Division 40 of the CCR as noted above. Thus, the Board’s proposed amendments may be considered a change without regulatory effect.

#### **Underlying Data**

1. Assembly Bill No. 2685 (Stats. 2022, ch. 414)
2. Senate Bill No. 1159 (Stats. 2014, ch. 752)
3. Assembly Concurrent Resolution No. 260 (Chapter 190, Statutes of 2018)