

Introduced by Senator Block

February 26, 2015

An act to amend Sections 3640 and 3640.5 of the Business and Professions Code, relating to naturopathic doctors.

LEGISLATIVE COUNSEL'S DIGEST

SB 538, as amended, Block. Naturopathic doctors.

(1) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee in the Osteopathic Medical Board of California. Existing law authorizes a naturopathic doctor to perform certain tasks, including physical and laboratory examinations for diagnostic purposes, and to order diagnostic imaging studies, as specified.

This bill would revise and recast those provisions and would expressly authorize a naturopathic doctor to order, perform, review, and interpret the results of diagnostic procedures commonly used by physicians and surgeons in general practice and to dispense, administer, order, prescribe, provide, furnish, or perform parenteral therapy and minor procedures, among other duties. The bill would include cervical routes of administration among the authorized routes of administration. The bill would define terms for those purposes.

(2) Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitation generally placed on controlled substances classified in Schedule V.

Existing law states that nothing in the Naturopathic Doctors Act or any other law shall be construed to prohibit a naturopathic doctor from furnishing or ordering drugs when, among other requirements, the naturopathic doctor is functioning pursuant to standardized procedure, as defined, or protocol developed and approved, as specified, and the Naturopathic Medicine Committee has certified that the naturopathic doctor has satisfactorily completed adequate coursework in pharmacology covering the drugs to be furnished or ordered. Existing law requires that the furnishing or ordering of drugs by a naturopathic doctor occur under the supervision of a physician and surgeon. Existing law also authorizes a naturopathic doctor to furnish or order controlled substances classified in Schedule III, IV, or V of the California Uniform Controlled Substances Act, but limits this authorization to those drugs agreed upon by the naturopathic doctor and physician and surgeon as specified in the standardized procedure. Existing law further requires that drugs classified in Schedule III be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician.

This bill would instead provide that, *except as specified*, nothing in the provisions governing naturopathic doctors or any other law shall be construed to prohibit a naturopathic doctor from furnishing, prescribing, administering, or ordering drugs and would make a conforming change to the scope of the certification duties of the Naturopathic Medicine Committee. The bill would delete ~~the other~~ *certain* provisions described above restricting the authority of naturopathic doctors to furnish or order drugs, including the requirements that the naturopathic doctor function pursuant to a standardized procedure, or furnish or order drugs under the supervision of a physician and surgeon.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 3640 of the Business and Professions
- 2 Code is amended to read:
- 3 3640. (a) A naturopathic doctor may order, perform, review,
- 4 and interpret the results of diagnostic procedures commonly used
- 5 by physicians and surgeons in general practice, including:
- 6 (1) Venipuncture.

- 1 (2) Physical and orificial examinations.
- 2 (3) Electrocardiograms.
- 3 (4) Diagnostic imaging technique consistent with the practice
- 4 of naturopathic medicine.
- 5 (5) Phlebotomy.
- 6 (6) Clinical laboratory test and examinations, as described in
- 7 subdivision (e).
- 8 (7) Obtaining samples of human tissue, consistent with the
- 9 practice of naturopathic medicine.
- 10 (b) A naturopathic doctor may dispense, administer, order,
- 11 prescribe, provide, furnish, or perform the following:
- 12 (1) Food, extracts of food, nutraceuticals, vitamins, amino acids,
- 13 minerals, enzymes, botanicals and their extracts, botanical
- 14 medicines, homeopathic medicines, all dietary supplements and
- 15 nonprescription drugs as defined by the federal Food, Drug, and
- 16 Cosmetic Act, consistent with the routes of administration
- 17 identified in subdivision (d).
- 18 (2) Hot or cold hydrotherapy; naturopathic physical medicine
- 19 inclusive of the manual use of massage, stretching, resistance, or
- 20 joint play examination but exclusive of small amplitude movement
- 21 at or beyond the end range of normal joint motion; electromagnetic
- 22 energy; colon hydrotherapy; and therapeutic exercise.
- 23 (3) Devices, including, but not limited to, therapeutic devices,
- 24 barrier contraception, and durable medical equipment consistent
- 25 with naturopathic training as determined by the committee.
- 26 (4) Health education and health counseling.
- 27 (5) Parenteral therapy.
- 28 (6) Minor procedures.
- 29 (c) A naturopathic doctor may utilize routes of administration
- 30 that include oral, nasal, auricular, ocular, cervical, rectal, vaginal,
- 31 transdermal, intradermal, subcutaneous, intravenous, and
- 32 intramuscular.
- 33 (d) The committee may establish regulations regarding ocular
- 34 or intravenous routes of administration that are consistent with the
- 35 education and training of a naturopathic doctor.
- 36 (e) Nothing in this section shall exempt a naturopathic doctor
- 37 from meeting applicable licensure requirements for the performance
- 38 of clinical laboratory tests, including the requirements imposed
- 39 under Chapter 3 (commencing with Section 1200).
- 40 (f) For purposes of this section:

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

7 (2) “Parenteral therapy” means the administration of substances
8 by means other than through the gastrointestinal tract, including
9 intravenous, ~~subcutaneous~~ and *subcutaneous*, intramuscular,
10 ~~intravenous~~ and other areas of the body excluding the ventral and
11 dorsal body cavities.

12 SEC. 2. Section 3640.5 of the Business and Professions Code
13 is amended to read:

14 3640.5. (a) ~~Nothing~~ *Except as set forth in this section, nothing*
15 *in this chapter or any other law shall be construed to prohibit a*
16 *naturopathic doctor from furnishing, prescribing, administering,*
17 *or ordering drugs.*

18 (b) Drugs furnished or ordered by a naturopathic doctor may
19 include Schedule III through Schedule V controlled substances
20 under the California Uniform Controlled Substances ~~Act~~ *Division*
21 *Act (Division 10 (commencing with Section 11000) of the Health*
22 *and Safety Code. Code), and any drug approved by the federal*
23 *Food and Drug Administration that is not classified and labeled*
24 *“for prescription only” or words of similar import.*

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

30 (d) Use of the term “furnishing” in this section, in health
31 facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section
32 1250 of the Health and Safety Code, shall include ordering and
33 furnishing a drug.

34 (e) For purposes of this section, “drug order” or “order” means
35 an order for medication which is dispensed to or for an ultimate
36 user, issued by a naturopathic doctor as an individual practitioner,
37 within the meaning of Section 1306.02 of Title 21 of the Code of
38 Federal Regulations.

39 (f) Notwithstanding any other provision of law, both of the
40 following shall apply:

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

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

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