

AMENDED IN SENATE APRIL 16, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 538**

---

---

**Introduced by Senator Block**  
*(Coauthor: Senator Hueso)*

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. *Under the act, a naturopathic doctor is authorized to dispense, administer, order, prescribe, furnish, or perform certain things, including health education and health counseling. The act also authorizes a naturopathic doctor to utilize routes of administration that include, among others, intramuscular.*

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. *procedures. The bill would include cervical routes of administration among the authorized routes of administration. The*

bill would define terms for those purposes. *The bill would authorize a naturopathic doctor to use a cervical route of administration only for the purpose of administering barrier contraception.*

(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~~ *administering, furnishing, ordering, or prescribing* drugs and would make a conforming change to the scope of the certification duties of the Naturopathic Medicine Committee. The bill would delete 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~~. *surgeon for Schedule IV through Schedule V controlled substances and for any drug approved by the federal Food and Drug Administration and labeled “for prescription only,” except chemotherapeutics, that is not classified.*

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 and perform  
4 physical and laboratory examinations for diagnostic purposes,  
5 including, but not limited to, phlebotomy, clinical laboratory tests,  
6 speculum examinations, orificial examinations, and physiological  
7 function tests.

8 (b) A naturopathic doctor may order diagnostic imaging studies,  
9 including X-ray, ultrasound, mammogram, bone densitometry,  
10 and others, consistent with *the practice of naturopathic training as*  
11 ~~determined by the committee~~, *medicine*, but shall refer the studies  
12 to an appropriately licensed health care professional to conduct  
13 the study and interpret the results.

14 (c) A naturopathic doctor may dispense, administer, order,  
15 prescribe, ~~and furnish~~ *provide, furnish*, or perform the following:

16 (1) Food, extracts of food, nutraceuticals, vitamins, amino acids,  
17 minerals, enzymes, botanicals and their extracts, botanical  
18 medicines, homeopathic medicines, all dietary supplements and  
19 nonprescription drugs as defined by the federal Food, Drug, and  
20 Cosmetic Act, consistent with the routes of administration  
21 identified in subdivision (d).

22 (2) Hot or cold hydrotherapy; naturopathic physical medicine  
23 inclusive of the manual use of massage, stretching, resistance, or  
24 joint play examination but exclusive of small amplitude movement  
25 at or beyond the end range of normal joint motion; electromagnetic  
26 energy; colon hydrotherapy; and therapeutic exercise.

27 (3) Devices, including, but not limited to, therapeutic devices,  
28 barrier contraception, and durable medical ~~equipment~~. *equipment*  
29 *consistent with the naturopathic training as determined by the*  
30 *committee.*

31 (4) Health education and health counseling.

32 ~~(5) Repair and care incidental to superficial lacerations and~~  
33 ~~abrasions, except suturing.~~

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

35 (5) *Parenteral therapy.*

1 (6) *Minor procedures.*

2 (d) A naturopathic doctor may utilize routes of administration  
3 that include oral, nasal, auricular, ocular, rectal, vaginal,  
4 transdermal, intradermal, subcutaneous, intravenous, and  
5 intramuscular. *A naturopathic doctor may utilize a cervical route*  
6 *of administration only for the purpose of administering barrier*  
7 *contraception.*

8 (e) The committee may establish regulations regarding ocular  
9 or intravenous routes of administration that are consistent with the  
10 education and training of a naturopathic doctor.

11 (f) Nothing in this section shall exempt a naturopathic doctor  
12 from meeting applicable licensure requirements for the performance  
13 of clinical laboratory tests, including the requirements imposed  
14 under Chapter 3 (commencing with Section 1200).

15 (g) *For purposes of this section, the following terms have the*  
16 *following meanings:*

17 (1) *“Minor procedures” means care and operative procedures*  
18 *relative to superficial lacerations, superficial clinically benign*  
19 *lesions less than one centimeter and not located on the face, and*  
20 *superficial abrasions, and the removal of foreign bodies located*  
21 *in superficial structures and the topical and parenteral use of*  
22 *substances consistent with the practice of naturopathic medicine,*  
23 *in accordance with rules established by the Naturopathic Medicine*  
24 *Committee. A naturopathic doctor may obtain samples of*  
25 *superficial human tissue by means of shave, punch, or excisional*  
26 *biopsy consistent with the practice of naturopathic medicine.*  
27 *“Minor procedures” does not include general or spinal anesthesia,*  
28 *sclerotherapy, or procedures involving the eye.*

29 (2) *“Parenteral therapy” means the administration of*  
30 *substances by means other than through the gastrointestinal tract,*  
31 *including intravenous, subcutaneous, intramuscular, and other*  
32 *areas of the body, excluding the ventral and dorsal body cavities.*

33 *SEC. 2. Section 3640.5 of the Business and Professions Code*  
34 *is amended to read:*

35 3640.5. ~~Nothing~~ *(a) Except as set forth in this section, nothing*  
36 *in this chapter or any other provision of law shall be construed to*  
37 *prohibit a naturopathic doctor from ~~furnishing or ordering~~*  
38 *administering, furnishing, ordering, or prescribing drugs when*  
39 *all of the following apply: functioning pursuant to this section.*

40 ~~(a) The drugs are furnished or ordered~~

1 (b) *Schedule III controlled substances under the California*  
 2 *Uniform Controlled Substances Act (Division 10 (commencing*  
 3 *with Section 11000) of the Health and Safety Code) shall be*  
 4 *administered, furnished, ordered, and prescribed* by a naturopathic  
 5 doctor in accordance with standardized procedures or protocols  
 6 developed by the naturopathic doctor and his or her supervising  
 7 physician and surgeon.

8 ~~(b)~~

9 (c) The naturopathic doctor ~~is functioning~~ shall function pursuant  
 10 to a standardized procedure, as defined by ~~subdivisions (a), (b),~~  
 11 ~~(d), (e), (h), and (i) of Section 2836.1 and paragraph (1) of~~  
 12 ~~subdivision (e) of Section 2836.1, paragraphs (1) and (2) of~~  
 13 *subdivision (c) of Section 2725, or protocol. The standardized*  
 14 *procedure or protocol shall be developed and approved by the*  
 15 *supervising physician and surgeon, the naturopathic doctor, and,*  
 16 *where applicable, the facility administrator or his or her designee.*

17 ~~(e)~~

18 (d) The standardized procedure or protocol covering the  
 19 ~~furnishing~~ *administering, furnishing, ordering, or prescribing of*  
 20 *Schedule III drugs shall specify which naturopathic doctors may*  
 21 ~~furnish or order administer, furnish, order, or prescribe~~ *Schedule*  
 22 *III drugs, which Schedule III drugs may be furnished or ordered*  
 23 *administered, furnished, ordered, or prescribed and under what*  
 24 *circumstances, the extent of physician and surgeon supervision,*  
 25 *the method of periodic review of the naturopathic doctor's*  
 26 *competence, including peer review, which shall be subject to the*  
 27 *reporting requirement in Section 805, and review of the provisions*  
 28 *of the standardized procedure.*

29 ~~(d)~~

30 (e) The ~~furnishing or ordering~~ *administering, furnishing,*  
 31 *ordering, or prescribing of Schedule III drugs by a naturopathic*  
 32 ~~doctor occurs~~ *shall occur* under physician and surgeon supervision.  
 33 Physician and surgeon supervision shall not be construed to require  
 34 the physical presence of the physician, but does include all of the  
 35 following:

36 (1) Collaboration on the development of the standardized  
 37 procedure.

38 (2) Approval of the standardized procedure.

39 (3) Availability by telephonic contact at the time of patient  
 40 examination by the naturopathic doctor.

1 (f) When Schedule III controlled substances, as defined in  
 2 Section 11056 of the Health and Safety Code, are administered,  
 3 furnished, ordered, or prescribed by a naturopathic doctor, the  
 4 controlled substances shall be administered, furnished, ordered,  
 5 or prescribed in accordance with a patient-specific protocol  
 6 approved by the treating or supervising physician. A copy of the  
 7 section of the naturopathic doctor's standardized procedure or  
 8 protocol relating to controlled substances shall be provided, upon  
 9 request, to a licensed pharmacist who dispenses drugs when there  
 10 is uncertainty about the naturopathic doctor furnishing the order.

11 (e)

12 (g) For purposes of this section, a physician and surgeon shall  
 13 not supervise more than four naturopathic doctors at one time.

14 (f) ~~Drugs furnished or ordered~~

15 (h) *Notwithstanding subdivision (c), drugs administered,*  
 16 *furnished, ordered, or prescribed by a naturopathic doctor may*  
 17 *without the supervision of a physician and surgeon shall include*  
 18 ~~Schedule III IV through Schedule V controlled substances under~~  
 19 ~~the California Uniform Controlled Substances Act (Division 10~~  
 20 ~~(commencing with Section 11000) of the Health and Safety Code)~~  
 21 ~~and shall be further limited to those drugs agreed upon by the~~  
 22 ~~naturopathic doctor and physician and surgeon as specified in the~~  
 23 ~~standardized procedure. When Schedule III controlled substances,~~  
 24 ~~as defined in Section 11056 of the Health and Safety Code, are~~  
 25 ~~furnished or ordered by a naturopathic doctor, the controlled~~  
 26 ~~substances shall be furnished or ordered in accordance with a~~  
 27 ~~patient-specific protocol approved by the treating or supervising~~  
 28 ~~physician. A copy of the section of the naturopathic doctor's~~  
 29 ~~standardized procedure relating to controlled substances shall be~~  
 30 ~~provided upon request, to a licensed pharmacist who dispenses~~  
 31 ~~drugs, when there is uncertainty about the naturopathic doctor~~  
 32 ~~furnishing the order. any drug approved by the federal Food and~~  
 33 ~~Drug Administration and labeled "for prescription only" or words~~  
 34 ~~of similar import, except chemotherapeutics, that is not classified.~~

35 (g)

36 (i) The committee ~~has certified~~ shall certify that the naturopathic  
 37 doctor has satisfactorily completed adequate coursework in  
 38 pharmacology covering the drugs to be ~~furnished or ordered~~  
 39 *administered, furnished, ordered, or prescribed* under this section.

1 The committee shall establish the requirements for satisfactory  
2 completion of this subdivision.

3 ~~(h)~~

4 (j) Use of the term “furnishing” in this section, in health facilities  
5 defined in subdivisions (b), (c), (d), (e), and (i) of Section 1250 of  
6 the Health and Safety Code, shall include both of the following:  
7 following for Schedule III controlled substances.

8 (1) Ordering a drug in accordance with the standardized  
9 procedure.

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

12 ~~(i)~~

13 (k) For purposes of this section, “drug order” or “order” means  
14 an order for medication which is dispensed to or for an ultimate  
15 user, issued by a naturopathic doctor as an individual practitioner,  
16 within the meaning of Section 1306.02 of Title 21 of the Code of  
17 Federal Regulations.

18 ~~(j)~~

19 (l) Notwithstanding any other ~~provision of~~ law, all of the  
20 following shall apply:

21 (1) A Schedule III drug order issued pursuant to this section  
22 shall be treated in the same manner as a prescription of the  
23 supervising physician.

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

27 (3) The signature of a naturopathic doctor on a drug order issued  
28 in accordance with this section shall be deemed to be the signature  
29 of a prescriber for purposes of this code and the Health and Safety  
30 Code.

31 SECTION 1. ~~Section 3640 of the Business and Professions~~  
32 ~~Code is amended to read:~~

33 ~~3640. (a) A naturopathic doctor may order, perform, review,~~  
34 ~~and interpret the results of diagnostic procedures commonly used~~  
35 ~~by physicians and surgeons in general practice, including:~~

36 ~~(1) Venipuncture.~~

37 ~~(2) Physical and orificial examinations.~~

38 ~~(3) Electrocardiograms.~~

39 ~~(4) Diagnostic imaging technique consistent with the practice~~  
40 ~~of naturopathic medicine.~~

1 ~~(5) Phlebotomy.~~

2 ~~(6) Clinical laboratory test and examinations, as described in~~  
3 ~~subdivision (e).~~

4 ~~(7) Obtaining samples of human tissue, consistent with the~~  
5 ~~practice of naturopathic medicine.~~

6 ~~(b) A naturopathic doctor may dispense, administer, order,~~  
7 ~~prescribe, provide, furnish, or perform the following:~~

8 ~~(1) Food, extracts of food, nutraceuticals, vitamins, amino acids,~~  
9 ~~minerals, enzymes, botanicals and their extracts, botanical~~  
10 ~~medicines, homeopathic medicines, all dietary supplements and~~  
11 ~~nonprescription drugs as defined by the federal Food, Drug, and~~  
12 ~~Cosmetic Act, consistent with the routes of administration~~  
13 ~~identified in subdivision (d).~~

14 ~~(2) Hot or cold hydrotherapy; naturopathic physical medicine~~  
15 ~~inclusive of the manual use of massage, stretching, resistance, or~~  
16 ~~joint play examination but exclusive of small amplitude movement~~  
17 ~~at or beyond the end range of normal joint motion; electromagnetic~~  
18 ~~energy; colon hydrotherapy; and therapeutic exercise.~~

19 ~~(3) Devices, including, but not limited to, therapeutic devices,~~  
20 ~~barrier contraception, and durable medical equipment consistent~~  
21 ~~with naturopathic training as determined by the committee.~~

22 ~~(4) Health education and health counseling.~~

23 ~~(5) Parenteral therapy.~~

24 ~~(6) Minor procedures.~~

25 ~~(e) A naturopathic doctor may utilize routes of administration~~  
26 ~~that include oral, nasal, auricular, ocular, cervical, rectal, vaginal,~~  
27 ~~transdermal, intradermal, subcutaneous, intravenous, and~~  
28 ~~intramuscular.~~

29 ~~(d) The committee may establish regulations regarding ocular~~  
30 ~~or intravenous routes of administration that are consistent with the~~  
31 ~~education and training of a naturopathic doctor.~~

32 ~~(e) Nothing in this section shall exempt a naturopathic doctor~~  
33 ~~from meeting applicable licensure requirements for the performance~~  
34 ~~of clinical laboratory tests, including the requirements imposed~~  
35 ~~under Chapter 3 (commencing with Section 1200).~~

36 ~~(f) For purposes of this section:~~

37 ~~(1) "Minor procedures" means care and operative procedures~~  
38 ~~relative to superficial laceration, lesions, and abrasions, and the~~  
39 ~~removal of foreign bodies located in superficial structures and~~  
40 ~~aspiration of joints, and the topical and parenteral use of substances~~



1 consistent with the practice of naturopathic medicine, in accordance  
2 with rules established by the Naturopathic Medicine Committee.

3 (2) “Parenteral therapy” means the administration of substances  
4 by means other than through the gastrointestinal tract, including  
5 intravenous, subcutaneous, intramuscular, and other areas of the  
6 body excluding the ventral and dorsal body cavities.

7 SEC. 2.— Section 3640.5 of the Business and Professions Code  
8 is amended to read:

9 3640.5. (a) Except as set forth in this section, nothing in this  
10 chapter or any other law shall be construed to prohibit a  
11 naturopathic doctor from furnishing, prescribing, administering,  
12 or ordering drugs.

13 (b) Drugs furnished or ordered by a naturopathic doctor may  
14 include Schedule III through Schedule V controlled substances  
15 under the California Uniform Controlled Substances Act (Division  
16 10 (commencing with Section 11000) of the Health and Safety  
17 Code), and any drug approved by the federal Food and Drug  
18 Administration that is not classified and labeled “for prescription  
19 only” or words of similar import.

20 (c) The committee shall certify that the naturopathic doctor has  
21 satisfactorily completed adequate coursework in pharmacology  
22 covering the drugs to be furnished, prescribed, administered, or  
23 ordered under this section. The committee shall establish the  
24 requirements for satisfactory completion of this subdivision.

25 (d) Use of the term “furnishing” in this section, in health  
26 facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section  
27 1250 of the Health and Safety Code, shall include ordering and  
28 furnishing a drug.

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

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

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

39 (2) The signature of a naturopathic doctor on a drug order issued  
40 in accordance with this section shall be deemed to be the signature

- 1 of a prescriber for purposes of this code and the Health and Safety
- 2 Code.

O