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**SB-994 Vocational nursing: direction of naturopathic doctor.** (2021-2022)

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Date Published: 09/29/2022 02:00 PM

**Senate Bill No. 994**

**CHAPTER 713**

An act to amend Sections 2859, 2860.5, and 2860.7 of, and to add Sections 2859.1 and 3640.1 to, the Business and Professions Code, relating to healing arts.

[ Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 994, Jones. Vocational nursing: direction of naturopathic doctor.

Existing law, the Vocational Nursing Practice Act, provides for the licensure and regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. The act defines the practice of vocational nursing as the performance of services requiring those technical, manual skills acquired by means of a course in an approved school of vocational nursing, or its equivalent, practiced under the direction of a licensed physician or registered professional nurse, as defined.

This bill would revise that definition to additionally include practice under the direction of a naturopathic doctor, as specified. The bill would require a naturopathic doctor who is supervising a licensed vocational nurse to establish a written supervision protocol, listing the practice agreement, that includes specified information, including a description of the duties and responsibilities of the licensed vocational nurse and, if applicable, disclosure of the procedure or protocol for the furnishing or ordering of drugs. The bill would specify that its provisions do not authorize a licensed vocational nurse to perform various acts, including performing platelet-rich plasma therapy and administering laser, light, steam, or ultraviolet treatment therapies, except as provided.

Existing law, among other things, authorizes a licensed vocational nurse to withdraw blood, administer medications, and start and superimpose intravenous fluids, as described, when directed by a physician and surgeon. Existing law also authorizes a licensed vocational nurse to perform certain tests and immunization techniques, as described, when acting under the direction of a physician and surgeon.

This bill would authorize a licensed vocational nurse to perform the above-described actions when acting under the direction of a naturopathic doctor, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 2859 of the Business and Professions Code is amended to read:

**2859.** (a) The practice of vocational nursing within the meaning of this chapter is the performance of services requiring those technical, manual skills acquired by means of a course in an approved school of vocational nursing, or its equivalent, practiced

under the direction of a licensed physician and surgeon or registered nurse, as defined in Section 2725, or naturopathic doctor, as defined in Section 2859.1, and in accordance with this section and Section 2859.1.

(b) A vocational nurse, within the meaning of this chapter, is a person who has met all the legal requirements for a license as a vocational nurse in this state and who for compensation or personal profit engages in vocational nursing, as defined under subdivision (a).

(c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse.

(d) A licensed vocational nurse practicing under the supervision of a naturopathic doctor shall be limited to performing those duties included within the scope of practice of a naturopathic doctor.

(e) A naturopathic doctor supervising a licensed vocational nurse and furnishing or ordering drugs in accordance with standardized procedures or protocols developed with the approval of a supervising physician and surgeon, as authorized under Section 3640.5, shall identify within the established protocol that the naturopathic doctor is responsible for the supervision of a licensed vocational nurse or nurses and provide procedures for assistance and consultation with the supervising physician and surgeon regarding any issues that arise involving the naturopathic doctor's supervision of a licensed vocational nurse or nurses in the furnishing or ordering of drugs.

(f) (1) A naturopathic doctor supervising a licensed vocational nurse shall establish a written supervision protocol, listing the practice agreement, that includes all of the following:

(A) A description of the duties and responsibilities of the licensed vocational nurse and, if applicable, disclosure of the procedure or protocol for the furnishing or ordering of drugs, as described in subdivision (e).

(B) Policies and procedures to ensure adequate supervision of the licensed vocational nurse, including, but not limited to, appropriate communication, availability of supervision, location of venue or venues where services are to be provided, and availability of consultations between the naturopathic doctor and the licensed vocational nurse regarding the practice of vocational nursing.

(C) The methods for the training and continuing evaluation of the competency and qualifications of the licensed vocational nurse.

(2) The written supervision protocol required by this subdivision may be provided by means of an employment agreement or other practice agreement document.

(3) A licensed vocational nurse shall provide a copy of the written supervision protocol prescribed by this subdivision to the board upon request by the board.

(g) In addition to other acts constituting unprofessional conduct within the meaning of this chapter, failure to comply with the requirements for supervision in this chapter or any regulation adopted pursuant to it is considered unprofessional conduct and grounds for disciplinary action.

**SEC. 2.** Section 2859.1 is added to the Business and Professions Code, to read:

**2859.1.** (a) For purposes of this chapter, the following definitions apply:

(1) "Naturopathic doctor" means a person who holds a current, active, and unrestricted license pursuant to the Naturopathic Doctors Act (Chapter 8.2 commencing with Section 3610).

(2) (A) "Supervision" or "supervising," as used in connection with the supervision of a licensed vocational nurse by a naturopathic doctor, means the supervision of procedures authorized by this section and Section 2859 that are within the scope of practice of the naturopathic doctor, and means that a naturopathic doctor oversees the activities of, and accepts responsibility for, those services described in this section and Section 2859 that are performed by a supervised licensed vocational nurse. "Supervision" in this context does not require the physical presence of a naturopathic doctor, but does require both of the following:

(i) Adherence to adequate supervision as agreed to in the practice agreement described in Section 2859.

(ii) The naturopathic doctor being available by telephone at the time the licensed vocational nurse examines the patient.

(B) This definition does not prohibit the board from requiring the physical presence of a naturopathic doctor as a term or condition of the discipline, reinstatement, or probation of a licensed vocational nurse.

(b) This section does not authorize a naturopathic doctor to supervise or direct a licensed vocational nurse to start or superimpose intravenous fluids in a manner that would violate Section 2860.5, including by performing the procedure outside of an organized health care system.

(c) This section does not authorize a licensed vocational nurse to perform any of the following acts:

- (1) Administering Botox, Juvederm, Kybella, or glutathione injections.
- (2) Performing platelet-rich plasma therapy.
- (3) Performing skin growth removal procedures.
- (4) Performing other cosmetic procedures outside the scope of practice of a licensed vocational nurse, as determined by the board.
- (5) Administering laser, light, steam, or ultraviolet treatment therapies, unless directed by a physician and surgeon or naturopathic doctor for a medically necessary purpose.
- (6) Starting or superimposing intravenous fluids independently in unsupervised home care or other unauthorized setting.

(d) This section does not authorize an unlicensed naturopathic doctor to hire, direct, or supervise a licensed vocational nurse.

(e) This section does not authorize a licensed naturopathic doctor to hire, direct, or supervise a licensed vocational nurse who has a license that is not current and active.

(f) If a naturopathic doctor provides supervision of a licensed vocational nurse who has a restricted license due to a probationary order, then the supervising naturopathic doctor shall ensure that they comply and provide supervision within the terms of the probationary order.

**SEC. 3.** Section 2860.5 of the Business and Professions Code is amended to read:

**2860.5.** (a) Subject to subdivision (b), a licensed vocational nurse when directed by a licensed physician and surgeon or naturopathic doctor may do all of the following:

- (1) Administer medications by hypodermic injection.
- (2) Withdraw blood from a patient, if the licensed vocational nurse has been instructed by a licensed physician and surgeon and has demonstrated competence to the licensed physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the board, or has demonstrated competence to the satisfaction of the board.
- (3) Start and superimpose intravenous fluids if all of the following additional conditions are satisfied:
  - (A) The licensed vocational nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.
  - (B) The procedure is performed in an organized health care system in accordance with the written standardized procedures adopted by the organized health care system as formulated by a committee which includes representatives of the medical, nursing, and administrative staffs. "Organized health care system," as used in this section, includes facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physician's offices, naturopathic doctor's offices, and public or community health services. Standardized procedures so adopted will be reproduced in writing and made available to total medical and nursing staffs.
  - (C) If the licensed vocational nurse is directed by a naturopathic doctor, the naturopathic doctor is qualified to administer intravenous therapy under Section 3640.8.

(b) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this section that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or a naturopathic doctor.

**SEC. 4.** Section 2860.7 of the Business and Professions Code is amended to read:

**2860.7.** (a) (1) A licensed vocational nurse, acting under the direction of a licensed physician and surgeon or naturopathic doctor may perform any of the following:

(A) Tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program.

(B) Immunization techniques, providing such administration is upon standing orders of a supervising licensed physician and surgeon or naturopathic doctor, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising licensed physician and surgeon or naturopathic doctor is associated.

(2) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this subdivision that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(b) The supervising licensed physician and surgeon or naturopathic doctor under whose direction the licensed vocational nurse is acting pursuant to subdivision (a) shall require the licensed vocational nurse to do all of the following:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunizations.

(2) Possess such medications and equipment as required, in the medical judgment of the supervising licensed physician and surgeon or naturopathic doctor, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer such medications and to utilize such equipment as necessary.

(c) This section does not require physical presence of a directing or supervising licensed physician and surgeon or naturopathic doctor, or the examination by a licensed physician and surgeon or naturopathic doctor of persons to be tested or immunized.

(d) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or naturopathic doctor.

**SEC. 5.** Section 3640.1 is added to the Business and Professions Code, to read:

**3640.1.** (a) A naturopathic doctor may provide supervision and direction to a licensed vocational nurse in accordance with Sections 2859 and 2859.1.

(b) A naturopathic doctor shall not direct a licensed vocational nurse under their employment to take any action outside the scope of practice of the naturopathic doctor.