

**ASSEMBLY BILL**

**No. 1260**

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**Introduced by Assembly Member Huffman**

February 27, 2009

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An act to amend Sections 4933, 4938, and 4939 of, and to amend and repeal Section 4940 of, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, as introduced, Huffman. Acupuncture.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture and establishes the Acupuncture Board to enforce and administer these provisions.

(1) Under existing law, the board is comprised of 7 members, 3 acupuncturists and 4 public members, and 5 members constitute a quorum to conduct business.

This bill would instead specify that 4 members of the board, including at least one acupuncturist, constitute a quorum to conduct business.

(2) Existing law requires an applicant for licensure to meet certain education and training requirements, which may be met by completion of an educational and training program approved by the board, by satisfactory completion of a tutorial program, or, in the case of an applicant who has completed education and training outside of the United States and Canada, by specified documented educational and clinical experience. Existing law also requires an applicant for licensure to complete a clinical internship training program.

This bill would delete the requirement that an applicant for licensure complete a clinical internship training program. The bill would require an applicant who meets the education and training requirements by

completion of a tutorial program to complete the program no later than December 31, 2014. The bill would also apply the specified documented educational and clinical experience applicable to foreign applicants to applicants who have completed education and training in Canada. The bill would allow an applicant who has completed education and training outside of California but within the United States to meet the education and training requirements with documented educational training and clinical experience that meets certain standards.

(3) Existing law requires the board to establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist. Under existing law, a program approved by the board is required to receive additional approval, as specified, within 3 years.

This bill would instead require the board’s standards to include a requirement that the program be located in a school or college accredited by an accrediting agency recognized by the United States Department of Education, as specified. The bill would require that a program approved prior to January 1, 2010, meet this requirement by January 1, 2013.

(4) Existing law requires the Acupuncture Board to establish standards for the approval of tutorial programs for education and training in the practice of acupuncture and for the approval of supervising acupuncturists. Existing law provides that an acupuncturist who meets certain standards shall be approved to supervise a trainee.

This bill would repeal these provisions on January 1, 2015. The bill would also prohibit the board, on and after January 1, 2010, from approving any new tutorial program under these provisions, but would provide that a person approved to participate in a tutorial program prior to that date be allowed to continue with the program, as long as it is completed by December 31, 2014.

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 4933 of the Business and Professions
- 2 Code is amended to read:
- 3 4933. (a) The board shall administer this chapter.
- 4 (b) The board may adopt, amend, or repeal, in accordance with
- 5 the Administrative Procedure Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
2 Code), regulations as may be necessary to enable it to carry into  
3 effect the provisions of law relating to the practice of acupuncture.

4 (c) ~~Five~~Four members of the board, *including at least one*  
5 *member who is an acupuncturist*, shall constitute a quorum to  
6 conduct business.

7 (d) It shall require an affirmative vote of a majority of those  
8 present at a meeting of the board to take any action or pass any  
9 motion.

10 SEC. 2. Section 4938 of the Business and Professions Code is  
11 amended to read:

12 4938. The board shall issue a license to practice acupuncture  
13 to any person who makes an application and meets the following  
14 requirements:

15 (a) Is at least 18 years of age.

16 (b) Furnishes satisfactory evidence of completion of one of the  
17 following:

18 (1) An educational and training program approved by the board  
19 pursuant to Section 4939.

20 (2) Satisfactory completion *on or before December 31, 2014,*  
21 *of a tutorial program in the practice of an acupuncturist*~~which that~~  
22 *is approved by the board.*

23 (3) *In the case of an applicant who has completed education*  
24 *and training outside of California, but within the United States,*  
25 *documented educational training and clinical experience that*  
26 *meets the standards established pursuant to Section 4939.*  
27 *Educational training for purposes of this paragraph shall be*  
28 *obtained at a school or college approved by an accrediting agency*  
29 *of acupuncture and Asian medicine programs that is recognized*  
30 *by the United States Department of Education.*

31 ~~(3)~~

32 (4) In the case of an applicant who has completed education  
33 and training outside the United States~~and Canada~~, documented  
34 educational training and clinical experience~~which that~~ meets the  
35 standards established pursuant to Sections 4939 and 4941.

36 (c) Passes a written examination administered by the board that  
37 tests the applicant's ability, competency, and knowledge in the  
38 practice of an acupuncturist. The written examination shall be  
39 developed by the Office of Examination Resources of the  
40 Department of Consumer Affairs.

1 (d) Is not subject to denial pursuant to Division 1.5 (commencing  
2 with Section 475).

3 ~~(e) Completes a clinical internship training program approved  
4 by the board. The clinical internship training program shall not  
5 exceed nine months in duration and shall be located in a clinic in  
6 this state, which is approved by the board pursuant to Section 4939.  
7 The length of the clinical internship shall depend upon the grades  
8 received in the examination and the clinical training already  
9 satisfactorily completed by the individual prior to taking the  
10 examination. On and after January 1, 1987, individuals with 800  
11 or more hours of documented clinical training shall be deemed to  
12 have met this requirement. The purpose of the clinical internship  
13 training program shall be to assure a minimum level of clinical  
14 competence.~~

15 Each applicant who qualifies for a license shall pay, as a  
16 condition precedent to its issuance and in addition to other fees  
17 required, the initial licensure fee.

18 SEC. 3. Section 4939 of the Business and Professions Code is  
19 amended to read:

20 4939. (a) ~~On or before January 1, 2004, the~~ *The* board shall  
21 establish standards for the approval of ~~schools and colleges~~ *training*  
22 *programs in California* offering education and training in the  
23 practice of an acupuncturist, including standards for the faculty in  
24 those ~~schools and colleges and tutorial~~ *training* programs,  
25 completion of which ~~will~~ *shall* satisfy the requirements of Section  
26 4938.

27 (b) Standards for the approval of training programs shall include  
28 *both of the following requirements:*

29 (1) *The training program shall include* a minimum of 3,000  
30 hours of study in curriculum pertaining to the practice of an  
31 acupuncturist. This ~~subdivision~~ *paragraph* shall apply to all  
32 students entering programs on or after January 1, 2005.

33 ~~(e) Within three years of initial approval by the board, each  
34 program so approved by the board shall receive full institutional  
35 approval under Article 3.5 (commencing with Section 94760) of  
36 Chapter 7 of Part 59 of the Education Code in the field of  
37 traditional Asian medicine, or in the case of institutions located  
38 outside of this state, approval by the appropriate governmental  
39 educational authority using standards equivalent to those of Article  
40 3.5 (commencing with Section 94760) of Chapter 7 of Part 59 of~~

1 ~~the Education Code, or the board's approval of the program shall~~  
2 ~~automatically lapse.~~

3 *(2) The training program shall be located in a school or college*  
4 *accredited by an accrediting agency that is recognized by the*  
5 *United States Department of Education to accredit acupuncture*  
6 *and Asian medicine programs. A training program approved prior*  
7 *to January 1, 2010, shall satisfy this paragraph on or before*  
8 *January 1, 2013, or the board's approval of the training program*  
9 *shall automatically lapse.*

10 SEC. 4. Section 4940 of the Business and Professions Code is  
11 amended to read:

12 4940. (a) The board shall establish standards for the approval  
13 of tutorial programs for education and training in the practice of  
14 acupuncture; that satisfy the requirements of Section 4938. The  
15 board shall also establish standards for the approved supervising  
16 acupuncturists.

17 (b) An acupuncturist shall be approved to supervise a trainee,  
18 provided the supervisor meets the following conditions:

19 (1) Is licensed to practice acupuncture in this state and that  
20 license is current, valid, and has not been suspended or revoked  
21 or otherwise subject to disciplinary action.

22 (2) Has filed an application with the board.

23 (3) Files with the board the name of each trainee to be trained  
24 or employed and a training program satisfactory to the board.

25 (4) Does not train or employ more than two acupuncture trainees  
26 at any one time.

27 (5) Has at least 10 years of experience practicing as an  
28 acupuncturist and has been licensed in this state for at least five  
29 years.

30 (6) Is found by the board to have the knowledge necessary to  
31 educate and train the trainee in the practice of an acupuncturist.

32 ~~The amendments made to this section at the 1993 portion of the~~  
33 ~~1993-94 Regular Session of the Legislature shall not affect the~~  
34 ~~approval of any supervising acupuncturist which has been issued~~  
35 ~~prior to the effective date of those amendments.~~

36 *(c) As of January 1, 2010, the board shall not approve any new*  
37 *tutorial program under this section. Any person approved to*  
38 *participate in a tutorial program prior to January 1, 2010, shall*  
39 *be allowed to continue with that program, but shall complete the*  
40 *program no later than December 31, 2014.*

1     *(d) This section shall remain in effect only until January 1, 2015,*  
2     *and as of that date is repealed, unless a later enacted statute, that*  
3     *is enacted before January 1, 2015, deletes or extends that date.*

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