

AMENDED IN SENATE MAY 2, 2002

SENATE BILL

No. 1951

Introduced by Senator Figueroa

(Coauthors: Senators Johannessen and Polanco)

(Coauthors: Assembly Members Aanestad, Correa, and Thomson)

February 22, 2002

An act to amend Sections 4928, 4929, 4933, and 4934 of, *and to add Sections 4934.1 and 4934.2 to*, the Business and Professions Code, relating to professional boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1951, as amended, Figueroa. Professional boards: acupuncture board.

Existing law provides for the regulation of various professions by professional boards within the Department of Consumer Affairs, including the regulation of the practice of acupuncture by the Acupuncture Board. Existing law provides, until July 1, 2003, that the board consists of 9 members. Existing law requires the board, until July 1, 2003, to employ an executive officer and other personnel necessary for the administration of the laws regulating the practice of acupuncture. Existing law provides that those provisions of law are repealed on January 1, 2004.

This bill would delete the July 1, 2003 and January 1, 2004 dates upon which those provisions establishing the board and requiring it to employ an executive officer and other personnel become inoperative and are repealed. The bill would instead extend the operation of those provisions ~~for an unspecified time period~~ *until July 1, 2005, and would repeal those provisions on January 1, 2006.*

Existing law requires the Acupuncture Board to include 4 acupuncturists that are not licensed as physicians and surgeons.

This bill would instead require the board to include 3 acupuncturists who are not licensed as physicians and surgeons and one acupuncturist who is a faculty member of an acupuncture college approved by the board.

Existing law provides that a majority of the appointed board members constitutes a quorum for the conduct of business.

This bill would provide that 5 members of the board constitutes a quorum for the conduct of business.

This bill would require the department and the board to conduct separate reviews addressing specified issues with respect to the practice of acupuncture. The bill would require the department to report its findings from its review to the Legislature by September 1, 2004. The bill would require the board to report its findings from its review to the department and the Joint Legislative Sunset Review Committee by September 1, 2004.

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 4928 of the Business and Professions
2 Code is amended to read:

3 4928. The Acupuncture Board, which consists of nine
4 members, shall enforce and administer this chapter.

5 This section shall become inoperative on July 1, ~~2005~~,
6 and, as of January 1, ~~2006~~, is repealed, unless a later enacted
7 statute, which becomes effective on or before January 1, ~~2006~~,
8 deletes or extends the dates on which it becomes inoperative
9 and is repealed.

10 The repeal of this section renders the board subject to the review
11 required by Division 1.2 (commencing with Section 473).

12 SEC. 2. *Section 4929 of the Business and Professions Code is*
13 *amended to read:*

14 4929. ~~Four~~ *Three* members of the board shall be
15 acupuncturists with at least five years of experience in acupuncture
16 and not licensed as physicians and surgeons, *one member of the*
17 *board shall be a licensed acupuncturist who is also a faculty*
18 *member of any board approved acupuncture college, one member*



1 of the board shall be a physician and surgeon licensed in this state
2 with two years of experience in acupuncture, and four members
3 shall be public members who do not hold a license or certificate
4 as a physician and surgeon or acupuncturist.

5 The Governor shall appoint the four acupuncturist members
6 qualified as provided in this section, who shall be appointed to
7 represent a cross section of the cultural backgrounds of licensed
8 members of the acupuncturist profession, two of the public
9 members, and the one licensed physician and surgeon member
10 qualified as provided in this section. All members appointed to the
11 board by the Governor shall be subject to confirmation by the
12 Senate. The Senate Rules Committee and the Speaker of the
13 Assembly shall each appoint a public member. Any member of the
14 board may be removed by the appointing power for neglect of
15 duty, misconduct, or malfeasance in office, after being provided
16 with a written statement of the charges and an opportunity to be
17 heard.

18 *SEC. 3. Section 4933 of the Business and Professions Code is*
19 *amended to read:*

20 4933. (a) The board shall administer this chapter.

21 (b) The board may adopt, amend, or repeal, in accordance with
22 the Administrative Procedure Act (Chapter 3.5 (commencing with
23 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
24 Code), regulations as may be necessary to enable it to carry into
25 effect the provisions of law relating to the practice of acupuncture.

26 (c) ~~A majority of the appointed~~ Five members of the board shall
27 constitute a quorum to conduct business.

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

31 *SEC. 4. Section 4934 of the Business and Professions Code is*
32 *amended to read:*

33 4934. The board shall employ personnel necessary for the
34 administration of this chapter; however, the board may appoint an
35 executive officer who is exempt from the provisions of the Civil
36 Service Act.

37 This section shall become inoperative on July 1, ~~2005~~,
38 and, as of January 1, ~~2006~~, is repealed, unless a later enacted
39 statute, which becomes effective on or before January 1, ~~2006~~



1 2006, deletes or extends the dates on which it becomes inoperative
2 and is repealed.

3 The repeal of this section renders the board subject to the review
4 required by Division 1.2 (commencing with Section 473).

5 *SEC. 5. Section 4934.1 is added to the Business and
6 Professions Code, to read:*

7 *4934.1. (a) The Department of Consumer Affairs, in
8 conjunction with the board and the Joint Legislative Sunset Review
9 Committee, shall conduct a comprehensive analysis consisting of
10 the following reviews and evaluations and shall report their
11 findings and recommendations to the Legislature by September 1,
12 2004:*

13 *(1) Review and make recommendations on the scope of practice
14 for acupuncturists.*

15 *(2) Review and make recommendations on the educational
16 requirements for acupuncturists.*

17 *(3) Evaluate the national examination, administered by the
18 National Certification Commission for Acupuncture and Oriental
19 Medicine, and make recommendations as to whether or not the
20 national examination should be offered in California in lieu of, or
21 as part of, the state examination.*

22 *(4) Evaluate and make recommendations on the approval
23 process of the Accreditation Commission of Acupuncture and
24 Oriental Medicine, the approval process of the Bureau for Private
25 Postsecondary Education, and the board's approval process.*

26 *(b) For purposes of subdivision (a), the following shall apply:*

27 *(1) The department shall employ the services of an independent
28 consultant to perform the comprehensive analysis.*

29 *(2) The department may enter into an interagency agreement
30 or shall be exempted from obtaining sole source approval for a sole
31 source contract.*

32 *(3) The board shall pay for all of the costs associated with the
33 comprehensive analysis.*

34 *SEC. 6. Section 4934.2 is added to the Business and
35 Professions Code, to read:*

36 *4934.2. The board shall conduct the following studies and
37 reviews, and shall report its findings and recommendations to the
38 department and the Joint Legislative Sunset Review Committee no
39 later than September 1, 2004:*



- 1 (a) *The board shall conduct a comprehensive study of the use*
- 2 *of unlicensed acupuncture assistants and the need to license and*
- 3 *regulate those assistants.*
- 4 (b) *The board shall study and recommend ways to improve the*
- 5 *frequency and consistency of their auditing and the quality and*
- 6 *relevance of their courses.*

