

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2821**

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**Introduced by Assembly Member Huff**

February 24, 2006

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An act to amend ~~Section 1000~~ Sections 27, 101, 130, 144, 149, 4925, 4927, 4928, 4928.1, 4961, 4970, and 4975 of the Business and Professions Code, relating to ~~chiropractors~~ acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2821, as amended, Huff. ~~Chiropractic Act.~~ California Asian Medicine Board.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board.

This bill would change the name of that board to the California Asian Medicine Board. ~~The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the Act.~~

This bill would make a nonsubstantive change to this provision.

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

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

1 SECTION 1. Section 27 of the Business and Professions Code  
2 is amended to read:

1 27. (a) Every entity specified in subdivision (b), on or after  
2 July 1, 2001, shall provide on the Internet information regarding  
3 the status of every license issued by that entity in accordance  
4 with the California Public Records Act (Chapter 3.5  
5 (commencing with Section 6250) of Division 7 of Title 1 of the  
6 Government Code) and the Information Practices Act of 1977  
7 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
8 4 of Division 3 of the Civil Code). The public information to be  
9 provided on the Internet shall include information on suspensions  
10 and revocations of licenses issued by the entity and other related  
11 enforcement action taken by the entity relative to persons,  
12 businesses, or facilities subject to licensure or regulation by the  
13 entity. In providing information on the Internet, each entity shall  
14 comply with the Department of Consumer Affairs Guidelines for  
15 Access to Public Records. The information may not include  
16 personal information, including home telephone number, date of  
17 birth, or social security number. Each entity shall disclose a  
18 licensee's address of record. However, each entity shall allow a  
19 licensee to provide a post office box number or other alternate  
20 address, instead of his or her home address, as the address of  
21 record. This section shall not preclude an entity from also  
22 requiring a licensee, who has provided a post office box number  
23 or other alternative mailing address as his or her address of  
24 record, to provide a physical business address or residence  
25 address only for the entity's internal administrative use and not  
26 for disclosure as the licensee's address of record or disclosure on  
27 the Internet.

28 (b) Each of the following entities within the Department of  
29 Consumer Affairs shall comply with the requirements of this  
30 section:

31 (1) ~~The Acupuncture~~ *California Asian Medicine* Board shall  
32 disclose information on its licensees.

33 (2) The Board of Behavioral Sciences shall disclose  
34 information on its licensees, including marriage and family  
35 therapists, licensed clinical social workers, and licensed  
36 educational psychologists.

37 (3) The Dental Board of California shall disclose information  
38 on its licensees.

39 (4) The State Board of Optometry shall disclose information  
40 regarding certificates of registration to practice optometry,

1 statements of licensure, optometric corporation registrations,  
2 branch office licenses, and fictitious name permits of their  
3 licensees.

4 (5) The Board for Professional Engineers and Land Surveyors  
5 shall disclose information on its registrants and licensees.

6 (6) The Structural Pest Control Board shall disclose  
7 information on its licensees, including applicators, field  
8 representatives, and operators in the areas of fumigation, general  
9 pest and wood destroying pests and organisms, and wood roof  
10 cleaning and treatment.

11 (7) The Bureau of Automotive Repair shall disclose  
12 information on its licensees, including auto repair dealers, smog  
13 stations, lamp and brake stations, smog check technicians, and  
14 smog inspection certification stations.

15 (8) The Bureau of Electronic and Appliance Repair shall  
16 disclose information on its licensees, including major appliance  
17 repair dealers, combination dealers (electronic and appliance),  
18 electronic repair dealers, service contract sellers, and service  
19 contract administrators.

20 (9) The Cemetery Program shall disclose information on its  
21 licensees, including cemetery brokers, cemetery salespersons,  
22 crematories, and cremated remains disposers.

23 (10) The Funeral Directors and Embalmers Program shall  
24 disclose information on its licensees, including embalmers,  
25 funeral establishments, and funeral directors.

26 (11) The Contractors' State License Board shall disclose  
27 information on its licensees in accordance with Chapter 9  
28 (commencing with Section 7000) of Division 3. In addition to  
29 information related to licenses as specified in subdivision (a), the  
30 board shall also disclose information provided to the board by the  
31 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

32 (12) The Board of Psychology shall disclose information on its  
33 licensees, including psychologists, psychological assistants, and  
34 registered psychologists.

35 (c) "Internet" for the purposes of this section has the meaning  
36 set forth in paragraph (6) of subdivision ~~(e)~~ (f) of Section 17538.

37 *SEC. 2. Section 101 of the Business and Professions Code is*  
38 *amended to read:*

39 101. The department is comprised of:

40 (a) The Dental Board of California.

- 1 (b) The Medical Board of California.
- 2 (c) The State Board of Optometry.
- 3 (d) The California State Board of Pharmacy.
- 4 (e) The Veterinary Medical Board.
- 5 (f) The California Board of Accountancy.
- 6 (g) The California Architects Board.
- 7 (h) The Bureau of Barbering and Cosmetology.
- 8 (i) The Board for Professional Engineers and Land Surveyors.
- 9 (j) The Contractors' State License Board.
- 10 (k) The Bureau for Private Postsecondary and Vocational
- 11 Education.
- 12 (l) The Structural Pest Control Board.
- 13 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 14 (n) The Board of Registered Nursing.
- 15 (o) The Board of Behavioral Sciences.
- 16 (p) The State Athletic Commission.
- 17 (q) The Cemetery and Funeral Bureau.
- 18 (r) The State Board of Guide Dogs for the Blind.
- 19 (s) The Bureau of Security and Investigative Services.
- 20 (t) The Court Reporters Board of California.
- 21 (u) The Board of Vocational Nursing and Psychiatric
- 22 Technicians.
- 23 (v) The Landscape Architects Technical Committee.
- 24 (w) The Bureau of Electronic and Appliance Repair.
- 25 (x) The Division of Investigation.
- 26 (y) The Bureau of Automotive Repair.
- 27 (z) The State Board of Registration for Geologists and
- 28 Geophysicists.
- 29 (aa) The Respiratory Care Board of California.
- 30 (ab) The ~~Acupuncture~~ *California Asian Medicine* Board.
- 31 (ac) The Board of Psychology.
- 32 (ad) The California Board of Podiatric Medicine.
- 33 (ae) The Physical Therapy Board of California.
- 34 (af) The Arbitration Review Program.
- 35 (ag) The Committee on Dental Auxiliaries.
- 36 (ah) The Hearing Aid Dispensers Bureau.
- 37 (ai) The Physician Assistant Committee.
- 38 (aj) The Speech-Language Pathology and Audiology Board.
- 39 (ak) The California Board of Occupational Therapy.
- 40 (al) The Osteopathic Medical Board of California.

1 (am) The Bureau of Naturopathic Medicine.  
2 (an) Any other boards, offices, or officers subject to its  
3 jurisdiction by law.

4 *SEC. 3. Section 130 of the Business and Professions Code is*  
5 *amended to read:*

6 130. (a) Notwithstanding any other provision of law, the  
7 term of office of any member of an agency designated in  
8 subdivision (b) shall be for a term of four years expiring on June  
9 1.

10 (b) Subdivision (a) applies to the following boards or  
11 committees:

- 12 (1) The Medical Board of California.
- 13 (2) The California Board of Podiatric Medicine.
- 14 (3) The Physical Therapy Board of California.
- 15 (4) The Board of Registered Nursing.
- 16 (5) The Board of Vocational Nursing and Psychiatric  
17 Technicians.
- 18 (6) The State Board of Optometry.
- 19 (7) The California State Board of Pharmacy.
- 20 (8) The Veterinary Medical Board.
- 21 (9) The California Architects Board.
- 22 (10) The Landscape Architect Technical Committee.
- 23 (11) The Board for Professional Engineers and Land  
24 Surveyors.
- 25 (12) The Contractors' State License Board.
- 26 (13) The State Board of Guide Dogs for the Blind.
- 27 (14) The Board of Behavioral Sciences.
- 28 (15) The Structural Pest Control Board.
- 29 (16) The Bureau of Electronic and Appliance Repair.
- 30 (17) The Court Reporters Board of California.
- 31 (18) The State Board for Geologists and Geophysicists.
- 32 (19) The State Athletic Commission.
- 33 (20) The Osteopathic Medical Board of California.
- 34 (21) The Respiratory Care Board of California.
- 35 (22) ~~The Acupuncture~~ *California Asian Medicine* Board.
- 36 (23) The Board of Psychology.

37 *SEC. 4. Section 144 of the Business and Professions Code is*  
38 *amended to read:*

39 144. (a) Notwithstanding any other provision of law, an  
40 agency designated in subdivision (b) shall require an applicant to

1 furnish to the agency a full set of fingerprints for purposes of  
2 conducting criminal history record checks. Any agency  
3 designated in subdivision (b) may obtain and receive, at its  
4 discretion, criminal history information from the Department of  
5 Justice and the United States Federal Bureau of Investigation.

6 (b) Subdivision (a) applies to the following:

- 7 (1) California Board of Accountancy.
- 8 (2) State Athletic Commission.
- 9 (3) Board of Behavioral Sciences.
- 10 (4) Court Reporters Board of California.
- 11 (5) State Board of Guide Dogs for the Blind.
- 12 (6) California State Board of Pharmacy.
- 13 (7) Board of Registered Nursing.
- 14 (8) Veterinary Medical Board.
- 15 (9) Registered Veterinary Technician Committee.
- 16 (10) Board of Vocational Nursing and Psychiatric  
17 Technicians.
- 18 (11) Respiratory Care Board of California.
- 19 (12) Hearing Aid Dispensers Advisory Commission.
- 20 (13) Physical Therapy Board of California.
- 21 (14) Physician Assistant Committee of the Medical Board of  
22 California.
- 23 (15) Speech-Language Pathology and Audiology Board.
- 24 (16) Medical Board of California.
- 25 (17) State Board of Optometry.
- 26 (18) ~~Acupuncture~~ *California Asian Medicine* Board.
- 27 (19) Cemetery and Funeral Bureau.
- 28 (20) Bureau of Security and Investigative Services.
- 29 (21) Division of Investigation.
- 30 (22) Board of Psychology.
- 31 (23) The California Board of Occupational Therapy.
- 32 (24) Structural Pest Control Board.
- 33 (25) Contractors' State License Board.
- 34 (26) Bureau of Naturopathic Medicine.

35 (c) The provisions of paragraph (24) of subdivision (b) shall  
36 become operative on July 1, 2004. The provisions of paragraph  
37 (25) of subdivision (b) shall become operative on the date on  
38 which sufficient funds are available for the Contractors' State  
39 License Board and the Department of Justice to conduct a

1 criminal history record check pursuant to this section or on July  
2 1, 2005, whichever occurs first.

3 *SEC. 5. Section 149 of the Business and Professions Code is*  
4 *amended to read:*

5 149. (a) If, upon investigation, an agency designated in  
6 subdivision (e) has probable cause to believe that a person is  
7 advertising in a telephone directory with respect to the offering  
8 or performance of services, without being properly licensed by or  
9 registered with the agency to offer or perform those services, the  
10 agency may issue a citation under Section 148 containing an  
11 order of correction that requires the violator to do both of the  
12 following:

13 (1) Cease the unlawful advertising.

14 (2) Notify the telephone company furnishing services to the  
15 violator to disconnect the telephone service furnished to any  
16 telephone number contained in the unlawful advertising.

17 (b) This action is stayed if the person to whom a citation is  
18 issued under subdivision (a) notifies the agency in writing that he  
19 or she intends to contest the citation. The agency shall afford an  
20 opportunity for a hearing, as specified in Section 125.9.

21 (c) If the person to whom a citation and order of correction is  
22 issued under subdivision (a) fails to comply with the order of  
23 correction after that order is final, the agency shall inform the  
24 Public Utilities Commission of the violation and the Public  
25 Utilities Commission shall require the telephone corporation  
26 furnishing services to that person to disconnect the telephone  
27 service furnished to any telephone number contained in the  
28 unlawful advertising.

29 (d) The good faith compliance by a telephone corporation with  
30 an order of the Public Utilities Commission to terminate service  
31 issued pursuant to this section shall constitute a complete defense  
32 to any civil or criminal action brought against the telephone  
33 corporation arising from the termination of service.

34 (e) Subdivision (a) shall apply to the following boards,  
35 bureaus, committees, commissions, or programs:

36 (1) The Bureau of Barbering and Cosmetology.

37 (2) The Funeral Directors and Embalmers Program.

38 (3) The Veterinary Medical Board.

39 (4) The Hearing Aid Dispensers Advisory Commission.

40 (5) The Landscape Architects Technical Committee.

- 1 (6) The California Board of Podiatric Medicine.
- 2 (7) The Respiratory Care Board of California.
- 3 (8) The Bureau of Home Furnishings and Thermal Insulation.
- 4 (9) The Bureau of Security and Investigative Services.
- 5 (10) The Bureau of Electronic and Appliance Repair.
- 6 (11) The Bureau of Automotive Repair.
- 7 (12) The Tax Preparers Program.
- 8 (13) The California Architects Board.
- 9 (14) The Speech-Language Pathology and Audiology Board.
- 10 (15) The Board for Professional Engineers and Land
- 11 Surveyors.
- 12 (16) The Board of Behavioral Sciences.
- 13 (17) The State Board for Geologists and Geophysicists.
- 14 (18) The Structural Pest Control Board.
- 15 (19) The ~~Acupuncture~~ *California Asian Medicine* Board.
- 16 (20) The Board of Psychology.
- 17 (21) The California Board of Accountancy.
- 18 (22) The Bureau of Naturopathic Medicine.

19 *SEC. 6. Section 4925 of the Business and Professions Code is*  
 20 *amended to read:*

21 4925. (a) This chapter constitutes the chapter on acupuncture  
 22 of the Business and Professions Code.

23 This chapter shall be known and may be cited as the  
 24 Acupuncture Licensure Act. Whenever a reference is made to the  
 25 Acupuncture Licensure Act by the provisions of any statute, it is  
 26 to be construed as referring to the provisions of this chapter.

27 (b) Any reference in this chapter, or to the regulations  
 28 pertaining thereto, to “certificate” or “certification” ~~shall~~  
 29 ~~hereafter mean~~ “license” *means license* or “licensure” *licensure*.  
 30 Any reference to the term “certifying” means “licensing,”  
 31 *licensing*, and the term “certificate holder” means “licensee.”  
 32 *licensee*. Any reference to the “Acupuncture Committee,” or  
 33 “committee,” ~~means the~~ “Acupuncture Board,” or “board.”  
 34 “board” *means the California Asian Medicine Board*.

35 *SEC. 7. Section 4927 of the Business and Professions Code is*  
 36 *amended to read:*

37 4927. As used in this chapter, unless the context otherwise  
 38 requires:

39 (a) “Board” means the ~~Acupuncture Board~~ *California Asian*  
 40 *Medicine Board*.

1 (b) “Person” means any individual, organization, or corporate  
2 body, except that only individuals may be licensed under this  
3 chapter.

4 (c) “Acupuncturist” means an individual to whom a license  
5 has been issued to practice acupuncture pursuant to this chapter,  
6 which is in effect and is not suspended or revoked.

7 (d) “Acupuncture” means the stimulation of a certain point or  
8 points on or near the surface of the body by the insertion of  
9 needles to prevent or modify the perception of pain or to  
10 normalize physiological functions, including pain control, for the  
11 treatment of certain diseases or dysfunctions of the body and  
12 includes the techniques of electroacupuncture, cupping, and  
13 moxibustion.

14 *SEC. 8. Section 4928 of the Business and Professions Code is*  
15 *amended to read:*

16 4928. The ~~Acupuncture~~ *California Asian Medicine* Board,  
17 which consists of seven members, shall enforce and administer  
18 this chapter. The appointing powers, as described in Section  
19 4929, may appoint to the board a person who was a member of  
20 the prior board prior to the repeal of that board on January 1,  
21 2006.

22 This section shall become inoperative on July 1, 2008, and as  
23 of January 1, 2009, is repealed, unless a later enacted statute,  
24 which becomes effective on or before January 1, 2009, deletes or  
25 extends the dates on which it becomes inoperative and is  
26 repealed.

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

29 *SEC. 9. Section 4928.1 of the Business and Professions Code*  
30 *is amended to read:*

31 4928.1. Protection of the public shall be the highest priority  
32 for the ~~Acupuncture Board~~ *board* in exercising its licensing,  
33 regulatory, and disciplinary functions. Whenever the protection  
34 of the public is inconsistent with other interests sought to be  
35 promoted, the protection of the public shall be paramount.

36 *SEC. 10. Section 4961 of the Business and Professions Code*  
37 *is amended to read:*

38 4961. (a) Every person who is now or hereafter licensed to  
39 practice acupuncture in this state shall register, on forms  
40 prescribed by the ~~Acupuncture Board~~ *board*, his or her place of

1 practice, or, if he or she has more than one place of practice, all  
2 of the places of practice. If the licensee has no place of practice,  
3 he or she shall notify the board of that fact. A person licensed by  
4 the board shall register within 30 days after the date of his or her  
5 licensure.

6 (b) An acupuncturist licensee shall post his or her license in a  
7 conspicuous location in his or her place of practice at all times. If  
8 an acupuncturist has more than one place of practice, he or she  
9 shall obtain from the board a duplicate license for each additional  
10 location and post the duplicate license at each location.

11 (c) Any licensee that changes the location of his or her place  
12 of practice shall register each change within 30 days of making  
13 that change. In the event a licensee fails to notify the board of  
14 any change in the address of a place of practice within the time  
15 prescribed by this section, the board may deny renewal of  
16 licensure. An applicant for renewal of licensure shall specify in  
17 his or her application whether or not there has been a change in  
18 the location of his or her place of practice and, if so, the date of  
19 that change. The board may accept that statement as evidence of  
20 the change of address.

21 *SEC. 11. Section 4970 of the Business and Professions Code*  
22 *is amended to read:*

23 4970. The amount of fees prescribed for licensed  
24 acupuncturists shall be those set forth in this section unless a  
25 lower fee is fixed by the board in accordance with Section 4972:

26 (a) The application fee shall be seventy-five dollars (\$75).

27 (b) The examination and reexamination fees shall be the actual  
28 cost to the ~~Acupuncture Board~~ board for the development and  
29 writing of, grading, and administering of each examination.

30 (c) The initial license fee shall be three hundred twenty-five  
31 dollars (\$325), except that if the license will expire less than one  
32 year after its issuance, then the initial license fee shall be an  
33 amount equal to 50 percent of the initial license fee.

34 (d) The renewal fee shall be three hundred twenty-five dollars  
35 (\$325) and in the event a lower fee is fixed by the board, shall be  
36 an amount sufficient to support the functions of the board in the  
37 administration of this chapter. The renewal fee shall be assessed  
38 on an annual basis until January 1, 1996, and on and after that  
39 date the board shall assess the renewal fee biennially.

1 (e) The delinquency fee shall be set in accordance with  
2 Section 163.5.

3 (f) The application fee for the approval of a school or college  
4 under Section 4939 shall be three thousand dollars (\$3,000).

5 (g) The duplicate wall license fee is an amount equal to the  
6 cost to the board for the issuance of the duplicate license.

7 (h) The duplicate renewal receipt fee is ten dollars (\$10).

8 (i) The endorsement fee is ten dollars (\$10).

9 (j) The fee for a duplicate license for an additional office  
10 location as required under Section 4961 shall be fifteen dollars  
11 (\$15).

12 *SEC. 12. Section 4975 of the Business and Professions Code*  
13 *is amended to read:*

14 4975. An acupuncture corporation is a corporation ~~which that~~  
15 is authorized to render professional services, as defined in  
16 Section 13401 of the Corporations Code, so long as that  
17 corporation and its shareholders, officers, directors, and  
18 employees rendering professional services who are  
19 acupuncturists are in compliance with the Moscone-Knox  
20 Professional Corporation Act, this article and all other statutes  
21 and regulations now or hereafter enacted or adopted pertaining to  
22 that corporation and the conduct of its affairs.

23 With respect to an acupuncture corporation, the governmental  
24 agency referred to in the Moscone-Knox Professional  
25 Corporation Act is the ~~Acupuncture~~ *California Asian Medicine*  
26 *Board*.

27 ~~SECTION 1. Section 1000 of the Business and Professions~~  
28 ~~Code is amended to read:~~

29 ~~1000. The law governing practitioners of chiropractic is~~  
30 ~~found in an initiative act entitled "An act prescribing the terms~~  
31 ~~upon which licenses may be issued to practitioners of~~  
32 ~~chiropractic, creating the State Board of Chiropractic Examiners~~  
33 ~~and declaring its powers and duties, prescribing penalties for~~  
34 ~~violation hereof, and repealing all acts and parts of acts~~  
35 ~~inconsistent herewith," which was adopted by the electors on~~  
36 ~~November 7, 1922.~~

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