

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1260

Introduced by Assembly Member Huffman

February 27, 2009

~~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. An act to amend Section 4933 of the Business and Professions Code, relating to acupuncture.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, as amended, 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~~

~~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-no*. 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:

1 4933. (a) The board shall administer this chapter.

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

7 (c) Four members of the board, including at least one member
8 who is an acupuncturist, shall constitute a quorum to conduct
9 business.

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

13 ~~SEC. 2.— Section 4938 of the Business and Professions Code is~~
14 ~~amended to read:~~

15 ~~4938. The board shall issue a license to practice acupuncture~~
16 ~~to any person who makes an application and meets the following~~
17 ~~requirements:~~

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

19 ~~(b) Furnishes satisfactory evidence of completion of one of the~~
20 ~~following:~~

21 ~~(1) An educational and training program approved by the board~~
22 ~~pursuant to Section 4939.~~

23 ~~(2) Satisfactory completion on or before December 31, 2014,~~
24 ~~of a tutorial program in the practice of an acupuncturist that is~~
25 ~~approved by the board.~~

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

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

38 ~~(e) Passes a written examination administered by the board that~~
39 ~~tests the applicant's ability, competency, and knowledge in the~~
40 ~~practice of an acupuncturist. The written examination shall be~~

1 developed by the Office of Examination Resources of the
2 Department of Consumer Affairs.

3 ~~(d) Is not subject to denial pursuant to Division 1.5 (commencing~~
4 ~~with Section 475):~~

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

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

10 4939. (a) The board shall establish standards for the approval
11 of training programs in California offering education and training
12 in the practice of an acupuncturist, including standards for the
13 faculty in those training programs, completion of which shall
14 satisfy the requirements of Section 4938.

15 (b) Standards for the approval of training programs shall include
16 both of the following requirements:

17 (1) The training program shall include a minimum of 3,000
18 hours of study in curriculum pertaining to the practice of an
19 acupuncturist. This paragraph shall apply to all students entering
20 programs on or after January 1, 2005.

21 (2) The training program shall be located in a school or college
22 accredited by an accrediting agency that is recognized by the
23 United States Department of Education to accredit acupuncture
24 and Asian medicine programs. A training program approved prior
25 to January 1, 2010, shall satisfy this paragraph on or before January
26 1, 2013, or the board's approval of the training program shall
27 automatically lapse.

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

30 4940. (a) The board shall establish standards for the approval
31 of tutorial programs for education and training in the practice of
32 acupuncture that satisfy the requirements of Section 4938. The
33 board shall also establish standards for the approved supervising
34 acupuncturists.

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

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

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

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

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

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

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

10 ~~(e) As of January 1, 2010, the board shall not approve any new~~
11 ~~tutorial program under this section. Any person approved to~~
12 ~~participate in a tutorial program prior to January 1, 2010, shall be~~
13 ~~allowed to continue with that program, but shall complete the~~
14 ~~program no later than December 31, 2014.~~

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