

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1889

Introduced by Assembly Member Fong

February 22, 2012

An act to amend Section ~~3209.3~~ of the Labor Code, relating to workers' compensation ~~4938~~ of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, as amended, Fong. ~~Workers' compensation: acupuncturists. Acupuncture: license requirements.~~

Existing law, the Acupuncture Licensure Act, provides for an Acupuncture Board within the Department of Consumer Affairs to license and regulate the practice of acupuncture.

Existing law requires the board to issue a license to practice acupuncture to a person who files an application, pays a fee, and meets specified criteria, including taking a written examination and completing a clinical internship program.

This bill would require an applicant for a license to practice acupuncture to also pass a practical examination administered by the board.

~~Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law prohibits an acupuncturist, as defined, from being authorized to determine disability for certain purposes relating to workers' compensation disability payments and benefits.~~

~~This bill would delete this prohibition. The bill would also make technical changes.~~

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 4938 of the Business and Professions
- 2 Code is amended to read:
- 3 4938. The board shall issue a license to practice acupuncture
- 4 to any person who makes an application and meets the following
- 5 requirements:
- 6 (a) Is at least 18 years of age.
- 7 (b) Furnishes satisfactory evidence of completion of one of the
- 8 following:
- 9 (1) An educational and training program approved by the board
- 10 pursuant to Section 4939.
- 11 (2) Satisfactory completion of a tutorial program in the practice
- 12 of an acupuncturist which is approved by the board.
- 13 (3) In the case of an applicant who has completed education
- 14 and training outside the United States and Canada, documented
- 15 educational training and clinical experience which meets the
- 16 standards established pursuant to Sections 4939 and 4941.
- 17 (c) Passes a written examination *and a practical examination*
- 18 administered by the board that tests the applicant’s ability,
- 19 competency, and knowledge in the practice of an acupuncturist.
- 20 The written ~~examination~~ *and practical examinations* shall be
- 21 developed by the Office of Professional Examination Services of
- 22 the Department of Consumer Affairs.
- 23 (d) Is not subject to denial pursuant to Division 1.5 (commencing
- 24 with Section 475).
- 25 (e) Completes a clinical internship training program approved
- 26 by the board. The clinical internship training program shall not
- 27 exceed nine months in duration and shall be located in a clinic in
- 28 this state, which is approved by the board pursuant to Section 4939.
- 29 The length of the clinical internship shall depend upon the grades
- 30 received in the examination and the clinical training already
- 31 satisfactorily completed by the individual prior to taking the
- 32 examination. On and after January 1, 1987, individuals with 800
- 33 or more hours of documented clinical training shall be deemed to

1 have met this requirement. The purpose of the clinical internship
2 training program shall be to ensure a minimum level of clinical
3 competence.

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

7 SECTION 1. ~~Section 3209.3 of the Labor Code is amended to~~
8 ~~read:~~

9 ~~3209.3. (a) "Acupuncturist" means a person who holds an~~
10 ~~acupuncturist's certificate issued pursuant to Chapter 12~~
11 ~~(commencing with Section 4925) of Division 2 of the Business~~
12 ~~and Professions Code.~~

13 ~~(b) "Physician" includes physicians and surgeons holding an~~
14 ~~M.D. or D.O. degree, psychologists, acupuncturists, optometrists,~~
15 ~~dentists, podiatrists, and chiropractic practitioners licensed by~~
16 ~~California state law and within the scope of their practice as defined~~
17 ~~by California state law.~~

18 ~~(c) "Psychologist" means a licensed psychologist with a doctoral~~
19 ~~degree in psychology, or a doctoral degree deemed equivalent for~~
20 ~~licensure by the Board of Psychology pursuant to Section 2914 of~~
21 ~~the Business and Professions Code, and who either has at least~~
22 ~~two years of clinical experience in a recognized health setting or~~
23 ~~has met the standards of the National Register of the Health Service~~
24 ~~Providers in Psychology.~~

25 ~~(d) When treatment or evaluation for an injury is provided by~~
26 ~~a psychologist, provision shall be made for appropriate medical~~
27 ~~collaboration when requested by the employer or the insurer.~~