

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2190**

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**Introduced by Assembly Member Salas**  
(Principal coauthor: Senator Hill)

February 18, 2016

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An act to amend Sections ~~4928 and 4927.5~~, 4928, and 4934 of, to add Section 4942 to, and to repeal Section 4939 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2190, as amended, Salas. Acupuncture Board: executive officer: *education.*

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board, within the Department of Consumer Affairs. Existing law authorizes the board, with the approval of the Director of Consumer Affairs, to ~~employ personnel necessary to administer the Acupuncture Licensure Act, including~~ *appoint* an executive officer who is exempt from civil service. Existing law repeals the provisions establishing the board and authority for it to ~~employ personnel~~ *appoint an executive officer* on January 1, 2017.

The bill would extend the operation of the board and the board's authority to appoint an executive officer ~~exempt from civil service~~ until January 1, 2019.

*Existing law requires, among other things, the completion of an approved educational and training program in order to be issued a*

*license to practice acupuncture. For purposes of the act, beginning January 1, 2017, existing law defines “approved educational and training program” as a school or college offering education and training in the practice of an acupuncturist who meets various requirements, including offering curriculum that includes specified hours of didactic and laboratory training and supervised clinical instruction. Existing law requires these programs to submit that curriculum to the board and to receive board approval of the curriculum.*

*This bill would provide that any school or college offering education and training in the practice of acupuncture that was approved by the board prior to January 1, 2017, is deemed to have had its curriculum approved by the board if its approval has not been revoked and it has not changed its curriculum since receiving board approval.*

*Beginning January 1, 2017, existing law requires the board to establish standards for the approval of educational training and clinical experience received outside the United States.*

*This bill would repeal that board requirement. The bill would instead authorize the board to require an applicant completing education outside of the United States to submit documentation of his or her education to a credential evaluation service that is approved by the board for evaluation and to have the results of the evaluation sent directly from the credential evaluation service to the board. The bill would require the board to establish, by regulation, an application process, criteria, and procedures for approval of a credential evaluation service to assess the equivalency of an applicant’s education. The bill would require the regulations to, at a minimum, require the credential evaluation service to meet specified requirements.*

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 4927.5 of the Business and Professions*
- 2     *Code, as added by Section 2 of Chapter 397 of the Statutes of 2014,*
- 3     *is amended to read:*
- 4     4927.5. (a) For purposes of this chapter, “approved educational
- 5     and training program” means a school or college offering education
- 6     and training in the practice of an acupuncturist that meets all of
- 7     the following requirements:

1 (1) Offers curriculum that includes at least 3,000 hours of which  
2 at least 2,050 hours are didactic and laboratory training, and at  
3 least 950 hours are supervised clinical instruction. Has submitted  
4 that curriculum to the board, and has received board approval of  
5 the curriculum. *Any school or college offering education and*  
6 *training in the practice of acupuncture that was approved by the*  
7 *board prior to January 1, 2017, has not had its approval revoked,*  
8 *and has not changed its curriculum since receiving board approval,*  
9 *is deemed to have had its curriculum approved by the board for*  
10 *the purposes of this section.*

11 (2) Has received full institutional approval under Article 6  
12 (commencing with Section 94885) of Chapter 8 of Part 59 of  
13 Division 10 of Title 3 of the Education Code in the field of  
14 traditional Asian medicine, or in the case of institutions located  
15 outside of this state, approval by the appropriate governmental  
16 educational authority using standards equivalent to those of Article  
17 6 (commencing with Section 94885) of Chapter 8 of Part 59 of  
18 Division 10 of Title 3 of the Education Code.

19 (3) Meets any of the following:

20 (A) Is accredited by the Accreditation Commission for  
21 Acupuncture and Oriental Medicine.

22 (B) Has been granted candidacy status by the Accreditation  
23 Commission for Acupuncture and Oriental Medicine.

24 (C) Has submitted a letter of intent to pursue accreditation to  
25 the Accreditation Commission for Acupuncture and Oriental  
26 Medicine within 30 days of receiving full institutional approval  
27 pursuant to paragraph (2), and is granted candidacy status within  
28 three years of the date that letter was submitted.

29 (b) Within 30 days after receiving curriculum pursuant to  
30 paragraph (1), the board shall review the curriculum, determine  
31 whether the curriculum satisfies the requirements established by  
32 the board, and notify the school or college, the Accreditation  
33 Commission for Acupuncture and Oriental Medicine, and Bureau  
34 of Private and Postsecondary Education of whether the board has  
35 approved the curriculum.

36 (c) This section shall become operative on January 1, 2017.

37 ~~SECTION 1.~~

38 *SEC. 2.* Section 4928 of the Business and Professions Code is  
39 amended to read:

1 4928. (a) The Acupuncture Board, which consists of seven  
2 members, shall enforce and administer this chapter.

3 (b) This section shall remain in effect only until January 1, 2019,  
4 and as of that date is repealed.

5 (c) Notwithstanding any other law, the repeal of this section  
6 renders the board subject to review by the appropriate policy  
7 committees of the Legislature.

8 ~~SEC. 2.~~

9 *SEC. 3.* Section 4934 of the Business and Professions Code is  
10 amended to read:

11 4934. (a) The board, by and with the approval of the director,  
12 may appoint an executive officer who is exempt from the State  
13 Civil Service Act (Part 2 (commencing with Section 18500) of  
14 Division 5 of Title 2 of the Government Code).

15 (b) This section shall remain in effect only until January 1, 2019,  
16 and as of that date is repealed.

17 *SEC. 4.* *Section 4939 of the Business and Professions Code,*  
18 *as amended by Section 37 of Chapter 426 of the Statutes of 2015,*  
19 *is repealed.*

20 ~~4939. (a) The board shall establish standards for the approval~~  
21 ~~of educational training and clinical experience received outside~~  
22 ~~the United States.~~

23 ~~(b) This section shall become operative on January 1, 2017.~~

24 *SEC. 5.* *Section 4942 is added to the Business and Professions*  
25 *Code, to read:*

26 4942. (a) *If an applicant completes education outside of the*  
27 *United States, the board may require the applicant to submit*  
28 *documentation of his or her education to a credential evaluation*  
29 *service that is approved by the board for evaluation and to have*  
30 *the results of the evaluation sent directly from the credential*  
31 *evaluation service to the board in order to assess educational*  
32 *equivalency.*

33 (b) *The board shall establish, by regulation, an application*  
34 *process, criteria, and procedures for approval of credential*  
35 *evaluation services to assess the equivalency of an applicant's*  
36 *education. The regulations shall, at a minimum, require the*  
37 *credential evaluation service to meet all of the following*  
38 *requirements:*

39 (1) *Furnish evaluations written in English directly to the board.*

- 1     (2) *Be a member of a nationally recognized foreign credential*  
2 *evaluation association, such as, but not limited to, the American*  
3 *Association of Collegiate Registrars and Admissions Officers or*  
4 *the National Association of Credential Evaluation Services.*  
5     (3) *Undergo reevaluation by the board every five years.*  
6     (4) *Certify to the board that the credential evaluation service*  
7 *maintains a complete set of reference materials as determined by*  
8 *the board.*  
9     (5) *Base evaluations only upon verified authentic, official*  
10 *transcripts, and degrees.*  
11     (6) *Have a written procedure for identifying fraudulent*  
12 *transcripts.*  
13     (7) *Include in an evaluation report submitted to the board the*  
14 *specific method or methods of authentication for the transcripts,*  
15 *certification, degrees, and other education evaluated for the*  
16 *purposes of the report.*  
17     (8) *Include in the evaluation report, for each degree held by*  
18 *the applicant, the equivalent degree offered in the United States,*  
19 *the date the degree was granted, the institution granting the degree,*  
20 *an English translation of the course titles, and the semester unit*  
21 *equivalence for each course.*  
22     (9) *Have an appeal procedure for applicants.*  
23     (10) *Provide information concerning the credential evaluation*  
24 *service to the board that includes, but is not limited to, resumes*  
25 *or curriculum vitae for each evaluator and translator, which*  
26 *includes biographical information, three letters of references from*  
27 *public or private agencies, statistical information on the number*  
28 *of applications processed annually for the past five years, and any*  
29 *other information the board may require to determine whether the*  
30 *credential evaluation service meets the standards under this*  
31 *subdivision and the board's regulations.*  
32     (11) *Provide to the board all information required by the board,*  
33 *including, but not limited to, the following:*  
34     (A) *Its credential evaluation policy.*  
35     (B) *A complete list of terminology and evaluation terms used*  
36 *in producing its credential evaluations.*  
37     (C) *A detailed description of the specific methods utilized for*  
38 *credential authentication.*

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