



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



Members of the Board

Dr. Amy Matecki,
M.D., L.Ac., President
Kitman Chan,
C.P.A., Vice President
John Harabedian, Esq.
Ruben Osorio
Bradley Cimino,
M.A., L.Ac.
Hyun "Francisco" Kim,
M.S., L.Ac.
Shu Dong Li, Ph.D.

**ACUPUNCTURE BOARD AND
COMMITTEE MEETINGS**

June 13 & 14, 2019

**LOCATION:
Board 'A' Room
'A' Building
Southern California University
of Health Sciences
16200 Amber Valley Drive
Whittier, California 90604**

*Action may be taken on any item
listed on the full board meeting
agenda.*

EDUCATION AND RESEARCH COMMITTEE MEETING

**Thursday, June 13, 2019
9:30 a.m. to 10:30 a.m.
(or until the close of business)**

**Education and Research Committee Members
John Harabedian, Esq., Chair
Hyun "Francisco" Kim, M.S., L.Ac.**

- 1. Call to Order, Roll Call, and Establishment of Quorum (Harabedian, Chair)**
- 2. Chair's Remarks (Harabedian, Chair)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Harabedian, Chair)**
- 4. Review and Possible Approval of the March 28, 2019 Education and Research Committee Meeting Minutes (Harabedian, Chair)**
- 5. Discussion on Recommendation to Amend Title 16, CCR §§ 1399.415, 1399.416, 1399.435, 1399.437, 1399.438, 1399.439 (Curriculum Oversight Authority) (Jay Herdt, Licensing Manager)**
- 6. Discussion on Recommendation to Amend Title 16, CCR §§ 1399.434 (Clinical Supervision) (Jay Herdt, Licensing Manager)**
- 7. Future Meeting Dates and Agenda Items (Harabedian, Chair)**
- 8. Adjournment (Harabedian, Chair)**

LICENSING AND EXAMINATION COMMITTEE MEETING

**Thursday, June 13, 2019
10:45 a.m. to 11:45 a.m.
(or until the close of business)**

Licensing and Examination Committee Members
Kitman Chan, C.P.A., Chair
Bradley Cimino, M.A., L.Ac.

- 1. Call to Order, Roll Call, and Establishment of Quorum (Chan, Chair)**
- 2. Chair's Remarks (Chan, Chair)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Chan, Chair)**
- 4. Discussion on Test of English as a Foreign Language (TOEFL) Requirements for International Applicants (Jay Herdt, Licensing Manager)**
- 5. Discussion on Retired Licensing Status Designation (Jay Herdt, Licensing Manager)**
- 6. Future Meeting Dates and Agenda Items (Chan, Chair)**
- 7. Adjournment (Chan, Chair)**

DAY ONE AGENDA

**FULL BOARD MEETING
Thursday, June 13, 2019
1:00 p.m. to 5:00 p.m.
(or until the close of business)**

- 1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)**
- 2. President's Remarks (Dr. Matecki)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Dr. Matecki)**

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a).)
- 4. Review and Possible Approval of the March 28-29, 2019 Board Meeting Minutes (Dr. Matecki)**

5. Executive Officer's Report (Ben Bodea, Executive Officer)

(A) Staff Update Regarding Vacancies

(B) Budget Update

- (i) Fund Condition
- (ii) Fee Study
- (iii) Architecture Revolving Fund
- (iv) Budget Change Proposals (BCP)
 - a) Business Modernization Plan
 - b) Facilities (rent)
 - c) DCA-Wide Administration

(C) Outreach Update Regarding Acupuncture Day

6. Legislative Update (Kristine Brothers, Policy Coordinator)

- Items Introduced in the 2019 Legislative Session Pertinent to Acupuncture
 - (i) **AB 193**, as amended, Patterson. Professions and vocations.
 - (ii) **AB 544**, as amended, Brough. Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
 - (iii) **AB 613**, as introduced, Low. Professions and vocations: regulatory fees.
 - (iv) **AB 778**, as introduced, Low. Acupuncture: continuing education.
 - (v) **AB 779**, as amended, Low. Acupuncture: place of practice: wall license.
 - (vi) **AB 888**, as amended, Low. Opioid prescriptions: information: nonpharmacological treatments for pain.
 - (vii) **AB 1076**, as amended, Ting. Criminal records: automatic relief.
 - (viii) **AB 1245**, as amended, Low. Political Reform Act of 1974: contribution prohibitions.
 - (ix) **SB 53**, as amended, Wilk. Open meetings.
 - (x) **SB 425**, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.
 - (xi) **SB 601**, as amended, Morrell. State agencies: licenses: fee waiver.

7. Regulations Update (Kristine Brothers, Policy Coordinator)

(A) **AB 2138 (2018 Chiu and Low)**

Licensing Boards: Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

(B) **SB 1441 (2008 Ridley-Thomas) and Update of Acupuncture Board Disciplinary Guidelines**

Healing arts practitioners: substance abuse

(C) **SB 1448 (2018 Hill)**

Healing arts licensees: probation status: disclosure

(D) **SB 1246 (2014 Lieu)**

Acupuncture

(E) **AB 2190 (2016 Salas)**

Acupuncture Board: Executive officer: Education

8. Enforcement Report (Ben Bodea, Executive Officer)

- Q3, FY 18-19 Enforcement Report

9. Licensing Report (Jay Herdt, Licensing Manager)

- (A) Status of Curriculum Reviews
- (B) Tutorial Program Report
- (C) Continuing Education Report
- (D) Continuing Education Audit Report
- (E) Examination Statistics

10. Recess Until Friday, June 14, 2019

DAY TWO AGENDA

FULL BOARD MEETING

Friday, June 14, 2019

9:00 a.m. to 5:00 p.m.

(or until the close of business)

11. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)

12. President's Remarks (Dr. Matecki)

- Opening message and meeting information

13. CLOSED SESSION

Pursuant to Government Code section 11126, subdivision (c)(1), the Board will convene in closed session to discuss and take possible action on the preparation, approval, and administration of examinations.

RECONVENE OPEN SESSION

- 14. Public Comment on Items Not on the Agenda (Dr. Matecki)**
The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a).)
- 15. Report from Education and Research Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (John Harabedian, Committee Chair)**
- 16. Report from Licensing and Examination Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (Kitman Chan, Committee Chair)**
- 17. Strategic Plan Update (Ben Bodea, Executive Officer)**
- 18. Updates from Acupuncture Professional Associations**
- 19. Presentation on Dry Needling/Trigger Point Therapy (California Acupuncture and Traditional Medicine Association (CalATMA))**
- 20. Presentation on Manual Therapy (CalATMA)**
- 21. Presentation on Open and Closed Session Protocols, the Adjudication Process, and Conflicts of Interest (Salwa Bojack, Legal Counsel)**
- 22. Future Agenda Items and Meeting Dates (Dr. Matecki, President)**
- 23. Adjournment (Dr. Matecki, President)**

Informational Notes:

Discussion and action may be taken on any item on the full board meeting agenda. The agenda, as well as any available Board meeting minutes and materials, can be found on the California Acupuncture Board website: www.acupuncture.ca.gov. The time and order of agenda items are approximate and subject to change at the discretion of the Board President; agenda items scheduled for a particular day may be moved or continued to an earlier or later noticed meeting day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting at: <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, regarding the full Board meeting agenda, the Board cannot discuss or take official action on these items during the same meeting. (Gov. Code §§ 11125, 11125.7(a)).

Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact Beck Untalasco, Licensing Analyst – Exam Desk at (916) 515-5205; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



DATE	June 13, 2019
TO	Licensing and Examination Committee
FROM	Jay Herdt, Licensing Manager
SUBJECT	Discussion on TOEFL “Test of English as a Foreign Language”

Chapter 397, Statutes of 2014 (SB 1246), extended the sunset date of the Acupuncture Licensure Act and the Acupuncture Board’s (Board) operations until January 1, 2017. It also made some substantial changes to the Board’s education regulation and oversight. These changes included the addition of the requirement of school oversight from the Bureau for Post Private Secondary Education (BPPE) and the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). Staff identified that both BPPE and ACAOM have requirements for students whose language of instruction is different from English, to demonstrate English proficiency, by achieving preset Test of English as a Foreign Language (TOEFL) scores as a part of their training. TOEFL is an English language examination which is often required to be taken by foreign students who want to study at universities in English-speaking countries.

The Board currently holds the sole oversight in qualifying individuals who apply for the California Acupuncture Licensing Exam (CALE) based on their foreign education training, and for those applicants who were trained as part of an approved acupuncture tutorial program. Staff has identified the lack of consistency between the TOEFL-based language requirement included as part of ACAOM and BPPE oversight required of all domestic students versus the lack of a TOEFL requirement for applicants applying under the tutorial and foreign equivalency programs.

Staff is introducing this discrepancy and strategic plan item to the Committee to allow for discussion to consider setting a TOEFL proficiency requirement for *all* applicants to the CALE to demonstrate a minimum standard of English language proficiency to further public protection. Staff is recommending that a regulation be adopted that codifies the TOEFL requirements set forth by ACAOM.

Motions:

Possible Motions for TOEFL

Option 1:

Motion to direct staff to draft proposed regulatory language to implement a TOEFL requirement to bring back to the Licensing and Examination Committee for further discussion and consideration.

Option 2:

Motion for additional research by staff and the Licensing and Examination Committee to bring back for further discussion for the Licensing and Examination Committee at a future meeting.

ACAOM COMPREHENSIVE STANDARDS AND CRITERIA

STANDARD 5: ADMISSIONS AND STUDENT SERVICES

Criterion 5.01: RECRUITMENT AND POLICY PUBLICATION	1
Criterion 5.02: ADMISSIONS.....	2
Criterion 5.03: TRANSFER CREDITS/TRANSFER STUDENTS	7
Criterion 5.04: NON-MATRICULATED STUDENTS	8
Criterion 5.05: STUDENT SERVICES	9
Criterion 5.06: STUDENT POLICIES	9
Criterion 5.07: STUDENT COMPLAINTS AND GRIEVANCES	10
Criterion 5.08: DOCTORATE DEGREE COMPLETION STUDENTS.....	11

Criterion 5.01: RECRUITMENT AND POLICY PUBLICATION	
<i>Related Policies:</i>	
<i>References:</i>	

INSTITUTIONAL COMPONENTS

- A. The institution must observe honest, ethical, and legal recruiting practices.
- B. The institution must publish its admissions policies, procedures, and practices, including any applicable policies related to:
 1. standard admissions,
 2. special admissions,
 3. advanced placement,
 4. credit for prior learning.

PROGRAMMATIC COMPONENTS

ALL PROGRAMS

- A. The program must observe honest, ethical, and legal recruiting practices.
- B. The program must have admissions policies, procedures, and practices that are appropriate for graduate-level professional education and training.
- C. The program must publish its admissions policies, procedures, and practices, including any applicable policies related to:

1. standard admissions,
2. special admissions,
3. advanced placement,
4. credit for prior learning.

Criterion 5.02: ADMISSIONS	
<i>Related Policies:</i>	
<i>References:</i>	

INSTITUTIONAL COMPONENTS

There are no institutional components for this criterion.

PROGRAMMATIC COMPONENTS

ALL PROGRAMS

- A. The program must have admissions policies, procedures, and practices that include explicit English language proficiency requirements, and are consistent with students achieving the statement of purpose and goals of the program.
- B. Admissions policies, procedures, and practices must result in matriculated students who meet the program's admissions criteria and are capable of achieving the professional competencies expected from the program.
- C. The program's admissions policies, procedures, and practices must be regularly and systematically assessed to determine their effectiveness and revised as necessary.

MASTER'S LEVEL PROGRAMS

- D. Prospective students must meet the programmatic admissions requirements in effect at the time of their official matriculation.
 1. The admissions criteria for the master's program must include the satisfactory completion of at least two (2) years of undergraduate-level education (60 semester credits or 90 quarter credits) from an institution accredited by an agency recognized by the U.S. Secretary of Education. In considering the acceptance of education and training obtained in foreign countries, credits earned at a foreign educational institution must be validated by a recognized, educational credentials, evaluation service.
 2. A maximum of 30 semester credits (or 50%) of the prerequisite two-year education requirement may be earned through prior learning assessment using either, or a combination, of the following assessment techniques: (1) credit by examination using standardized tests and/or (2) assignment of credit for military and corporate training based on recommendations established by the American Council on Education.

3. Pre-requisite and co-requisite credits must not be counted towards degree completion credits.
- E. English language competency is required of all students seeking admission to the program. This must be demonstrated by one of the following means:
1. The student must have completed a two-year (60 semester credits or 90 quarter credits) baccalaureate- or graduate-level, English-based education in an institution:
 - a) accredited by an agency recognized by the U.S. Secretary of Education, or
 - b) in the United Kingdom, Australia, Canada (except Quebec), New Zealand, or Ireland.In all cases, English must have been both the language of instruction and the language of the curriculum used;
 2. For programs taught in English, the student must score a total score of at least 61 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 26 and a minimum listening exam score of 22, or an overall band score of level 6 on the International English Language Testing System (IELTS) exam;
 3. For programs taught in Chinese or Korean, the student must score a total score of at least 45 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 18 and a minimum listening exam score of 15, or an overall band score of level 5 on the International English Language Testing System (IELTS) exam.

PROFESSIONAL DOCTORATE [PD] PROGRAMS

- F. Prospective students must meet the programmatic admissions requirements in effect at the time of their official matriculation.
1. The admissions criteria for the PD program must include the satisfactory completion of at least three (3) years of undergraduate-level education (defined as 90 semester credits or 135 quarter credits) from an institution accredited or pre-accredited by an agency recognized by the U.S. Secretary of Education. In considering the acceptance of education and training obtained in foreign countries, credits earned at a foreign educational institution must be validated by a recognized educational credentials evaluation service.
- G. Prerequisite undergraduate-level education required for admission to the PD program must include chemistry, biology, and psychology. Institutions may offer professional-level programmatic courses in chemistry, biology, and psychology in lieu of program admission prerequisites.
- H. Institutions/programs that confer a master's degree as part of the PD must ensure that separate enrollment agreements for each degree program are simultaneously executed at the date of initial enrollment; and clearly outline if/when it is possible for a student to be awarded a master's degree without completing the full PD program.

J. English language competency is required of all students seeking admission to the program. This must be demonstrated by one of the following means:

1. The student must have completed a two-year (60 semester credits or 90 quarter credits) baccalaureate- or graduate-level, English-based education in an institution:
 - a) accredited by an agency recognized by the U.S. Secretary of Education, or
 - b) in the United Kingdom, Australia, Canada (except Quebec), New Zealand, or Ireland.

In all cases, English must have been both the language of instruction and the language of the curriculum used;

2. Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT)

Acceptable scores:

TOEFL iBT total score – 80 and TOEFL iBT speaking score – 26; or

3. International English Language Testing System (IELTS)

Acceptable scores:

ELTS overall band score 6.5 (Academic Format) and IELTS spoken band score – 8.0

POST-PROFESSIONAL DOCTORATE [DAOM] PROGRAMS

K. Prospective students must meet the programmatic admissions requirements in effect at the time of their official matriculation.

L. The admissions criteria for the DAOM program must include the satisfactory completion of an ACAOM-accredited or pre-accredited entry-level program (i.e., master's or professional doctorate) in acupuncture or in Oriental medicine. In considering the acceptance of education and training obtained in foreign countries, credits earned at a foreign educational institution must be validated by a recognized educational credentials evaluation service.

1. For DAOM programs that include advanced study or specialty concentrations in herbal medicine, the admissions criteria must include the satisfactory completion of the minimum credits and clock hours of instruction stipulated under *criterion 7.02 – Chinese herbal medicine certificate programs*.
2. For DAOM programs that do not include advanced study or specialty concentrations in herbal medicine, the admissions criteria must include the satisfactory completion of a minimum of three (3) semester credits (45 clock hours of instruction) of introductory coursework in the fundamentals of Chinese herbal medicine either as a prerequisite or as a co-requisite.

M. Applications may be accepted for admission into the DAOM program from licensed acupuncturists who have not completed an ACAOM-accredited or pre-accredited entry-level program (i.e., master's or professional doctorate) in acupuncture or in Oriental medicine provided the program:

1. Demonstrates and documents an acceptable process for validating that the applicant has achieved professional competencies equivalent to an ACAOM-accredited or pre-accredited master's degree or master's level program in acupuncture or in Oriental medicine.
 2. Provides opportunities from the institution's master's level program to rectify any deficiencies identified through the program's entrance evaluation and admission standards. Completion of the identified curriculum can be accomplished through the successful completion of specified courses, or by demonstrating achievement of the specific course objectives through successful completion of challenge examinations.
 3. Does not count prerequisite and co-requisite credits toward degree completion credits.
- N. English language competency must be required of all students seeking admission to the program. This may be demonstrated by one of the following means:
1. The student must have completed a two-year (60 semester credits or 90 quarter credits) baccalaureate- or graduate-level, English-based education in an institution:
 - a) accredited by an agency recognized by the U.S. Secretary of Education, or
 - b) in the United Kingdom, Australia, Canada (except Quebec), New Zealand, or Ireland.

In all cases, English must have been both the language of instruction and the language of the curriculum used;
 2. For programs taught in English, the student must score a total score of at least 61 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 26 and a minimum listening exam score of 22, or an overall band score of level 6 on the International English Language Testing System (IELTS) exam;
 3. For programs taught in Chinese or Korean, the student must score a total score of at least 45 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 18 and a minimum listening exam score of 15, or an overall band score of level 5 on the International English Language Testing System (IELTS) exam.

CHINESE HERBAL MEDICINE CERTIFICATE PROGRAMS

- P. Prospective students must meet the programmatic admissions requirements in effect at the time of their official matriculation.
1. The admissions criteria for the program must include current enrollment in, or the satisfactory completion of, an ACAOM-accredited/pre-accredited master's degree or master's level program in acupuncture or in Oriental medicine. In considering the acceptance of education and training obtained in foreign countries, credits earned at a foreign educational institution must be validated by a recognized educational credentials evaluation service.
- R. English language competency is required of all students seeking admission to the program. This must be demonstrated by one of the following means:

1. The student must have completed a two-year (60 semester credits or 90 quarter credits) baccalaureate- or graduate-level, English-based education in an institution:
 - c) accredited by an agency recognized by the U.S. Secretary of Education, or
 - d) in the United Kingdom, Australia, Canada (except Quebec), New Zealand, or Ireland.In all cases, English must have been both the language of instruction and the language of the curriculum used;
2. For programs taught in English, the student must score a total score of at least 61 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 26 and a minimum listening exam score of 22, or an overall band score of level 6 on the International English Language Testing System (IELTS) exam;
3. For programs taught in Chinese or Korean, the student must score a total score of at least 45 on the Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT), including a minimum speaking exam score of 18 and a minimum listening exam score of 15, or an overall band score of level 5 on the International English Language Testing System (IELTS) exam.

PHASED CHANGE TO ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS

2019 is the second year of a three-year phase-in for a change to the *English language proficiency* requirements for admission. **The following English language proficiency requirement shall apply to all students matriculating in ALL PROGRAMS on or after January 1, 2020:**

English language competency is required of all students seeking admission to the program. This must be demonstrated by one of the following means:

1. The student must have completed a two-year (60 semester credits or 90 quarter credits) baccalaureate- or graduate-level, English-based education in an institution:
 - a) accredited by an agency recognized by the U.S. Secretary of Education, or
 - b) in the United Kingdom, Australia, Canada (except Quebec), New Zealand, or Ireland.In all cases, English must have been both the language of instruction and the language of the curriculum used;
2. Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT)
Acceptable scores:
TOEFL iBT total score – 80 and TOEFL iBT speaking score – 26; or
3. International English Language Testing System (IELTS)
Acceptable scores:
ELTS overall band score 6.5 (Academic Format) and IELTS spoken band score – 8.0



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



DATE	June 13, 2019
TO	Licensing and Examination Committee
FROM	Jay Herdt, Licensing Manager
SUBJECT	Discussion on Retired Licensing Status Designation

Historically, the Acupuncture Board (Board) has not had authority to grant a retired status to an acupuncture license when a licensee makes the decision to retire from acupuncture. The Board only has inactive status set forth under Business and Professions Code (BPC) section 462 and California Code of Regulations (CCR) section 1399.489.1. These sections allow for a licensee to place a license on inactive status if they are not actively engaged in the practice of acupuncture. During the time he or she is inactive, the licensee is still required to pay the \$325 biennial fee. The licensee is, however, allowed to renew without the completion of continuing education.

The only other option for licensees who wish to no longer practice acupuncture or be obligated by renewing a license is to intentionally let the license lapse and permanently cancel with a cancellation designation. The two aforementioned options do not adequately address the needs of a retired licensee, nor do these statuses accurately reflect the current state of the individual ending his or her career as an acupuncturist.

BPC section 464 became effective January 1, 2017, and provides boards who don't currently have a statute in their Act, the authority to enact a regulation to allow licensees a retired status. There are several mandatory components to include within the regulation, including criteria to go on retired status, fees to process, and requirements to restore a retired status to active status.

All of these statutory requirements have been included in the recommended retired status regulation for consideration. Staff has also researched eight other boards who currently have retired status to gather best practices, industry standards, and suggested language. Given the need of the profession and the new authority to enact a regulatory process, staff is recommending the consideration of the enclosed new regulation.

Discussion

CCR section 1399.419.3 is a new regulation section titled "Application for Retired Status; Retired Status; Restoration." It allows an acupuncturist with a current license that is not suspended, revoked, or otherwise restricted or subject to discipline to apply for retired status with the Board. The licensee is required to complete an application and pay a \$25 processing fee. The fee has currently been set at \$25 based upon staff's research of other boards but there were a couple of boards with a \$75 fee. At this point, staff cannot

set an appropriate fee until the Board's fee audit is completed in August. The licensee also cannot be engaged in the practice of acupuncture to go on retired status. Once the licensee has been placed on retired status, he or she is not required to renew the license.

In order for the licensee to restore the retired license to active status, a form must be completed along with a payment of \$75, which is the same fee as the initial application fee for the licensing exam. However, as stated above, the fee cannot be set until the Board's fee audit is concluded. In addition to completing an application, the retired licensee must take and pass the California Acupuncture Licensing Examination (CALE), be fingerprinted, and pay an initial license fee.

Having stringent requirements in place to restore a retired license to active status addresses concerns over licensees abusing the retirement designation by going on and off repeatedly and, therefore, avoiding renewal requirements. Additionally, it gives pause to the licensee when determining the appropriate path for his or her career and license designation. The licensee still has the option of going inactive if he or she is uncertain they want to completely retire.

At this point, staff is not recommending a motion to recommend adoption of the language to go to the full Board because the forms incorporated in subdivisions (i) and (j) have not been drafted, nor has the fee audit been concluded.

Motion

Possible Motions for CCR section 1399.419.3

Option 1:

Motion to recommend the proposed regulatory text for Title 16, CCR section 1399.419.3 to be presented to the full Board at the next Board meeting, along with staff's additional information provided in subdivisions (i) and (j), and drafted application forms for Board vote.

Option 2:

Motion to recommend the proposed regulatory text as amended to the full Board at the next Board meeting:

Option 3:

Motion for additional research by staff and the Licensing and Examination Committee to bring back amendments to the proposed regulatory text for Title 16, CCR section 1399.419.3 to be presented to the:

full Board or Licensing and Examination Committee

at a future meeting.

Statute Authority:

Business and Professions Code 464.

(a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.

(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.

ACUPUNCTURE BOARD

Proposed Language

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

(1) Add Section 1399.419.3 of Article 2 of Division 13.7 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.419.3. Application for Retired Status; Retired Status; Restoration

(a) On or after (effective date), a holder of an acupuncture license that is current and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline, may apply for retired status, upon completion of a form prescribed by the board to be entitled "Application for Retired Status," and payment of a twenty-five dollar (\$25) fee.

(b) Upon application for retired status, the licensee shall disclose under penalty of perjury whether the licensee has been disciplined by any public agency or has been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country.

(c) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(d) The holder of a license in retired status pursuant to this section shall not engage in the practice of acupuncture.

(e) The holder of a license in retired status shall not be required to renew that license.

(f) An acupuncturist holding a retired license shall only be permitted to use the titles "retired acupuncturist" or "acupuncturist, retired."

(g) The holder of a retired license may reactivate the license by meeting all of the following requirements:

(1) Complete a form prescribed by the board titled "Application to Restore a Retired Status," pay a seventy-five dollar (\$75) fee, and shall disclose under penalty of perjury whether the licensee has been disciplined by another public agency or been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country;

(2) Take and pass the examination that is required for initial licensure with the board;

(3) Comply with the fingerprint submission requirements set forth in Section 1399.419.2; and

(4) Pays the fee or fees as would be required of the licensee if the licensee were applying for a license for the first time as set forth in Section 1399.460, subdivision (c).

(h) The placement of a license on retired status by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of a complaint, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

(i) The “Application for Retired Status” shall contain:

(1) Name.

(2) Address or addresses of record.

(3) The licensee’s individual taxpayer identification number or social security number for all other licensees.

(4) Date of birth.

(5) Type of license.

(6) Effective date of license or a renewal.

(7) Expiration date of license.

(8) [ADD INFORMATION].

(j) The “Application to Restore a Retired Status” shall contain:

(1) Name.

(2) Address or addresses of record.

(3) The retired licensee’s individual taxpayer identification number or social security number for all other licensees.

(4) Date of birth.

(5) [ADD INFORMATION].