STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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California Acupuncture Board
New York Chiropractic College Finger Lakes
School of Acupuncture and Oriental Medicine
School Approval Final Report

PART 1: SCHOOL OVERVIEW

The New York Chiropractic College (NYCC), initially founded in 1919, has evolved through the years, including a merger with the Columbia Institute of Chiropractic and now includes several other schools and programs that include the Acupuncture and Oriental Medicine (2002), Diagnostic Imaging (2003) and Applied Clinical Nutrition (2005).

The Finger Lakes School offers the following Acupuncture and Oriental Medicine degrees:
1. Acupuncture: awarding Master of Science in Acupuncture (MSA), 2002.
2. Acupuncture and Oriental Medicine: awarding Master of Science in Acupuncture and Oriental Medicine (MSAOM), 2002.

The New York Chiropractic College offers the following non-Acupuncture degrees:
1. Bachelor of Professional Studies (BPS), 2002.
2. Master of Science in Diagnostic Imaging (MSDI), 2003.
3. Master in Science in Applied Clinical Nutrition (MSACN), 2005.
4. Master of Science in Clinical Anatomy, 2006.
5. Master of Science in Human Anatomy & Physiology Instruction (MSHAPI) (2010)
6. Advanced Certificate in Whole Food Nutrition, 2009.
7. Advanced Certificate in Sports Science and Human Performance (2011)

I. Institutional Mission, Vision and Purpose

NYCC's mission statement focuses on achieving academic excellence, quality patient care, and professional leadership. This is an appropriate mission and purpose for a school to have precisely because it drives all decision making at all levels. As a result, the Acupuncture programs and students benefit from the College's commitment to excellence and willingness to invest in it with respect to its programs. While the common expectation for the mission of schools is for schools to train students to obtain professional licensure or certification, we find that academic excellence will promote such a goal. NYCC mission:

The New York Chiropractic College is committed to the achievement of academic excellence, quality patient care, and professional leadership.

FLSAOM/NYCC Program Purpose statement:

The Acupuncture and Oriental Medicine Masters of Science Degree programs provide a comprehensive professional education in Acupuncture and Oriental Medicine that, combined with instruction in biomedicine, prepares graduates to practice in a wide range of clinical settings. The programs emphasize an integrative and holistic approach to health care.

Again, while this purpose does not specifically include professional licensure and certification as a goal, we find the emphasis on integrative and biomedicine does position students well for licensure in California. We would however recommend for future strategic planning to include language that prepares students to become licensed professionals that are trained to work in a mainstream or integrated clinical setting. The current program already reflects the achievement of this goal and it is a goal expressed at all levels from student, faculty, Dean, [Chief Academic Officer] Executive Vice-President and Provost, President and Governing Board members.

II. Governance, Administration and Personnel

The school's governance structure resembles a college and university structure that provides oversight over many different schools and degree programs. As such the Board reflects the varied professional expertise of the schools it has. All governance, administration and personnel are structured to be centralized under the College and not delineated by individual school. This centralization is reflected at all levels of administration and governance, such that the budget is of the entire college, and the fiscal structure reflects the entire college rather than being separated by school. This structure promotes fiscal stability for all programs and allows all schools and programs to share resources and enjoy greater allocation of resources than would otherwise be available to each school if they were stand-alone institutions. Each school similarly benefits from the increased level of administrative and personnel services that are possible from this centralized College structure.

The school's governance appears to be sound and in compliance with organizational governance standards and laws. They have the required board and board members who meet regularly, have minutes of meetings and conduct business with a great degree of transparency. Our initial concerns about whether the College that has a long history of pursuing academic excellence in chiropractic would truly be committed to expanding, promoting, and nurturing the needs of the Acupuncture and Oriental Medicine program were satisfied by conversations with the Governing Board members including the Board Vice Chair.

III. Ethical Principals, Practices, and Advertising

We did not find any concerns related to ethical principles, practices and advertising. The catalog and student policies and counseling appear to be fair, promote an optimal learning environment for students. The website is also very good at promoting and advertising the school.

IV. Acupuncture and Oriental Medicine Curriculum and Instruction

An overall sign of academic quality, interns appeared confident and had good grasp of TCM theory and its application in determining differential diagnosis. Review of clinical medical charts indicated intern logs were clear and verifiable with appropriate signatures and legal disclosures. However, we

found clinical supervision and several curriculum deficiencies that do not comply with California regulatory requirements. These deficiencies are addressed in Part 2 – Non-Compliance.

V. Admissions Standards

NYCC-FLSAOM has higher admission standards than California requires. Applicants must have 90 semester hours, pre-required G.P.A. of 2.5 and pre-requirement for biology and the school does not accept undergraduate level western science courses must be at a graduate level to be considered for transfer into the program. Students are vetted by the Admissions team and must conduct an interview before a final decision is made. Students are allowed to request challenge exams for course completed at other educational institutions. Transcripts must be sent directly from educational institute. Foreign applicants must have transcripts evaluated by reputable evaluation services and must pass TOEFL with a score of 79 iBT® or 550 for paper based exam. They must also submit evidence of their ability to read, write and speak English at a level of mastery sufficient to complete their desired course study.

VI. Graduation Requirements

Students must complete all the mandatory courses and two electives (in the eighth and ninth trimester).

VII. Faculty Qualifications

The school has excellent faculty that bring a wide range of skills and experience to the school. The AOM faculty work as a team with the Dean in course development and improvement. This team dynamic creates a synergy that empowers all faculty to design curriculum, improve courses and course work and participate in the vision of the future of the school and its curriculum. The AOM faculty shares the same vision for the school and the direction its course work needs to go. All believe the course work needs to prepare students to become professional practitioners that work side by side with physicians and other mainstream providers in an integrative clinical health care setting. The quality of the faculty and their shared vision has resulted in the development of an academically rigorous and excellent AOM curriculum. The clinical science faculty that is shared with other schools distinguishes the AOM School from other AOM schools that don't have access to the same level faculty and resources such as the anatomy lab and its faculty.

In observing faculty during lectures, they have very effective teaching methods that inspire and engage students to actively learn and participate in class. The faculty's use of examples to teach concepts also enhances both the student's engagement and retention and learning. From our student interviews of both currently enrolled students and alumni, they love their professors and all cite the passion of the faculty that inspires them to learn.

We also found that the AOM Dean has both the competence as a professor and clinic supervisor, but also, the vision for continuing to develop the AOM program. Under his leadership, the faculty participates in course development and evaluation. As a result the AOM program has developed in a relatively short time.

VIII. Student Services and Records

Once the applicant is admitted, their records are transferred to the Registrar's Officer where the records are kept in locked file drawers. Student files include tracking of changes to student statuses, but not ongoing grades or course work. The grades and course work records are stored electronically on an encrypted server on campus. Student records are color coded to delineate their respective program(s). Faculty has access to only their own student grades. The Registrar, Dean and Executive Vice President, and Provost have access to all grades.

NYCC-FLSAOM offers a wide variety of student services including counseling, financial aid, scholarships, student housing. The campus offers students with sports facilities including pool, tennis, racquetball, basketball and gym for recreational enjoyment. There is also a cafeteria and café that is open during classes for students, faculty and visitors. The college sponsors various sports and other activities on campus to promote fun, exercise and social networking.

Students we interviewed overwhelmingly love the school and campus and while they are kept busy with studies, they thoroughly enjoy their study at NYCC FLSAOM. The school meets the education standard for records and student related services. Overall, the school meets the needs of its students and promotes a nurturing learning environment to achieve academic excellence and healthy life balance.

IX. Tuition, Fees, and Refund Policies

The tuition for the MSAOM is $30,254 (this total includes books and living expenses) per eight month session, which is equivalent to an academic year (tuition and fees for this time frame is $17, 308). The school has a stable fiscal condition that includes adequate revenues from tuition, alumni gifts and a $45 million endowment and line of credit to meet cash flow needs. As a result, they have adequate funds to provide student refunds as needed without any special bond or reserve fund. Refund policies appear fair and well-advertised including in the school catalog. Students are counseled on all school policies including refunds.

X. Facilities and Library

NYCC-FLSAOM has an expansive facility that resembles a college campus. Its library is a wonderful, well-resourced facility that provides a nice space for student to study, conduct research or access course materials and lectures. The new lounge area also provides a wonderful networking and relaxing environment for students and allows for classroom instruction as well. The materials are cataloged and organized consistent with college and university libraries that organize by topic. There is a sense of a true library rather than a collection of segregated topics separated by school rather than topic. The library reflects the school's integration of many schools that are a part of one college. We believe that promotes both academic inclusion and academic excellence. The library has an impressive the electronic media center that is set up for students to access resources through computers on site, student computers offsite or around campus and student cell phone applications.

All of the school benefit from the enormous campus that was already set up as a College equipped with library, indoor sports facilities, resident halls and dining facilities. Located on amidst the picturesque Finger Lakes region, students can enjoy the beauty while studying and taking breaks. The quiet, small rural setting promotes concentrated, quality learning.

XI. Financial Resources

NYCC-FLSAOM enjoys a stable financial condition that includes a $21 million budget and a $45 million endowment. The financial stability is reflected in the fact that it has remained in existences since 1919 and is structured as a traditional academic institution rather than a private school. It is a non-profit. All revenues are received by the College, rather than by individual school. Similarly, the budget is a College budget in which all schools are included and specific funding allocated according to needs and executive level decisions each year. Thus, the schools benefit from the fiscal stability of pooling resources into the College instead of by individual school, which to some degree shields schools from the harsh fiscal consequences related to enrollment fluctuations.

PART 2: NON-COMPLIANCE

The curriculum requirements for Acupuncture training programs are set forth in the California Code of Regulations Title 16.

Non-Compliance:

1. Supervision of clinical interns.

Finding: What we discovered is direct supervision during needling is not consistently performed in compliance with Title 16 California Code of Regulations section 1399.434 (h):

"*During the initial 275 hours of diagnosis, evaluation and clinical practice, the clinic supervisor shall be physically present at all time during the diagnosis and treatment of the patient. Thereafter, for a second period of 275 hours the clinic supervisor shall be physically present at the needling of the patient. The clinic supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction. The student shall also consult with the clinic supervisor before and after each treatment.*"

Corrective action: Ensure that all supervisors consistently provide direct supervision as required by 1399.434 (h). We suggest amending clinic supervisor job description or job assignment agreement to include the language of 1399.434 (h). This would provide accountability with faculty to ensure they provide intern supervision in compliance with the California regulations.

Action Taken By School: NYCC-FLSAOM released a memo from the Dean was disseminated to AOM Faculty with notification of the CA clinical requirements for Clinical Supervision. Although NYCC's initial memo does indicate that students will be supervised per CA regulations, this is not factually correct. The Board requires direct supervision with each supervisor present in the exam room during needling, not somewhere in the facility. The school defines being 'physically present' as, 'the faculty clinician is on the clinic premises and immediately available for direction and supervision of

the students during all phases of the patient visit. This definition does not meet California's definition of 'physically present' as is required when the clinical students are needling the patient. As a result, NYCC-FLSAOM remains non-compliant with regulation 1399.434 (h). In subsequent communication with the Board, the school has indicated that they are unwilling to make the required changes to bring the school into compliance with respect to clinical supervision.

NYCC-FLSAOM is <u>not</u> in compliance with California requirements for clinical supervision

2. Compliance with Standard Physical Examination and Assessment – Orthopedic Exam 1399.434 (c) (2): (2) "Standard Physical Examination and assessment including neuro-musculo-skeletal, orthopedic, neurological, abdominal, and ear, nose and throat examinations, functional assessment."

<u>Finding:</u> AOM 5442 and AOM 5542 Western Clinical Medicine I & II do not include training in Special Testing by Areas for the Orthopedic Exam.

Corrective Action: Inclusion of Special Testing by areas would bring the training to the level of California Practice.

Action Taken by School: NYCC – FLSAOM included Special Testing by areas in the course AOM5542 – Western Clinical Medicine II. A revised syllabus was submitted showing that these have been included.

This action brings NYCC – FLSAOM into compliance with California requirements for this deficiency.

3. Compliance with California Workers' Compensation/Labor codes 1399.434 (d) (8):
(8) *"Case management for injured workers and socialized medicine patients, including knowledge of workers compensation /labor codes and procedures and qualified medical evaluations."*

<u>Finding 1:</u> The AOM 5612 Records and Documentation already teaches California laws for practitioners and Integrative Medical Practice I AOM 5610 teaches California Worker's Compensation. However, the AOM 5610 does not include a review of California's requirements for "qualified medical evaluations."

<u>Finding 2</u>: Medical chart documentation does not adequately include notes related to pain. For training purposes, the intern should transcript patient's pain condition in terms of severity and frequency in the words required by California Workers' Compensation.

Thus, the requirements of 1399.434 (d) (8) and (10) are not completely met by the curriculum.

Corrective Action: Include a review and discussion of California's qualified medical evaluations in AOM 5610. To address the chart documentation for pain in Workers' Compensation, specific review of pain documentation should be included in AOM 5612.

Action Taken By School: NYCC – FLSAOM has included review and discussion of California's Qualified Medical Evaluation in the course AOM 5610 – Integrative Medical Practice I. A specific review to address the chart and pain documentation for pain in Worker's Compensation has been added to the course AOM 5612 – Records and Documentation. NYCC – FLSAOM has supplied revised syllabi indicating the inclusion of said items.

This action brings NYCC – FLSAOM into compliance with California requirements for this deficiency.

Suggestions for Clinical Education Improvement

1. Clinical exam chart lack assessment and TCM Eight Principles and Zang Fu. We suggest including for consistency in understanding the patient's condition and in education evaluation. Although the students do use the 8 principles in diagnosis, it is not included in the examination chart, nor is Zang Fu.

No Actions were taken by NYCC – FLSAOM. Note these were recommendations and are not required of the school to be in compliance.

2. Based on clinic medical chart review, interns do not use the orthopedic exam to assess pain. Nor do they include it in the chart. Without the orthopedic exam, whether the pain is from the muscles, joint or disc such as low back pain. With orthopedic exam, the source of pain is assessed.

No Actions were taken by NYCC – FLSAOM. Note these were recommendations and are not required of the school to be in compliance.

3. AOM students at this school are in the rare position of working in a clinic that shares space with Chiropractic students. Cross-Disciplinary understanding would be furthered by including in the latter days of Observation courses, a day where AOM clinic students observe chiropractic interns on their clinic days and vice versa. Exposure to each modality in the clinical setting would prepare students for integrative health care.

No Actions were taken by NYCC – FLSAOM. Note these were recommendations and are not required of the school to be in compliance.

Suggestion for Improvement of California Regulatory Knowledge:

1. Compliance with other California laws as required by 1399.434 (e) (3):
"*Knowledge of regulatory compliance and jurisprudence (municipal, California, and federal laws, including OSHA, Labor Code, Health Insurance Portability and Accountability Act of 1996 (HIPAA).*
a) Finding: AOM 5610 and AOM 5612 include California laws as required by 1399.434 (e) (3). However, since these are areas the Acupuncture licensure exam tests, we recommend giving students a print out of California laws and regulation as it pertains to Acupuncture.

PART 3: RECOMMENDATION

Staff recommends denial of NYCC-FLSAOM's application for Training program approval based on non-compliance of clinical supervision requirements. Direct clinical supervision is critical to learning accurate needle placement, ensuring competency is developed and most of all protecting patient safety.