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Tutorial Program Written Agreement

This form, along with the *Tutorial Program Curriculum Training Plan*, work together to meet the written agreement requirement, Acupuncture Regulations, Article 3, Section 1399.425 (h).

Length of Training Time

Typically, the length of program training time is based on a calendar year. If based on a calendar year, the minimum length of time in the program is 36 months, however, this may be adjusted based on exemption credit outlined in the *Tutorial Program Curriculum Training Plan*.

Training Plan

This may include: Any financial agreements between the supervisor and trainee, including what/if any payment the trainee will receive, how much, and/or for what kind of work; how often the supervisor and trainee will meet; what can the trainee do and when; when competencies plan to be reached; any other parts of the training plan agreed upon by the supervisor and trainee.

Method for Providing the Theoretical and Didactic Training

All theoretical and didactic training will be completed with a tutorial supervisor or through a school and how that time is split up must be outlined in the *Tutorial Program Curriculum Training Plan*. For the time that will be spent in school, no additional information is needed. However, any methods used in the time that will be spent with the supervisor must be outlined in this section. This may include: the books that will be used; delivery modes; any other methods for providing the theoretical and didactic training agreed upon by the supervisor and the trainee.

This agreement is made with the California Acupuncture Board (Board). Please note, the three sections above are meant as a record of an agreement made between the supervisor and trainee at the start of the tutorial training program. Modifications to the approved training plan must be requested and approved by the Board before implementation into the training plan. This includes the *Trainee and Supervisor Applications*, the *Curriculum Training Plan*, and the *Written Agreement Forms*.

Supervisor Signature

Date

Trainee's Signature

Date

Supervising Acupuncturist's Responsibilities
Acupuncture Regulations, Article 3, Section 1399.426

Supervisor and Trainee Must Initial by Each Responsibility

- _____ (a) A supervisor shall at all times be responsible for and provide supervision of the work performed by the trainee as required in these regulations.
- _____ (b) The supervisor shall only assign those patient treatments which can be safely and effectively performed by the trainee and which are consistent with the level of training received by the trainee. The supervisor shall provide continuous direction and immediate supervision of the trainee when patient services are provided. The supervisor shall be in the same facility as and in proximity to the location where the trainee is rendering services and shall be readily available at all times to provide advice, instruction and assistance to the trainee.
- _____ (c) The supervisor shall insure that patient informed consent is obtained when necessary.
- _____ (d) The supervisor shall insure that the objectives of the training plan submitted are provided and met by the trainee, and that the required theoretical training is obtained in accordance with subsection (c) of Section 1399.425.
- _____ (e) The supervisor shall insure that the trainee complies with the standards of practice in Article 5 of the Acupuncture Regulations.
- _____ (f) The supervisor shall file quarterly with the board a progress report on a form provided by the board which sets forth the schedules for theoretic and didactic training and for clinical training of the trainee.
- _____ (g) The supervisor shall insure that when rendering services or otherwise engaging in professional activity the trainee always identifies himself or herself as an "acupuncture trainee" and wears at such times the identification badge required in Section 1399.427.
- _____ (h) There shall be no separate billing by the trainee.
- _____ (i) The supervisor shall comply with the provisions of the acupuncture law, the Acupuncture Regulations and applicable laws and regulations governing wages and compensation paid to employees or apprentices, maximum hours and working conditions. Any overtime worked by the trainee shall not interfere with or impair the training program and shall not be detrimental to the health and safety of the trainee or patients.

Trainee's Responsibilities

Acupuncture Regulations, Article 3, Section 1399.427

Supervisor and Trainee Must Initial by Each Responsibility

- _____ (a) The trainee shall not provide acupuncture services without the required supervision or autonomously and shall not provide any services for which he or she is not trained or competent to perform.
- _____ (b) The trainee shall satisfactorily meet the objectives of the training plan submitted to the board, including the necessary theoretical training.
- _____ (c) The trainee shall comply with the standards of practice in Article 5 of the Acupuncture Regulations.
- _____ (d) The trainee shall always identify himself or herself as an acupuncture trainee when rendering services or otherwise engaging in professional activity and shall wear at such times an identification badge on an outer garment and in plain view which states the trainee's name and the title "Acupuncture Trainee."
- _____ (e) The trainee shall report to the board any delay, interruption or termination of the acupuncture tutorial not reported by the supervisor.
- _____ (f) The trainee shall maintain a written log of the patients whom he or she has seen during the clinical training. The log shall contain the date and time of the patient visit and a description of the acupuncture services provided by the trainee to the patient. The log shall be made available to the board upon request.

Termination or Modification of Tutorial

Acupuncture Regulations, Article 3, Section 1399.428

Supervisor and Trainee Must Initial by Each Section

- _____ (a) The board shall be notified in writing within ten (10) calendar days of the termination of any acupuncture tutorial for any reason. At the time of such notification the registration of both the supervisor and trainee shall be cancelled. If the supervisor or trainee subsequently participate in an acupuncture tutorial, a new application for registration shall be filed with the board as set forth in Section 1399.424.
- _____ (b) If the training plan of the acupuncture tutorial is substantially modified then a report of such modifications shall be filed with the board. There shall be no charge for filing such a report.

Denial, Suspension or Revocation of Registration as a Supervisor

Acupuncture Regulations, Article 3, Section 1399.430

Supervisor and Trainee Must Initial by Each Section

The board may deny, issue subject to terms and conditions, suspend, revoke or place on probation a registration to supervise a trainee in an acupuncture tutorial for the following causes:

- _____ (a) Failure to comply with the provisions of Section 4940 of the code or the Acupuncture Tutorial Regulations for approval of an acupuncture tutorial.
- _____ (b) Violation of the Acupuncture Licensure Act or the Acupuncture Regulations.
- _____ (c) The supervisor is the subject of a successful disciplinary action or has had charges in a disciplinary action filed against him or her.
- _____ (d) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the division with respect to an acupuncture tutorial.
- _____ (e) Failure of the supervisor or the trainee to comply with the regulations relating to supervision, patient care or informed consent.
- _____ (f) The trainee has rendered acupuncture services in violation of this act within the setting of the acupuncture tutorial regardless of whether the supervising acupuncturist has knowledge of the acts performed.

Denial, Suspension or Revocation of Registration as a Trainee

Acupuncture Regulations, Article 3, Section 1399.431

Supervisor and Trainee Must Initial by Each Section

The board may deny, issue, subject to terms and conditions, suspend, revoke or place on probation a registration as a trainee in an acupuncture tutorial for the following causes:

- _____ (a) Failure to comply with the Acupuncture Tutorial Regulations for approval and registration as a trainee.
- _____ (b) Violation of the Acupuncture Licensure Act or the Acupuncture Regulations.
- _____ (c) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the division with respect to the acupuncture tutorial.
- _____ (d) Failure to comply with the regulations relating to supervision, patient care or informed consent.
- _____ (e) The rendering of acupuncture services outside the approved acupuncture tutorial.
- _____ (f) Failure to identify oneself as an acupuncture trainee or failure to wear an appropriate identification badge when rendering acupuncture services.
- _____ (g) Rendering acupuncture services under a supervising acupuncturist who is not approved as a supervisor by the board or whose registration as a supervisor has been disciplined under Section 1399.430.