



ACUPUNCTURE BOARD

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**AB 2699: FREE AND SPONSORED HEALTH CARE EVENTS
INFORMATIONAL MEMO**

Issue:

Out of state licensed acupuncturists cannot participate in Free and Sponsored Health events in the state. Given the continued overwhelming need for free health care among California's low income population, this bill provides a narrow, time limited exemption to the state licensure act in order to allow out of state licensees to participate in Free and Sponsored Health events.

Proposal:

This proposed regulation would implement AB 2699. Each licensing board within the Department of Consumer Affairs must promulgate regulations in order to implement this statute. Additionally, in order to protect the public health and safety, this proposed exemption to state licensure requirements is narrowly constructed to limit and regulate the exemption. It does allow for denial and termination of authorization, and lays out the detailed process for application.

This narrow licensure exemption is limited to Free and Sponsored Health Events only. This language borrows from other language used by other Boards within the Department of Consumer Affairs. The proposed language does the following:

- Sets forth definitions and who is eligible.
- Sets forth the forms and application process and record keeping required.
- Sets forth the grounds for the Board denying applicants.
- Sets forth process and grounds for termination of authorization for out of state licensee.

Background:

Authority: Authority for the Board to adopt, amend or repeal regulations in accordance with the Administrative Procedures Act (Chapter 3.5, Government code section 11340) is provided under California Business and Professions code section 4933.

Status: Language approved 11/17/2011 by Board. As of 10/11/2013, regulatory rulemaking process is underway. Planned for submittal to Office of Administrative Law approval by November 2013.

Legislative History: On September 23, 2010, Governor Arnold Schwarzenegger signed AB 2699 (Bass, Chapter 270, Statutes of 2010), enacting Business and Professions Code (BPC) Section 901, which took effect January 1, 2011. This statute provides a regulatory framework for certain health-care events at which free care is offered to uninsured or under-insured individuals by volunteer health-care practitioners (such as acupuncturists) where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California. Prior to this enactment, licensing laws precluded the participation of volunteers licensed outside of California.

Code Section: BPC Section 901 defines "sponsoring entities," "sponsored events," and "health-care practitioners," and sets forth requirements for registration of sponsoring entities and

authorization for participation by practitioners licensed in other states by the various boards responsible for licensure and regulation of healing arts. These proposed regulations would implement, interpret, and make specific the provisions of BPC Section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events. The California Acupuncture Board's (hereafter "Board") highest priority is the protection of the public, and these proposed regulations are intended to implement BPC Section 901 in a manner that will provide the greatest protection for the people of California.

Purpose: There are thousands of individuals in California lacking basic health care services and preventive care. There is also a shortage of volunteer healthcare professionals in this state. California's restrictions that prohibited volunteer out-of-state licensed medical professionals from providing short-term services at these free health fairs, regrettably resulted in residents being turned away.

With the passing of this legislation, medical doctors who are licensed in states other than California can now volunteer to provide services at health care events in California. No California medical license is needed; however, medical doctors must register with the Medical Board of California and hold a current valid medical license in good standing in another state, and the practitioner must submit fingerprints for a criminal background check. The out-of-state practitioner must provide the services only on a voluntary basis, without charge to uninsured and underinsured persons at a sponsored healthcare event lasting 10 days or less.

According to the author of AB 2699, "Thousands of low-income children, families, and individuals in California are uninsured or underinsured and do not receive basic health, vision, and dental care and screenings. Lack of basic services and preventive care may lead to more serious and costly health, dental, and vision problems. In August 2009, the Remote Area Medical (RAM) Volunteer Corps conducted an eight-day health event in Los Angeles County. Volunteer medical, dental and other health-care practitioners provided \$2.9 million in free services to over 14,000 individuals during the event. While the event was extremely successful, RAM experienced a shortage of volunteer medical, dental, and vision providers because of restrictions in state laws which prohibit volunteer out-of-state licensed medical personnel from providing short-term services. As a result, thousands of residents needing services were turned away." To prevent future volunteer shortages at sponsored free health-care events such as RAM, AB 2699 was introduced to permit health-care providers licensed in other states who are willing to help the ability to practice in California for a limited time.

Discussion:

This proposed regulatory language is the same regulatory language used by other boards implementing this statutory provision. The language provides sound regulatory oversight of this exemption and limits its use to free health events, so that it cannot be abused by being used for other purposes. The board has another licensure exemption for guest lecturers, which also provides a time limited exemption of six months and limits the provision of patient care to lectures or clinics and specifically prohibits use of guest licensure to be used to open a private practice.