

Acupuncture Board

WRITTEN STATEMENT

SECTION 100 - CHANGES WITHOUT REGULATORY EFFECT

Title 16, California Code of Regulations

Subject Matter of Proposed

Regulatory Revisions: Terminology and Cross-reference Updates

Sections Affected: Amend Sections 1399.415, Title of Article 3.5, and 1399.438

Statutory Effective Date: January 1, 2017.

Pursuant to Title 1, Division 1, Chapter 1, Article 2, section 100(b)(3), of the California Code of Regulations (CCR), the Acupuncture Board (Board) submits this written statement explaining why the proposed amendments to the above listed sections of Articles 2 and 3.5, of Division 13.7 of Title 16 of the CCR do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

The Board proposes the following non-substantive amendments due to changes required by Senate Bill 1246 (Lieu, Chapter 397, Statutes of 2014) (SB 1246).

Per the legislation's language in SB 1246, these amendments to the statute became effective on January 1, 2017. In addition, previous changes to regulations affected by SB 1246 went effective May 24, 2017. The amendments are changes without regulatory effect because they:

- Revise cross-references (see 1 CCR 100(a)(4))
- Update terminology to make consistent with how it is identified in other related statutes and regulations.

All changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

Proposed Regulatory Revisions:

1. Amend section 1399.415 – Documentation of Training.
 - Amend subsection (a) by deleting “these regulations” and adding “section 1399.434” to specify that education and training requirements comply with the Board’s only curriculum/coursework requirements regulation, CCR section 1399.434. SB 1246 added Business and Professions Code (BPC) section 4927.5, which now specifies curriculum for approved educational and training program include at least 3,000 hours of training and instruction, so the Board repealed CCR section 1399.436, which previously stated Criteria for Approval of Acupuncture and Oriental Medicine Training Programs. CCR sections 1399.434 and 1399.436 were the only regulations specifying curriculum/coursework

requirements, so now CCR section 1399.434 is the regulation specifying acupuncture and Asian medicine educational and training curriculum/coursework requirements. The amendment is a revision of a cross-reference, as 1399.436 is no longer operative, having been repealed on May 24, 2017.

- Amend subsection (a) by changing “tutor” to “tutorial supervisor” in reference to the requirement that each applicant shall have completed the tutorial requirements as documented by the applicant’s tutorial program. SB 1246 amended BPC section 4938, which now references “tutorial program.” The purpose of changing tutor to tutorial supervisor is to align with the defined term “supervisor” pursuant to BPC section 4938 and CCR section 1399.421 (b). The change in terminology does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision. The change is merely to align with BPC sections and regulations related to those sections.
- Repeal subsection (b)(1) to revise a cross-reference. Subsection (b)(1) currently identifies applicants who enrolled in an approved training program prior to January 1, 2005, shall have completed the coursework and training set forth in CCR section 1399.436. SB 1246 amended BPC section 4927.5, which led the Board to repeal CCR section 1399.436. Removing this subsection makes a revision of a cross-reference, as 1399.436 is no longer operative, having been repealed on May 24, 2017. This change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.
- Amend subsection (b)(2) and renumber as subsection (b). The deleted language refers to a time when an applicant enters an approved acupuncture and Oriental medicine educational training program on or after January 1, 2005. Since there are no longer date-specific program requirements under CCR section 1399.434, amendments have been made to subsection (b)(2) to delete the reference to an enrollment after January 1, 2005 to adequately revise the relevant cross-reference. The date specific language was in reference to CCR section 1399.436, which was repealed as a result of SB 1246. These changes are merely revisions of a cross-reference, as 1399.436 is no longer operative, having been repealed on May 24, 2017. This change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

2. Amend the title of Article 3.5

- Amend the title of Article 3.5 to Approved Educational and Training Programs to make consistent with how it’s identified elsewhere in relevant Acupuncture-related statutes and regulations. “Approved educational and training” terminology is defined under BPC section 4927.5, which was introduced by SB 1246. The current title of Article 3.5 requires a revision to make consistent with the terminology used in BPC section 4927.5. Such change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

3. Amend CCR section 1399.438 – Suspension or Revocation of Approval.

- Amendments to this section are to amend the terminology to make consistent with how it is identified elsewhere in relevant Acupuncture-related statutes and regulations. Changing terminology to “curriculum approval” and “approved educational and training program” does not materially alter any right, responsibility, condition, prescription or other regulatory element of any CCR provision.