

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 22, 2011

**SENATE BILL**

**No. 628**

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**Introduced by Senator Yee**

February 18, 2011

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An act to amend Sections 4935, 4955, 4955.1, 4955.2, 4956, 4960.2, 4961, 4965, 4966, 4967, and 4969 of, to add ~~Section~~ *Sections 4936 and 4964.5* to, and to add Article 3 (commencing with Section 4950) to Chapter 12 of Division 2 of, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Yee. Acupuncture: regulation.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture *and any other violation of the act* is a crime.

This bill would, commencing May 1, 2012, require the board to issue a certificate to practice as a traditional Chinese Medicine traumatologist to an applicant who meets certain training and clinical experience requirements and pays a specified fee. The bill would limit the submittal

of applications to the period between January 1, 2012, and December 15, 2012, and would prohibit the board from issuing a certificate after December 15, 2012. The bill would require the board to establish the Traumatology Committee within the board with specified duties, including determination of certification standards and evaluation of whether an applicant meets those standards. The bill would set forth procedures for the renewal of an unexpired or expired certificate to perform traditional Chinese Medicine traumatology and would establish specified fees in that regard. The bill would make it a crime to use the title of “certified traditional Chinese Medicine traumatologist” without meeting these certification requirements and to fraudulently buy or sell a certificate for traditional Chinese Medicine traumatology, thereby imposing a state-mandated local program.

*The bill would authorize a person with a current and valid license to practice acupuncture to use the title of Doctor of Acupuncture only if he or she has met certain educational requirements, thereby imposing a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4935 of the Business and Professions  
2 Code is amended to read:  
3 4935. (a) (1) It is a misdemeanor, punishable by a fine of not  
4 less than one hundred dollars (\$100) and not more than two  
5 thousand five hundred dollars (\$2,500), or by imprisonment in a  
6 county jail not exceeding one year, or by both that fine and  
7 imprisonment, for any person who does not hold a current and  
8 valid license to practice acupuncture under this chapter to hold  
9 himself or herself out as practicing or engaging in the practice of  
10 acupuncture, or to hold himself or herself out as a certified  
11 traditional Chinese Medicine traumatologist or use the title of  
12 “certified traditional Chinese Medicine traumatologist” without  
13 meeting the requirements of this chapter.

1 (2) It is a misdemeanor, punishable by a fine of not less than  
2 one hundred dollars (\$100) and not more than two thousand five  
3 hundred dollars (\$2,500), or by imprisonment in a county jail not  
4 exceeding one year, or by both that fine and imprisonment, for  
5 any person to fraudulently buy, sell, or obtain a license to practice  
6 acupuncture or a certificate for traditional Chinese Medicine  
7 traumatology, or to violate the provisions of this chapter.

8 (b) Notwithstanding any other provision of law, any person,  
9 other than a physician and surgeon, a dentist, or a podiatrist, who  
10 is not licensed under this article but is licensed under Division 2  
11 (commencing with Section 500), who practices acupuncture  
12 involving the application of a needle to the human body, performs  
13 any acupuncture technique or method involving the application of  
14 a needle to the human body, or directs, manages, or supervises  
15 another person in performing acupuncture involving the application  
16 of a needle to the human body is guilty of a misdemeanor.

17 (c) A person holds himself or herself out as engaging in the  
18 practice of acupuncture by the use of any title or description of  
19 services incorporating the words "acupuncture," "acupuncturist,"  
20 "certified acupuncturist," "licensed acupuncturist," "Asian  
21 medicine," "oriental medicine," "Traditional Chinese Medicine,"  
22 or any combination of those words, phrases, or abbreviations of  
23 those words or phrases, by representing that he or she is trained,  
24 experienced, or an expert in the field of acupuncture, Asian  
25 medicine, or Chinese medicine, or by representing that he or she  
26 is trained, experienced, or an expert in the field of traditional  
27 Chinese Medicine traumatology.

28 (d) Subdivision (a) shall not prohibit a person from  
29 administering acupuncture treatment as part of his or her  
30 educational training if he or she:

31 (1) Is engaged in a course or tutorial program in acupuncture,  
32 as provided in this chapter; or

33 (2) Is a graduate of a school of acupuncture approved by the  
34 board and participating in a postgraduate review course that does  
35 not exceed one year in duration at a school approved by the board.

36 *SEC. 2. Section 4936 is added to the Business and Professions*  
37 *Code, to read:*

38 *4936. Notwithstanding any other provision of law, a person*  
39 *with a current and valid license to practice acupuncture under*  
40 *this chapter may use the title Doctor of Acupuncture only if he or*

1 *she who has received a Doctorate of Acupuncture and Oriental*  
2 *Medicine Degree, a Doctorate of Acupuncture Degree, or a*  
3 *Doctorate of Oriental Medicine.*

4 ~~SEC. 2.~~

5 SEC. 3. Article 3 (commencing with Section 4950) is added  
6 to Chapter 12 of Division 2 of the Business and Professions Code,  
7 to read:

8  
9

### Article 3. Traumatologists

10

11 4950. (a) On or before March 1, 2012, the board shall establish  
12 a Traumatology Committee within the board.

13 (b) The committee shall consist of six members composed of  
14 two representatives each from the clinical settings of traumatology  
15 and the California Orthopaedic Association and one representative  
16 each from the Medical Board of California and the California  
17 Medical Association.

18 (c) (1) Subject to subdivision (d), the committee shall meet and  
19 confer to determine the certification standards, including the level  
20 of experience and training needed for an individual to qualify for  
21 traditional Chinese Medicine traumatology certification.

22 (2) The committee shall advise the board in developing the  
23 application form for certification.

24 (d) Commencing May 1, 2012, until December 15, 2012, the  
25 board shall issue a certificate for certified traditional Chinese  
26 Medicine traumatology to any person who makes an application  
27 and meets all of the following requirements, as determined by the  
28 committee pursuant to subdivision (e):

29 (1) Is at least 18 years of age.

30 (2) Furnishes satisfactory evidence of training and clinical  
31 experience that meets the standards established by the committee  
32 and confirmed by the board.

33 (3) Is not subject to denial pursuant to Division 1.5 (commencing  
34 with Section 475).

35 (e) The committee shall evaluate whether an applicant meets  
36 the certification standards, including the level of experience and  
37 training to sufficiently qualify for the traumatology certification.

38 (f) An applicant for traditional Chinese Medicine traumatology  
39 certification shall, commencing January 1, 2012, until December  
40 15, 2012, file an application for a certificate for traditional Chinese

1 Medicine traumatology in this state. On and after December 15,  
2 2012, the board shall not issue an initial certificate to any applicant.  
3 On and after December 15, 2012, the board may issue only a  
4 renewal of a certificate under this section. An individual who is  
5 not qualified to receive a certificate under this section, or who fails  
6 to apply for certification under this section by December 15, 2012,  
7 shall not hold himself or herself out as a certified traditional  
8 Chinese Medicine traumatologist pursuant to this section.

9 (g) A certified traditional Chinese Medicine traumatologist,  
10 when engaging in manipulation techniques to realign the  
11 musculoskeletal and ligamentous relationships, shall be supervised  
12 by a physician and surgeon who has completed an orthopaedic  
13 residency program. The extent of the relationship between a  
14 traditional Chinese Medicine traumatologist and orthopedic surgeon  
15 regarding those manipulation techniques shall be determined by  
16 the advisory committee after the qualifications necessary for  
17 certification are defined by the committee and adopted by the  
18 board.

19 (h) An applicant for certification as a traditional Chinese  
20 Medicine traumatologist shall pay an application fee in the amount  
21 of two hundred dollars (\$200) when submitting his or her  
22 application to the board.

23 (i) A certified traditional Chinese Medicine traumatologist shall  
24 renew his or her certificate every five years.

25 (j) An expired certificate may be renewed at any time within  
26 three years after its expiration. The holder of the certificate shall  
27 pay all accrued and unpaid renewal fees, plus a delinquency fee.

28 (1) The annual renewal fee shall be one hundred dollars (\$100).

29 (2) The delinquency fee shall be twenty-five dollars (\$25).

30 (3) The fee for a duplicate or replacement engraved wall  
31 certificate shall be fifteen dollars (\$15).

32 (4) The fee for a duplicate or replacement renewal receipt/pocket  
33 certificate shall be ten dollars (\$10).

34 (k) Moneys received under this section shall be deposited in the  
35 Acupuncture Fund for purposes of this chapter.

36 (l) It is an unfair business practice for any person to hold himself  
37 or herself out as a certified traditional Chinese Medicine  
38 traumatologist or use the title of "certified traditional Chinese  
39 Medicine traumatologist" without meeting the requirements of  
40 this chapter.

1     ~~SEC. 3.~~

2     SEC. 4. Section 4955 of the Business and Professions Code is  
3 amended to read:

4     4955. The board may deny, suspend, or revoke, or impose  
5 probationary conditions upon, the license of any acupuncturist or  
6 certificate of any traditional Chinese Medicine traumatologist if  
7 he or she is guilty of unprofessional conduct.

8     Unprofessional conduct shall include, but not be limited to, the  
9 following:

10    (a) Using or possessing any controlled substance as defined in  
11 Division 10 (commencing with Section 11000) of the Health and  
12 Safety Code, or dangerous drug or alcoholic beverage to an extent  
13 or in a manner dangerous to himself or herself, or to any other  
14 person, or to the public, and to an extent that the use impairs his  
15 or her ability to engage in the practice of acupuncture or  
16 traumatology with safety to the public.

17    (b) Conviction of a crime substantially related to the  
18 qualifications, functions, or duties of an acupuncturist or certified  
19 traditional Chinese Medicine traumatologist, the record of  
20 conviction being conclusive evidence thereof.

21    (c) False or misleading advertising.

22    (d) Aiding or abetting in, or violating or conspiring in, directly  
23 or indirectly, the violation of the terms of this chapter or any  
24 regulation adopted by the board pursuant to this chapter.

25    (e) Except for good cause, the knowing failure to protect patients  
26 by failing to follow infection control guidelines of the board,  
27 thereby risking transmission of blood-borne infectious diseases  
28 from licensee to patient, from patient to patient, and from patient  
29 to licensee. In administering this subdivision, the board shall  
30 consider referencing the standards, regulations, and guidelines of  
31 the State Department of Health Services developed pursuant to  
32 Section 1250.11 of the Health and Safety Code and the standards,  
33 regulations, and guidelines pursuant to the California Occupational  
34 Safety and Health Act of 1973 (Part 1 (commencing with Section  
35 6300) of Division 5 of the Labor Code) for preventing the  
36 transmission of HIV, hepatitis B, and other blood-borne pathogens  
37 in health care settings. As necessary, the board shall consult with  
38 the Medical Board of California, the California Board of Podiatric  
39 Medicine, the Dental Board of California, the Board of Registered  
40 Nursing, and the Board of Vocational Nursing and Psychiatric

1 Technicians, to encourage appropriate consistency in the  
2 implementation of this subdivision.

3 The board shall seek to ensure that licensees are informed of the  
4 responsibility of licensees and others to follow infection control  
5 guidelines, and of the most recent scientifically recognized  
6 safeguards for minimizing the risk of transmission of blood-borne  
7 infectious diseases.

8 (f) The use of threats or harassment against any patient or  
9 licensee for providing evidence in a disciplinary action, other legal  
10 action, or in an investigation contemplating a disciplinary action  
11 or other legal action.

12 (g) Discharging an employee primarily for attempting to comply  
13 with the terms of this chapter.

14 (h) Disciplinary action taken by any public agency for any act  
15 substantially related to the qualifications, functions, or duties of  
16 an acupuncturist, certified traditional Chinese Medicine  
17 traumatologist, or any professional health care licensee.

18 (i) Any action or conduct that would have warranted the denial  
19 of the acupuncture license or the traumatology certificate.

20 (j) The violation of any law or local ordinance on an  
21 acupuncturist's or certified traditional Chinese Medicine  
22 traumatologist's business premises by an acupuncturist's or  
23 certified traditional Chinese Medicine traumatologist's employee  
24 or a person who is working under the acupuncturist's or certified  
25 traditional Chinese Medicine traumatologist's professional license  
26 or business permit, that is substantially related to the qualifications,  
27 functions, or duties of an acupuncturist or certified traditional  
28 Chinese Medicine traumatologist. These violations shall subject  
29 the acupuncturist or certified traditional Chinese Medicine  
30 traumatologist who employed the individuals, or under whose  
31 acupuncture license or traumatology certificate the employee is  
32 working, to disciplinary action.

33 (k) The abandonment of a patient by the licensee or certified  
34 traditional Chinese Medicine traumatologist without written notice  
35 to the patient that treatment is to be discontinued and before the  
36 patient has had a reasonable opportunity to secure the services of  
37 another practitioner.

38 (l) The failure to notify the board of the use of any false,  
39 assumed, or fictitious name other than the name under which he

1 or she is licensed as an individual to practice acupuncture or as an  
2 individual certified in traditional Chinese Medicine traumatology.

3 ~~SEC. 4.~~

4 *SEC. 5.* Section 4955.1 of the Business and Professions Code  
5 is amended to read:

6 4955.1. The board may deny, suspend, revoke, or impose  
7 probationary conditions upon the license of any acupuncturist or  
8 certified traditional Chinese Medicine traumatologist if he or she  
9 is guilty of committing a fraudulent act, including, but not limited  
10 to, any of the following:

11 (a) Securing a license by fraud or deceit.

12 (b) Committing a fraudulent or dishonest act as an acupuncturist  
13 or certified traditional Chinese Medicine traumatologist.

14 (c) Committing any act involving dishonesty or corruption with  
15 respect to the qualifications, functions, or duties of an acupuncturist  
16 or certified traditional Chinese Medicine traumatologist.

17 (d) Altering or modifying the medical record of any person,  
18 with fraudulent intent, or creating any false medical record.

19 (e) Failing to maintain adequate and accurate records relating  
20 to the provision of services to his or her patients.

21 ~~SEC. 5.~~

22 *SEC. 6.* Section 4955.2 of the Business and Professions Code  
23 is amended to read:

24 4955.2. The board may deny, suspend, revoke, or impose  
25 probationary conditions upon the license of any acupuncturist or  
26 certified traditional Chinese Medicine traumatologist if he or she  
27 is guilty of committing any one of the following:

28 (a) Gross negligence.

29 (b) Repeated negligent acts.

30 (c) Incompetence.

31 ~~SEC. 6.~~

32 *SEC. 7.* Section 4956 of the Business and Professions Code is  
33 amended to read:

34 4956. A plea or verdict of guilty or a conviction following a  
35 plea of nolo contendere made to a charge that is substantially  
36 related to the qualifications, functions, or duties of an acupuncturist  
37 or certified traditional Chinese Medicine traumatologist is deemed  
38 to be a conviction within the meaning of this chapter.

39 The board may order a license suspended or revoked, or may  
40 deny a license, or may impose probationary conditions upon a

1 license, when the time for appeal has elapsed, or the judgment of  
2 conviction has been affirmed on appeal, or when an order granting  
3 probation is made suspending the imposition of sentence  
4 irrespective of a subsequent order under Section 1203.4 of the  
5 Penal Code allowing the person to withdraw his or her pleas of  
6 guilty and to enter a plea of not guilty, or setting aside the verdict  
7 of guilty, or dismissing the accusation, complaint, information, or  
8 indictment.

9 ~~SEC. 7.~~

10 *SEC. 8.* Section 4960.2 of the Business and Professions Code  
11 is amended to read:

12 4960.2. The board in all cases of revocation shall certify the  
13 fact of the revocation, under the seal of the board, to the business  
14 licensing entity of the cities or counties in which the license of the  
15 acupuncturist or certificate of the traditional Chinese Medicine  
16 traumatologist has been revoked. The record of the revocation  
17 made by the county or city clerk shall be sufficient evidence of  
18 the revocation, and of the regularity of all proceedings of the board  
19 in the matter of the revocation.

20 ~~SEC. 8.~~

21 *SEC. 9.* Section 4961 of the Business and Professions Code is  
22 amended to read:

23 4961. (a) Every person who is now or hereafter licensed to  
24 practice acupuncture or certified in traditional Chinese Medicine  
25 traumatology in this state shall register, on forms prescribed by  
26 the board, his or her place of practice, or, if he or she has more  
27 than one place of practice, all of the places of practice. If the  
28 licensee or certificate holder has no place of practice, he or she  
29 shall notify the board of that fact. A person licensed or certified  
30 by the board shall register within 30 days after the date of his or  
31 her licensure or certification.

32 (b) A licensee or certificate holder shall post his or her license  
33 or certificate in a conspicuous location in his or her place of  
34 practice at all times. If an acupuncturist or certified traditional  
35 Chinese Medicine traumatologist has more than one place of  
36 practice, he or she shall obtain from the board a duplicate license  
37 or certificate for each additional location and post the duplicate  
38 license or certificate at each location.

39 (c) Any licensee or certificate holder that changes the location  
40 of his or her place of practice shall register each change within 30

1 days of making that change. In the event a licensee or certificate  
2 holder fails to notify the board of any change in the address of a  
3 place of practice within the time prescribed by this section, the  
4 board may deny renewal of licensure or certification. An applicant  
5 for renewal of licensure or certification shall specify in his or her  
6 application whether or not there has been a change in the location  
7 of his or her place of practice and, if so, the date of that change.  
8 The board may accept that statement as evidence of the change of  
9 address.

10 ~~SEC. 9.~~

11 *SEC. 10.* Section 4964.5 is added to the Business and  
12 Professions Code, to read:

13 4964.5. The provisions of this article apply to both acupuncture  
14 and certified traditional Chinese Medicine traumatologists.

15 ~~SEC. 10.~~

16 *SEC. 11.* Section 4965 of the Business and Professions Code  
17 is amended to read:

18 4965. (a) (1) A license to practice acupuncture issued pursuant  
19 to this chapter shall expire on the last day of the birth month of  
20 the licensee during the second year of a two-year term, if not  
21 renewed.

22 (2) The board shall establish and administer a birth date renewal  
23 program for purposes of this subdivision.

24 (3) To renew an unexpired license, the holder shall apply for  
25 renewal on a form provided by the board and pay the renewal fee  
26 fixed by the board.

27 (b) A certificate for traditional Chinese Medicine traumatology  
28 issued pursuant to this chapter shall expire five years after the date  
29 of issuance, if not renewed. To renew an unexpired certificate, the  
30 holder shall apply for renewal on a form provided by the board  
31 and pay the renewal fee set forth in Section 4950.

32 ~~SEC. 11.~~

33 *SEC. 12.* Section 4966 of the Business and Professions Code  
34 is amended to read:

35 4966. (a) Except as provided in Section 4969, a license to  
36 practice acupuncture that has expired may be renewed at any time  
37 within three years after its expiration by filing an application for  
38 renewal on a form provided by the board, paying all accrued and  
39 unpaid renewal fees, and providing proof of completing continuing  
40 education requirements. If the license is not renewed prior to its

1 expiration, the acupuncturist, as a condition precedent to renewal,  
2 shall also pay the prescribed delinquency fee.

3 (b) Except as provided in Section 4969, a certificate for  
4 traditional Chinese Medicine traumatology that has expired may  
5 be renewed at any time within three years after its expiration by  
6 filing an application for renewal on a form provided by the board,  
7 and paying all accrued and unpaid renewal fees. If the certificate  
8 is not renewed prior to its expiration, the traditional Chinese  
9 Medicine traumatologist, as a condition precedent to renewal, shall  
10 also pay a delinquency fee, to be set in accordance with Section  
11 163.5.

12 (c) Renewal under this section shall be effective on the date on  
13 which the application is filed, on the date on which the renewal  
14 fee is paid, or on the date the delinquency fee is paid, whichever  
15 occurs last. If so renewed, the license or certificate shall continue  
16 in effect through the expiration date provided in Section 4965,  
17 after the effective date of the renewal, when it shall expire and  
18 become invalid if it is not again renewed.

19 ~~SEC. 12.~~

20 *SEC. 13.* Section 4967 of the Business and Professions Code  
21 is amended to read:

22 4967. A person who fails to renew his or her license or  
23 certificate within three years after its expiration may not renew it,  
24 and it may not be restored, reissued, or reinstated thereafter, but  
25 that person may apply for and obtain a new license or certificate  
26 if he or she meets all of the following requirements:

27 (a) Has not committed any acts or crimes constituting grounds  
28 for denial of licensure or certification under Division 1.5  
29 (commencing with Section 475).

30 (b) If an acupuncturist, takes and passes the examination, if any,  
31 which would be required of him or her if an initial application for  
32 licensure was being made, or, if an acupuncturist or certified  
33 traditional Chinese Medicine traumatologist, otherwise establishes  
34 to the satisfaction of the board that, with due regard for the public  
35 interest, he or she is qualified to practice as an acupuncturist or  
36 certified traditional Chinese Medicine traumatologist.

37 (c) Pays all of the fees that would be required if an initial  
38 application for licensure or certification was being made.

39 (d) The board may provide for the waiver or refund of all or  
40 any part of an examination fee in those cases in which a license

1 to practice acupuncture is issued without an examination pursuant  
2 to this section.

3 ~~SEC. 13.~~

4 *SEC. 14.* Section 4969 of the Business and Professions Code  
5 is amended to read:

6 4969. (a) A suspended license or certificate is subject to  
7 expiration and shall be renewed as provided in this article, but the  
8 renewal does not entitle the acupuncturist or certified traditional  
9 Chinese Medicine traumatologist, while the license or certificate  
10 remains suspended, and until it is reinstated, to engage in the  
11 practice of acupuncture or traditional Chinese Medicine  
12 traumatology, or in any other activity or conduct in violation of  
13 the order or judgment by which the license or certificate was  
14 suspended.

15 (b) A revoked license or certificate is subject to expiration as  
16 provided in this article, but it may not be renewed. If it is reinstated  
17 after its expiration, the former licensee or certificate holder, as a  
18 condition to reinstatement, shall pay a reinstatement fee in an  
19 amount equal to the renewal fee in effect on the last regular renewal  
20 date before the date on which the license or certificate was  
21 reinstated, plus the delinquency fee, if any, accrued at the time of  
22 its expiration.

23 ~~SEC. 14.~~

24 *SEC. 15.* No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

# OPPOSE SB 628 (YEE)

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*SB 628 - Chinese Traumatology*  
*Author: Senator Leland Yee*  
*(District 8 – San Francisco, San Mateo County)*

## **SB 628 is dangerous for California**

SB 628 would require the California Acupuncture Board (CAB) to issue certificates to practice as “Chinese traumatologists.” By requiring certification of potentially substandard health care providers, the bill poses a significant danger to California consumers.

Proponents of SB 628 have argued that this bill is a “title bill” that simply establishes a professional title without addressing details such as standards and scope of practice. However, the bill goes far beyond establishing a professional title. It abdicates the California State Legislature’s authority to define and control standards and scope by endowing a subcommittee of the California Acupuncture Board with *carte blanche* authority to make these critical decisions.

**Fails to establish sustained, long-term health care option for California consumers.** Benefits of SB 628 are transient and primarily accrue to those who would apply for certification. Given that the brief and transient period during which individuals may apply for certification as a Chinese traumatologist (Jan 1, 2012 - Dec 15, 2012), the bill appears to be focused upon satisfying the needs of a special interest group that is unable or unwilling to obtain licensing or certification through existing means.

**No educational or certification standards.** However, the bill presupposes that such standards can be appropriately established. Given the complete absence of educational and certification standards for Chinese traumatology as a stand-alone field in the United States, it is not yet known if a sufficiently safe and protective certification standard can be set.

**No certification examination—written or practical.** No other health care field licensed or certified by the State of California is exempt from an examination to objectively measure essential knowledge, skills, and abilities required of entry-level practitioners. The absence of a certification examination poses a significant danger to consumer health and safety.

**No defined scope of practice.** This bill gives a subcommittee of the Acupuncture Board a blank check with respect to the scope of practice for traumatologists. The ultimate scope of traumatologist certificate holders will be left to this subcommittee and could be broader than those of acupuncturists, physical therapists, or chiropractors, but Chinese traumatology as a stand-alone field lacks the educational standards, programmatic accreditation, and rigorous examinations that undergird the respective scopes of practice for these well-established professions.

**No continuing education.** Traumatologists would become the first professional health care provider regulated by the State of California that is exempt from continuing

education as a condition of license or certification renewal. Continuing education is the accepted mechanism used by regulators to encourage health care practitioners to expand their knowledge base and abreast new developments in the field.

**No jurisdiction over clinical supervisors.** Licensed physicians and surgeons would directly supervise traumatologists in clinical practice. However, the California Acupuncture Board has no jurisdictional authority over physicians and surgeons and does not count any physicians or surgeons among its members.

**May harm licensed acupuncturists.** SB 628 proponents have stated that this bill will have no impact on the existing licensed acupuncture profession. However, unethical or negligent practice by Chinese traumatologists may harm the reputation of existing California Acupuncture Board licentiates if the California consumer is unable to distinguish between two fields under the jurisdiction of the same regulatory board. This is of particular concern given the utter absence of any established standards and practices in the field.

**Certification fees won't cover expenses.** According to estimates provided by the bill's author and, revenue received pursuant to Chinese traumatologist certification may not be sufficient to cover expenses. The existing Acupuncture Fund reserves, funded by fees from licensed acupuncturists, would be used to cover this revenue shortfall. Licensed acupuncturists will be forced to underwrite the fiscal impacts of this certification.

***Acupuncturists oppose SB 628:***

American Association of Acupuncture and Oriental Medicine  
Association of Korean Asian Medicine & Acupuncture of California  
California Certified Acupuncturists Association  
California State Oriental Medical Association  
Japanese Acupuncture Association of California  
National Alliance of Korean Asian Medicine & Acupuncture of U.S.A.  
National Certification Commission for Acupuncture and Oriental Medicine  
National Federation of Chinese TCM Organizations  
National Guild of Acupuncture & Oriental Medicine  
United California Practitioners of Chinese Medicine

***Acupuncture educators oppose SB 628:***

Academy of Chinese Culture and Health Sciences  
Council of Colleges of Acupuncture and Oriental Medicine  
Five Branches University  
Nine Star University  
Southern California University of Health Sciences

***Other health care professionals oppose SB 628:***

American Institute of Finger Surgery  
California Chiropractic Association