

**ACUPUNCTURE BOARD**

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| <b>DATE</b>    | February 14, 2014                  |
| <b>TO</b>      | Acupuncture Board                  |
| <b>FROM</b>    | Education Committee                |
| <b>SUBJECT</b> | Continuing Education Policy Review |

**Issue:**

The Board should review its current continuing education policy and fee structure to address increased workload for reviewing and monitoring continuing education courses and instructors.

**Problem:**

Increasing number of continuing education courses and increasing number of continuing education providers out pace current staffing capacity to review, approve and monitor them. There is also concern about the increasing number of continuing education providers and whether the courses are high quality and the need for the Board to improve its oversight of continuing education.

**Background:**

In 2006, the Board first created continuing education provider fees and has not increased fees since 2006. Over the past 3 years, there has been a significant increase in the number of continuing education providers applying to the Board to teach courses. In Fiscal Year (FY) 2012/12 there were 74 new providers approved. In FY 2012/13 there were 60 new providers approved. In the first 5 months of FY 2013/14 there were already 85 approved providers. The number of applications for course approvals has continued to increase as well. The total number of continuing education course applications reviewed in FY 2011/12 was 2,071, and in FY 2012/13 were 2,185. The Board receives approximately 150-200 continuing education course applications per month and the Board must approve them within 30 days and post revised course lists on the website bi-monthly for licensees to know what courses meet their continuing education requirement.

In addition to review and approval of providers and courses, the Board monitors providers and courses. The Board conducts random audits of licensees to confirm that they in fact completed the number of continuing education course work that they declared on their license renewal form submitted to the Board. With additional education and enforcement staff, the Board could conduct random site visits of courses and providers which would improve the Board's oversight of continuing education. Currently education workload for just continuing education exceeds the current staffing levels. This year the Board increased their random audits of licensees for compliance with their continuing education requirements and the staff time to complete the audit caused delays in school oversight and continuing education course approvals.

The prior Board began this discussion about continuing education fees. The Board discussed evaluating whether to charge a fee for each course to cover the staff costs of review and approval. There was discussion that other Boards charge higher and more frequent fees that the Board should consider. Currently, continuing education providers are required to pay \$150 every two years. There is no fee charged for courses submitted to the Board for approval. All continuing education courses must be reviewed and approved by the Board. All continuing education courses must be taught by a Board approved continuing education provider. There are specific criteria for providers and for course work currently in the regulations.

The current continuing education workload of provider and course approval is more than a full time staff person can handle. Additionally, the Board needs to monitor both providers and courses to ensure quality and accountability through random audits and unannounced site visits to courses. This would require addition staff to review and monitor continuing education course and providers. This is a point that the Sunset Review Committee asked the Board to evaluate—whether they had the staff and resources to oversee continuing education. The answer is that additional staff and resources are needed to provide both continuing education oversight and monitoring. The Board currently has only one staff that oversees both schools and continuing education. Based on workload assessments, the Education Enforcement Unit needs 4-5 total staff to adequately perform all education oversight and enforcement. The Board submitted a BCP for one additional education staff and received approval from the Governor in the recently release 2014/15 Budget. The Board intends to submit a BCP for additional education staff in the spring to address the unmet workload demands.

It has been 8 years since the Board first established a provider fee. With the increased workload for both provider and course approval and monitoring, the Board needs to review its current fee structure and evaluate how fees can support the Board's education oversight. This review should include raising the current provider fee, and establishing a monitoring fee or course fees. Having the appropriate fee structure will provide the Board the resources it needs to expand its staffing.

Depending on which fees the Board chooses will determine whether both statutory and regulatory changes are required. If the Board chooses to increase the current provider fee, that would only require a regulatory change. If the Board establishes a monitoring fee, that too would only require a regulatory change. However, if the Board chose to establish a fee for courses, that would require both a statutory and regulatory change.

**Discussion:**

The committee should begin by reviewing the current continuing education policy and fee structure to identify issues and/or need for policy changes. There is precedent from other Boards for considering increasing the current continuing education fees and adding a fee for each continuing education course. The Board currently has the authority to modify provider fees and monitoring fees, but does not have the authority to establish fees related to courses—that would require a statutory change.

The committee should discuss whether it is a concern to have a growing number of continuing education providers in proportion to the licensee population. Is there a need to revise the current policy or criteria for continuing education providers or not? Are the current regulatory requirements for CE adequate?

There are many options on how to raise fees or add fees that have different implications. For example, the Board could simply increase the provider fee or the increase could be tied the number of hours or units or courses providers offer so that a tiered rate structure is developed based on hours offered—more hours, the higher the provider fee. This approach makes sense because it addresses the increased workload for reviewing and monitoring providers who offer more courses. In addition, adding a monitoring fee to cover the auditing and oversight of course and providers would address the increased workload related to more courses. Increasing provider fees and charging monitoring fees would be the simplest option because the Board has regulatory authority to do both.

Other options could include adding fees for courses. There are different implications between adding fees per course vs. adding fees per hours. Fees per course have different implications than increasing provider fees. Determining an appropriate rate structure for courses or hours is more complex. The Board would need to decide on whether applications, courses, hours or units would be the most appropriate fee structure and for what period of time. There are many types of courses: online, live lecture, conferences, overseas training that is typically structured as aggregate credits such as 50 credits for the entire training. The Board would need to explore the complexity of course work and how it is offered to evaluate the implications for various fee proposals. This may be a longer term discussion and would require statutory authority in order to make the regulatory change.

**Recommendation:**

Increase current fees for continuing education to fund the staff needed to perform the proper oversight. Request Board assign this issue to the Education Committee.