

A GUIDE TO THE CALIFORNIA ACUPUNCTURE BOARD

WHO WE ARE, WHAT WE DO, AND HOW WE DO IT

MISSION

To protect the people of California by upholding acupuncture practice standards through the oversight and enforcement of the Acupuncture Licensure Act.

VISION

The exemplary practice of acupuncture for the health and safety of the people of California.

VALUES

Consumer Protection

Collaboration

Excellence

Integrity

Professionalism

What is the California Acupuncture Board?

The California Acupuncture Board (Board) is a regulatory body under the California Department of Consumer Affairs (DCA). The Board's legal mandate is to regulate the practice of Asian medicine through acupuncture in California and is the sole issuer of acupuncture licenses in the state. The Board establishes and maintains entry standards of qualification and conduct within the acupuncture profession, primarily through its authority to license.

The Board regulates 12,185 active licensed acupuncturists. The Board's highest priority is protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Board may investigate the criminal conviction history of applicants and licensees, subsequent arrests, allegations of unprofessional conduct, and unsafe or incompetent practice by licensees. Additionally, the Board may discipline licensees who may jeopardize the health, safety, and welfare of consumers.

History of the Acupuncture Board

The Board of Medical Examiners (now called the Medical Board of California) began regulating acupuncture in 1972 under provisions that authorized the practice of acupuncture under the supervision of a licensed physician as part of acupuncture research in medical schools.

In 1975, Senate Bill 86 (Chapter 267, Statutes of 1975) created the Acupuncture Advisory Committee under the Board of Medical Examiners and allowed the practice of acupuncture, but only upon a prior diagnosis or referral by a licensed physician, chiropractor, or dentist. In 1976, California became the eighth state to license acupuncturists. Subsequent legislation in 1978

established acupuncture as a “primary health care profession” by eliminating the requirement for prior diagnosis or referral by a licensed physician, chiropractor, or dentist.

In 1980, the law was amended to abolish the Acupuncture Advisory Committee and replace it with the Acupuncture Examining Committee within the Division of Allied Health Professions with limited autonomous authority.

In 2002, Assembly Bill 1943 (Chapter 781, Statutes of 2002) was signed into law which raised the acupuncture training program curriculum standards requirement to 3,000 hours, including 2,050 hours of didactic training and 950 hours of clinical training. In 2006, SB 248 (Chapter 659, Statutes of 2005) repealed the nine-member Board and reconstituted it as a seven-member Board with four public members and three licensed members.

In 2014, SB 1246 (Chapter 397, Statutes of 2014) was signed into law. It changed the definitions of “approved training programs” to include training programs that are accredited and approved by the Bureau for Private Postsecondary Education (BPPE), the Accreditation Commission on Acupuncture and Oriental Medicine (ACAOM) and the Board. It also eliminated the Board’s inspection authority and fees.

In 2016, AB 2190 (Chapter 667, Statutes of 2016) required the Board to establish an application process to approve credential evaluation services for the purpose of providing foreign transcript evaluations used to determine examination eligibility. In 2018, AB 3142 (Chapter 596, Statutes of 2018) was signed into law extending Board operations until Jan. 1, 2023.

How is acupuncture defined in California law?

As defined in Business and Professions Code, title 16, section 4927:

- (a) “Board” means the Acupuncture Board.
- (b) “Person” means any individual, organization, or corporate body, except that only individuals may be licensed under this chapter.
- (c) “Acupuncturist” means an individual to whom a license has been issued to practice acupuncture pursuant to this chapter, which is in effect and is not suspended or revoked.
- (d) “Acupuncture” means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.

Under California law, what is an Acupuncturist allowed to do?

As defined in Business and Professions Code, title 16, section 4937:

An acupuncturist's license authorizes the holder thereof:

(a) To engage in the practice of acupuncture.

(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing or prescribing the use of any modality listed in this subdivision.

(c) For purposes of this section, a "magnet" means a mineral or metal that produces a magnetic field without the application of an electric current.

(d) For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances, or dangerous drugs as defined in sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code.

(e) For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of section 321 of title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code.

What does the board do?

The Board is responsible for overall policy direction, decision making and administering of the Acupuncture Licensure Act.

The Board is comprised of seven members. Three members of the Board are acupuncturists with at least five years of experience in acupuncture and four members are public members who do not hold a license or certificate as a physician, surgeon, or acupuncturist. The governor appoints three licensed members and two public members; the speaker of the Assembly appoints one public member; and the Senate Rules Committee appoints one public member. Each member of the Board is appointed for a term of four years.

The Board appoints and delegates certain functions to an executive officer who is responsible for management of the Board's staff and its units.

The Board generally holds four public meetings a year and others as needed. All meetings are open to the public and attendees are encouraged to participate during public comment periods. Agendas and meeting materials are posted on the Board's website prior to the meetings. The meetings may also be webcast.

Notably, the Board does not define "acupuncture" in regulation. That is a statutory definition passed by the California Legislature.

Board meetings are subject to the Bagley-Keene Open Meeting Act, which requires them to be open to the public.

All Board meetings require a quorum of four members being present, with at least one licensed member in attendance.

Six units of the board and what they do

1. The Board's Licensing Unit is responsible for issuing new licenses to applicants who have passed the California Acupuncture Licensing Exam (CALE) and for renewing existing licenses.

Staff review and evaluate licensing applications and determine whether licensees are eligible for licensure or renewal of licensure. Additionally, they process fingerprint and Live Scan background check requests for new or renewal applicants. They also provide assistance for callers relating to licensing and general Board functions.

Email: acupuncture@dca.ca.gov

All licensees eligible for renewal must complete 50 hours of Board-approved continuing education units (CEUs) every two years.

2. The Board's Examination Unit oversees the development and administration of the CALE. Staff reviews, analyzes, and approves submitted documentation from exam applicants to ensure compliance with Board standards, and reviews examination applications and qualifications to determine eligible candidates for the CALE.

Additionally, they coordinate with the California Office of Professional Examination Services (OPES), which develops and scores the CALE itself. The CALE is a computer-based test taken at a local testing center and is offered six days a week. Staff then notifies the applicant if they have passed or failed the CALE and prepares statistics based on the pass/fail rate of the CALE.

Email: acuexamunit@dca.ca.gov

Passing the CALE is the only method available to become licensed as an acupuncturist in California. No other licensing exams are accepted.

3. The Board's Education Unit is responsible for approving acupuncture training programs, reviewing and approving tutorial candidates, reviewing and approving CEU providers and courses, and conducting a yearly random audit of licensees to ensure continuing education (CE) compliance.

Staff prepares and conducts audits of both CE courses and instructors and reviews all course requests for CE, and determines if subject material complies with regulatory requirements. They also review and evaluate school training program curriculums for statutory and regulatory compliance. The Education Unit also verifies and confirms instructor qualifications and analyzes school financial reports and records. Schools also submit yearly reports to the Board to determine ongoing compliance.

Unit emails:

acucontinuing@dca.ca.gov (for CE)

acuceaudit@dca.ca.gov (for CE audit compliance)

acutrainprogram@dca.ca.gov (for training programs)

acututorial@dca.ca.gov

(for tutorial matters)

The Board does not approve acupuncture educational and training programs, only their curriculum. An educational and training program is approved when it meets several requirements, which involves BPPE, ACAOM, and the Board.

4. The Board's Enforcement Unit is responsible for all disciplinary actions taken by the Board against licensees.

Staff evaluates complaints to determine merit and/or jurisdiction, provides an analysis of possible violations of the Acupuncture Licensure Act, and interprets laws, rules, and regulations that govern the practice of acupuncture in relation to that violation.

Discipline can range from a fine to outright revocation of licensure and staff can refer a case to the Attorney General's office for criminal action. Disciplinary actions taken are posted on the Board's website.

Unit email: acuenforcement@dca.ca.gov

All complaints made against a licensee are investigated by the Board. Complaints must be in writing and can be submitted via mail, fax, or email. You can also file a complaint through the Board's website.

5. The Board's Administrative Unit manages the Board's day-to-day affairs.

Staff completes contracts and interagency agreements, bids for procurement, and tracks and prepares yearly budgets. In addition, staff handles the hiring process for new employees, human resource duties, and the Board's records retention. Administrative staff also assists the executive officer and Board members with clerical and logistical support as needed.

Unit email: acupuncture@dca.ca.gov

The Board's budget and expenditures are self-funded through acupuncture licensing fees. The Board receives no direct monetary support from the state's general fund.

6. The Board's Policy Unit oversees the Board's policy and regulatory affairs.

In this capacity, staff prepares all proposed regulatory actions, coordinates legislative activity, and conducts outreach with interested stakeholders. Additionally, policy staff prepare meeting agendas and materials, and produce Board minutes.

Unit email: acupuncture@dca.ca.gov

All proposed regulatory actions must be approved by the Board and are subject to a public comment period.

If you have questions or comments, do not hesitate to contact the Board:

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