

**Acupuncture Board**  
**AB 2138 Implementation – Proposed Regulation for**  
**Substantial Relationship Criteria**

Changes proposed are underlined to denote new text.

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***Adopt new section under Article 6 Miscellaneous Provisions of Chapter 13.7 of Title 16 of the California Code of Regulations:***

**§ 1399.469.4 Substantial Relationship Criteria.**

(a) For the purpose of denial, suspension, or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee if to a substantial degree it evidences present or potential unfitness of a licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of an acupuncturist.

Note: Authority cited: Sections 481, 493, 4933, Business and Professions Code.  
Reference: Sections 141, 480, 481, 490, 493, 4955(b), 4955(h), 4955(j), and 4956,  
Business and Professions Code.