

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**  
**DIVISION 13.7.**  
ACUPUNCTURE BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
**Application for Retired Status; Retired Status; Restoration**

**NOTICE IS HEREBY GIVEN** that the Acupuncture Board (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than October 27, 2025**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section(s) 464, 4928, and 4933 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 118, 144, 464, 4938, 4955, 4967 and 4970 the Board is considering amending sections 1399.419.3 and 1399.460 of Articles 2 and 6 of Division 13.7 of Title 16 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

The Board regulates the practice of acupuncture in California and is the sole issuer of acupuncture licenses in the state. The Board regulates over thirteen thousand licensed acupuncturists. The Board establishes and maintains standards of conduct within the acupuncture profession, primarily through its authority to license and enforce minimum standards for the protection of the public. (Acupuncture Licensure Act (Chapter 12

(commencing with section 11.5) of Division 2 of the Business and Professions Code (BPC)) (Act).) BPC section 4928.2 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. The Board is authorized to establish necessary regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 4933.)

BPC section 464 authorizes any board within the Department of Consumer Affairs (DCA) to establish, by regulation, a system for a retired category of licensure for individuals who are not actively engaged in the practice of their profession.

Currently, the Board does not have a regulation to implement a retirement process to obtain a retired license designation. The Board has two options for licensees to “retire” in practice or discontinue compliance with renewal requirements: 1) Apply for inactive license status under BPC section 701 and Title 16 CCR section 1399.489.1 and 2) Let the license lapse and permanently cancel by not renewing the license under BPC section 4967.

The first option of an inactive license signals to the public that the licensee cannot practice acupuncture and, therefore, doesn’t require continuing education; however, the licensee is still required to pay biennial renewal fees. The second option of a cancelled license signals to the public that the license was cancelled by the Board due to non-payment of renewal fees and could be misinterpreted to be a punitive result. Both options do not satisfactorily represent to the public that the licensee retired and elected to place their license in a retired status, which is a common culmination of a person’s career.

The Board has drafted the following proposal that would specify all of the following requirements in regulation:

- Defines the meaning of “disciplinary reasons” within the regulation
- Authorize an acupuncturist to apply for and be issued a license in retired status
- Exempt a holder of a retired license from continuing education and renewal requirements
- Establish qualifications of the licensee to be eligible for a retired license
- Establish an application process for a retired license
- Prohibit a holder of a retired license from engaging in any activity for which an active license is required
- Set professional title requirements for a holder of a retired license

- Establish qualifications and requirements to be eligible to restore a retired license to active status
- Establish an application process to restore a retired license to active status within three years of being issued a retired license
- Establish an option to apply for a new license in accordance with BPC section 4967 to restore to active status if retired for more than three years
- Establish a retired license application fee

### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

This proposal will establish a consistent and simple process for obtaining retired license status and will eliminate barriers for those who wish to place their license in a retired status. This will alleviate the public's confusion regarding the status of a licensee chooses to retire rather than abandon their license.

Currently, licensees who no longer wish to practice must either use the inactive status pursuant to CCR 1399.489.1 and pay the biennial renewal fee of \$500 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after three years. This process relieves the financial burden of having to remain in active status and provides easy access to return to active status if desired.

This regulatory proposal will not affect worker safety or the state's environment because this proposed regulation does not involve worker safety or environmental issues.

### **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

#### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees

opt to retire and apply for the new status with lower demand annually thereafter. The Board anticipates approximately 88 licensees apply for the retired license in the first two years of implementation and 15 licensees per year thereafter.

The Board estimates workload costs of \$85 per application, resulting in costs ranging from \$1,275 to \$3,740 per year and up to \$17,680 over a ten-year period.

The Board estimates retired license fee revenues of approximately \$3,740 per year in the first two years of implementation, \$1,275 per year thereafter, and up to \$17,4680 over a ten-year period.

The Board does not have an estimate of the number of retired licensees that may opt to reactivate their license in the future, and therefore does not have a fiscal impact estimate at this time. The Board notes, while this proposal provides pathways for retired licensees to reactivate their license to active status, it does not anticipate this occurring often.

However, in the event an individual with a retired license opts to reactivate their license, the Board would incur workload costs and receive license fee revenues as follows:

- Less than three years – License Renewal (\$500)
- Three or more years – Application (\$250), Exam (\$800), Initial License (\$500)  
\*Prorated per CCR 1399.460 (d)

Additionally, for any applicants requiring a fingerprint background check \$32 is passed onto the California Department of Justice and \$17 to the federal government.

This regulatory proposal does not impact any costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement:** None.

**Mandate Imposed on Local Agencies or School Districts:** None.

**Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard):** None.

## BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts/evidence/documents or testimony:

This proposed regulatory action establishes placement of a license in a retired status for a licensee who is not actively engaged in the practice of acupuncture or any activity that requires them to be licensed by the Board. Since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there will be no effect on businesses when a licensee changes to retired status.

### Cost Impact on Representative Private Person or Business

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are: licensees will have the option to apply for a retired license for a one-time fee of \$85.

The Board anticipates approximately 88 licensees (44 per year) apply for the retired license status in the first two years of implementation and 15 licensees per year thereafter, which results in an economic impact of \$3,740 per year in the first two years of implementation, \$1,275 per year thereafter, and up to \$17,680 over a ten-year period.

The Board does not have an estimate of the number of retired licensees that may opt to reactivate their license in the future, and therefore does not have an economic impact estimate at this time. The Board notes, while this proposal provides pathways for retired licensees to reactivate their license to active status, it does not anticipate this occurring often.

However, in the event an individual with a retired license opts to reactivate their license, the Board would incur workload costs and receive license fee revenues as follows:

- Less than three years – Licensee Renewal (\$500), CE (\$500 – \$1000)
- Three or more years – Application (\$250), Exam (\$800), Initial License\* (\$500)  
\*Prorated per CCR 1399.460 (d)

Additionally, applicants may need to pass a fingerprint background check with estimated costs of \$75.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS**

### **Impact on Jobs / Businesses**

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

This proposed regulatory action establishes placement of a license in a retired status for a licensee who is not actively engaged in the practice of acupuncture or any activity that requires them to be licensed by the Board. Since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there will be no effect on businesses when a licensee changes to retired status.

### **Benefits of Regulation:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

This proposal will establish a consistent and simple process for obtaining retired license status and will eliminate barriers for those who wish to place their license in a retired status. This will alleviate the public's confusion regarding the status of a licensee chooses to retire rather than abandon their license.

Currently, licensees who no longer wish to practice must either use the inactive status pursuant to CCR 1399.489.1 and pay the biennial renewal fee of \$500 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after three years. This process relieves the financial burden of having to remain in active status and provides easy access to return to active status if desired.

This regulatory proposal will not affect worker safety or the state's environment because the proposal does not involve worker safety or environmental issues. The regulatory proposal establishes the placement of a license into a retired status when the licensee is no longer actively engaged in the practice of acupuncture and allows for a return to practice if desired.

## **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

## **Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses. The proposal would only affect those licensees who move into retired status unless the small business is owned by the retiring licensee, but since licensees can currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual opts to change their license title to “retired.”

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 N. Market Blvd., Ste. 219, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 N. Market Blvd., Ste. 219, Sacramento, CA 95834.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

|                 |                                                                              |
|-----------------|------------------------------------------------------------------------------|
| Name:           | Kristine Brothers, Policy Coordinator                                        |
| Address:        | Acupuncture Board<br>1625 N. Market Blvd., Ste. 219,<br>Sacramento, CA 95834 |
| Telephone No.:  | (916) 515-5200                                                               |
| Fax No.:        | (916) 928-2204                                                               |
| E-Mail Address: | AcuPolicy@dca.ca.gov                                                         |

The backup contact person is:

Name: Marisa Ochoa, Central Services Manager

Address: Acupuncture Board  
1625 N. Market Blvd., Ste. 219,  
Sacramento, CA 95834

Telephone No.: (916) 515-5200

Fax No.: (916) 928-2204

E-Mail Address: AcuPolicy@dca.ca.gov

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at [https://www.acupuncture.ca.gov/about\\_us/relevant.shtml](https://www.acupuncture.ca.gov/about_us/relevant.shtml)