

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. ACUPUNCTURE BOARD

PROPOSED REGULATORY LANGUAGE
Retired Status

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Add section 1399.419.3 of Division 13.7 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.419.3. Application for Retired Status; Retired Status; Restoration.

- (a) For the purposes of this section, "disciplinary reasons" means that the applicant's practice was restricted by order of the Board for violations of the Acupuncture Licensure Act, Acupuncture Regulations, or Section 822 of the Code, including orders resulting from:
- (1) An accusation filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code seeking to revoke, suspend, or place the license on probation; or,
 - (2) An interim suspension order filed pursuant to Section 494 of the Code.
- (b) An acupuncturist ("applicant") may apply for and, upon compliance with the requirements in subdivision (d), be issued a license by the Board in retired status ("retired license").
- (c) A holder of a retired license is not required to renew that license or meet the continuing education requirements of section 1399.489.
- (d) In order to be eligible for a retired license an applicant shall:
- (1) Submit a completed application for retired license with the following information:
 - (A) California acupuncture license number,
 - (B) Licensee first and last name,
 - (C) Date of birth,
 - (D) Contact information including, the applicant's address of record, phone number, and an email address (if any),
 - (E) A statement regarding whether the applicant is engaged in any activity for which an acupuncture license is required, and,
 - (F) A statement signed under penalty of perjury that the information provided on the application is true and correct;

- (2) Pay the nonrefundable retired license application fee as set forth in section 1399.460, as applicable;
- (3) Have an active or inactive license issued by the Board;
- (4) Not have been placed on inactive status by the Board due to disciplinary reasons; and;
- (5) Not be actively engaged in the practice of acupuncture or engaged in any activity that requires them to be licensed by the Board.
- (e) A holder of a retired license issued pursuant to this section shall:
 - (1) Not engage in any activity for which an active license is required;
 - (2) Utilize their professional title only with the unabbreviated word “retired” preceding or after the professional designation.
- (f) To be eligible to restore a retired license to active status within three (3) years of being issued a retired license, an applicant shall:
 - (1) Submit a complete application to restore a retired license to active status with the following information:
 - (A) California acupuncture license number,
 - (B) Licensee first and last name,
 - (C) Contact information including, the applicant's address of record, phone number, and an email address (if any),
 - (D) A disclosure since retirement, if the applicant has been convicted of, or under investigation for, any violation of the law in this or any other state, the United States, or other country,
 - (E) A disclosure since retirement, if the applicant has not been subject to discipline against any other healthcare license they hold, and,
 - (F) A statement signed under penalty of perjury that the information provided on the application is true and correct;
 - (2) Pay the nonrefundable biennial renewal fee for an acupuncturist as set forth in section 1399.460 as applicable;
 - (3) Have completed a minimum of 50 hours of continuing education within the last two years prior to applying to restore the license to active status in compliance with section 1399.489; and,
 - (4) If an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database, and, on written request of the Board, furnish to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to Section 144 of the Code.

(g) If a licensee who has been in retired status for more than three (3) years seeks an active license, the individual may apply for a new license in accordance with Section 4967 of the Code.

Note: Authority cited: Sections 464 and 4933, Business and Professions Code.

Reference cited: Sections 118, 144, 464, 4938, 4955, 4967 and 4970 Business and Professions Code.

Amend section 1399.460 of Division 13.7 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.460. Fees.

(a) The application fee shall be two hundred fifty dollars (\$250).

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(m) The fee for a letter of endorsement shall be one hundred dollars (\$100).

(n) The retired license application fee shall be eighty-five dollars (\$85).

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 464, 4938, 4940, 4941, 4944, 4961, 4965, 4966, 4970 and 4972, Business and Professions Code.