

**TITLE 16, ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled

Subject Matter of Proposed Regulations: Hand Hygiene Requirements

Section(s) Affected: 1399.451

Background and Statement of the Problem:

The California Acupuncture Board (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 rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (Bus. & Prof. Code, § 4933.)

Business and Professions Code (BPC) section 4955 (e) authorizes the Board to discipline an acupuncturist if they knowingly fail, without good reason, to follow infection control guidelines, especially those meant to prevent the spread of blood-borne diseases like HIV (human immunodeficiency virus) or hepatitis. The Board is expected to align its standards with public health and workplace safety regulations and to keep licensees informed about current best practices.

The U.S. Centers for Disease Control and Prevention (CDC) has issued updated handwashing guidelines to reduce healthcare-associated infections that support the use of alcohol-based hand sanitizer over traditional hand washing when hands are not visibly soiled. The Board's current handwashing requirements as part of its Standards of Practice regulation is outdated and inconsistent with CDC's current handwashing guidelines. In addition, the Board's current handwashing requirements do not allow an acupuncturist to use alcohol-based hand sanitizer.

The Board's following proposal amends the handwashing requirements and would do the following:

1. Delete the brush scrubbing and warm water requirement.
2. Updates the method of handwashing to align with CDC guidelines.

3. Provides the option to use an alcohol-based hand rub as an alternative to soap and water.
4. Specifies alcohol concentration be at least 60% when using an alcohol-based hand rub.
5. Requires the alcohol-based hand rub be used according to the manufacturer's instructions.

Anticipated benefits from this regulatory action:

The anticipated benefits of this action include improved public health and safety by reducing the risk of spreading infectious diseases. Aligning hand hygiene protocols with CDC guidelines helps protect both patients and practitioners. The proposal modernizes outdated standards by eliminating practices such as brush scrubbing and the requirement to use warm water, ensuring that handwashing procedures reflect the most up-to-date, evidence-based recommendations.

Additionally, the regulation increases flexibility and supports practitioner compliance by allowing the use of alcohol-based hand rubs as an alternative to soap and water. It also provides clearer guidance by specifying that any alcohol-based hand rub must contain at least 60% alcohol and be used according to the manufacturer's instructions. These updates promote consistency, effectiveness, and safety in infection control practices, ultimately contributing to a safer healthcare environment for the public.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Amend Introduction of 1399.451:

Purpose:

Delete the word "procedures" from the introduction.

Rationale:

Removing "procedures" from the introductory sentence provides for more applicability and clarity.

2. Amend subsection (a):

Purpose:

1. Delete the brush scrubbing and warm water requirement
2. Require acupuncturists to wash all parts of their hands and fingers with soap and water for a minimum of 20 seconds.
3. Authorize acupuncturists to use a hand sanitizer if their hands are not visibly dirty instead of soap and water.
4. Require the hand sanitizer be at least 60% alcohol following the product's instructions.

Rationale:

CDC's handwashing guidelines no longer specify the temperature of water be warm, so the proposal removes the outdated protocol. The additional amendments set the Board's handwashing requirements in line with CDC's guidelines to be consistent with the updates. Updating the handwashing requirements to match federal standards serves the protection of the public by reducing the spread of diseases and conditions. The proposed amendments to the Board's handwashing protocol protects the health of licensees and the public they serve.

Underlying Data

1. About Handwashing, CDC, <https://www.cdc.gov/clean-hands/about/index.html>

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other States. This initial determination is based on the following facts:

The proposal sets updated handwashing requirements that align with the federal standards set by CDC. These proposed amendments will only affect individual licensed acupuncturists in how they reduce the spread of diseases and conditions and protect their patients.

Additionally, businesses are anticipated to maintain compliance without incurring additional workload or costs.

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

- Will not create or eliminate jobs within the State of California because this proposed regulation simply updates the Board's hand (washing requirements to align with federal standards set by CDC.
- Will not create new business or eliminate existing businesses within the State of California because this proposed regulation simply updates the Board's hand (washing requirements to align with federal standards set by CDC.
- Will not affect the expansion of businesses currently doing business within the State of California because this proposed regulation simply updates the Board's hand (washing requirements to align with federal standards set by CDC.

This regulatory proposal will benefit the health and welfare of California residents by implementing handwashing procedures that meet CDC guidelines. The updated treatment procedures are designed to reduce the transmission of germs that can spread

illness. By ensuring acupuncturists follow evidence-based handwashing procedures, the regulation helps protect both acupuncturists and the patients they serve, thereby enhancing consumer protection.

This regulatory proposal will affect worker safety or the state's environment because updated treatment procedures are designed to reduce the transmission of germs that can spread illness. By ensuring acupuncturists follow evidence-based handwashing procedures, the regulation helps protect both acupuncturists and the patients they serve, thereby enhancing consumer protection.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.