

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

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Hand Hygiene Requirements

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 his or her 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 Monday September 28, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4933 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 4955 the Board is considering amending section 1399.451 of Articles 5 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.)

Existing law 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 of Proposal

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

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.

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 regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations. Any workload and costs of implementation are a result of current law.

The regulations do not result in 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 would 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:

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.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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 proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this notice.

Benefits of Regulation:

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

The updated treatment procedures which implement handwashing procedures that meet CDC guidelines 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 not affect worker safety or the state’s environment as this proposal is not related to any of those issues.

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 may affect small businesses, including businesses owned by a licensee. Although small businesses owned by licensees of the Board may be impacted, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the

number or percentage of small businesses that may be impacted cannot be predicted.

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

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. N-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. N-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 1625 N. Market Blvd., Ste. N-219, 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, Licensing and Administrative Supervisor
Address:	Acupuncture Board 1625 N. Market Blvd., Ste. N-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.