

**California Acupuncture Board**  
**Specific Language of Proposed Changes – SB 1441**  
**Uniform Standards Related to Substance-Abusing Licensees and Disciplinary**  
**Guidelines and Conditions of Probation**

Amend section 1399.469 to read as follows:

1399.469. Disciplinary Guidelines and Conditions of Probation

- (a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the Acupuncture Board shall ~~consider~~ comply with ~~the disciplinary guidelines entitled "Department of Consumer Affairs, "Acupuncture Board 'Disciplinary Guidelines' and Conditions of Probation" [September 2015],~~ which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Acupuncture Board in its sole discretion determines that the facts of the particular case warrant such a deviation—for example: the presence of mitigating factors; the age of the case; evidentiary problems.
- (b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for the purposes of section 315 of the Business and Professions Code. If the licensee does not rebut that presumption, in addition to any and all relevant terms and conditions contained in the "Acupuncture Board Disciplinary Guidelines and Conditions of Probation" [September 2015], the Board's Uniform Standards Related to Substance-Abusing Licensees shall apply and the substance-abusing conditions shall be used in the order as written. Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection. Neither the Board nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the Board's Uniform Standards Related to Substance-Abusing Licensees in cases involving substance-abusing licensees.

NOTE: Authority cited: Sections ~~315, 315.2, 315.4~~ 4928.1 and 4933, Business and Professions Code; and Sections 11400.20 and ~~11400.21~~, Government Code.  
Reference: Sections 11400.20, ~~11400.21~~ and 11425.50(e), Government Code; Sections 315, 315.2, 315.4, 4955, 4955.2, 4960.5, Business and Professions Code.