

From Nico Bishop:

Dear California Acupuncture Board,

I am writing to express my continued dismay not only at the results of the August Exam, but also at the Board's lack of communication and transparency in response to this issue.

I had truly hoped that the open session of the Board in November would result in a change of attitude and rapid action. The Board's continued failure to acknowledge the impact on people's livelihood, and rights to due process, is distressing to put it mildly. One would think that by any standards of human fairness and democracy, the Board would feel obligated not only to act but also to communicate regularly on the matter of the review of the August Exam result. The failure to rise to either of these obligations, shows an abdication of responsibility in the Board's role in serving an important constituency of its 'customers' who study hard, take on large loan obligations, pay the exam fees, and commit years of the lives to becoming dedicated caring professionals in the field of acupuncture.

I do understand that not everyone can pass the exam, and this seems to be the Board's fallback position to mask a failure to administer a true measure of competency. However, the facts indicate that perfectly competent and capable students were denied a rightful passing score by an arbitrary process that resulted in a historically low and shockingly small pass rate. I will not repeat all of those reasoned and empirical arguments for a complete and thorough review of the August exam results here. But I have to ask again, if this issue has not created any sense of urgency for the Board or need to respond to the specific requests for information and due process, on what basis do you continue to operate and administer the exam?

There are early indications that in the upcoming February meeting the Board intends to take the position that, by doing nothing to address the August exam results, you are seeking to protect public safety by maintaining high standards. I would put it to each of you individually that hiding behind a concern for the public is not honorable or integrous, when so much evidence has been presented to demonstrate the quality of highly trained and committed students who were denied access to the profession by an arbitrarily imposed cut score. The statistical burden of proof now lies with the Board unequivocally. The August exam results do not demonstrate that 62% of students were not sufficiently prepared to practice acupuncture, but instead has revealed that a majority of the Board is unable to respond to the need for reform in its own practices and procedures. This is not an argument about standards or fairness. The heart of the issue is the Board's own failings to administer the exam and establish a true and fair measure of competency.

If the early indications on the February 19 meeting prove to be true, it is sad to learn that the people on the Board intend to defend your position by taking the stance that you are disqualifying people to protect the public, as if acupuncture itself were a public health hazard. When you ask people to pay for an exam that should also mean that you are accountable to those who invest in their education, trust in the licensing process, pay fees to take the CALE, and seek to serve the public good themselves. If you do not agree with this

statement, I have to ask why are you representing a profession that you have demonstrated no interest whatsoever in advancing?

Thank you for reading this letter. I write it as an appeal to each person on the Board individually. I understand that there will be differing opinions as to how to address the issue of the August exam results, and some of you will feel unease at providing a shallow and limited response to the grievances of students and deep concerns of the schools who educate them. I trust that the conscience of those of you serving on the Board is awakening to the gravity of this matter, that you recognize that in serving the public you also serve every individual who are investing heavily in the future of the profession, and that this realization will in turn lead to solutions and remedies rather than stonewalling, silence, or inaction.

With hope for a satisfactory response and resolution at the board's upcoming meeting on February 19th. The good news is that, as of today, there is still time for positive action. I believe that by seizing the opportunity to become united in the common goal of public health and well-being, the board and those students seeking to graduate and serve the profession in the future can achieve great and noble goals for California's society and public.

Sincerely,  
Nico Bishop ,MSTCM  
Michael Bishop