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DATE	December 17, 2020
TO	Education and Research Committee
FROM	Jay Herdt, Licensing Manager
SUBJECT	Clinical Training of Acupuncture Interns – COVID-19

The COVID-19 pandemic has created challenges in the ability to safely provide face-to-face, physically present training to acupuncture trainees. This has severely impacted acupuncture training programs' ability to provide training to their students. Alternative means for other methods of delivery of acupuncture training, such as telehealth or other forms of distance learning models, that can be included as part of approved curriculum do not currently exist within the Acupuncture Licensure Act.

California Code of Regulations (CCR) § 1399.434 (h) states the total clinical practice curriculum shall consist of 950 hours, of which 75% of training must be completed at a clinic owned by the school. The requirement further specifies:

- 1) that acupuncture trainees shall complete 150 hours of supervised clinical practice observation.
- 2) During the initial 275 hours of clinical practice, the clinic supervisor is required to be physically present at all times during the diagnosis and treatment of the patient.
- 3) Then for a second period of 275 hours of training, the clinic supervisor shall be physically present at the needling of the patient.
- 4) For the remaining time spent in clinical practice training, 250 hours, the clinic supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction.

These regulations create a difficult challenge for training programs to offer continued clinical training opportunities to students during the pandemic, with evolving and varying public health advisories and when direct physical contact is to be minimized whenever possible.

To be considered an approved educational and training program in California, a relationship is required with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), the sole national accreditor of acupuncture training programs in the United States. Accreditation also allows training programs the ability to convey degree titles and to offer students Title 4 Financial Aid. Financial Aid funding is critical to the continued operations of both the training institutions and student's ability to attend and complete their education and training.

In response to the COVID-19 pandemic, ACAOM created a temporary Emergency Clinical Distance Education Waiver (ECDEW), which allows programs a process to offer some hours of clinical training as distance learning or telehealth. As the pandemic impact worsened and programs were better able to gauge what would be possible, this waiver evolved to the reduction in the required amount of in-person clinical education. This waiver in its current form is available to accredited programs upon the completion of an approved application. For programs operating in California, the minimum required ACAOM degree program includes Acupuncture and Chinese Herbal Medicine Training.

The live-in person hours of clinical education under the current version of the ACAOM waiver are as follows:

- At least 75 hours of ACAOM's total 150-hour clinical observation requirement.
 - This allows programs to offer up to 75 hours of Distance Clinical Practice Observation.
- At least 450 hours of ACAOM's total 700-hour clinical internship requirement.
 - This allows for up to 250 hours of distance clinical practice.

There are different hourly supervision requirements between California clinical curriculum requirements and those of ACAOM to consider. The chart below presents a comparison of the supervisory criteria of each agency:

Clinical Supervision Criteria	ACAOM	Board
Observation	150	150
Live In-Person Supervision at All Times During Patient Treatment	0	275
Live In-Person Supervision When Needling	0	275
Supervisor Required to be Readily Available	850	250
Total Hours of Clinical Education	850	950

For the California Acupuncture Board (Board) to allow for any inclusion of distance education, the Board would need to have a vehicle to allow the ability to waive the physically present regulatory requirements. Governor Newsome's [Executive Order N-39-20](#), makes it possible for the Department of Consumer Affairs' regulatory boards to request temporary waivers of both Laws and Regulations.

Board staff has created a draft waiver, seeking an exemption of regulations from the Director of the Department of Consumer Affairs, that would allow the Board to align with the waiver ACAOM is providing for training programs, allowing students to complete the required hours and Board approved curriculum. The only change the ACAOM ECDEW would enable is the allowance for the limited number of hours of clinical distance learning as stated

above. The acceptance of the ACAOM ECDEW criteria would not change the content or the total required hours of training contained in existing Board Approved curriculums. The only change to the ACAOM ECDEW since this was last brought before the ERC on August 27, 2020 is that during the period of COVID-19 interruption, ACAOM is extending its current flexibilities until further notice subject to any Federal, State and/or local limitations, as opposed to the ECDEW's previous expiration date of December 31, 2020.

Additionally, feedback from a number of educational and training programs was received stating that the regulatory requirement of 75% of all training be completed at a clinic owned by the school was limiting the availability of in person training hours that could be available from existing integrative health systems within their communities, including hospitals, medical groups and private acupuncture clinics, for their students who are in clinical training. Based on this information, staff has included regulatory language for the Board to consider that reduces the requirement of 75% to 50% of clinical training be completed at a clinic owned and operated by the school.

Due to these significant changes in the required live supervision curriculum hours and unprecedented circumstances due to COVID-19, Board staff felt this issue should be brought to the Board's Education and Research Committee for further discussion with the request that the Committee make recommendations to the Board on further action.

Business and Professions code Section 4927.5.(a)(1)

(a) For purposes of this chapter, "approved educational and training program" means a school or college offering education and training in the practice of an acupuncturist that meets all of the following requirements:

(1) Offers curriculum that includes at least 3,000 hours of which at least 2,050 hours are didactic and laboratory training, and at least 950 hours are supervised clinical instruction. Has submitted that curriculum to the board, and has received board approval of the curriculum. Any school or college offering education and training in the practice of acupuncture that was approved by the board prior to January 1, 2017, has not had its approval revoked, and has not changed its curriculum since receiving board approval, is deemed to have had its curriculum approved by the board for the purposes of this section.

1399.434. Criteria for Approval of Acupuncture and Oriental Medicine Curriculum (effective 5/24/2017)

To be approved by the Board, an acupuncture and Oriental medicine educational and training curriculum shall consist of at least 2,050 hours of didactic and laboratory training and at least 950 hours of supervised clinical instruction. The curriculum shall include the following coursework that contains the following criteria :..

(h) Clinical Practice 950 hours

The curriculum in clinical practice shall consist of at least 950 hours in clinical instruction, 75% of which shall be in a clinic owned and operated by the school, which includes direct patient contact where appropriate in the following:

(1) Practice Observation (minimum 150 hours)--supervised observation of the clinical practice of acupuncture and Oriental medicine with case presentations and discussion;

(2) Diagnosis and evaluation (minimum 275 hours)--the application of Eastern and Western diagnostic procedures in evaluating patients;

(3) Supervised practice (minimum 275 hours)--the clinical treatment of patients with acupuncture and oriental medicine treatment modalities listed in the Business and Professions Code Section 4927(d) and 4937(b).

(4) During the initial 275 hours of diagnosis, evaluation and clinical practice, the clinic supervisor shall be physically present at all times during the diagnosis and treatment of the patient. Thereafter, for a second period of 275 hours the clinic supervisor shall be physically present at the needling of the patient. The clinic supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction. The student shall also consult with the clinic supervisor before and after each treatment.

The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM or Commission) met on 15 May 2020 to review its COVID-19-related actions to date, consult guidance from various Federal and state regulatory bodies, consider ongoing feedback from ACAOM-accredited programs and institutions, and deliberate on additional modifications to requirements for instruction under emergency waivers.

The Commission took the following actions, which replace and supersede previous Commission actions regarding instruction under COVID-19 pandemic emergency waivers relating to clinical training hour requirements (see criterion 7.02) and requirements for student-delivered patient care (see criterion 7.05), as well as previous maximum duration of emergency waivers:

1. **EMERGENCY WAIVER LIMITATIONS, BY PROGRAM, FOR CLINICAL TRAINING**

Please note that the requirements are now stated in terms of the requirements that must be completed live and in-person, instead of maximum requirements that can be conducted via distance education:

Programs	Requirements that <u>must</u> be completed LIVE and IN-PERSON
Entry-level programs in acupuncture: <i>M.Ac, Dipl.Ac, DAc</i>	<ul style="list-style-type: none"> • at least 75 hours of ACAOM’s total 150-hour clinical observation requirement. • at least 320 hours of ACAOM’s total 500-hour clinical internship requirement. • at least 160 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients’ responses to treatment.
Entry level programs in acupuncture with a Chinese herbal medicine specialization: <i>MOM, Dipl.OM, DAc with CHM</i>	<ul style="list-style-type: none"> • at least 75 hours of ACAOM’s total 150-hour clinical observation requirement. • at least 450 hours of ACAOM’s total 700-hour clinical internship requirement. • at least 225 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients’ responses to treatment.
Certificate programs in Chinese herbal medicine	<ul style="list-style-type: none"> • at least 130 hours of ACAOM’s total 200-hour clinical internship requirement. • at least 65 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, administer appropriate herbal medicine treatments, and follow-up on patients’ responses to treatment.
Advanced practice doctoral programs: <i>DAOM</i>	<ul style="list-style-type: none"> • at least 130 hours of ACAOM’s clinical internship requirement.

2. INTERN/PATIENT RATIO CLARIFICATION

ACAOM accreditation standards do not prescribe an intern/patient ratio for patient contacts. However, programs must document and be able to justify any supervisor/intern/patient ratios adopted and produce evaluation evidence demonstrating effectiveness of the adopted ratios.

3. DURATION OF EMERGENCY WAIVERS

Effective immediately, all currently issued emergency distance education waivers supporting both didactic and clinical training will be extended until **31 December 2020**. The Commission encourages accredited programs and institutions to resume in-person educational activities when conditions allow for a safe return, subject to regulations, declarations, executive orders or other guidance from Federal, state and local officials.

ACAOM recognizes that accredited programs must follow institutional directives and make decisions that are best for their institution when operating in extenuating circumstances. As continued accommodations to students are made, please be mindful of potential consequences for students in terms of degree completion, financial aid, accreditation, licensure and/or certification, and future employment.

4. REPORTING ON ACTIVITIES CONDUCTED UNDER EMERGENCY WAIVER

All schools participating in the emergency waiver process for either didactic or clinical training will be required to submit a supplemental information report by **1 October 2020**. The focus of this report will be an accounting of activities conducted under emergency waiver, with specific elements to be communicated to programs and institutions by *15 June 2020*.

The Commission will also seek additional reporting following the conclusion of instruction conducted under emergency waiver, to include documentation demonstrating that students were successful in achieving all required competencies; the timing and specific elements of this additional reporting are to be determined.

These reports will be analyzed to improve future emergency planning processes and to determine if changes may be warranted to ACAOM's accreditation standards, policies or procedures.

16 CCR § 1399.434(h)

(h) Clinical Practice 950 hours

The curriculum in clinical practice shall consist of at least 950 hours in clinical instruction, ~~75~~50% of which shall be in a clinic owned and operated by the school, which includes direct patient contact where appropriate in the following:

(1) Practice Observation (minimum 150 hours) -supervised observation of the clinical practice of acupuncture and Oriental medicine with case presentations and discussion;

(2) Diagnosis and evaluation (minimum 275 hours) -the application of Eastern and Western diagnostic procedures in evaluating patients;

(3) Supervised practice (minimum 275 hours) -the clinical treatment of patients with acupuncture and oriental medicine treatment modalities listed in the Business and Professions Code sections 4927(d) and 4937(b).

(4) During the initial 275 hours of diagnosis, evaluation and clinical practice, the clinic supervisor shall be physically or electronically present at all times during the diagnosis and treatment of the patient. Thereafter, for a second period of 275 hours the clinic supervisor shall be physically or electronically present at the needling of the patient. The clinic supervisor shall otherwise be in close proximity, physically or electronically, to the location at which the patient is being treated during the clinical instruction. The student shall also consult with the clinic supervisor before and after each treatment.

Note: Authority cited: Sections 4927.5 and 4933, Business and Professions Code. Reference: Sections 4927.5, 4938, 4940, 4941 and 4944, Business and Professions Code.

HISTORY

1. New section filed 10-5-2004; operative 11-4-2004 (Register 2004, No. 41).
2. Editorial correction of subsection (b)(1)(F) (Register 2005, No. 50).
3. Amendment of subsection (b)(2)(K) filed 12-15-2005; operative 12-15-2005 (Register 2005, No. 50).
4. Amendment of section heading, first paragraph and subsections (b)(2)(K), (c), (c)(7) and (d)(9), repealer of subsection (i) and amendment of Note filed 5-24-2017; operative 5-24-2017 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 21).

This database is current through 11/13/20 Register 2020, No. 46

16 CCR § 1399.434, 16 CA ADC § 1399.434



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Revisions to Emergency Waiver Limitations and Guidance [1 December 2020]

The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM or Commission) met on 18 November 2020 to: (1) review its COVID-19-related actions to date, (2) evaluate data provided by the Council of Colleges of Acupuncture & Oriental Medicine (CCAOM) regarding delivery of clinical training via distance education, and (3) consider the input from a focus group of subject matter experts convened in cooperation with CCAOM. The Commission will continue to evaluate its actions in light of changing circumstances.

The Commission has made no changes to ACAOM’s accreditation standards under COVID-19 pandemic emergency waivers. These pandemic-related flexibilities are solely allowances for delivery of clinical training via distance education. Programs must ensure that they continue to deliver all required credits and clock hours of instruction (see *critierion 7.02*) and clinical training activities (see *critierion 7.05*). Programs must continue to meet all requirements for assessment of student learning (see *critierion 6.02*) regardless of the method of instructional delivery.

The Commission took the following actions, which modify previous flexibilities regarding delivery of instruction via distance education under COVID-19 pandemic emergency waivers relating to clinical training hour requirements (see *critierion 7.02*) and requirements for student-delivered patient care (see *critierion 7.05*).

EMERGENCY WAIVER LIMITATIONS, BY PROGRAM, FOR CLINICAL TRAINING

Please note that the requirements are now stated in terms of the requirements that must be completed live and in-person, instead of maximum requirements that can be conducted via distance education:

Programs	Requirements that <u>must</u> be completed LIVE and IN-PERSON (<u>not</u> delivered via distance education)
Entry-level programs in acupuncture: <i>MAC, Dipl.Ac, DAc</i>	<ul style="list-style-type: none"> at least 25 hours of ACAOM’s total 150-hour clinical observation requirement. at least 250 hours of ACAOM’s total 500-hour clinical internship requirement. at least 75 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients’ responses to treatment.

<p>Entry level programs in acupuncture with a Chinese herbal medicine specialization: <i>MOM, Dipl.OM, DAc with CHM</i></p>	<ul style="list-style-type: none"> • at least 25 hours of ACAOM’s total 150-hour clinical observation requirement. • at least 250 hours of ACAOM’s total 700-hour clinical internship requirement. • at least 75 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients' responses to treatment.
<p>Certificate programs in Chinese herbal medicine</p>	<ul style="list-style-type: none"> • at least 50 hours of ACAOM’s total 200-hour clinical internship requirement. • at least 25 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, administer appropriate herbal medicine treatments, and follow-up on patients' responses to treatment.
<p>Advanced practice doctoral programs: <i>DAOM</i></p>	<ul style="list-style-type: none"> • at least 50 hours of ACAOM’s clinical internship requirement.

DURATION OF EMERGENCY WAIVERS

Because of the highly unusual circumstances and challenges presented to the postsecondary education community by COVID-19, the United States Department of Education (USDE or Department) has given accreditors certain regulatory flexibilities as a unique and temporary departure from the Department’s accrediting agency requirements.

Effective 12 November 2020 and during the period of COVID-19 interruption, ACAOM is extending its current flexibilities until further notice subject to any Federal, State and/or local limitations.

