

Acupuncture Board
Proposed Omnibus Clean-Up Amendments

Amend the heading of Division 13.7 of, amend Sections 1399.400, 1399.403, 1399.405, 1399.406, 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, 1399.419, 1399.419.1, 1399.419.2, 1399.421, 1399.422, 1399.423, 1399.424, 1399.425, 1399.426, 1399.427, 1399.428, 1399.430, 1399.431, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439, 1399.440, 1399.441, 1399.443, 1399.444, 1399.451, 1399.455, 1399.463, 1399.464, 1399.465, 1399.467, 1399.468, 1399.469, 1399.469.1, 1399.469.2, 1399.475, 1399.476, 1399.477, 1399.479, 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 1399.485, 1399.486, 1399.487, 1399.488, 1399.489, and 1399.489.1 ~~of~~, and repeal Section 1399.456 of Title 16 of the California Code of Regulations, as follows:

*025 4/22
per agency
request*

Division 13.7. Acupuncture ~~Examining Committee of the Board of Medical Quality Assurance~~

§ 1399.400. Citation.

This ~~chapter~~ division may be cited and referred to as the "Acupuncture Regulations."

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Section 4933, Business and Professions Code.

§ 1399.403. Definitions.

For the purpose of the regulations contained in this ~~chapter~~ division, the terms

- (a) "Board" shall mean the Acupuncture Board.
- (b) "Code" shall mean the Business and Professions Code.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4927 and 4933, Business and Professions Code.

§ 1399.405. Delegation of Functions.

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act, Section 11500, et seq. of the Government Code, the Board delegates and confers upon the executive officer of the Board, or in ~~his or her~~ the executive officer's absence, the designee of the executive officer, all functions necessary to the dispatch of business of the Board in connection with investigative and administrative proceedings under the jurisdiction of the Board, including, but not limited to, the ability to approve settlement agreements for the revocation, surrender, or interim suspension of a license.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 4955 and 4960, Business and Professions Code; and Sections 11415.60 and 11500, Government Code.

§ 1399.406. Filing of Addresses.

Each person holding a license, registration, approval, or any other authority issued under this ~~chapter~~ division shall file ~~his or her~~ the person's proper and current mailing address with the Bboard, and shall notify the Bboard, in writing, within ~~thirty (30)~~ days of any and all changes of mailing address, giving both the old and new address.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4925, 4927, 4955 and 4960,~~ 136 Business and Professions Code.

§ 1399.411. Certification of Documentation.

Documentation submitted by or on behalf of the applicant shall be certified by the appropriate official or governmental seal or authority. The Bboard in its discretion may waive this requirement when it is determined that it cannot be obtained through the exercise of due diligence.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 4938 and 4944, Business and Professions Code.

§ 1399.413. Application Deadline.

(a) All new applications for examination shall be submitted on a form provided by the Bboard, accompanied by such statements and documents as required. All such applications shall be received in the Bboard's Sacramento office at least 120 calendar days prior to the date of the examination for which the application is made.

(b) All applications for re-examination shall be submitted on a form provided by the Bboard ("Application Update for Examination/Licensure", revised 3/96), accompanied by such statements and documents as required. All such applications shall be received in the Bboard's office at least 30 calendar days prior to the date of the examination for which the application is made.

(c) All transcripts and supporting documents from qualifying educational institutions or tutorial supervisors shall be received in the Bboard's office at least 30 calendar days prior to the date of examination for which an application was made.

(d) The Bboard may waive the foregoing filing dates if there are difficulties with the administration of the examination or other circumstances warrant.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 4938, ~~4939~~, 4940, 4941 and 4944, Business and Professions Code.

§ 1399.414. Denial of Applications.

(a) Any applicant whose application is denied, may submit within ~~fifteen~~ (15) calendar days from the date of rejection, a request in writing that ~~his or her~~ the applicant's application be presented to the Bboard for further evaluation.

(b) If the Bboard determines that an applicant has met the requirements for acupuncture licensure, it shall schedule the applicant for examination.

(c) Nothing in this section shall be constructed to deprive an applicant of ~~his or her~~ the applicant's rights of appeal as afforded by other provisions of law.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 4938 and 4944, Business and Professions Code.

§ 1399.416. Equivalent Training and Clinical Experience Qualifying for Licensure.

In order for documented educational training and clinical experience to qualify for licensure under Section 4938~~(a)(2)(C), subdivision (b)(3)~~ of the Code, the applicant shall document that such education and experience meets the requirements of ~~Section 1399.436, subsections (a), (b), and (c) or, if applicable, Section 1399.434.~~ All foreign trained applicants shall submit documentation of ~~his or her~~ the applicant's education to a credentials evaluation service that is a member of the National Association of Credentials Evaluation Services, Inc. for review and a report to the Bboard. This report shall be filed by the applicant with ~~his or her~~ the applicant's application for examination.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4925~~, 4938, 4939, ~~4940~~, 4941 and 4944, Business and Professions Code.

§ 1399.417. Abandonment of Applications.

(a) An application for examination shall be deemed to have been abandoned and the applicant's fee forfeited in any of the following circumstances:

1. The applicant fails to complete ~~his or her~~ the applicant's application within 180 calendar days after it has been filed. An application shall be deemed complete when all documents and information required to determine eligibility for examination have been submitted to the Bboard.

2. The applicant fails to take the licensing examination within two (2) years after the date that ~~he or she~~ the applicant is notified by the Bboard of ~~his/her~~ the

applicant's eligibility to take the examination, unless prior to the application being deemed abandoned, the applicant submits a written explanation to the Bboard, of ~~his or her~~ the applicant's inability to appear for the examination. The Bboard may extend the applicant's eligibility to take the examination for two (2) more consecutive administrations of the examination.

3. The applicant, after failing the examination, fails to take a re-examination within two (2) years after the date the applicant was notified of such failure, unless prior to the application being deemed abandoned, the applicant submits a written explanation to the Bboard, of ~~his or her~~ the applicant's inability to appear for the examination. The Bboard may extend the applicant's eligibility to take the examination for two (2) more consecutive administrations of the examination.

(b) An application submitted after the abandonment of a former application for examination shall be treated as a new application.

(c) An applicant who, after passing the examination, fails to submit a complete application for licensure within three (3) years after the date ~~he or she~~ the applicant is notified of ~~his or her~~ the applicant's eligibility for licensure shall be deemed to have abandoned ~~his or her~~ the applicant's application for licensure. An application submitted after the abandonment for a former application for licensure shall be treated as a new application and the applicant shall take and pass the examination, if any, which would be required of ~~him or her~~ the applicant if an initial application for licensure was being made.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4933~~, 4938 and 4944, Business and Professions Code.

§ 1399.419. Review and Processing of Exam Applications.

(a) Within ~~forty-five~~ 45 calendar days after receipt of an application for examination, the Bboard shall inform the applicant whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(b) Within ~~forty-five~~ 45 calendar days of receipt of a completed application, the applicant will be notified as to ~~his/her~~ the applicant's eligibility for the written examination.

(c) Within ~~thirty~~ 30 calendar days from the date the written examination is administered, candidates will be notified of their results, and if passed, will be offered, upon payment of the specified fee, a license to practice acupuncture.

(d) The minimum, median, and maximum processing times for examination results from the time of receipt of a complete application until the Bboard makes a decision ~~is~~ are set forth below.

Minimum - 130 calendar days

Median - 155 calendar days

Maximum - 180 calendar days

These processing times apply to those candidates who take and pass the first available examination and who submit a complete application by the first available application deadline.

(e) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to perform as an acupuncturist safely because the applicant's ability to perform may be impaired due to mental illness, or physical illness affecting competency, the Bboard may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the Bboard. The Bboard shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render ~~his or her~~ the applicant's application incomplete. The report of the evaluation shall be made available to the applicant.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 480, 820, 4938 and 4944, Business and Professions Code.

§ 1399.419.1. Response to Board Inquiry.

If the Bboard or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 144, 4928.1, and 4955 and 4965, Business and Professions Code; and Section 11105, Penal Code.

§ 1399.419.2. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after January 1, 2011, a licensee who was initially licensed prior to January 1, 2001, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether ~~his or her~~ the licensee's fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the United States.

(4) A licensee shall retain, for at least three (3) years from the renewal date, either a receipt showing the electronic transmission of ~~his or her~~ the licensee's fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she~~ the licensee has been convicted of any violation of the law of this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs as defined in Section 4022 of the Code, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she~~ the licensee has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license may not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

(f) Before a license in inactive status may be activated, the licensee shall comply with this section. A licensee who is serving in the military outside of the United States shall immediately comply with this section upon his or her return to the United States unless the return is for less than ~~thirty~~ 30 days.

NOTE: Authority cited: Sections 144 and 4933, Business and Professions Code.
Reference: Sections 144, 4928.1, 4955 and 4965, Business and Professions Code; and Section 11105, Penal Code.

§ 1399.421. Definitions.

As used in these regulations:

(a) "Acupuncture tutorial" means an acupuncture tutorial program which is approved by the Board pursuant to Sections ~~4939~~ and 4940 of the Code which when successfully

completed meets the requirements of Section 4938 of the Code for licensure as an acupuncturist.

(b) "Supervising acupuncturist" or "supervisor" means a licensed acupuncturist who is approved by the Board to provide an acupuncture tutorial to a trainee who is registered with the Board pursuant to Section 4940 of the Code and these regulations. Pursuant to Section 4940 no physician, podiatrist, or dentist may be a supervising acupuncturist unless ~~he or she~~ the physician, podiatrist, or dentist is a licensed acupuncturist.

(c) "Trainee" means a person who is registered with the Board in order to participate in an acupuncture tutorial under a supervising acupuncturist.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference cited: Sections ~~4925, 4938, 4939~~ and 4940, Business and Professions Code.

§ 1399.422. Prior Approval to Practice as an Acupuncture Trainee.

No person shall practice acupuncture in tutorial without the prior approval of the Board.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference cited: Sections ~~4939~~ and 4940, Business and Professions Code.

§ 1399.423. Prior Approval to Supervise an Acupuncture Trainee.

No acupuncturist shall supervise any person in an acupuncture tutorial without the prior approval of the Board.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference cited: Sections ~~4939~~ and 4940, Business and Professions Code.

§ 1399.424. Filing of Applications; Credit for Prior Training.

(a) Applications for approval as an acupuncture trainee shall be filed on a form provided by the Board at its Sacramento office and accompanied by the application fee required in Section 1399.461.

(b) Applications for approval to supervise an acupuncture trainee shall be filed on a form provided by the Board at its Sacramento office and accompanied by any necessary documents, including the training agreement, and the application fee required in Section 1399.461.

(c) Any prior training and experience already obtained within ~~ten~~ (10) years of the date of the application by the trainee, which meets the standards of the Board may be considered when developing a training plan between a supervisor and trainee, and specifically the required hours of theoretical and clinical training may be reduced on account of such prior training and experience. Evidence of such prior training and

experience should be submitted to the Board for its review with the applications for registration of the supervising acupuncturist and trainee.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference cited: Sections 4939, 4940 and 4941, Business and Professions Code.

§ 1399.425. Requirements for Approval of an Acupuncture Tutorial.

(a) An acupuncture tutorial shall provide a trainee with a structured learning experience in all the basic skills and knowledge necessary for the independent practice of acupuncture.

(b) An acupuncture tutorial which is in the nature of on-the-job training may be full time or part time employment relationship, however, the training plan and proposed supervision shall be contained in a written agreement between the supervisor and trainee. There shall be no tuition fees charged to the trainee by the supervising acupuncturist.

(c) An acupuncture tutorial shall provide formal clinical training with supplemental theoretical and didactic instruction. The theoretical and didactic training required in subsections (e)(8) through (e)(20) shall be obtained in an approved acupuncture school or another postsecondary educational institution which is accredited or approved under ~~Article 7 (commencing with Section 94900) of Chapter 7 Part 59 of the Education Code Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code~~ or is accredited by a regional accrediting agency authorized by the U.S. Department of Education.

(d) The clinical training shall consist of a minimum of 2250 hours in the following areas:

- (1) Practice observation.
- (2) History and physical examination.
- (3) Therapeutic treatment planning.
- (4) Preparation of the patient.
- (5) Sterilization, use, and maintenance of equipment.
- (6) Moxibustion.
- (7) Electroacupuncture (AC and DC voltages).
- (8) Body and auricular acupuncture.
- (9) Treatment of emergencies, including cardiopulmonary resuscitation.

(10) Pre- and post-treatment instructions to the patient.

(11) Contraindications and precautions.

(e) The theoretical and didactic training shall consist of a minimum of 1548 hours (approximately 100 semester units) in the following areas:

	Minimum Class Hours
(1) Traditional Oriental <u>Asian</u> medicine -a survey of the theory and practice of traditional diagnostic and therapeutic procedures.	
(2) Acupuncture anatomy and physiology -fundamentals of acupuncture, including the meridian system, special and extra loci, and auriculotherapy.	
(3) Acupuncture techniques -instruction in the use of needling techniques, moxibustion, electroacupuncture, including contraindications and complications. Tutorial trainees shall either (1) successfully complete, at a <u>Board</u> -approved acupuncture school, a course which requires a student to pass an examination in clean needle technique that uses as its primary reference the most current edition of the "Clean Needle Technique Manual", published by the National Acupuncture Foundation, or (2) successfully complete a Clean Needle Technique course administered by the Council of Colleges of Acupuncture and Oriental <u>Herbal</u> Medicine.	
(4) Acupressure.	
(5) Breathing techniques -introductory course in Qi Gong <u>qi gong</u> .	
(6) Traditional Oriental <u>Asian</u> exercise -introductory course in Tai Chi Chuan <u>tai chi chuan</u> .	660
(7) Traditional Oriental <u>Asian</u> herbology including botany.	300
(8) Practice management -instruction in the legal and ethical aspects of maintaining a professional practice, including record keeping, professional liability, patient accounts, and referral procedures.	
(9) Ethics relating to the practice of acupuncture.	30
(10) Clinical medicine -a survey of the clinical practice of medicine, osteopathy, dentistry, psychology, nursing, chiropractic, podiatry, and homeopathy to familiarize practitioners with the practices of other health care practitioners.	

(11) History of medicine -a survey of medical history, including transcultural healing practices.

(12) Medical terminology -fundamentals of English language medical terminology.

(13) General sciences -a survey of or courses in general biology, chemistry, and physics.

(14) Anatomy -a survey of microscopic and gross anatomy and neuroanatomy.

(15) General Psychology -including counseling skills.

(16) Physiology -a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry.

(17) Pathology -a survey of the nature of disease and illness, including microbiology, immunology, psychopathology, and epidemiology.

(18) Clinical sciences -a review of internal medicine, pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition, vitamins, and public health.

(19) Western pharmacology.

558

(20) A minimum of eight (8) hours in a certified course offering first-aid and adult/child cardiopulmonary resuscitation (CPR). Such course shall be taken from the American Red Cross, American Heart Association, or other organization with an equivalent course work approved by the Board.

(f) The course work specified in this section shall extend over a minimum period of four (4) academic years, eight (8) semesters, ~~twelve (12)~~ quarters, nine (9) trimesters, or ~~thirty-six (36)~~ months. No more than 1500 hours of clinical training and/or theoretical and didactic training is to be completed per ~~twelve (12)~~ month period.

(g) The acupuncture services provided by the trainee shall be done ~~so~~ in a manner ~~which that~~ does not endanger the health and welfare of patients receiving such services.

No trainee shall render acupuncture services to any patient unless the patient has been informed that such services will be rendered by that trainee. The patient on each occasion of treatment shall be informed of the procedure to be performed by the trainee under the supervision of the supervising acupuncturist and have consented in writing prior to performance to permit such rendering of the acupuncture procedure by the trainee. The foregoing requirements shall also be applied to those instances wherein the trainee is to assist the supervisor in the rendering of acupuncture services.

(h) The acupuncture tutorial training program shall be set forth in a written agreement signed by the supervisor and trainee which sets forth, but is not limited to, the training plan, length of training time, ~~the~~ method for providing the theoretical and didactic training, and guidelines for supervision of the acupuncture services rendered by the trainee. A copy of such written agreement shall be submitted with the application for approval.

(i) As a condition of approval, or continued approval, all tutorial programs are subject to an on-site visit by representatives of the Board to review and evaluate the status of the program. It will be the responsibility of the trainee and supervisor to reimburse the Board for direct costs incurred in conducting such review and evaluation.

(j) Acupuncture trainees shall have met the following prerequisites prior to the approval of the tutorial program:

(1) Be at least 18 years of age.

(2) Successful completion of an approved high school course of study or ~~have~~ passage of a standard equivalency test.

(k) An acupuncture tutorial shall be made available regardless of sex, race, religion, creed, color, or physical handicap.

(l) The requirements of this section shall not apply to persons who commenced a tutorial and registered with the Board as provided in Section 1399.424 prior to January 1, 1999. Such persons shall meet the curriculum and clinical training requirements in effect at the time ~~that the Board approved their application for a tutorial program was approved by the board.~~

NOTE: Authority cited: Section 4933, Business and Professions Code.

Reference: Sections ~~4925, 4939, 4940~~ and 4941, Business and Professions Code.

§ 1399.426. Supervising Acupuncturist's Responsibilities.

Each supervising acupuncturist shall have the following duties and responsibilities:

(a) A supervisor shall at all times be responsible for and provide supervision of the work performed by the trainee as required in these regulations.

(b) The supervisor shall only assign those patient treatments ~~which~~ that can be safely and effectively performed by the trainee and ~~which~~ are consistent with the level of training received by the trainee. The supervisor shall provide continuous direction and immediate supervision of the trainee when patient services are provided. The supervisor shall be in the same facility as and in proximity to the location where the trainee is rendering services and shall be readily available at all times to provide advice, instruction, and assistance to the trainee.

- (c) The supervisor shall insure that patient informed consent is obtained when necessary.
- (d) The supervisor shall insure that the objectives of the training plan submitted are provided and met by the trainee, and that the required theoretical training is obtained in accordance with subsection (c) of Section 1399.425.
- (e) The supervisor shall insure that the trainee complies with the standards of practice in Article 5 of the Acupuncture Regulations.
- (f) The supervisor shall file quarterly with the Bboard a progress report on a form provided by the Bboard which sets forth the schedules for theoretic and didactic training and for clinical training of the trainee.
- (g) The supervisor shall insure that when rendering services or otherwise engaging in professional activity the trainee always identifies ~~himself or herself~~ themselves as an "acupuncture trainee" and wears at such times the identification badge required in Section 1399.427.
- (h) There shall be no separate billing by the trainee.
- (i) The supervisor shall comply with the provisions of the Acupuncture-law Licensure Act, the Acupuncture Regulations, and applicable laws and regulations governing wages and compensation paid to employees or apprentices, maximum hours, and working conditions. Any overtime worked by the trainee shall not interfere with or impair the training program and shall not be detrimental to the health and safety of the trainee or patients.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4939~~ and 4940, Business and Professions Code.

§ 1399.427. Trainee's Responsibilities.

Each acupuncture trainee shall have the following duties and responsibilities.

- (a) The trainee shall not provide acupuncture services without the required supervision or autonomously, and shall not provide any services for which ~~he or she~~ the trainee is not trained or competent to perform.
- (b) The trainee shall satisfactorily meet the objectives of the training plan submitted to the Bboard, including the necessary theoretical training.
- (c) The trainee shall comply with the standards of practice in Article 5 of the Acupuncture Regulations.

(d) The trainee shall always identify ~~himself or herself~~ themselves as an acupuncture trainee when rendering services or otherwise engaging in professional activity and shall wear at such times an identification badge on an outer garment and in plain view which states the trainee's name and the title "Acupuncture Trainee."

(e) The trainee shall report to the Board any delay, interruption, or termination of the acupuncture tutorial not reported by the supervisor.

(f) The trainee shall maintain a written log of the patients whom ~~he or she~~ the trainee has seen during the clinical training. The log shall contain the date and time of the patient visit and a description of the acupuncture services provided by the trainee to the patient. The log shall be made available to the ~~committee~~ Board upon request.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference cited: Sections ~~4939 and~~ 4940, Business and Professions Code.

§ 1399.428. Termination or Modification of Tutorial.

(a) The Board shall be notified in writing within ~~ten (10)~~ calendar days of the termination of any acupuncture tutorial for any reason. At the time of such notification the registration of both the supervisor and trainee shall be cancelled. If the supervisor or trainee subsequently participates in an acupuncture tutorial, a new application for registration shall be filed with the Board as set forth in Section 1399.424.

(b) If the training plan of the acupuncture tutorial is substantially modified, then a report of such modifications shall be filed with the Board. There shall be no charge for filing such a report.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference cited: Sections ~~4939 and~~ 4940, Business and Professions Code.

§ 1399.430. Denial, Suspension, or Revocation of Registration as a Supervisor.

The Board may deny, issue subject to terms and conditions, suspend, revoke, or place on probation a registration to supervise a trainee in an acupuncture tutorial for the following causes:

(a) Failure to comply with the provisions of Section 4940 of the Code or the Acupuncture Tutorial Regulations for approval of an acupuncture tutorial.

(b) Violation of the Acupuncture Licensure Act or the Acupuncture Regulations.

(c) The supervisor is the subject of a successful disciplinary action or has had charges in a disciplinary action filed against ~~him or her~~ the supervisor.

(d) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the ~~division~~ Board with respect to an acupuncture tutorial.

(e) Failure of the supervisor or the trainee to comply with the regulations relating to supervision, patient care, or informed consent.

(f) The trainee has rendered acupuncture services in violation of ~~this act~~ the Acupuncture Licensure Act within the setting of the acupuncture tutorial regardless of whether the supervising acupuncturist has knowledge of the acts performed.

NOTE: Authority cited: Section 4933, Business and Professions Code.

Reference cited: Sections ~~4925, 4939, 4960~~, 4933, 4940, 4955 and 4955.1, Business and Professions Code.

§ 1399.431. Denial, Suspension, or Revocation of Registration as a Trainee.

The Bboard may deny, issue, subject to terms and conditions, suspend, revoke, or place on probation a registration as a trainee in an acupuncture tutorial for the following causes:

(a) Failure to comply with the Acupuncture Tutorial Regulations for approval and registration as a trainee.

(b) Violation of the Acupuncture Licensure Act or the Acupuncture Regulations.

(c) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the ~~division~~ Board with respect to the acupuncture tutorial.

(d) Failure to comply with the regulations relating to supervision, patient care, or informed consent.

(e) The rendering of acupuncture services outside the approved acupuncture tutorial.

(f) Failure to identify oneself as an acupuncture trainee or failure to wear an appropriate identification badge when rendering acupuncture services.

(g) Rendering acupuncture services under a supervising acupuncturist who is not approved as a supervisor by the Bboard or whose registration as a supervisor has been disciplined under Section 1399.430.

NOTE: Authority cited: Section 4933, Business and Professions Code.

Reference: Sections ~~4925, 4939 and 4960~~, 4933, 4940, 4955 and 4955.1, Business and Professions Code.

§ 1399.434. Criteria for Approval of Acupuncture and ~~Oriental~~ Asian Medicine Curriculum.

To be approved by the Board, an acupuncture and ~~Oriental~~ Asian 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:

(a) Basic Sciences 350 hours

The curriculum in basic sciences shall prepare students to enter postsecondary upper division biomedical and clinical science courses and shall consist of at least 350 hours of didactic and laboratory instruction in the following basic science courses:

- (1) General biology;
- (2) Chemistry, including organic and biochemistry;
- (3) General physics, including a general survey of biophysics;
- (4) General psychology, including counseling skills;
- (5) Anatomy - a survey of microscopic, gross anatomy and neuroanatomy;
- (6) Physiology - a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry;
- (7) Pathology and Pathophysiology - a survey of the nature of disease and illness, including microbiology, immunology, psychopathology, and epidemiology;
- (8) Nutrition and vitamins;

(b) Acupuncture and ~~Oriental~~ Asian Medicine Principles, Theories and Treatment 1,255 hours

The curriculum in acupuncture and ~~Oriental~~ Asian medicine principles, theories, and treatment shall consist of at least 1,255 hours of didactic instruction in the following principles, theories, prescription, and treatment procedures of acupuncture and ~~Oriental~~ Asian medicine:

(1) Acupuncture and ~~Oriental~~ Asian Medicine Principles and Theories

- (A) ~~Oriental~~ Asian Medicine Principles and Theory;
- (B) Acupuncture Principles and Theory;
- (C) ~~Oriental~~ Asian Massage (e.g., ~~Tui-Na or Shiatsu~~ tui na or shiatsu) Principles and Theory;

(D) Chinese Herbal Medicine Principles and Theory, including relevant botany concepts (This subject area shall consist of at least 450 hours of instruction);

(E) Acupuncture and ~~Oriental~~ Asian Medicine Diagnosis;

(F) Acupuncture and ~~Oriental~~ Asian Medicine Specialties, including dermatology, gynecology, pediatrics, ophthalmology, orthopedics, internal medicine, geriatrics, family medicine, traumatology, and emergency care;

(G) Classical acupuncture and ~~Oriental~~ Asian medicine literature, including Jin Gui, Wen Bing/Shang Han, Nei Jing;

(H) Modern acupuncture and ~~Oriental~~ Asian medicine literature.

(2) Acupuncture and ~~Oriental~~ Asian Medicine Treatment

(A) Integrated acupuncture and ~~Oriental~~ Asian medicine diagnostic and treatment procedures;

(B) Acupuncture techniques and treatment procedures, including electroacupuncture;

(C) ~~Oriental~~ Asian massage (e.g., ~~Tui Na or Shiatsu~~ tui na or shiatsu), acupressure, and other techniques utilizing manual therapy and mechanical devices;

(D) Exercise therapy, including breathing, ~~qi-gong~~ qi gong, and ~~taiji quan~~ taiji quan;

(E) Herbal prescription, counseling, and preparation;

(F) ~~Oriental~~ Asian and Western clinical and medical nutrition, dietary, and supplement prescription and counseling;

(G) Cold and heat therapy, including moxibustion and ultrasound;

(H) Lifestyle counseling, and self-care recommendations;

(I) Adjunctive acupuncture procedures, including bleeding, cupping, ~~gua sha~~ gua sha, and dermal tacks;

(J) Acupuncture micro therapies, including auricular and scalp therapy;

(K) Hygienic standards, including clean needle techniques. The clean needle technique portion of this subject shall use the "Clean Needle Technique Manual 7th edition" (rev. January 2016), published by the Council of Colleges of Acupuncture and ~~Oriental~~ Herbal Medicine, which is hereby incorporated by reference. Students shall successfully complete the clean needle technique portion of the hygienic standards subject prior to performing any needling techniques on human beings;

(L) Equipment maintenance and safety;

(M) Adjunctive acupoint stimulation devices, including magnets and beads.

(c) Clinical Medicine, Patient Assessment and Diagnosis 240 hours
The curriculum in clinical medicine, patient assessment, and diagnosis shall consist of at least 240 hours of didactic instruction and shall prepare the student to possess the knowledge, skills, and abilities necessary to utilize standard physical examinations, laboratory and imaging studies, and International Classification of Diseases (ICD) diagnostic principles to improve treatment efficacy, patient safety, referral, and continuity of care; to improve communication and collaboration of care with all other medical providers; to assist in the evaluation and documentation of patient progress; and to improve the acupuncturist's understanding of biochemical etiology and pathology. Clinical medicine, patient assessment, and diagnostic skills curriculum shall include the following:

(1) Comprehensive history taking;

(2) Standard physical examination and assessment, including neuromusculoskeletal, orthopedic, neurological, abdominal, and ear, nose, and throat examinations, and functional assessment;

(3) Pharmacological assessment, emphasizing side-effects and herb-drug interactions;

(4) Patient/practitioner rapport, communication skills, including multicultural sensitivity;

(5) Procedures for ordering diagnostic imaging, radiological, and laboratory tests and incorporating the resulting data and reports;

(6) Clinical reasoning and problem solving;

(7) Clinical impressions and the formation of a working diagnosis, including acupuncture and ~~Oriental~~ Asian medicine diagnoses, and the World Health Organization's International Classification of Diseases (ICD-10);

(8) Awareness of at-risk populations, including gender, age, indigent, and disease specific patients;

(9) Standard medical terminology;

(10) Clinical sciences -a review of internal medicine, pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition, and public health;

(11) Clinical medicine -a survey of the clinical practice of medicine, osteopathy, dentistry, psychology, nursing, chiropractic, podiatry, naturopathy, and homeopathy to familiarize practitioners with the practices of other health care practitioners.

(d) Case Management 90 hours

The curriculum in case management shall consist of at least 90 hours of didactic instruction and shall prepare the student to manage patient care as a primary health care professional, and shall include instruction in the following subject:

(1) Primary care responsibilities;

(2) Secondary and specialty care responsibilities;

(3) Psychosocial assessment;

(4) Treatment contraindications and complications, including drug and herb interactions;

(5) Treatment planning, continuity of care, referral, and collaboration;

(6) Follow-up care, final review, and functional outcome measurements;

(7) Prognosis and future medical care;

(8) Case management for injured workers and socialized medicine patients, including a knowledge of workers compensation/labor codes and procedures and qualified medical evaluations;

(9) Coding procedures for current procedural and diagnostic codes, including Current Procedural Terminology (CPT) and International Classification of Disease ICD-10 diagnostic codes;

(10) Medical-legal report writing, expert medical testimony, and independent medical review;

(11) Special care/seriously ill patients;

(12) Emergency procedures.

(e) Practice Management 45 hours

The curriculum in practice management shall consist of at least 45 hours of didactic instruction and shall include the following subjects:

- (1) Record keeping, insurance billing, and collection;
- (2) Business written communication;
- (3) Knowledge of regulatory compliance and jurisprudence (municipal, California, and federal laws, including OSHA, the Labor Code, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA));
- (4) Front office procedures;
- (5) Planning and establishing a professional office;
- (6) Practice growth and development;
- (7) Ability to practice in interdisciplinary medical settings including hospitals;
- (8) Risk management and insurance issues;
- (9) Ethics and peer review.

(f) Public Health 40 hours

The curriculum in public health shall consist of at least 40 hours of didactic instruction and shall include training in the principles of public health, including the following subjects:

- (1) Public and community health and disease prevention;
- (2) Public health education;
- (3) A minimum of eight (8) hours in first-aid and adult/child cardiopulmonary resuscitation (CPR) from the American Red Cross, American Heart Association, or other organization with an equivalent course approved by the Bboard;
- (4) Treatment of chemical dependency;
- (5) Communicable disease, public health alerts, and epidemiology.

(g) Professional Development 30 hours

The curriculum in professional development shall consist of at least 30 hours of didactic instruction and shall prepare the student with the skills to continue to expand their knowledge, including instruction in the following subjects:

- (1) Research and evidence based medicine;
- (2) Knowledge of academic peer review process;
- (3) Knowledge and critique of research methods;
- (4) History of medicine.

(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~~ Asian 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~~ Asian medicine treatment modalities listed in ~~the Business and Professions Code s~~ Sections 4927(d) and 4937(b) of the Code.
- (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.

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

§ 1399.435. Criteria for Acupuncture and Oriental-Asian Medicine Training Programs.

An acupuncture and Oriental-Asian medicine training program approved by the Board shall adopt the following procedures for its program effective January 1, 2005:

(a) Candidates for admission shall have successfully completed at least two (2) academic years (60 semester credits/90 quarter credits) of education at the baccalaureate level that is appropriate preparation for graduate level work, or the equivalent from an institution accredited by an agency recognized by the U.S. Secretary of Education.

(b) The training program should be located in an educational institution approved under Article 4 (commencing with Section 94770) of Chapter 7 of Part 59 of the Education Code, Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code or in the case of training programs located outside California, in an institution which is approved by the appropriate governmental accrediting authority or an accrediting agency recognized by the U.S. Department of Education.

(c) The training program shall develop a self-study evaluation process to determine the effectiveness of its theoretical and clinical program.

(d) Coursework shall carry academic credit.

(e) The director and supervisor(s) of the clinical portion of the training program shall be a licensed acupuncturist in the state where the educational institution is located and with at least five (5) years of licensed clinical experience in the practice of acupuncture and Oriental-Asian medicine.

(f) All instructors shall be competent to teach their designated courses by virtue of their education, training, and experience. All faculty credentials shall be equivalent to the course and degree level being taught.

(g) Each training program shall develop policies and procedures to evaluate and award transfer credit to students for coursework and experience ~~which that~~ is equivalent to current coursework and clinical instruction required. Such policies and procedures shall be defined in the school's catalog and shall include the following:

(1) Credit shall only be awarded for actual coursework.

(2) Where the coursework and clinical instruction were completed at an acupuncture school not approved by the Board, the evaluation shall include an examination administered and retained by the school in the subject area(s) in which transfer credit may be awarded.

(3) Up to 100% transfer credit may be awarded for coursework and clinical instruction completed successfully at another acupuncture school or college which that is approved by the Bboard.

(4) Up to 100% transfer credit may be awarded for courses completed successfully in basic sciences, clinical medicine, case management, practice management, public health, and professional development at a school which that is approved under ~~Article 4 (commencing with Section 94770)~~ of Chapter 7 of ~~Part 59 of the Education Code~~ Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code or by an accrediting agency recognized by the U.S. Department of Education.

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per agency
request

(5) Up to ~~fifty percent (50%)~~ credit, by transfer or challenge exam, for clinical practice coursework and instruction in acupuncture and Oriental Asian medicine principles, theories, and treatment procedures completed successfully at a school which that is not approved by the Bboard may be awarded by a school approved by the Bboard, provided that at least 50% of the course hours in individual subjects are completed successfully at a school approved by the Bboard.

(6) The entire record of the evaluation and award of the student's transfer credit shall be included in the student's academic file and shall be made an official part of the student's transcript which shall be filed with the Bboard upon request.

(7) All students shall receive upon matriculation a copy of the school's policies and procedures for evaluating and awarding transfer credit.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4938, 4939, 4940, and 4941 ~~and 4944~~, Business and Professions Code.

§ 1399.437. Requirements for Board Approval of Curriculum.

(a) Each educational and training program seeking Bboard approval of its curriculum shall submit an "Application for Board Approval of Curriculum" (rev 4/15), hereby incorporated by reference. The application shall be accompanied by the following information and documentation:

(1) Educational and training program legal name, current address, phone number, website, contact person, and program(s) requested for Bboard curriculum approval;

(2) A completed course-by-course list for each course that meets the Bboard required coursework with course number, clock hour, and course unit to document that the curriculum meets the requirements for Section 1399.434;

- (3) A list of all courses in the program requested for Board approval of curriculum with course hours, course units, course number, and course title;
- (4) A copy of all course syllabi for program(s) requested for Board curriculum approval; and
- (5) A copy of the current course catalog.

All information and documentation submitted under this section shall be in English.

(b) An "Application for Board Approval of Curriculum" shall be deemed received and complete pursuant to ~~Business and Professions Code Section 4927.5, subdivision (b), of the Code~~ when the Board has received a complete application, including the form and all information and documentation, as defined in ~~subdivision~~ subsection (a) of this regulation section.

(c) An educational and training program whose "Application for Board Approval of Curriculum" is incomplete shall be notified, in writing, that the application is incomplete, and of the reasons the application is incomplete and instructions for how to address the incomplete application. An educational and training program's incomplete application shall be deemed abandoned if the educational and training program does not submit a complete application to the Board within 30 days of the mailing of the written notification that the application is incomplete.

(d) An "Application for Board Approval of Curriculum" submitted subsequent to the abandonment of a prior application shall be treated as a new application.

(e) Any changes to coursework as listed in Section 1399.434 after Board approval constitutes a new curriculum and requires Board approval pursuant to ~~Business and Professions Code Section 4927.5 of the Code~~. The approval shall be attained prior to implementing the new curriculum.

NOTE: Authority cited: Sections 4927.5 and 4933, Business and Professions Code.
Reference: Sections 4927.5, ~~4937~~ and 4938, Business and Professions Code.

§ 1399.438. Suspension or Revocation of Approval.

The Board may deny, place on probation, suspend, or revoke the approval granted to any acupuncture training program for any failure to comply with the regulations in this article, the Acupuncture Regulations, or the Acupuncture Licensure Act.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4925 and 4939~~, 4927.5 and 4933, Business and Professions Code.

§ 1399.439. School Monitoring; Records; Reporting.

(a) Every approved acupuncture school shall be required to submit to the Board within ~~sixty (60)~~ days after the close of the school's fiscal year a current course catalog with a letter outlining the following: 1) any courses added/deleted or significantly changed from the previous year's curriculum; 2) any changes in faculty, administration, or governing body; 3) any major changes in the school facility; and 4) a statement regarding the school's financial condition, which enables the Board to evaluate whether the school has sufficient resources to ensure the capability of the program for enrolled students.

(b) If determined necessary, ~~an on-site visit~~ by representatives of the Board will be ~~made~~ make an on-site visit to the school to review and evaluate the status of the school. The school will be required to reimburse the Board for direct costs incurred in conducting such review and evaluation.

(c) All student records shall be maintained in at least English.

(d) Each approved acupuncture school shall report to the Board within 30 days any substantial changes to the facility and/or clinic(s), and curriculum required in this section.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4927.5, 4933, 4939 and 4944, Business and Professions Code.

§ 1399.440. Location.

Examinations shall be administered at times and locations to be determined by the Board. If the same examination is administered in more than one location, it shall be administered concurrently in each location.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Section 4938, Business and Professions Code.

§ 1399.441. Languages.

Examinations shall be administered in English, Chinese, and Korean. An applicant shall notify the ~~committee~~ Board of the desired language where provided for in the Application for Examination/Licensure. Translations and translators, when necessary for other languages, shall be provided in any language for which a translation is formally requested as provided above by a minimum of five percent (5%) of the total number of approved applications. Otherwise, such applicants shall take the examination in one of the languages listed above.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4938, 4939, 4940, 4941 and 4944, Business and Professions Code.

§ 1399.443. Examination Content.

(a) The examination shall test the applicant's knowledge and competency in the practice of ~~oriental~~ Asian medicine through acupuncture.

(b) In order to pass an examination an applicant shall be required to obtain a passing score as determined by a criterion-referenced method of establishing the passing point on each part of the examination.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4927, 4937, 4938, 4939, 4940, 4941~~ and 4944, Business and Professions Code.

§ 1399.444. Lapsed Licenses; Examination.

Any acupuncturist whose license has been expired for more than three (3) years and who is applying for a new license under Section 4967 of the Code shall be required to take and pass the written examination before a new license may be issued.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4938, 4939, 4940, 4941, 4944 and 4967, Business and Professions Code.

§ 1399.451. Treatment Procedures.

In treating a patient, an acupuncturist shall adhere to the following procedures:

(a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments, and between patients.

(b) All instruments shall be sterilized before and between uses in a manner ~~which will~~ that destroys all microorganisms. All needle trays ~~which~~ that contain sterile needles shall also be sterile. Each time instruments are sterilized, the acupuncturist shall use a tape or strip indicator ~~which~~ that shows that sterilization is complete.

(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an appropriate antiseptic before insertion of the needle.

(d) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or penetrate the tissues in order to excise such a needle.

(e) Any complication, including but not limited to, hematoma, peritonitis, or pneumothorax arising out of acupuncture treatment shall be referred immediately to a physician, ~~or~~ dentist, or podiatrist, if appropriate, if immediate medical treatment is required.

(f) Acupuncture shall not be performed using hypodermic needles.

(g) All instruments to be discarded shall be disposed of safely.

(h) Needles shall be disposed of by placing them in a sealed, unbreakable container marked "Hazardous Waste" and disposed of in accordance with state and local law.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Section 4955, Business and Professions Code.

§ 1399.455. Advertising.

(a) A licensed acupuncturist may advertise the provision of any acupuncture services authorized to be provided by such licensure in a manner authorized by Section 651 of the Ceode so long as such advertising does not promote the excessive or unnecessary use of such services.

(b) It is improper advertising as provided in Section 4955 of the Ceode to disseminate any advertising ~~which~~ that represents in any manner that the acupuncturist can cure any type of disease, condition, or symptom.

(c) It is improper advertising as provided in Section 4955 of the Ceode to disseminate any advertising of a practice, technique, or procedure ~~which~~ that is not within the scope of the practice of acupuncture as defined in Sections 4927 and 4937 of the Ceode and ~~which~~ that is the unlawful practice of medicine.

NOTE: Authority cited: Sections 651 and 4933, Business and Professions Code.
Reference: Sections 651, 2052, 4937, ~~4938~~ and 4955, Business and Professions Code.

~~§ 1399.456. Use of Title "Doctor."~~

~~It is unprofessional conduct for an acupuncturist to use the title "Doctor" or the abbreviation "Dr." in connection with the practice of acupuncture unless he or she possesses a license or certificate which authorizes such use or possesses an earned doctorate degree from an accredited, approved, or authorized educational institution as set forth under Article 4 (commencing with Section 94760) of Chapter 7 of Part 59 which is in acupuncture, Oriental medicine, a biological science, or is otherwise related to the authorized practice of an acupuncturist as set forth in Sections 4927 and 4937 of the Code.~~

~~The use of the title "Doctor" or the abbreviation "Dr." by an acupuncturist as authorized above without further indicating the type of license, certificate or degree which authorizes such use, constitutes unprofessional conduct.~~

~~NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 2054 and 4955, Business and Professions Code.~~

§ 1399.463. Authority to Issue Citations and Fines.

(a) The executive officer of the Board is authorized to issue a citation which may contain an order of abatement or an administrative fine for violations by a licensee of the statutes contained in the Acupuncture Licensure Act (~~commencing with Business and Professions Code Section 4925 et seq.~~) or the regulations adopted by the Board. For purposes of this section and sections 1399.464, 1399.466, 1399.467, and 1399.468, the term "licensee" refers to either a California licensed acupuncturist or a Board-approved continuing education provider.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulation alleged to have been violated. The citation shall be served upon the licensee personally or by certified mail.

NOTE: Authority cited: Sections 125.9, 148 and 4933, Business and Professions Code. Reference: Sections 125.9, and 148 ~~and~~ 4925, Business and Professions Code.

§ 1399.464. Exceptions.

A citation shall not be issued in any of the following circumstances:

(a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the license are necessary in order to ensure consumer protection.

(b) The licensee's conduct displayed a disregard for the patient and/or patient's rights. This includes, but is not limited to, physical abuse, neglect, abandonment, and fiduciary abuse ~~(as defined in Welfare and Institutions Code Section 15610)~~. For purposes of this section "fiduciary abuse" means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of their trust.

(c) The licensee failed to comply with any requirement of any previous citation, including any order of abatement or fine.

(d) The violation involves unprofessional conduct related to controlled substances or dangerous drugs.

(e) The violation involves unprofessional conduct related to sexual abuse, misconduct, or relations with a patient.

(f) The licensee was convicted of an offense substantially related to the qualifications, functions, and duties of an acupuncturist and there is insufficient evidence of rehabilitation.

NOTE: Authority cited: Sections 125.9 and 4933, Business and Professions Code.
Reference: Sections 125.9 and 4955, Business and Professions Code.

§ 1399.465. Citation; Assessment of Fine.

(a) The amount of any administrative fine to be levied by the executive officer shall be no less than \$100 nor more than \$2500.

In assessing the amount of the fine, the executive officer will consider the following factors in determining the amount of the fine:

- (1) Gravity of the violation.
- (2) The good or bad faith exhibited by the cited person.
- (3) Evidence that the violation was willful.
- (4) The extent to which the cited person cooperated with the Bboard's investigation.
- (5) The extent to which the cited person has mitigated or attempted to mitigate any damage caused by ~~his or her~~ the violation.
- (6) Such other factors as justice may require.

(b) Notwithstanding the administrative fine amounts specified in subsection (a), a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- (1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- (2) The cited person has a history of two or more prior citations of the same or similar violations.
- (3) The citation involves multiple violations that demonstrate a willful disregard of the law.
- (4) The citation involves a violation or violations perpetrated against a senior citizen or person with disabilities.

NOTE: Authority cited: Sections 125.9, 148 and 4933, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

§ 1399.467. Citations for Unlicensed Practice.

The executive officer of the Bboard is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines

against persons who are performing or who have performed services for which license as an acupuncturist is required under the Acupuncture Licensure Act. Each citation issued for unlicensed activity shall contain either an order of abatement, or, where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with Section 1399.465 of these regulations. The provisions of Sections 1399.463, 1399.465, 1399.466, and 1399.468 apply to the issuance of citations for unlicensed activity under this section. The citation issued under this section shall be separate from and in addition to any other civil or criminal remedies.

NOTE: Authority cited: Sections 125.9, 148 and 4933, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

§ 1399.468. Contest of Citations.

(a) In addition to requesting a hearing provided for in ~~subdivision (b)(4) of s~~Section 125.9(b)(4) of the Code, the person cited may, within ~~ten (10)~~ days after service or receipt of the citation, notify the executive officer in writing of ~~his or her~~ the person's request for an informal conference with the executive officer regarding the acts charged in the citation.

(b) The executive officer shall hold, within 60 days from the receipt of the request, an informal conference with the person cited. At the conclusion of the informal conference, the executive officer may affirm, modify, or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for ~~his or her~~ the executive officer's action and serve or mail, as provided in subsection (b) of Section 1399.463, a copy of ~~his or her~~ the executive officer's findings and decision to the person cited within ~~ten~~ 10 days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive ~~his or her~~ their request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with ~~subdivision (b)(4) of s~~Section 125.9(b)(4) of the Code.

NOTE: Authority cited: Sections 125.9, 148 and 4933, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

§ 1399.469. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the ~~Acupuncture Board~~ shall consider the

disciplinary guidelines entitled "Department of Consumer Affairs, Acupuncture Board 'Disciplinary Guidelines' 1996" 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.

NOTE: Authority cited: Section 4933, Business and Professions Code; and Sections 11400.20 and 11400.21, Government Code.

Reference: Sections 11400.20, 11400.24 and 11425.50(e), Government Code.

§ 1399.469.1. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the Board shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of ~~his or her~~ the individual's duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code, provided, however, that nothing in this paragraph shall prohibit the Board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to October 1, 2015, the effective date of this regulation section. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for

purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license shall govern.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 480, 726, 4928.1, 4955, 4956 and 4960, Business and Professions Code.

§ 1399.469.2. Unprofessional Conduct.

In addition to the conduct described in Section 4955 of the Business and Professions Code, "unprofessional conduct" also includes, but is not limited to, the following:

(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice to which the licensee is or expects to be named as a party, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the Board.

(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the Board.

(b) Failure to provide to the Board, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any Board investigation pending against the licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(d) Failure to report to the Board within 30 days any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the Bboard.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 4928.1 and 4955, Business and Professions Code.

§ 1399.475. Requirements for Acupuncture Corporations.

An acupuncture corporation shall comply with the following provisions:

(a) The corporation is organized and exists pursuant to the Ggeneral Corporation Law and is a professional corporation within the meaning of Part 4 (commencing with Section 13400) of Division 3, of Title 1 of the Corporations Code.

(b) Each shareholder, director, and officer (except as provided in Section 13403 of the Corporations Code and Section 4977.2 of the Code) holds a valid acupuncture certificate. An acupuncturist may be a shareholder in more than one acupuncture corporation.

(c) Each professional employee of the corporation who will practice acupuncture, whether or not a director, officer, or shareholder, holds a valid acupuncture certificate.

NOTE: Authority cited: Sections 4933 and 4979, Business and Professions Code.
Reference: Sections 4975 and 4977.2, Business and Professions Code; and Sections 13401, 13403, 13405, 13406 and 13407, Corporations Code.

§ 1399.476. Namestyle.

The name of the corporation and any name or names under which it may render professional services shall include words or abbreviations denoting corporate existence limited to the following: "Professional Corporation," "Prof. Corp.," "Corporation," "Corp.," "Incorporated," or "Inc."

NOTE: Authority cited: Sections 4933 and 4979, Business and Professions Code.
Reference: Section ~~4938~~ 4978, Business and Professions Code; and Section 13409, Corporations Code.

§ 1399.477. Shares: Ownership and Transfer.

(a) Where there are two (2) or more shareholders in an acupuncture corporation and one (1) of the shareholders:

(1) Dies or

(2) Becomes a disqualified person as defined in Section 13401~~(d)~~(e) of the Corporations Code, ~~his or her~~ the shareholder's shares shall be sold and transferred to the corporation, its shareholders, or other eligible licensed persons on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder becomes a disqualified person. The requirements of this subsection shall be set forth in the acupuncture corporation's articles of incorporation or bylaws.

(b) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when ~~he or she~~ the person again becomes an eligible shareholder.

(c) The share certificates of an acupuncture corporation shall contain an appropriate legend setting forth the restrictions of subsection (a).

(d) Nothing in these regulations shall be construed to prohibit an acupuncture corporation from owning shares in a nonprofessional corporation.

NOTE: Authority cited: Sections 4933 and 4979, Business and Professions Code. Reference: Sections 4977.1 and 4979, Business and Professions Code; Sections 13401, 13403, 13406 and 13407, Corporations Code.

§ 1399.479. Corporate Activities.

(a) An acupuncture corporation may perform any act authorized in its articles of incorporation or bylaws so long as that act is not in conflict with or prohibited by these regulations, the Acupuncture ~~Certification~~ Licensure Act or the regulations adopted pursuant thereto.

(b) An acupuncture corporation may enter into partnership agreements with other acupuncturists practicing individually or in a group or with other acupuncture corporations.

NOTE: Authority cited: Sections 4933 and 4979, Business and Professions Code. Reference: Section 4979, Business and Professions Code; Sections 13403, 13408, and 13410, Corporations Code.

§ 1399.480. Definitions.

(a) For purposes of this article:

(1) "Provider" means ~~these~~ a persons or organizations approved by the Board to offer continuing education.

(2) "Course" means a systematic learning experience, at least one hour in length, ~~which that~~ deals with and is designed for the acquisition of knowledge, skills, and information relevant to the practice of acupuncture.

(3) "Hour" means at least ~~fifty~~ (50) minutes of participation in an organized learning experience.

Note: Authority cited: Section 4933, Business and Professions Code. Reference: Sections ~~4934.2~~ and 4945, Business and Professions Code.

§ 1399.481. Criteria for Provider Approval.

(a) In order to be a provider, ~~these~~ a persons, organizations, schools, or other entities seeking approval shall submit to the Board a Continuing Education Provider Application, (Rev. 5/08), ~~that~~ which is hereby incorporated by reference, accompanied by the fee set forth in Section 1399.462. All provider applications and documentation submitted to the Board shall be typewritten and in English.

(b) The approval of the provider shall expire two (2) years after it is issued by the Board and may be renewed upon the filing of the required application and fee.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections ~~4934.2~~ and 4945, Business and Professions Code.

§ 1399.482. Approved Providers.

(a) For the purpose of this aArticle, the title "provider" can only be used when a person or organization has submitted a provider application, remitted the appropriate fee, received approval by the Board, and ~~has~~ been issued a provider number.

(b) A person or organization may be issued only one provider number. When two or more providers co-sponsor a course, the course shall be identified by only one provider number and that provider shall assume responsibility for recordkeeping, advertising, ~~issuance of~~ issuing certificates, instructor(s) qualifications, and any other requirements.

(c) A provider shall keep the following records for a period of four (4) years in one identified location:

(1) Course outlines of each approved course given.

(2) Record of time and places of each approved course given.

(3) Course instructor ~~curriculum vitae~~ curricula vitae or resumes.

(4) The attendance record for each approved course that shows the name, signature, and license number of the acupuncturists who took the course and a record of any certificates issued to them.

(5) Participant evaluation forms for each approved course given.

(d) Providers shall issue, within 60 days of the conclusion of an approved course, to each participant who has completed the course, a typewritten or printed certificate of completion that contains the following information:

(1) Provider's name and number.

(2) Course title.

(3) Participant's name and, if applicable, ~~his or her~~ the participant's acupuncture license number.

(4) Date and location of course.

(5) Number of continuing education hours completed.

(6) Statement directing the acupuncturist to retain the certificate for at least four (4) years from the date of completion of the course.

(e) Providers shall notify the Bboard within 30 days of any changes in organizational structure of a provider or the person(s) responsible for the provider's continuing education course, including name, address, or telephone number changes.

(f) Provider approval is non-transferable.

(g) The Bboard retains the right and authority to audit or monitor courses given by any provider.

(h) Upon request, providers shall submit to the Bboard attendance records for an approved course that includes the name, signature, and license number of the acupuncturists taking the course and course evaluation forms completed by the participants on the quality and usefulness of the course.

NOTE: Authority cited: Section 4933, Business and Professions Code.

Reference: Sections ~~4934.2~~ 4933 and 4945, Business and Professions Code.

§ 1399.483. Approval of Continuing Education Courses.

(a) Only a provider may obtain approval to offer continuing education courses.

(b) The content of all courses of continuing education submitted for Bboard approval shall be relevant to the practice of acupuncture and Asian medicine and shall fall within the following two (2) categories:

(1) Category 1 courses are those courses related to clinical matters or the actual provision of health care to patients. Examples of Category 1 courses include, but are not limited to, the following:

(A) Acupuncture and Asian Medicine.

(B) Western biomedicine and biological sciences.

(C) Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine.

(D) Courses concerning law and ethics and health facility standards.

(E) Courses designed to develop a licensee's patient education skills, including, but not limited to, patient education in therapeutic exercise techniques, nutritional counseling, and biomechanical education.

(F) Courses designed to enhance a licensee's ability to communicate effectively with other medical practitioners.

(G) Courses in acupuncture's role in individual and public health, such as emergencies and disasters.

(H) Courses in the behavioral sciences, patient counseling, and patient management and motivation when such courses are specifically oriented to the improvement of patient health.

(I) Research and evidence-based medicine as related to acupuncture and Asian medicine.

(2) Category 2 courses are those courses unrelated to clinical matters or the actual provision of health care to patients. Examples of Category 2 courses include, but are not limited to, the following:

(A) Practice management courses unrelated to clinical matters and direct patient care, including, but not limited to, administrative record keeping, laws and regulations unrelated to clinical medicine, insurance billing and coding, and general business organization and management.

(B) Breathing and other exercises, i.e. ~~qi gong~~ qi gong and ~~taiji quan~~ taiji quan that are for the benefit of the licensee and not the patient.

(c) Each provider shall include, for each course offered, a method by which the course participants evaluate the following:

- (1) The extent to which the course met its stated objectives.
- (2) The adequacy of the instructor's knowledge of the course subject.
- (3) The utilization of appropriate teaching methods.
- (4) The applicability or usefulness of the course information.
- (5) Other relevant comments.

(d) Courses designed to be completed by an individual on an independent or home study basis shall not exceed 50% of the required continuing education hours.

- (1) Courses that require practical or hands on techniques may not be approved for independent or home study.
- (2) Courses approved for independent or home study shall include a self-assessment by the licensee upon completion of the course that tests the participant's mastery of the course material.

(e) A provider is prohibited from selling, advertising, or promoting any named brand product or service during a course. A provider shall ensure that any discussion of a named product or service is objectively selected and presented with favorable and unfavorable information and balanced discussion of prevailing information on the product, competing products, alternative treatments or services. A provider shall ensure written disclosure to the audience, at the time of the program, of any relationship between any named product(s) or service(s) discussed and the provider or between any such product(s) or service(s) and any individuals instructor, presenter, panelist, or moderator. However, a provider may offer for sale products or services after the course has been completed as long as it is made clear to all participants that they are under no obligation whatsoever to stay for the sales presentation or purchase any products. Nothing in this ~~subdivision~~ subsection shall be interpreted as restricting a provider from discussing generic products during a course.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4934.2~~ and 4945, Business and Professions Code.

§ 1399.484. Application for Course Approval.

2. have at least two (2) years' experience in teaching similar subject matter content within the five (5) years preceding the course; or

3. have at least two (2) years' experience within the last five (5) years in the specialized area in which ~~he or she~~ the instructor is teaching.

(2) A non-acupuncturist instructor shall:

(A) be currently licensed or certified in ~~his or her~~ the instructor's area of expertise if appropriate, ~~and~~

(B) show written evidence of specialized training, that may include, but not be limited to, a certificate of training or an advanced degree in given subject area, and

(C) have at least two (2) years' teaching experience within the last five (5) years in the specialized area in which ~~he or she~~ the instructor teaches.

NOTE: Authority cited: Section 4933, Business and Professions Code.

Reference: Sections ~~4934.2~~, 4945 and 4949, Business and Professions Code.

§ 1399.486. Advertisements.

(a) Information disseminated by providers publicizing continuing education shall be true and not misleading and shall include the following:

(1) Course titles ~~shall that~~ reflect course content and ~~may do not~~ contain marketing language.

(2) A clear, concise description of the course content and objectives.

(3) Whether the course has been approved as a Category 1 or Category 2 course.

(4) The date and location of the course.

(5) The provider's name, provider's number, and telephone number.

(6) The statement "This course has been approved by the California Acupuncture Board, Provider Number _____, for _____ hours of continuing education in Category _____."

(7) Provider's policy on refunds for cases of non-attendance or cancellations.

(8) A written disclosure of all products that will be for sale after completion of the course.

(b) A provider may not describe a course as being Bboard-approved until the provider has received written confirmation of approval by the Bboard. ~~Where a provider is waiting for a determination by the Bboard on a request for course approval, the provider may advertise that the course is "pending" approval. A provider that advertises that its course is pending approval shall assume all responsibility if the course is subsequently denied by the Bboard.~~

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4934.2 and 4945~~, Business and Professions Code.

§ 1399.487. Denial, Withdrawal, and Appeal of Approval.

(a) The Bboard may deny a provider application or withdraw its approval of a provider for causes that include, but are not limited to, the following:

(1) the provider or applicant has been convicted of a crime substantially related to the activities of a provider or licensee;

(2) the provider or applicant has failed to comply with any provision of ~~Chapter 12, Division 2 of the Business and Professions Code or Division 13.7 of Title 16 of the California Code of Regulations~~ the Acupuncture Licensure Act or the Acupuncture Regulations;

(3) the provider or applicant has had a license revoked, suspended, placed on probation, voluntarily surrendered, or otherwise disciplined by the Bboard;

(4) the Bboard may suspend review and approval of an application if an administrative action is pending against an applicant's license.

(b) Any material misrepresentation of fact by a provider or applicant in any information required to be submitted to the Bboard is grounds for withdrawal or denial of an application.

(c) The Bboard may withdraw its approval of a provider or a course after giving the provider written notice setting forth its reasons for withdrawal and after giving the provider a reasonable opportunity to be heard by the Bboard or its designee.

(d) Should the Bboard deny approval of a provider or a course request, the applicant may appeal the action by submitting to the Bboard, a letter stating the reason(s) for the appeal. The letter of appeal shall be filed with the Bboard within ~~ten~~ (10) days of the mailing of the applicant's notification of the Bboard's denial. The appeal shall be considered by the Bboard or its designee. In the event that the Bboard or its designee grants the appeal after the date of the course for which the appeal is being made, the Bboard will accept continuing education hours from its licensees who completed the course.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4934.2~~ and 4945, Business and Professions Code.

§ 1399.488. Processing Times for Provider and Course Request Applications.

(a) The Board shall inform a provider seeking approval within ~~thirty~~ (30) days after receipt of a completed application and required fees of its decision whether the application has been approved.

(b) The Board shall inform a provider seeking course approval within ~~thirty~~ (30) days after receipt of a completed application form together with all required information and documentation whether the course is approved.

(c) If a provider seeking approval submits a request for a course approval along with the initial provider application, the course request will not be considered for approval until the provider application is approved. In such cases, the Board's processing time for the course request will be in accordance with ~~Section 1399.488~~ subsection (b).

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections ~~4934.2~~ and 4945, Business and Professions Code.

§ 1399.489. Continuing Education Compliance.

(a) With the exception of those holding an inactive license, when renewing an initial license that has been issued for less than two (2) years, licensees shall complete the following hours of Board-approved continuing education:

<i>Period of Initial Licensure</i>	<i>Required Continuing Education Hours</i>
13-16 Months	35
17-20 Months	40
21-23 Months	45

Thereafter, all licensees shall complete 50 hours every two (2) years as a condition of renewal. No more than five (5) hours of continuing education in each two-year period may be obtained in Category 2.

(b) Licensees are limited to ~~fifty percent~~ (50%) of the required continuing education hours every two (2) years for independent or home study courses.

- (c) Each licensee at the time of license renewal shall sign a statement under penalty of perjury that ~~he or she~~ the licensee has or has not complied with the continuing education requirements. It shall constitute unprofessional conduct for any licensee to misrepresent completion of the required continuing education.
- (d) The Board may audit a random sample of licensees who have reported compliance with the continuing education requirement.
- (e) Any licensee selected for audit shall be required to submit documentation or records of continuing education coursework that ~~he or she~~ the licensee has taken and completed.
- (f) Each licensee shall retain for a minimum of four (4) years records of all continuing education programs that ~~he or she~~ the licensee has attended that indicate the provider's name, title of the course or program, date(s) and location of course, and number of continuing education hours awarded.
- (g) Instructors of approved continuing education courses may receive one (1) hour of continuing education credit for each classroom hour completed as an instructor, up to a maximum of six (6) hours of continuing education credit per year, regardless of how many hours or courses are taught. Participation as a member of a panel presentation for an approved course shall not entitle the participant to earn continuing education hours equal to the actual panel presentation time within the appropriate category.
- (h) Any licensee who participates in the development of an occupational analysis, an examination development session, item review session, or a passing score workshop, shall receive one (1) hour of continuing education for every two (2) hours of participation.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections ~~4938~~, 4945 and 4955, Business and Professions Code.

§ 1399.489.1. Inactive License.

(a) Any licensee who is not actively engaged in the practice of acupuncture desiring an inactive license under the provisions of Article 9 (commencing with Section 700) of Chapter 1 of Division 2 of the Code or to restore an inactive license to active status shall submit a completed "Active/Inactive License Application" (Rev. 5/08), that is hereby incorporated by reference, to the Board. The applicant need not submit his or her the applicant's certificate or a copy thereof to the Board with the application.

(b) To restore an inactive license to active status, the licensee shall have completed a minimum of 50 hours of approved continuing education within the last two (2) years in compliance with this article. At least 45 hours of continuing education must be in coursework approved as Category 1. In the event a license has been inactive less than one (1) year, a minimum of 25 hours of continuing education is required, with at least 22 hours of coursework approved as Category 1.

(c) The inactive status of any licensee shall not deprive the Board of its authority to institute or continue a disciplinary proceeding against a licensee upon any ground provided by law or to enter an order suspending or revoking a license or otherwise taking disciplinary action against the licensee on any such ground.

NOTE: Authority cited: Section 4933, Business and Professions Code.
Reference: Sections 704 and 4945, Business and Professions Code.