

**CALIFORNIA ACUPUNCTURE BOARD
AMENDED FINAL STATEMENT OF REASONS**

HEARING DATE: July 20, 2015

SUBJECT MATTER OF PROPOSED REGULATIONS: Implementation of Business and Professions Code 138 – Notice to Consumers of Licensure by the Acupuncture Board

SECTIONS AFFECTED: Title 16, Division 13.7, California Code of Regulations (CCR), Sections 1399.469.3

UPDATED INFORMATION:

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

The California Acupuncture Board (hereafter “Board”) currently regulates a total of 17,215 licensees, all of whom have been issued a license to practice Acupuncture in California.

On page one of the Notice of Proposed Action (hereafter “Notice”), “Division 15” is corrected to “Division 13.7.” On page two of the Notice, “Division 5” is corrected to “Division 13.7”.

On page two of the Initial Statement of Reasons (hereafter “ISOR”), “Division 5” is corrected to “Division 13.7”.

On page three of the ISOR, the “September 12, 2014 Acupuncture Board meeting minutes” are deleted from the Underlying Data section. Furthermore, these minutes are not relied upon. At the September 12, 2014 Acupuncture Board meeting, the Board approved the originally proposed regulatory language and approved the commencement of the rule-making process.

At the September 18, 2015 Public Board meeting, the Board adopted the proposed regulatory language as a final Order of Adoption.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The Board has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting small business, including the ability of California businesses to compete with businesses in other states. The Board currently regulates a total of 17,215 licensees, all of whom have been issued a license to practice Acupuncture in California.

This determination is based on the fact that the proposed regulation has an estimated expense of less than \$5.00 per office, which would be minor and absorbable. This minimal cost is outweighed by the benefits to the public of providing accessible information that fully informs consumers about the license status of their acupuncture health practitioner and the regulatory agency who is responsible for regulating Acupuncture in the State of California.

Benefits

The protection of the public is the Board's highest priority when exercising its licensing, regulatory, examination, and disciplinary functions. This proposal is consistent with that priority. An informed consumer is in a better position to make a reasoned choice relating to acupuncture care. Additionally, an informed consumer would be able to assist the Board in regulating the practice of Acupuncture via the Board's complaint process, should a problem arise.

Often consumers are unaware of the existence and role of the Board or the public services it offers, for example license verifications, statutes and regulations, or the complaint process. If consumers do not know that they can contact the Board when an issue with a licensee arises or where to seek information about a licensee, then the Board's effectiveness is hampered and its priority of public protection is compromised. The adoption of this proposal will promote better communication with the public regarding the Board's contact information and purpose. The notice would also promote transparency in both government and the profession by making information regarding license status and the State's responsibility to regulate the profession easily available to the public.

Additionally, this proposed regulation complies with the provisions of Business and Professions Code section 138, which requires boards within the Department to promulgate regulations requiring licensees to provide notice to their clients or customers that the practitioner is licensed by this state.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board is required by Business and Professions Code section 138 to adopt regulations requiring its licensees to provide notice to their clients or customers that the practitioner is licensed by this state. This regulation fulfills that statutory obligation.

Without this regulatory change, the public may not realize that an acupuncture practitioner is licensed and regulated by the Board. This regulatory change is consistent with the Board's highest priority of protection of the public.

Objections or Recommendations/Responses:

There were no objections or recommendations regarding the proposed action.

Summary of Comments Received During the 45-Day Comment Period:

There were no comments received during the 45-day comment period, or at the July 20, 2015 public regulatory hearing.