



LITTLE HOOVER COMMISSION

AGENDA

Acupuncture Advisory Committee
Wednesday, August 27, 2003, 1 p.m. – 4:30 p.m.
University of Southern California
Midtown Sacramento Campus
1800 I Street
Sacramento, California

Michael E. Alpert
Chairman

Stanley R. Zax
Vice-Chairman

Patricia Bates
Assemblymember

David J. Epstein

Daniel W. Hancock

Christine Kehoe
Assemblymember

Welton C. Mansfield

Stuart G. Moldaw

Jennifer A. Openshaw

Charles S. Poochigian
Senator

Richard R. Terzian

John Vasconcellos
Senator

Stanley M. Zimmerman

James P. Mayer
Executive Director

Meeting Goals:

- 1) Review consumer protection issues.
- 2) Review scope of practice questions from survey.

1:00 p.m. – 1:45 p.m.	Opening Remarks/Introductions (Subcommittee Chairman David Epstein)
1:45 p.m. – 1:55 p.m.	Advisory Committee Process & Meeting Goals (Executive Director Jim Mayer)
1:55 p.m. – 2:00 p.m.	Review Scope of Study (Project Manager Hattie Rees Hanley)
2:00 p.m. – 3:00 p.m.	Identify & Distill Consumer Protection Issues
3:00 p.m. – 3:10 p.m.	Break
3:10 p.m. – 4:30 p.m.	Identify & Distill Scope of Practice Concerns

(See attached questions from survey for reference.)

Thank you for participating in this discussion.

Little Hoover Commission
Acupuncture Regulation Advisory Committee Meeting – August 27, 2003
Questions from Survey for Discussion

Consumer Protection

What should the State's primary concerns be in terms of protecting consumers of acupuncture services? Is the State adequately providing the protection, and if not what else should be done?

Scope of Practice

The following legal scope of practice --which has been further defined by legal memoranda, opinions and regulation-- is contained in California Business & Professions Code sections 4927 and 4937:

4927. (d) "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes techniques of electroacupuncture, cupping and moxibustion.

4937. *An acupuncturist's license authorizes the holder thereof:*

- (a) *To engage in the practice of acupuncture.*
- (b) *To perform or prescribe the use of oriental massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.*
- (c) *For purposes of this section, a "magnet" means a mineral or metal that produces a magnetic field without the application of an electric current.*
- (d) *For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.*
- (e) *For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.*

7. Do you think the current legal scope of practice for California acupuncturists is appropriate for licensed acupuncturists?

If not:

8. Please list any services or activities that you believe are important to the practice of acupuncture that are neither clearly within the acupuncture scope of practice nor clearly excluded from it.
9. Do you believe that the current legal scope of practice is too broad? Too narrow?
10. If you recommend a change in the legal scope of practice, please describe your recommended changes and the logic that underlies the recommendation.
11. What are acupuncturists educated, trained and tested to do that they are not permitted to do under this practice act?
12. What are acupuncturists permitted to do under this practice act for which they may not have sufficient education and training?

13. If you believe that more education is needed to adequately prepare acupuncturists to perform their current legal scope of practice safely, what specific areas of education and/or additional training do you recommend?
14. Do you believe that there should be graduated levels of licensure, for instance to have acupuncture technicians or assistants, licensed acupuncturists, master acupuncturists, and/or acupuncturist-M.D.s?
15. Please describe various levels of licensure that you believe would be logical and beneficial to California patients.