

July 31, 2003

James Mayer, Executive Director  
Little Hoover Commission  
925 L. Street, Suite 805  
Sacramento, CA 95814

Dear Mr. Mayer:

We have received your July 18 letter requesting information about the Accreditation Commission for Acupuncture and Oriental Medicine (“ACAOM” or “Commission”), seeking our response to the nine questions in your letter, and inviting me to provide oral testimony during the Little Hoover Commission’s August 28<sup>th</sup> hearing. Although I will personally be unable to appear for the August 28<sup>th</sup> hearing, Penelope Ward, ACAOM’s Director of Professional Services, will be representing the Commission at this hearing.

We are pleased to provide members of the Little Hoover Commission with the requested information.

**1. Evolution of ACAOM/Process for Ensuring Educational Quality**

ACAOM is a private, not-for-profit, accrediting agency which was established in 1982 by members of the profession and college community. As the only accrediting agency recognized by the U.S. Department of Education as a reliable authority for quality education and training in the field of acupuncture and Oriental medicine, ACAOM’s primary purposes are to establish comprehensive educational and institutional requirements for acupuncture and Oriental medicine programs, and to accredit those programs that meet these requirements. ACAOM has been recognized by the U.S. Department of Education since 1988, and most recently received the Department’s maximum 5-year recognition period based on ACAOM’s full compliance with the Department’s rigorous regulatory requirements for ensuring effective accreditation policies, procedures and practices, as well as quality education in this profession. The Commission currently accredits Master’s level and Master’s degree, entry-level programs in acupuncture and in Oriental medicine, as well as post-graduate doctoral programs in the field. ACAOM is currently exploring with its communities of interest, including practitioners, educators, students, regulatory boards, etc., whether there is sufficient support for ACAOM to develop first professional, entry-level doctoral programs in the field. Consistent with U.S. Department of Education requirements, the Commission’s decisions are not subject to review or change by any outside organization or regulatory body.

Consistent with sound accreditation practices, ACAOM's process is a rigorous process of self-study and external peer review carried out by the Commission which grants public recognition to an institution or program that meets ACAOM's established and nationally accepted standards for quality education and training. As part of its review of programs relative to ACAOM's accreditation standards, the Commission implements a two-stage accreditation review process.

a. Candidacy

Before a program can seek ACAOM accreditation, it must first meet ACAOM's requirements for "candidacy" (i.e., "pre-accreditation") status. Each program seeking candidacy or accreditation is assigned to a "Review Committee" comprised of two Commissioners and an ACAOM staff reviewer who take primary responsibility for program review and evaluation.

Programs seeking candidacy must submit a comprehensive, written Eligibility Report which fully describes the program's policies, procedures and practices relative to compliance with ACAOM's accreditation standards. The Review Committee carefully reviews the Eligibility Report to assess whether the program is sufficiently developed to approve a site visit, and if so, provides a detailed analysis of the Report for consideration by a team of experienced site visitors who review the program on-site relative to compliance with the Commission's standards.

ACAOM's accreditation standards evaluate institutions and programs on the basis of the effectiveness of the institution/program's mission and educational objectives, and whether they are being achieved by the program (Essential Requirement 1), the institution's compliance with legal and regulatory requirements applicable to its operations, including compliance with state licensure requirements (Essential Requirement 2), the effectiveness of the institution's governance structure in properly governing a program of higher education (Essential Requirement 3), the effectiveness of the institution/program's administration (Essential Requirement 4), the adequacy of the program's record keeping systems and practices (Essential Requirement 5), the appropriateness of the program's admissions policies, procedures and practices (Essential Requirement 6), the effectiveness of the program's systems for evaluating program effectiveness and the performance of its students (Essential Requirement 7), the effectiveness of the curriculum and training, including the quality of didactic and clinical instruction (Essential Requirement 8), whether the qualifications and educational effectiveness of program faculty are sufficient to provide quality education and training (Essential Requirement 9), the effectiveness of the program's student services (Essential Requirement 10), the adequacy of learning and library resources needed to support quality education in the field and the program's educational objectives (Essential Requirement 11), the adequacy of the program's facilities (Essential Requirement 12), whether the program has sufficient financial resources to support quality training (Essential Requirement 13), and the adequacy of school publications and advertising (Essential Requirement 14).

Once an Eligibility Report is approved by the Commission Review Committee, a team of approximately three site visitors with expertise in acupuncture/Oriental medicine education/practice, and higher education are provided a copy of the Eligibility Report and conduct a 3-day site visit to the program during which the entire program and institution is reviewed and assessed relative to ACAOM's accreditation standards. The site visit review includes a careful examination of the facilities and physical plant, a comprehensive review of academic, admissions, financial, financial aid

(if applicable), governance, student evaluation, curriculum, staff and faculty records, evaluations of student performance, observations of actual didactic and clinical instruction, and interviews with all members of the college community including faculty, staff, students, alumni and members of the institution's Board of Directors and Advisory Boards. Based on this review, the site visit team prepares a written Site Visit Report of the team's findings which is provided to both the Commission and the program. The program is provided an opportunity to submit a response to the site visit report to correct perceived factual errors and/or to dispute the findings of the team, followed by an opportunity to address the Commission orally during the Commission's public hearings on school reviews. Based on the entire record, the Commission, in executive session, renders a candidacy decision which is reflected in the Commission's official decision letter.

b. Accreditation/Reaccreditation

Candidate programs must achieve accreditation by the end of the three-year candidacy period or by the end of any extensions of candidacy status granted by the Commission. A maximum of two, one-year extensions of candidacy status may be granted if the program is able to demonstrate that it is making satisfactory progress towards accreditation. A candidate program cannot submit a Self-Study Report for accreditation until the program has graduated at least one class of students. This requirement is in place to ensure that the Commission is able to review program outcomes in terms of the success of program graduates to assess whether the program is providing effective quality education and training. Similarly, accredited programs must achieve re-accreditation by the expiration of the previous period of accreditation or reaccreditation. The Commission grants a maximum reaccreditation period of five years before the program must submit to a new reaccreditation review. A candidate program which achieves initial accreditation is usually granted a maximum accreditation period of three or four-years.

Accreditation/reaccreditation involves a similar review process as that for achieving candidacy. However, rather than submitting an Eligibility Report, the program seeking accreditation must conduct an institution-wide, self-study process relative to compliance with the Commission's accreditation standards, where all members of the college community engage in a careful assessment of the program's strengths and weaknesses relative to each of the Commission's standards. This process culminates in the submission to the Commission of a comprehensive Self-Study Report which is again reviewed by a Commission Review Committee and the site visit team. Site visit teams for accreditation reviews typically include three to four members who review the program over a 3-5 day period, depending on the size and complexity of the program and institution. Site visit teams for accreditation/reaccreditation reviews include, whenever possible, a management specialist familiar with administration and the business aspects of school operations, an educational specialist familiar with instructional methods and educational processes, acupuncture and Oriental medicine practitioners who are familiar with Oriental medicine curricula, and acupuncture and Oriental medicine educators who are familiar with the curricula, methods of training, program evaluation and development.

Ongoing Monitoring

Throughout ACAOM's accreditation process, programs are constantly monitored for continued compliance with the Commission's accreditation standards in the following ways.

- a. Programs which fail to meet some of the Commission’s standards at the time of a candidacy, initial accreditation, or reaccreditation decision, may be granted candidacy, accreditation or reaccreditation with the requirement that the institution/program submit by a certain date an interim report documenting compliance with the standards that were not met, and/or submission to a focused site visit to assess remediation of those requirements. Programs which fail to correct deficiencies within the time limit set by the Commission are subject to adverse Commission action, including probation or withdrawal of accreditation or candidacy.
- b. Programs are monitored on a yearly basis through Commission review of annual reports, which must be submitted by the program. These reports require programs to provide relevant program statistics (e.g., graduation rates, retention rates, graduate pass rates on state licensure exams (if applicable) and/or the NCCAOM national certification exam, curriculum hours, student enrollment numbers, etc.), report on any major program changes, changes in administration, changes in governance, changes in student evaluation systems, the offering of additional programs, the program’s progress in strengthening previous deficiencies identified by the Commission, etc. Through these reports, the Commission can assess continued compliance with the Commission’s requirements between the Commission’s comprehensive (re)accreditation reviews.
- c. Programs are also required to report to the Commission, with full supporting documentation, certain non-substantive and substantive changes to the program or institution as listed in the *Accreditation Handbook*. The listed categories of “non-substantive changes” must be reported to the Commission within 30 days after the implementation of the change. The listed categories of changes considered “substantive” must be reported in advance by the program and the Commission must approve the change prior to implementation.
- d. Commission procedures permit the Commission to request information from the program in the form of reports and/or site visits at any time if the Commission receives information (such as complaints against programs) that raise questions as to whether a program remains in compliance with the Commission’s standards.

## **2. Use of ACAOM’s Accreditation Process by Other States**

Graduation from an ACAOM-accredited or candidate program is a “defacto” requirement for licensure in virtually every state where licensure exists, with California as a notable exception. Licensure in virtually every state requires graduation from an ACAOM-accredited or candidate program and/or passage of the national exams administered by the National Certification Commission for Acupuncture and Oriental Medicine (“NCCAOM”). In addition, NCCAOM requires graduation from a program which has achieved ACAOM accreditation or candidacy as a requirement to sit for their national certification exams. A few states, such as New Mexico, may require certain curriculum requirements to be completed by licensure applicants, in addition to graduation from an ACAOM accredited or candidate program, but these assessments are based solely on a paper review by the relevant licensing authorities. The safety record for the acupuncture and Oriental medicine profession in those states which have adopted national standards for licensure is superb.

Virtually every state which licenses professional health care fields uses national standards (graduation from an accredited or candidate program/passage of a national certification exam) for licensure rather than state-by-state developed examination and training requirements. These are considered appropriate measures designed to protect the public while providing consumer access to competent care and allowing qualified practitioners to move from state to state. Currently, California's requirements for licensure are at variance with licensure requirements in virtually every other state and for other health professions. For example, state licensure requirements for physicians require graduation from a program approved by the Liaison Committee of the American Medical Association and passage of the exam administered by the National Board of Medical Examiners. Candidates for state licensure as a Chiropractor must have graduated from a program approved by the Council on Chiropractic Education and pass the exam administered by the National Board of Chiropractic Examiners. Candidates for state licensure as an Osteopathic Medicine Provider must have graduated from a program approved by the Bureau of Professional Education of the American Osteopathic Association and pass the exam administered by the National Board of Osteopathic Examiners. Virtually identical requirements are in effect to achieve licensure as a Psychologist, Dentist, as a Marriage and Family Therapist, etc.

States utilize national standards for licensure to ensure quality education and training, and to ensure that program graduates have achieved the competencies necessary for safe and effective patient care. Using national standards for licensure also obviates the need for states to develop and implement their own expensive school review and testing programs, and avoids the legal risks inherent in such processes. These measures reduce costs to state taxpayers and the fees paid by licensees. To our knowledge, there is not a single state, other than California, which conducts full school reviews, which include on-site visits. All other state licensure authorities, and all health care professions, rely on nationally-recognized accreditation processes to ensure quality education and training.

### **3. California Should Adopt National Standards as Part of Licensure**

As noted above, use of national standards (accreditation and certification) is universally considered the "Gold Standard" for state licensing in the health care professions. We believe that California should seriously consider adopting national standards as part of its licensure process for the following reasons.

- a. Adopting ACAOM's accreditation process would not only reduce the costs to California taxpayers and the fees currently charged to current licensees to fund separate and costly examination and school approval processes (including the significant staffing and consultant expenses needed to implement such programs), but it would also ensure that licensees have received adequate training and have demonstrated the necessary competencies for safe and effective practice.
- b. Pursuant to the Commission's standards under Essential Requirement 2, ACAOM requires that accredited and candidate programs meet applicable state licensure requirements. The Commission explicitly assesses, as part of its accreditation review process, whether the program meets state requirements which may exceed those required in ACAOM's standards. ACAOM typically appoints site visit team members who possess expertise on a state's unique licensure standards. When a program fails to meet state requirements for allowing the program's graduates to become licensed, the Commission requires those programs to come into full compliance. The Commission also has a

California office which keeps abreast of developments within the profession in the state. Adopting ACAOM's accreditation process would thus help strengthen compliance with any unique California standards relative to Oriental medicine training.

c. Although California has adopted training standards governing the content and hours in the curriculum, and generic standards governing faculty qualifications, admissions, and transfer credit, these standards are virtually all "process standards" that are not designed to assess actual program quality. Rather, California's school approval standards assess whether schools are teaching the number of hours/credits in the CA-required curriculum with no standards that assess the actual quality of that instruction, or whether a schools' admission standards, standards for transfer credit, and the like meet appropriate higher education standards. For example, California currently lacks any standards or processes for assessing whether a program's students are achieving the program's educational objectives, standards and processes governing program evaluation and effectiveness, standards and processes governing the actual "achievement" of the critical competencies necessary for safe and effective practice, etc. Nor has California adopted any standards governing whether programs possess appropriate library resources, student services, etc. needed to support quality training. Adopting ACAOM's requirements would thus ensure that basic benchmarks of program quality are assessed as part of the California school review and approval process.

d. Under current California law, once a school has been approved by the California Acupuncture Board, it is permanently approved with no provisions for conducting subsequent, periodic "comprehensive" reviews of the program to assess whether it continues to meet CA requirements. The annual reports which must be submitted by CA-approved programs to the Board, and possible site visits (when the Board identifies possible deficiencies in meeting CA requirement) are the only methods in the California Board's process for monitoring continued compliance with CA's school approval standards after a school has achieved initial Board approval (California Acupuncture Board Regulations, Section 1399.439). Although these annual reports require schools to provide to the Board on an annual basis a current course catalog with a letter outlining courses added/deleted or significantly changed from the previous year's curriculum; changes in faculty, administration, or governing body; major changes in the school facility; and a statement regarding the school's financial condition, we believe that these minimal report requirements are an inadequate basis on which to ensure that a program continues to meet appropriate standards of quality education and training. Similarly, if California is to ensure continued compliance with its standards, site visits must be conducted on a regular schedule, rather than being triggered only when specific problems are brought to the California Acupuncture Board's attention. Since ACAOM conducts comprehensive reaccreditation reviews (including the review of Self-Study Reports and site visits) minimally every five years, and has significant monitoring mechanisms in place, including reviews of annual reports and assessment of substantive and non-substantive changes between comprehensive reviews, adopting ACAOM's accreditation process as part of CA licensure would strengthen quality assurance in education necessary for California licensure.

e. *We would also note that adopting ACAOM's accreditation process does **not** mean that a state cannot adopt additional requirements over and above those provided for in ACAOM's accreditation standards.* Indeed, if California does not wish to rely solely on ACAOM's accreditation process to ensure compliance with unique state requirements, it could separately monitor a program's compliance with those additional requirements through a paper review, thus obviating the need and

expense of conducting separate comprehensive site visit reviews. For example, New Mexico, which requires graduation from an ACAOM-accredited or candidate program for licensure, conducts a review to assess whether schools are meeting elements of the state's unique curriculum requirements which are not fully reflected in ACAOM's current accreditation standards. However, this process is conducted solely through a separate paper review of the curriculum offered in programs seeking approval by the New Mexico Acupuncture and Oriental Medicine Board. California is the only state in the U.S. which conducts its own site visit reviews of programs seeking state approval. We recommend that the New Mexico model be explored in California.

In short, adopting ACAOM's accreditation process would augment and strengthen the Board's confidence that California-approved programs are providing the training necessary and appropriate for licensure in the state, and would not prevent the Board from conducting its own separate paper review to assess compliance with any unique state requirements.

#### **4. Transparency of ACAOM's Accreditation Process**

As a U.S. Department of Education-recognized accrediting agency, ACAOM notifies state licensure and other regulators and members of the public of the Commission's accreditation decisions. The Commission also routinely provides copies of its decision letters and site visit evaluation reports to requesting state agencies, and has invited state regulators to observe Commission site visits. Indeed, the California Acupuncture Board's past and current Executive Directors have observed ACAOM site visits, and in the past have participated in joint site visits. The Executive Directors have also been permitted to observe ACAOM's executive session deliberations on school reviews pertaining to California-approved programs.

In addition, ACAOM's accreditation process provides for maximum transparency in many ways. For example, proposed changes to the Commission's accreditation standards are published in the Commission's bi-annual newsletters (which are sent to ACAOM's communities of interest including state regulatory boards) inviting both written comment from members of the public, and participation in Commission-held public hearings, which provide an opportunity for members of the public to orally comment on proposed Commission standards. The Commission also conducts public hearings on its school reviews and invites public testimony on those reviews both in written form and during the hearings. ACAOM's web site, which is in development, will include information on Commission meetings, public hearings, ACAOM's bi-annual newsletters, the Commission's accreditation and candidacy decisions, a list of all accredited and candidate programs, the entire Accreditation Handbook, accreditation review forms, etc.

In addition, as a U.S. Department of Education-recognized accrediting agency, ACAOM is required to demonstrate that it meets USDE's rigorous regulatory requirements, including those governing an accreditor's expertise to properly evaluate program quality, an accreditor's financial and other resources, consistency in the accreditor's program review process, the qualifications and competence of its site visitors, monitoring and re-evaluating programs' compliance with accreditation standards, proper enforcement of compliance with accreditation requirements, review of standards, required operating procedures, notifications to the public and relevant agencies regarding accreditation decisions, etc. Records of the U.S. Department of Education's reviews of our agency are public information and can be obtained from the Department upon request. U.S. Department of Education-

recognized accrediting agencies must undergo the USDE's re-recognition process a minimum of every five years.

The processes described above would provide California ample opportunity to evaluate both ACAOM's accreditation process and its accreditation decisions.

## **5. Financing of ACAOM's Operations**

ACAOM's accreditation process is funded solely out of the fees charged to accredited and candidate programs. The Commission receives no financial support for its accreditation functions from any other groups or organizations.

ACAOM's fee structure was established to ensure that the Commission has sufficient financial resources to fully support its accreditation process, including maintaining the Commission's offices, retaining qualified staff, covering Commissioner meeting expenses, training Commissioners, staff and site visitors in the accreditation process, etc. The following categories of fees are paid by programs in the accreditation process.

Candidacy:

- a. Eligibility Report Review Fee – is the fee paid by programs seeking candidacy to cover the Commission's expenses and costs of reviewing Eligibility Reports.
- b. Eligibility Site Visit Fee – is the fee paid by programs seeking candidacy to cover the costs of the Candidacy site visit.
- c. Candidacy Acceptance Fee – is the fee paid by programs upon acceptance of Candidacy status, and covers the costs of the Commission's review process during the program's first year of Candidacy status.
- d. Annual Sustaining Candidacy Fee – is the fee paid by programs for each additional year that they are in candidacy status.

Accreditation:

- a. Accreditation Site Visit Fee – is the fee paid by programs seeking initial or renewal of accreditation to cover the costs of the accreditation site visit.
- b. Accreditation Acceptance Fee – is the fee paid by programs upon acceptance of initial accreditation status, and covers the costs of the Commission's review process during the program's first year of accredited status.
- c. Annual Sustaining Accreditation Fee – is the fee paid by programs for each year that they are in accredited status.



d. Reaccreditation Review Fee – is the fee paid by programs seeking renewal of accreditation status to cover the expenses and costs of reviewing Self Study Reports.

In addition to the above fees, the Commission charges fees for the review of program “substantive changes” to cover the costs of those reviews.

## **6. Rate of Approving Programs**

The Commission appears to have a lower rate of school approval as compared to the California Acupuncture Board. Of the schools seeking ACAOM candidacy status, the Commission has been rejecting approximately 50% of the initial Candidacy applications/Eligibility Reports it receives. Many of these programs have been required to submit more than one Eligibility Report before being able to demonstrate that the program meets the Commission’s standards for quality education and training. Similarly, many candidate programs seeking initial accreditation have not achieved accreditation on the first try. Conversely, from our review of the California Acupuncture Board’s meeting minutes, it would appear that very few colleges that apply for approval by the Board are rejected, and a few current Board-approved schools have failed to meet ACAOM’s standards for achieving candidacy and accredited status. It should be noted that all out-of-state programs that have applied for California Board approval have successfully achieved ACAOM accreditation status. To the best of our knowledge, the California Acupuncture Board has never rejected an ACAOM accredited Oriental medicine program seeking California Board approval.

## **7. Reasons the California Acupuncture Board has not Adopted ACAOM’s Process**

Your letter has asked for the Commission’s perspective on why the California Board retains its own school approval process rather than adopting ACAOM’s accreditation process. ACAOM’s Director of Professional Services has given several presentations to the California Acupuncture Board regarding ACAOM’s process, and the advantages of using that process in California. The Commission, to date, has not received any clearly articulated rationale for the California Board’s decisions relative to this issue, other than the statement that California has certain curriculum requirements that are not fully reflected in ACAOM’s core curriculum standards. Thus, we would recommend that the Little Hoover Commission address this question with the California Acupuncture Board directly.

## **8. ACAOM’s Relationship with NCCAOM**

ACAOM and the National Certification Commission for Acupuncture and Oriental Medicine (“NCCAOM”) are entirely separate organizations, each with its own Board of Directors or Commissioners, and with its own financial resources. Although a principle component of both ACAOM’s and NCCAOM’s missions are to protect the public, those missions are accomplished in different ways. Neither organization is controlled by the other, nor provides any financial support to the other, and all policy decisions relative to accreditation and certification are the sole responsibility of ACAOM and NCCAOM, respectively.

Both organizations have historically participated in national acupuncture and Oriental medicine meetings and, as such, have discussed issues pertaining to evaluating the quality of education, assessing competencies for practice, and other relevant issues.

NCCAOM recently changed its certification eligibility requirements to require graduation from an ACAOM-accredited or candidate program to be eligible to sit for the NCCAOM certification exams.

## **9. Recommended Changes in Educational Processes and Requirements**

With respect to changes in ACAOM's process, consistent with U.S. Department of Education recognition requirements, the Commission has an ongoing program of evaluation to ensure that its standards and procedures are sufficient to ensure quality education and training. This evaluation includes an examination of outcome data on program quality, comprehensive surveys on the relevance and appropriateness of ACAOM's accreditation standards relative to quality education in the field, surveys on the effectiveness of our review processes, examination of the consistency with which Commissioners and site visitors apply ACAOM's accreditation standards during school reviews, and public hearings on proposed changes.

Based on these evaluations, the Commission recently adopted changes to its accreditation standards, including those governing school curricula, to further ensure quality education and training. The Commission is currently considering changes to its site visit and school decision making process to further enhance the quality of school reviews. The Commission is also currently considering the issue of whether to adopt accreditation standards of education and training for first-professional, entry-level doctoral programs, but since data on this issue are still being collected and analyzed, it would be premature for the Commission to provide any recommendations at this time.

With respect to changes in California, we strongly recommend that California adopt national standards (i.e., graduation from an ACAOM-accredited or candidate program, and passage of the NCCAOM certification exams) as an integral part of California's licensure process.

If you have additional questions, or if I can provide further assistance as you consider possible reforms to the licensure process in California, please do not hesitate to contact me.

Sincerely,

Dort S. Bigg  
Executive Director