

# Laws/Regulations and Ethics Relating to the Practice of Acupuncture

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# LAWS AND REGULATIONS RELATING TO THE PRACTICE OF ACUPUNCTURE

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## CALIFORNIA ACUPUNCTURE BOARD

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**\*\*Please note:** The Board does not provide legal advice or interpretations of the laws and regulations. The laws and regulations within this book are not representative of all laws and regulations that apply to licensed acupuncturists or consumers of acupuncture.\*\*

**BUSINESS AND PROFESSIONS CODE - ACUPUNCTURE LICENSE ACT**  
Division 2. Healing Arts [§ 500 - § 4999.129]  
CHAPTER 12. ACUPUNCTURE [§ 4925 - § 4979]

**ACUPUNCTURE REGULATIONS**  
(Title 16, Professional and Vocational Regulations)  
Division 13.7. Acupuncture

**BUSINESS AND PROFESSIONS CODE - GENERAL PROVISIONS**  
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**CHAPTER 12. ACUPUNCTURE [§ 4925 - § 4979]**

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## Article 1. Administration and General Provisions

### § 4926. Legislative intent.

The purpose of this article is to encourage the more effective utilization of the skills of acupuncturists by California citizens desiring a holistic approach to health and to remove the existing legal constraints which are an unnecessary hindrance to the more effective provision of health care services. Also, as it effects the public health, safety, and welfare, there is a necessity that individuals practicing acupuncture be subject to regulation and control as a primary health care profession.

## Article 1. Administration and General Provisions

### § 4927. Definitions.

(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 the techniques of electroacupuncture, cupping, and moxibustion.

(e) (1) "Supervising acupuncturist" means a person who meets the following conditions:

(A) Is licensed to practice acupuncture in this state and that license is current, valid, and has not been suspended or revoked or otherwise subject to formal disciplinary action, unless approved by the board.

(B) Has practiced as a licensed acupuncturist in this state for at least five years.

## Article 1. Administration and General Provisions

(f) (1) “Acupuncture assistant” means a person who, without a license, may perform basic supportive acupuncture procedures under the supervision and order of an acupuncturist.

(2) The supervising acupuncturist shall be physically present and available in the place of practice during the performance of any ordered basic supportive acupuncture procedures.

(3) The supervising acupuncturist engaging the services of an acupuncture assistant shall be responsible for the training and overall competency of the acupuncture assistant, including the ability to perform any specific basic supportive acupuncture service.

## Article 1. Administration and General Provisions

(4) The supervising acupuncturist shall ensure the acupuncture assistant meets the following: (A) Is enrolled in an approved educational and training program and has completed at least a minimum of 700 hours of clinical practice or has completed an approved educational and training program.

(B) Holds a certificate in Clean Needle Technique issued by the Council of Colleges of Acupuncture and Herbal Medicine, or its successor entity, or has completed an approved educational and training program's Clean Needle Technique course using the Council of Colleges of Acupuncture and Herbal Medicine Clean Needle Technique, 7th edition, revised 1/2016.

## Article 1. Administration and General Provisions

(g) (1) “Basic supportive acupuncture service” means any of the following:

- (A) Needle removal.
- (B) Cupping.
- (C) Moxibustion.
- (D) Gua sha.

(2) “Basic supportive acupuncture service” does not include diagnosis, point location, needle insertion, electrical stimulation, rendering advice to patients, or any other procedure requiring a similar degree of judgment or skill.

## Article 1. Administration and General Provisions

### § 4928. Acupuncture Board

(a) The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter.

### § 4928.2. Priority of the board

Protection of the public shall be the highest priority for the Acupuncture Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount

## Article 1. Administration and General Provisions

### § 4929. Members

Three members of the board shall be acupuncturists with at least five years of experience in acupuncture and four members shall be public members who do not hold a license or certificate as a physician and surgeon or acupuncturist.

The Governor shall appoint the three acupuncturist members and two of the public members.

All members appointed to the board by the Governor shall be subject to confirmation by the Senate.

The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

## Article 1. Administration and General Provisions

### § 4930. Term of office

Each member of the board shall be appointed for a term of four years.

### § 4933. Administration

(b) The board may adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of law relating to the practice of acupuncture.

(c) Four members of the board, including at least one acupuncturist, shall constitute a quorum to conduct business.

(d) It shall require an affirmative vote of a majority of those present at a meeting of the board to take any action or pass any motion.

## Article 1. Administration and General Provisions

§ 4934.1 Comprehensive analysis of scope of practice, educational requirements, testing and accreditation of acupuncturists.

(a) The Legislature requests the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy to conduct a comprehensive analysis consisting of the following reviews and evaluations and shall report their findings and recommendations to the Legislature by September 1, 2004:

(1) Review and make recommendations on the scope of practice for acupuncturists.

(2) Review and make recommendations on the educational requirements for acupuncturists.

## Article 1. Administration and General Provisions

- (3) Evaluate the national examination, administered by the National Certification Commission for Acupuncture and Oriental Medicine, and make recommendations as to whether or not the national examination should be offered in California in lieu of, or as part of, the state examination.
- (4) Evaluate and make recommendations on the approval process of the Accreditation Commission of Acupuncture and Oriental Medicine, the approval process of the Bureau for Private Postsecondary Education, and the board's approval process.

## Article 1. Administration and General Provisions

### § 4934.2 Studies and reviews to be conducted by board.

The board shall conduct the following studies and reviews, and shall report its findings and recommendations to the department and the Joint Committee on Boards, Commissions, and Consumer Protection

- (a) The board shall conduct a comprehensive study of the use of unlicensed acupuncture assistants and the need to license and regulate those assistants.
- (b) The board shall study and recommend ways to improve the frequency and consistency of their auditing and the quality and relevance of their courses.

## Article 2. Certification Requirements

### § 4935. Unlawful practice of acupuncture

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) and not more than two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who does not hold a current and valid license to practice acupuncture under this chapter or to advertise or otherwise represent that he or she is practicing or engaging in the practice of acupuncture or for any person to fraudulently buy, sell, or obtain a license to practice acupuncture, or to violate the provisions of this chapter.

## Article 2 Certification Requirements

(b) Notwithstanding any other law, any person, other than a physician and surgeon, a dentist, or a podiatrist, who is not licensed under this article but is licensed under Division 2 (commencing with Section 500), who practices acupuncture involving the application of a needle to the human body, performs any acupuncture technique or method involving the application of a needle to the human body, or directs, manages, or supervises another person in performing acupuncture involving the application of a needle to the human body is guilty of a misdemeanor.

## Article 2 Certification Requirements

(c) A person advertises or otherwise represents that he or she is practicing or engaging in the practice of acupuncture by the use of any title or description of services incorporating the words "acupuncture," "acupuncturist," "certified acupuncturist," "licensed acupuncturist," "Asian medicine," "oriental medicine," or any combination of those words, phrases, or abbreviations of those words or phrases, or by representing that he or she is trained, experienced, an expert, or otherwise qualified to practice in the field of acupuncture, Asian medicine, oriental medicine, or any other complementary or integrative medicine that involves acupuncture and is associated with an Asian subgroup, including Chinese medicine, Japanese medicine, or Korean medicine.

## Article 2 Certification Requirements

(d) Subdivision (a) shall not prohibit a person from administering acupuncture treatment as part of his or her educational training if the person is either of the following:

(1) Engaged in a course or tutorial program in acupuncture, as provided in this chapter.

(2) A graduate of an approved educational and training program and participating in a postgraduate review course that does not exceed one year in duration at an approved educational and training program.

## Article 2 Certification Requirements

### § 4936. Use of “Doctor” or “Dr.”

(a) 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 that authorizes the use or possesses an earned doctorate degree from an accredited, approved, or authorized educational institution.

(b) The use of the title "Doctor" or the abbreviation "Dr." by an acupuncturist as authorized in subdivision (a) without further indicating the type of license or degree which authorizes that use shall constitute unprofessional conduct.

## Article 2 Certification Requirements

### § 4937. Use of techniques and modalities afforded by licensure; Definitions

An acupuncturist's license authorizes the holder thereof:

- (a) To engage in the practice of acupuncture.
- (b) To perform or prescribe the use of Asian 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.

## Article 2 Certification Requirements

### § 4938. License requirements

The board shall issue a license to practice acupuncture to any person who makes an application and meets the following requirements:

(1) Is at least 18 years of age.

(2) Furnishes satisfactory evidence of completion of one of the following: (A) An approved educational and training program. (B) Satisfactory completion of a tutorial program in the practice of an acupuncturist that is approved by the board. (C) In the case of an applicant who has completed education and training outside the United States, documented educational training and clinical experience that meets the standards established pursuant to Sections 4939 and 4941.

## Article 2 Certification Requirements

### § 4938. License requirements

- (3) Passes a written examination administered by the board that tests the applicant's ability, competency, and knowledge in the practice of an acupuncturist. The written examination shall be developed by the Office of Professional Examination Services of the Department of Consumer Affairs.
- (4) Completes a clinical internship training program approved by the board. The clinical internship training program shall be located in a clinic in this state that is an approved educational and training program. The purpose of the clinical internship training program shall be to ensure a minimum level of clinical competence.

## Article 2 Certification Requirements

### § 4944. Investigation; Delegation of authority

- (a) The board shall have the authority to investigate and evaluate each and every applicant applying for a license to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions of this chapter.
- (b) The board shall investigate and evaluate each school or college applying for approval under Section 4939 and may utilize and contract with consultants to evaluate those training programs.
- (c) The board may delegate to the executive officer or other official of the board its authority under this section in routine matters.

## Article 2 Certification Requirements

### § 4945. Continuing education

- (a) The board shall establish standards for continuing education for acupuncturists.
- (b) The board shall require each acupuncturist to complete 50 hours of continuing education every two years as a condition for renewal of his or her license. No more than five hours of continuing education in each two-year period may be spent on issues unrelated to clinical matters or the actual provision of health care to patients.

## Article 2 Certification Requirements

A provider of continuing education shall apply to the board for approval to offer continuing education courses for credit toward this requirement and shall pay a fee covering the cost of approval and for the monitoring of the provider by the board and shall set forth the following information on the application:

- (1) Course content.
- (2) Test criteria.
- (3) Hours of continuing education credit requested for the course.
- (4) Experience and training of instructors.
- (5) Other information as required by the board.
- (6) That interpreters or bilingual instruction will be made available, when necessary.

## Article 2 Certification Requirements

- (c) Licensees residing out of state or out of the country shall comply with the continuing education requirements.
- (e) If the board determines that any acupuncturist has not obtained the required number of hours of continuing education, it may renew the acupuncturist's license and require that the deficient hours of continuing education be made up during the following renewal period in addition to the current continuing education required for that period. If any acupuncturist fails to make up the deficient hours and complete the current requirement of hours of continuing education during the subsequent renewal period, then his or her license to practice acupuncture shall not be renewed until all the required hours are completed and documented to the board.

## Article 2 Certification Requirements

### § 4949. Guest Acupuncturists

The provisions of this chapter shall not prohibit an acupuncturist from another state or country, who is not a licensed acupuncturist in this state, who is the invited guest of a professional acupuncture association or scientific acupuncture foundation, an approved educational and training program, or a continuing education provider, solely from engaging in professional education through lectures, clinics, or demonstrations. The guest acupuncturist may engage in the practice of acupuncture in conjunction with these lectures, clinics, or demonstrations for a maximum of six months, but may not open an office or appoint a place to meet patients or receive calls from patients or otherwise engage in the practice of acupuncture.

## Article 4 Enforcement

### § 4955. Disciplinary action for unprofessional conduct

The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist who is guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to, the following:

(a) Using or possessing any controlled substance, dangerous drug, or alcoholic beverage to an extent or in a manner dangerous to the acupuncturist, or to any other person, or to the public, and to an extent that the use impairs the acupuncturist's ability to engage in the practice of acupuncture with safety to the public.

## Article 4 Enforcement

- (b) Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist.
- (c) False or misleading advertising.
- (d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation of the terms of this chapter.
- (e) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee.

## Article 4 Enforcement

- (f) The use of threats or harassment against any patient or licensee for providing evidence in a disciplinary action, other legal action, or in an investigation contemplating a disciplinary action or other legal action.
- (g) Discharging an employee primarily for attempting to comply with the terms of this chapter.
- (h) Disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties of an acupuncturist or any professional health care licensee.
- (i) Any action or conduct that would have warranted the denial of the acupuncture license.

## Article 4 Enforcement

(j) The violation of any law or local ordinance on an acupuncturist's business premises by an acupuncturist's employee or a person who is working under the acupuncturist's professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the individuals, or under whose acupuncturist license the employee is working, to disciplinary action.

## Article 4 Enforcement

- (k) The abandonment of a patient by the licensee without written notice to the patient that treatment is to be discontinued and before the patient has had a reasonable opportunity to secure the services of another practitioner.
- (l) The failure to notify the board of the use of any false, assumed, or fictitious name other than the name under which the licensee is licensed as an individual to practice acupuncture.

## Article 4 Enforcement

### § 4955.1. Disciplinary Action for fraudulent act

- (a) Securing a license by fraud or deceit.
- (b) Committing a fraudulent or dishonest act as an acupuncturist.
- (c) Committing any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist.
- (d) Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record.
- (e) Failing to maintain adequate and accurate records relating to the provision of services to their patients.

## Article 4 Enforcement

### §4959. Assessments of cost; Enforcement of order

(a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed actual and reasonable costs of the investigation and prosecution of the case.

## Article 4 Enforcement

### § 4960.2 Certification of revocation of license

The board in all cases of revocation shall certify the fact of the revocation, under the seal of the board, to the business licensing entity of the cities or counties in which the license of the acupuncturist has been revoked.

The record of the revocation made by the county or city clerk shall be sufficient evidence of the revocation, and of the regularity of all proceedings of the board in the matter of the revocation.

## Article 4 Enforcement

### § 4960.5. Petition for reinstatement of modification of penalty

(a) A person whose license or registration has been revoked, suspended, or surrendered, or who has been placed on probation, may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:

- (1) At least three years for reinstatement of a license revoked or surrendered.
- (2) At least two years for early termination of probation of three years or more.

## Article 4 Enforcement

- (3) At least two years for modification of a condition of probation.
- (4) At least one year for early termination of probation of less than three years.
- (b) The board may require an examination for that reinstatement.
- (c) A person whose application for a license or registration has been denied by the board may reapply to the board for a license or registration only after a period of three years has elapsed from the date of the denial.

## Article 4 Enforcement

### § 4961. Acupuncture: place of practice: wall license.

(1) “Place of practice” means an acupuncture office where any act of acupuncture is practiced and includes a place of practice in which the applicant holds a proprietary interest of any nature whatsoever or in which the licensee holds any right to participate in the management or control thereof.

(2) “Wall license” means an official document that is issued by the board upon application for a place of practice and has a unique identification number that is specific to the location provided by the licensee in the application.

## Article 4 Enforcement

- (a)(1) Every person who is licensed to practice acupuncture in this state shall register each place of practice and apply to the board to obtain a wall license for each place of practice.
- (2) A wall license shall be renewed biennially, coinciding with the license renewal date.
- (3) If the licensee has no place of practice, the licensee shall notify the board. A wall license is not required; however, the licensee shall carry a pocket license during treatments outside of the licensee's place of practice and make the pocket license available upon request.

## Article 4 Enforcement

(4) A licensee shall register each place of practice within 30 days after the date of the licensee being licensed by the board or the establishment of a new place of practice, whichever occurs first.

(b)(1) An acupuncturist licensee shall post a wall license in a conspicuous location in each place of practice at all times.

(2) If an acupuncturist licensee has more than one place of practice, the licensee shall a separate wall license for each additional location and post the assigned wall license at each location.

## Article 4 Enforcement

(d)(1) If a licensee changes the location of a place of practice, the licensee shall apply for the change of location within 30 days of changing the licensee's place of practice.

(2) If a licensee fails to apply for a new wall license with the board due to a change of location within the time prescribed by this subdivision, the board may deny renewal of the license.

(e)(1) A wall license is nontransferable.

(2) Any change to the registered location in connection with the wall license, such as moving, requires a new wall license, and the former wall license shall be returned to the board with a request for cancellation.

## Article 4 Enforcement

### § 4961.1. Site Inspection Authority

(a) The board, or its designee, may, upon complaint, inspect any of the following:

- (1) Any premise in which acupuncture services are provided or reasonably suspected of being provided.
- (2) Any place of practice registered with the board for which a wall license has been.
- (3) Any clinic owned and operated by a school with an approved educational and training program.
- (4) Any premise in which acupuncture services are provided under a tutorial program.

## Article 4 Enforcement

- (b) All records required by law to be kept by an acupuncturist subject to this chapter, including, but not limited to, records pertaining to the provision of services to patients, shall be open to inspection by the board, or its designee, during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action or issuance of a citation and fine by the board. A copy of all those records shall be provided to the board immediately upon request.
- (c) Nothing in this section shall be construed to grant the board jurisdiction over the practice of medicine.

## Article 4 Enforcement

### § 4962. Probation status: disclosure

(a) On and after July 1, 2019, the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019.

## Article 5 Renewal

### § 4965. Expiration of License; Renewal

- (a) Licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee during the second year of a two-year term, if not renewed.
- (b) The board shall establish and administer a birth date renewal program.
- (c) To renew an unexpired license, the holder shall apply for renewal on a form provided by the board and pay the renewal fee fixed by the board.

## Article 5 Renewal

### § 4966. Period for renewal

A license that has expired may be renewed at any time within three years after its expiration by filing of an application for renewal on a form provided by the board, paying all accrued and unpaid renewal fees, and providing proof of completing continuing education requirements.

If the license is not renewed prior to its expiration shall also pay the prescribed delinquency fee. Renewal shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date the delinquency fee is paid, whichever occurs last.

## Article 5 Renewal

### § 4967. Effect of failure to renew license

A person who fails to renew his or her license within three years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if he or she meets all of the following requirements:

- (a) Has not committed any acts or crimes constituting grounds for denial of licensure

## Article 5 Renewal

- (b) Takes and passes the examination, if any, which would be required of him or her if an initial application for licensure was being made, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to practice as an acupuncturist.
- (c) Pays all of the fees that would be required if an initial application for licensure was being made. The board may provide for the waiver or refund of all or any part of an examination fee in those cases in which a license is issued without an examination pursuant to this section.

## Article 5 Renewal

### § 4969. Suspended license; Revoked license

(a) A suspended license is subject to expiration and shall be renewed, but the renewal does not entitle the acupuncturist, while the license remains suspended, and until it is reinstated, to engage in the practice of acupuncture, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(b) A revoked license is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the former licensee, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license was reinstated, plus the delinquency fee, if any, accrued at the time of its expiration.

## Article 6 Revenue

### § 4970. Fees

- (a) The application fee shall be two hundred fifty dollars (\$250) and may be increased to not more than three hundred fifty dollars (\$350).
- (b) The application fee for foreign applicants shall be three hundred fifty dollars (\$350) and may be increased to not more than five hundred dollars (\$500).
- (c) The examination and reexamination fees shall be eight hundred dollars (\$800).

## Article 6 Revenue

- (d) The initial license fee shall be five hundred dollars (\$500), except that if the license will expire less than one year after its issuance, then the initial license fee shall be an amount equal to 50 percent of the initial license fee. The initial license fee shall include one wall license registration if a place of practice is specified in the application.
- (e) The renewal fee shall be five hundred dollars (\$500) and may be increased to not more than seven hundred seventy-five dollars (\$775) and, if a lower fee is fixed by the board, shall be an amount sufficient to support the functions of the board in the administration of this chapter. The board shall assess the renewal fee biennially.

## Article 6 Revenue

(g) The wall license fee and renewal shall be fifty dollars (\$50).

(i) If a pocket license is lost or destroyed, the pocket license replacement fee is fifty dollars (\$50).

(j) The endorsement fee is one hundred dollars (\$100).

(l) The approval fee for each provider of continuing education shall be five hundred dollars (\$500) and may be increased to not more than seven hundred dollars (\$700).

(m) The biennial renewal approval fee for each provider of continuing education shall be five hundred dollars (\$500) and may be increased to not more than seven hundred dollars (\$700).

## Article 6 Revenue

(n) (1) Fees for continuing education course applications shall be assessed to the continuing education provider at a floor of ten dollars (\$10) per hour of continuing education requested to offer, and a cap of twenty dollars (\$20) per hour of continuing education requested to offer, allowing up to a maximum of 50 hours to be approved per course application.

## Article 7 Acupuncture Corporations

### § 4975. Definition

An acupuncture corporation is a corporation which is authorized to render professional services, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act, this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs.

With respect to an acupuncture corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Acupuncture Board.

## Article 7 Acupuncture Corporations

### § 4976. Violation as unprofessional conduct

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

## Article 7 Acupuncture Corporations

### § 4977. Conduct of Practice

An acupuncture corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under Article 4 (commencing with Section 4955). {§ 4955. Disciplinary action for unprofessional conduct}

In the conduct of its practice, it shall observe and be bound by statutes and regulations to the same extent as a person holding a license under this chapter.

## Article 7 Acupuncture Corporations

### § 4978. Name

The name of an acupuncture corporation and any name or names under which it may render professional services shall contain words "acupuncture" or "acupuncturist" and wording or abbreviations denoting corporate existence.

## Article 7 Acupuncture Corporations

### § 4979. Regulations

The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including, but not limited to, regulations requiring

- (a) that the bylaws of an acupuncture corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time the regulations may provide
- (b) that an acupuncture corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services

# ACUPUNCTURE REGULATIONS

## (Title 16, Professional and Vocational Regulations)

### Division 13.7. Acupuncture

Article 1. General Provisions

Article 2. Applications Generally (Skip)

Article 2.5 Renewal of Licenses

Article 3. Acupuncture Tutorials (Skip)

Article 3.5. Approved Educational and Training Programs (Skip)

Article 4. Examinations and Demonstrations of Competency (Skip)

Article 5. Standards of Practice

Article 6. Miscellaneous Provisions

Article 7. Acupuncture Corporations

Article 8. Continuing Education

## Article 1. General Provisions

### § 1399.403. Definitions

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

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

## Article 2.5. Renewal of Licenses

### § 1399.419.1. Response to board inquiry

If the Board 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.

## Article 2.5. Renewal of Licenses

### § 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.

## Article 2.5. Renewal of Licenses

- (b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, 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 or controlled substances.
- (c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, 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.

## Article 2.5. Renewal of Licenses

- (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. 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 30 days.

## Article 5. Standards of Practice

### § 1399.450. Condition of office

(a) Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have a readily accessible bathroom facility in accordance with Title 24, Part 2, Building Standards Code Sections 494A.1 and 1994 Uniform Building Code Section 2902.3.

## Article 5. Standards of Practice

### § 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 that destroys all microorganisms. All needle trays that contain sterile needles shall also be sterile. Each time instruments are sterilized, the acupuncturist shall use a tape or strip indicator that shows that sterilization is complete.

## Article 5. Standards of Practice

- (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, dentist, or podiatrist, if appropriate, if immediate medical treatment is required.

## Article 5. Standards of Practice

- (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.

## Article 5. Standards of Practice

### § 1399.452. Treatments outside the office

- (a) Any acupuncturist who provides acupuncture treatment outside the office shall carry the required sterile needles and other instruments in a sterile airtight container.
- (b) All standards of practice applicable to treatment outside the office shall be adhered to by the acupuncturist providing such treatment.

## Article 5. Standards of Practice

### § 1399.453. Record keeping

An acupuncturist shall keep complete and accurate records on each patient who is given acupuncture treatment, including but not limited to, treatments given and progress made as a result of the acupuncture treatments.

### § 1399.454. Single use needles

An acupuncturist shall use needles labeled for single use only that meet the requirements of federal regulations 21 CFR Part 880.5580 (61 FR 64617, December 6, 1996). It shall constitute unprofessional conduct for an acupuncturist to use a needle more than once.

## Article 5. Standards of Practice

### § 1399.455. Advertising

- (a) A licensed acupuncturist may advertise the provision of any acupuncture services so long as such advertising does not promote the excessive or unnecessary use of such services.
- (b) It is improper advertising to disseminate any advertising that represents in any manner that the acupuncturist can cure any type of disease, condition, or symptom.
- (c) It is improper advertising to disseminate any advertising of a practice, technique, or procedure that is not within the scope of the practice of acupuncture and that is the unlawful practice of medicine.

Here are some examples of false advertising in the acupuncture industry:

(Source: AI Google Overview)

### **Unqualified claims**

Advertisements that claim acupuncture can help with fertility, balance hormones, or improve sperm count without providing supporting evidence

### **Unproven COVID claims**

Advertisements that claim acupuncture can help prevent or treat COVID-19 without scientific evidence

## **Lack of training**

Advertisements that claim to offer acupuncture services without providing evidence of adequate training

## **Misleading instruments**

Advertisements that claim a product can enlarge breasts without providing a scientific basis

**Misleading marketing in healthcare can also include:**

Exaggerating the benefits of treatments

Downplaying the risks of treatments

Using complex scientific language to create an illusion of credibility

Using testimonials or success stories that don't reflect typical outcomes

Failing to disclose necessary information, such as potential side effects

## Article 6. Miscellaneous Provisions

### § 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 or the regulations adopted by the Board.
- (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.

## Article 6. Miscellaneous Provisions

### § 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.

## Article 6. Miscellaneous Provisions

- (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.

## Article 6. Miscellaneous Provisions

### § 1399.467. Citations for unlicensed practice

The executive officer of the Board 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. The citation issued under this section shall be separate from and in addition to any other civil or criminal remedies.

## Article 6. Miscellaneous Provisions

### § 1399.468. Contest of citations.

- (a) In addition to requesting a hearing, the person cited may, within 10 days after service or receipt of the citation, notify the executive officer in writing of 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.
- (c) 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.

## Article 6. Miscellaneous Provisions

### § 1399.469. Disciplinary guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act, the 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 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.

## Article 6. Miscellaneous Provisions

### § 1399.469.1. Required actions against sex offenders

(a) Except as otherwise provided, if an individual is required to register as a sex offender, the Board shall:

(1) Deny an application by the individual for licensure

(2) Promptly revoke the license of the individual

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

## Article 6. Miscellaneous Provisions

### § 1399.469.2. Unprofessional Conduct

In addition to the conduct described in Section 4955 of the Code, “unprofessional conduct” also includes, but is not limited to, the following:

- (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
- (c) Failure to cooperate and participate in any Board investigation pending against the licensee.

## Article 6. Miscellaneous Provisions

(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.

## Article 6. Miscellaneous Provisions

(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 Board.

## Article 6. Miscellaneous Provisions

### § 1399.469.3. Notice to Consumers of Licensure by the Acupuncture Board.

(a) A licensed acupuncturist engaged in the practice of acupuncture shall provide notice to each patient of the fact that the acupuncturist is licensed and regulated by the California Acupuncture Board. This notice must be posted at each of the practice locations the licensee provides services.

The notice shall include the following statement and information:

#### NOTICE TO CONSUMERS

Acupuncturists are licensed and regulated by the California Acupuncture Board (916) 515-5200  
<http://www.acupuncture.ca.gov/>

## Article 6. Miscellaneous Provisions

(b) The notice required by this section shall be provided by prominently posting the notice in a conspicuous location accessible to public view on the premises where the acupuncturist provides the licensed services, in which case the notice shall be at least 48-point type font.

## Article 6. Miscellaneous Provisions

### § 1399.469.5. Criteria for Rehabilitation - Denial of Licensure.

### § 1399.469.6. Criteria for Rehabilitation - Suspensions or Revocations.

- (a) When considering the denial of a license (suspension or revocation), the board shall consider whether the applicant made a showing of rehabilitation if the applicant completed the criminal sentence at issue without a violation of parole or probation.
- (b) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation.

## Article 7. Acupuncture Corporations

### § 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 General Corporation Law and is a professional corporation within the meaning of Part 4 of Division 3 of Title 1 of the Corporations Code.
- (b) Each shareholder, director, and officer holds a valid acupuncture certificate. An acupuncturist may be a shareholder in more than one acupuncture corporation.

## Article 7. Acupuncture Corporations

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

## § 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 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.

## Article 8. Continuing Education

### § 1399.481. Criteria for provider approval.

- (a) In order to be a provider, a person, organization, school, or other entity seeking approval shall submit to the Board a Continuing Education Provider Application. 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.

## Article 8. Continuing Education

### § 1399.482. Approved providers.

(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 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.

## Article 8. Continuing Education

### § 1399.483. Approval of continuing education courses.

The content of all courses of continuing education 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.

(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.

## Article 8. Continuing Education

- (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.

## Article 8. Continuing Education

- (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.

## Article 8. Continuing Education

(2) Category 2 courses are those courses unrelated to clinical matters or the actual provision of health care to patients.

(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 and taiji quan that are for the benefit of the licensee and not the patient.

## Article 8. Continuing Education

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 participants mastery of the course material.

## Article 8. Continuing Education

### § 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:

#### Period of Initial Licensure Requiring Continuing Education Hours

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.

## Article 8. 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 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 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.

## Article 8. Continuing Education

### § 1399.489.1. Inactive License.

(a) Any licensee who is not actively engaged in the practice of acupuncture desiring an inactive license or to restore an inactive license to active status shall submit a completed "Active/Inactive License 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. In the event a license has been inactive less than one (1) year, a minimum of 25 hours of continuing education is required

# BUSINESS AND PROFESSIONS CODE - GENERAL PROVISIONS

## Pertinent Laws that Apply to Acupuncturists

### General Provisions

#### Division 1. Department of Consumer Affairs

##### Chapter 1. The Department

#### Division 1.5. Denial, Suspension and Revocation of Licenses

##### Chapter 1. General Provisions

##### Chapter 2. Denial of Licenses

##### Chapter 3. Suspension and Revocation of Licenses

#### Division 2. Healing Arts

##### Article 1. Records

##### Article 6. Unearned Rebates, Refunds and Discounts

##### Article 9. Inactive License

##### Article 10.5. Unprofessional Conduct

##### Article 11. Professional Reporting

##### Article 12. Insurance Fraud Article 12.5. Mental Illness or Physical Illness

##### Article 13. Standards for Licensure or Certification

## General Provisions

### § 27. Information to be provided on Internet; Entities in DCA required to comply

Each entity shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act

In providing information on the Internet, each entity shall comply with the Department of Consumer Affairs' guidelines for access to public records.

The Acupuncture Board shall disclose information on its licensees.

## General Provisions

### § 27.5. Licensee and registrant records: name and gender changes

Notwithstanding any other law, if a board within the Department of Consumer Affairs receives government issued documentation from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.

## Division 1. Department of Consumer Affairs

### § 114.3. Waiver of fees and requirements for active duty members of armed forces and national guard

Notwithstanding any other law, every board within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

## Division 1. Department of Consumer Affairs

- (1) The licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty.
- (2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.
- (3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

## Division 1. Department of Consumer Affairs

### § 119. Misdemeanors pertaining to use of licenses

Any person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:

- (1) A canceled, revoked, suspended, or fraudulently altered license.
- (2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license.

(b) Lends his or her license to any other person or knowingly permits the use thereof by another.

(c) Displays or represents any license not issued to him or her as being his or her license.

## Division 1. Department of Consumer Affairs

- (d) Fails or refuses to surrender to the issuing authority upon its lawful written demand any license, registration, permit, or certificate which has been suspended, revoked, or canceled.
- (f) Photographs, photostats, duplicates, manufactures, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken for a valid license, or displays or has in his or her possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by this code.
- (g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it is fraudulent, forged, or counterfeited. For purposes of this subdivision, “fraudulent” means containing any misrepresentation of fact.

## Division 1. Department of Consumer Affairs

### § 121. Practice during period between renewal and receipt of evidence of renewal

No licensee who has complied with the provisions of this code relating to the renewal of his or her license prior to expiration of such license shall be deemed to be engaged illegally in the practice of his or her business or profession during any period between such renewal and receipt of evidence of such renewal which may occur due to delay not the fault of the applicant.

## Division 1.5. Denial, Suspension and Revocation of Licenses

### Chapter 3. Suspension and Revocation of Licenses

#### § 490.5. Suspension of license for failure to comply with child support order

A board may suspend a license pursuant to Section 17520 of the Family Code if a licensee is not in compliance with a child support order or judgment.

## Article 6. Unearned Rebates, Refunds and Discounts

### § 651. Dissemination of false or misleading information concerning professional services or products; Permissible advertising

(a) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

(1) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(2) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

## Article 6. Unearned Rebates, Refunds and Discounts

(3) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision. Any “before” and “after” views shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and shall contain a statement that the same “before” and “after” results may not occur for all patients.

## Article 6. Unearned Rebates, Refunds and Discounts

- (4) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.
- (5) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.
- (6) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.
- (7) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

## Article 6. Unearned Rebates, Refunds and Discounts

(a) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, "as low as," "and up," "lowest prices," or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

## Article 6. Unearned Rebates, Refunds and Discounts

- (b) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.
- (c) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading.

## Article 6. Unearned Rebates, Refunds and Discounts

- (d) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.
- (e) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

## Article 6. Unearned Rebates, Refunds and Discounts

- (g) Advertising by any person so licensed may include the following:
- (1) A statement of the name of the practitioner.
  - (2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.
  - (3) A statement of office hours regularly maintained by the practitioner.
  - (4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office

## Article 10.5. Unprofessional Conduct

### § 726. Commission of act of sexual abuse or misconduct with patient or client

- (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.
- (b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

## Article 10.5. Unprofessional Conduct

### § 731. Violations at work as unprofessional conduct

(a) Any person licensed who engages in, or who aids or abets in, occurring in the work premises of, or work area under the direct professional supervision or control of, that person, shall be guilty of unprofessional conduct. The license of that person shall be subject to denial, suspension, or revocation by the appropriate regulatory entity.

(b) A civil penalty in an amount not to exceed two thousand five hundred dollars (\$2,500) for the first offense, and not to exceed five thousand dollars (\$5,000) for each subsequent offense, which may be assessed and recovered in a civil action brought by any district attorney

## Article 12. Insurance Fraud

### § 810. Grounds for disciplinary action against health care professional

- (a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:
- (1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.
  - (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

## Article 12.5 Mental Illness or Physical Illness

### § 820. Examination of licentiate for mental illness or physical illness affecting competency

Whenever it appears that any person holding a license may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency.

### § 821. Effect of licentiate's failure to comply with order for examination

The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

## Article 13. Standards for Licensure or Certification

### § 850.1. Adverse actions based on another state's law

- (a) A healing arts board shall not deny an application for licensure or suspend, revoke, or otherwise impose discipline upon a licensee or health practitioner subject to this division on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state, regardless of the patient's location.
- (b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state based upon conduct in another state that would subject an applicant, licensee, or health care practitioner subject to this division to a similar claim, charge, or action under the laws of this state.

## Article 13. Standards for Licensure or Certification

### § 850.2. Licensee and registrant renewal: National Provider Identifier (Newly added as of 1/2025)

- (a) For purposes of this section, “healing arts board” means any board, division, or examining committee in the Department of Consumer Affairs that licenses or certifies health professionals.
- (b) A healing arts board shall require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee’s or registrant’s individual National Provider Identifier, if they have one.
- (c) A violation of this section shall not constitute a crime.

# Ethical considerations for acupuncture

Source: google search “ethics in acupuncture”

**Respect:** Respect patients' rights and dignity, and be aware of implicit biases.

**Communication:** Keep patients informed about their health and treatment options, and respect their decisions.

**Confidentiality:** Protect the confidentiality of patient information.

**Boundaries:** Maintain professional boundaries with patients, colleagues, and mentees.

**Continuing education:** Continuously educate yourself and collaborate with colleagues.

**Integrity:** Act with integrity in all professional activities, and be fair and honest in business dealings.

**Collaboration:** Cooperate with other health care professionals to provide high quality patient care.

**Research:** Integrate traditional Chinese medicine with evidence-based practice, and promote research and the scientific foundation of acupuncture.

**Professional organizations:** Honor and respect the code of ethics of other professional organizations.

**Laws:** Follow the laws of the state(s) and country in which you practice.

Ethical concerns in acupuncture research also include:

Merit and integrity,

Respect for human beings,

Weighting of risk-benefit,

Justice, and

Consideration of different value systems.

# CODE OF ETHICS

*Code of ethics adopted by the AAMA Board of Directors, March 21, 2001.*

Ethical practice and conduct:

As Physician Acupuncturists,  
we shall be dedicated to providing the best of acupuncture and  
Western medicine to all patients.

we shall promote a healing relationship with respect and  
compassion for the rights and needs of our patients.

we shall promote education and awareness of acupuncture  
among our colleagues, other health professionals and patients.

## CODE OF ETHICS

we shall promote continuing education, research and the advancement of the scientific foundation of acupuncture.

we will honor and respect the code of ethics of other professional organizations to which we belong and the laws of the state(s) and country in which we practice.

NCCAOM

## CODE OF ETHICS

As an NCCAOM® Certified Diplomate,  
I hereby pledge my aspiration and on-going  
commitment to the following principles to  
maintain the highest level of competency  
and ethical standards of my profession:

- *Respect the rights, privacy and dignity of my patients by maintaining confidentiality and professional boundaries at all times.*
- *Respect my colleagues, employees, students and mentees by maintaining appropriate boundaries.*
- *Treat within my lawful scope of my practice and training and only if I am able to safely, competently and effectively do so.*
- *Assist those seeking my services in a fair, nondiscriminatory and unbiased manner.*
- *Allow my patients to fully participate in decisions related to their healthcare by documenting and keeping them informed of my treatments and outcomes.*
- *Render the highest quality of care and make timely referrals to other health care professionals as may be appropriate.*
- *Continue to advance my knowledge through education, training and collaboration with my colleagues.*
- *Participate in activities that contribute to the betterment and wellness of my community.*
- *Support in the care and access of my medicine to underserved populations.*
- *Promote my profession's access to all people and its growth in the broad spectrum of health care.*



# ACUPUNCTURE BOARD'S TOP 10 VIOLATIONS LEADING TO ENFORCEMENT ACTIONS

The following are the most frequent violations in rank order from the fiscal years 2016-17 and 2017-18 based upon the incidence of complaints received that have resulted in administrative citations or disciplinary actions. Please refer to the [Laws and Regulations Relating to the Practice of Acupuncture](#) for all requirements.

## 1. CONVICTIONS AND ARRESTS:

- Multiple DUIs
- Sexual battery or assault
- Insurance or health care fraud

- Caused adverse reaction (burns, bruising, etc.)
- Practicing beyond scope of practice
- Needling through clothing

## 2. UNLAWFUL PRACTICE OF ACUPUNCTURE:

- Delinquent or cancelled licensees still in practice
- Advertising acupuncture or specialist without a valid license
- Dry needling or acupuncture performed by unlicensed individuals
- Unlicensed individual owning an acupuncture business or corporation

## 6. MALPRACTICE SETTLEMENTS:

- Pneumothorax
- Burns/blisters

## 3. FAILURE TO REGISTER AN ADDRESS CHANGE:

- Moved residence without notifying the board
- Moved practice without notifying the board

## 7. SEXUAL MISCONDUCT:

- Inappropriate touching
- Romantic relationship with a patient
- Improper draping and exposure of body parts

## 4. UNREGISTERED PRACTICE LOCATION/DISPLAY OF LICENSE:

- Failure to register one or all practice locations
- Failure to properly display wall license

## 8. FAILURE TO FOLLOW INFECTION CONTROL:

- Improper disposal of needles
- Failure to sterilize instruments
- Unclean and unsanitary conditions

## 5. NEGLIGENCE/INCOMPETENCE:

- Failure to remove needles from patient after treatment

## 9. DISCIPLINE BY PUBLIC AGENCY:

- Revocation or probation of other healing arts license (in-state and out-of-state)

## 10. FAILURE TO NOTIFY BOARD OF FALSE/ASSUMED NAME:

- Use of nickname or AKA different from licensed name without notifying the board

Please note, this material is for informational purposes only, is general in nature, and is not intended to and should not be relied upon or construed as legal advice regarding any specific issue or factual circumstance.



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# Q & A

# Thank you