

Considerations for multiple licensing of the acupuncture profession in California

At the September LHC Acupuncture Project subcommittee meeting, a proposal for a multiple (tiered) licensing system for California acupuncturists was presented. The following is a revision of that proposal with supportive rationale.

Educational standards need to first be rooted in a clear understanding of what the proposed Scope of Practice (SOP) is to be. Once a SOP is established, then consideration can be given to what educational standards (together with the examination process) are needed to assure safe and competent practice of that SOP. SOP and education are thus tied together in a proportional manner; the greater the one – the greater the other.

In the matters under consideration by the LHC, a current SOP and current educational standards exist, but a raise in education is soon to take place (3,000 hours) and a greater raise (4,000 hours) is to be considered. Given that education hours are necessarily tied to SOP, it is reasonable to consider what, if any, expansion of SOP is envisioned with the expansion of training hours? Thus far, those supporting raising education hours have not proposed expanding the SOP. The only logical reason to substantially expand education hours without expanding an existing SOP is if the current education hours fail to assure the safe and competent practice of the current SOP. While some have expressed their opinion that current education hours are not meeting that burden, there is no compelling evidence to support this claim and even other supporters of raising hours disagree with that notion.

If the existing educational standards have reasonably met the standard of assuring safe and competent practice of the current SOP, then why raise education hours? The only logical reason to raise education hours is if there is to be an expansion of SOP to include additional skills beyond those covered under the current SOP. If a profession expands its training and SOP to include skills beyond those covered under the current SOP, then there is a need to decide what to do about the existing practitioners that were trained to practice the less inclusive SOP. This leaves two possibilities: require existing practitioners to obtain additional training in the skills that expand the existing SOP or allow existing practitioners to stay practicing under their current SOP. A third option of Grandfathering existing practitioners and expanding their SOP without requiring training in those skills poses a risk to the public and thus is not a viable option.

Those who desire to build a new level of Oriental Medical practitioner in California should work to establish what the SOP of this level would consist of. Many have expressed the opinion that more training in Western science would be useful and an expansion of the current SOP to allow more diagnostic and therapeutic skills grounded in Western science seems like a reasonable and useful direction to move toward. As stated, such an expansion should start with the desired SOP and then the education needed to meet that SOP.

If and when such an expanded SOP and education standards are established creating a new level of Oriental Medical provider, reason dictates the employing a multiple licensed profession that would allow current Licensed Acupuncturists the right to continue in their practice under current SOP. Such practitioners would of course have the option to take additional training or otherwise demonstrate competency in the additional skills of the expanded SOP. Under this plan, Licensed Acupuncturists could meet the requirements for the expanded level of licensing by any combination of partial credits for years of experience, additional education, and challenge exams. This would also allow the possibility of certified specialties in specific areas of clinical skills.

If a new level Oriental Medical provider is created and the decision is made to allow only one license and require all Licensed Acupuncturists to undergo substantial additional education to continue their right to practice, extreme care need be taken to survey the entire profession to learn just what additional education would be needed and the willingness of the profession to abandon their current practice to move up to a higher level. It should be remembered that the current acupuncture profession has fulfilled all state requirements of training, testing, continuing education and, the evidence suggests, safe and competent practice of their SOP. If the state decides to mandate additional requirements under threat of the loss of the right to continue practice, it must be able to demonstrate a compelling need and to have carefully researched the potential legal ramifications of such an action. To date, no survey of the profession has been taken nor has any research been undertaken as to the potential legal ramifications.

Advantages of adopting a multiple licensing system in California

- Allows the development of a new level Oriental Medical (OM) professional with expanded training (near 4,000 hours), broader SOP (point injection, higher level Western diagnosis and therapy skills), and Doctor title (Dr.TOM?).
- Allows current L.Ac.s to maintain their title and SOP without need for further education.
- Addresses concerns of higher cost of education by allowing students to choose the licensing they seek to practice under.
- Provides consumers with a broader choice of options when seeking Oriental Medical services thus allowing market forces to help determine optimal future licensing directions.
- Affords greater opportunities for “matching” education and SOP between California and national systems thus allowing opportunities for reciprocity between the two. .