

August 4, 2003

Re: Proposed Revision of CA Acupuncture Regulations

I would first like to introduce myself. I was one of the first Westerners licensed to practice acupuncture in the United States as I have license number 8 in the State of Oregon which was awarded in 1974. I was licensed as an acupuncturist in California in 1977. I am currently an M.D. licensed in California and Hawaii and board certified in Family Practice. I am currently on the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) where I have served for the past 5 years.

I have been asked to serve on the Little Hoover Commission Acupuncture Advisory Committee and I am writing to provide some input to the discussions due to the fact I will be unable to attend the first meeting due to a scheduling conflict.

I would encourage the Commission to undertake a thorough review of the legislative history of California's acupuncture laws to assess the legislative intent in adopting the term "primary care," which has caused significant confusion relative to the scope of practice, educational requirements, and the curriculum hours for licensing acupuncture and Oriental medicine practitioners in the state. The term "primary care" was solely intended to indicate the independent practice of acupuncture, and in no way was it intended to expand the scope of practice relative to western medicine diagnosis and treatment.

Some background on acupuncture legislation in California may be helpful as you consider possible reforms to the regulation of the acupuncture profession:

The first bill enacted regarding the practice of acupuncture was the Duffy-Song Acupuncture Act (AB 976) in November 1972. This bill allowed acupuncture to be performed only under physician supervision in a medical school setting. (On a personal note, I worked with Assemblyman Gordon Duffy on the drafting and passage of this bill and have been active in the development of the acupuncture profession since that time.)

The second piece of legislation regarding the practice of acupuncture was the Moscone bill, which was enacted in 1976. This legislation permitted the practice of acupuncture outside of a medical school setting, but only following diagnosis and referral from a licensed physician or dentist. The bill established the Acupuncture Advisory Committee and provided for the licensing of acupuncturists by the State of California.

A third important piece of legislation was the Torres bill (AB 3568) enacted in 1978 which repealed the provision requiring prior diagnosis and referral from a physician. It was at this time that the term "primary care" was first introduced in acupuncture legislation. The sole intent of the term "primary care" was to designate the "independent practice of acupuncture" without requiring prior diagnosis or referral from a physician. It was in no way intended to change or expand the scope of practice of acupuncture.

I personally worked with Art Torres on the drafting of AB 3568. It was never the intent of this bill that acupuncturists should be trained and able to perform western medicine diagnoses and treatment. Primary care was solely used in this context to designate the independent practice of acupuncture without requiring a prior diagnosis and referral from a physician which was mandated under prior law. This fact was further reinforced in AB 3568 by the specific enumeration of the scope of practice of this newly independent practice.

At the present time, to assert that acupuncturists are educated, trained, and experienced to be able to carry out all the functions of primary care physicians is to misconstrue the intent of the legislation and its defined scope of practice. Acupuncturists are well-trained professionals in the field of Oriental Medicine and are an integral part of the health care delivery system in the State of California. As such they can contribute much to the health and medical care of our citizens. To encourage them to act outside of their area of training and expertise is to potentially endanger the health and welfare of the California consumers.

Please note while I currently serve as an ACAOM Commissioner, the views set forth in this letter are my own, and do not necessarily represent the positions of the ACAOM, which has not reviewed this letter.

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