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AB-779 Acupuncture: place of practice: wall license. (2019-2020)

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Assembly Bill No. 779

CHAPTER 308

An act to amend, repeal, and add Sections 4961 and 4970 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 779, Low. Acupuncture: place of practice: wall license.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. Existing law requires a licensee, within 30 days of licensure, to register each of the licensee's places of practice or notify the board if the licensee does not have a place of practice. Existing law requires an acupuncturist to post a wall license at their place of practice and, if the acupuncturist has more than one place of practice, to obtain and post a duplicate wall license at each place of practice.

This bill would require a licensee to apply to the board to obtain a wall license for each place of practice and to renew each wall license biennially. The bill would require a licensee to carry a pocket license during treatments outside of the licensee's place of practice and to make the pocket license available upon request. The bill would require a licensee to return a former wall license to the board if the licensee obtains a new wall license for a location. The bill would specify that an acupuncturist shall be responsible for the services rendered pursuant to the acupuncturist's license at each of licensee's places of practice and ensuring that each place of practice is in compliance with standards of practice. The bill would revise specified fees associated with acupuncture practice, including specifying that an initial license fee shall include one wall license registration if a place of practice is specified in the application, and establish a wall license renewal fee, a wall license replacement fee, and a pocket license replacement fee. The bill would make these provisions operative on January 1, 2021.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4961 of the Business and Professions Code is amended to read:

4961. (a) Every person who is now or hereafter licensed to practice acupuncture in this state shall register, on forms prescribed by the Acupuncture Board, the licensee's place of practice, or, if the licensee has more than one place of practice, all of the places of practice. If the licensee has no place of practice, the licensee shall notify the board of that fact. A person licensed by the board shall register within 30 days after the date of licensure.

(b) An acupuncturist licensee shall post the wall license in a conspicuous location in the acupuncturist's place of practice at all times. If an acupuncturist licensee has more than one place of practice, the licensee shall obtain from the board a duplicate wall license for each additional location and post the duplicate wall license at each location.

(c) Any licensee that changes the location of their place of practice shall register each change within 30 days of making that change. In the event a licensee fails to notify the board of any change in the address of a place of practice within the time prescribed by this section, the board may deny renewal of licensure. An applicant for renewal of licensure shall specify in the application whether or not there has been a change in the location of the licensee's place of practice and, if so, the date of that change. The board may accept that statement as evidence of the change of address.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 2. Section 4961 is added to the Business and Professions Code, to read:

4961. (a) (1) Every person who is licensed to practice acupuncture in this state shall register, on forms prescribed by the board that may include an application for an initial license or for renewal of a license, 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. A licensee with a wall license issued before January 1, 2021, shall not be required to apply for a new wall license until the licensee's next license renewal date.

(3) If the licensee has no place of practice, the licensee shall notify the board of that fact on a form prescribed by the board. A wall license is not required to be posted when a licensee performs acupuncture treatments outside of the licensee's place of practice. 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.

(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 issued by the board to the licensee 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 obtain from the board a separate wall license for each additional location and post the assigned wall license at each location.

(c) A licensed acupuncturist shall not display any acupuncture wall license that is not currently active and valid.

(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 on forms prescribed by the board.

(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.

(3) The licensee shall apply to the board to obtain a new wall license using the forms prescribed by the board for the new wall license or change of location.

(f) (1) An acupuncturist shall be responsible for the acupuncture, Asian massage services, or any other practice specified under Section 4937 rendered pursuant to the license of the acupuncturist in each place of practice maintained by the acupuncturist.

(2) An acupuncturist maintaining more than one place of practice shall ensure that each place of practice is in compliance with the standards of practice requirements of this chapter.

(g) As used in this section:

(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.

(h) This section shall become operative on January 1, 2021.

SEC. 3. Section 4970 of the Business and Professions Code is amended to read:

4970. The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section 4972:

(a) The application fee shall be seventy-five dollars (\$75).

(b) The examination and reexamination fees shall be the actual cost to the Acupuncture Board for the development and writing of, grading, and administering of each examination.

(c) The initial license fee shall be three hundred twenty-five dollars (\$325), 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.

(d) The renewal fee shall be three hundred twenty-five dollars (\$325) and in the event 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 renewal fee shall be assessed on an annual basis until January 1, 1996, and on and after that date the board shall assess the renewal fee biennially.

(e) The delinquency fee shall be set in accordance with Section 163.5.

(f) The application fee for the approval of a school or college under Section 4939 shall be three thousand dollars (\$3,000). This subdivision shall become inoperative on January 1, 2017.

(g) The duplicate wall license fee is an amount equal to the cost to the board for the issuance of the duplicate license.

(h) The duplicate renewal receipt fee is ten dollars (\$10).

(i) The endorsement fee is ten dollars (\$10).

(j) The fee for a duplicate license for an additional office location as required under Section 4961 shall be fifteen dollars (\$15).

(k) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 4. Section 4970 is added to the Business and Professions Code, to read:

4970. The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section 4972:

(a) The application fee shall be seventy-five dollars (\$75).

(b) The examination and reexamination fees shall be the actual cost to the board for the development and writing of, grading, and administering of each examination.

(c) The initial license fee shall be three hundred twenty-five dollars (\$325), 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.

(d) The renewal fee shall be three hundred twenty-five dollars (\$325) 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.

(e) The delinquency fee shall be set in accordance with Section 163.5.

(f) The wall license fee shall be fifteen dollars (\$15).

(g) The wall license renewal fee shall be fifteen dollars (\$15).

(h) If a pocket license is lost or destroyed, the pocket license replacement fee is ten dollars (\$10).

(i) The endorsement fee is ten dollars (\$10).

(j) If a wall license is lost or destroyed, the wall license replacement fee is fifteen dollars (\$15).

(k) This section shall become operative on January 1, 2021.