

H.B. NO. 3106

A BILL FOR AN ACT

RELATING TO GRADUATES OF FOREIGN ACUPUNCTURE PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 436E-5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:
3 "(d) Notwithstanding subsections (b) and (c), effective
4 September 1, 2000, before any applicant shall be eligible [~~for~~
5 ~~the~~] to take the licensing examination, the applicant shall
6 furnish satisfactory proof to the board that the applicant has
7 completed a formal acupuncture program and has received a total
8 of [~~not less than~~] at least two thousand, one hundred seventy-
9 five hours of academic and clinical training consisting of an
10 academic program of [~~not less than~~] at least one thousand, five
11 hundred fifteen hours in the science of acupuncture (traditional
12 oriental medicine) and a clinical training program of [~~not less~~
13 ~~than~~] at least six hundred sixty hours under the supervision of
14 a licensed acupuncturist, which shall result in the award of a
15 certificate or diploma [~~at~~]. For applicants who graduated from
16 an institute, school, or college[?] located in the United States
17 or any territory under the jurisdiction of the United States,
18 the institute, school, or college shall be accredited or

H.B. NO. 3106

1 recognized as a candidate for accreditation by any acupuncture
 2 or oriental medicine accrediting body recognized by the United
 3 States Department of Education [~~or at~~]. For applicants who
 4 graduated from a foreign institute, school, or college with a
 5 formal program in the science of acupuncture, the applicant, at
 6 the applicant's own expense, shall have the applicant's
 7 transcripts and curriculum evaluated by a board approved and
 8 designated professional evaluator who shall make a determination
 9 whether the transcripts and curriculum are at least equivalent
 10 to that of the United States accredited acupuncture program, and
 11 that the foreign institute is licensed, approved, or accredited
 12 by the appropriate governmental authority or an agency
 13 recognized by a governmental authority in [~~that~~] the respective
 14 foreign jurisdiction and whose curriculum is approved by the
 15 board."

16 SECTION 2. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. King
 BY REQUEST
 JAN 22 2008

Report Title:

Acupuncturists; examination and licensure

Description:

Requires applicants for acupuncture licensure who graduated from foreign institutes to have their educational information evaluated by a professional crediting evaluator as a prerequisite for taking an exam and getting a license in Hawaii.

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO GRADUATES OF FOREIGN ACUPUNCTURE PROGRAMS.

PURPOSE: To require acupuncture examination and licensure applicants who graduated from foreign acupuncture institutes, schools, or colleges to have their educational information evaluated, at their own expense, by a Board of Acupuncture approved professional credentialing evaluator as a prerequisite for examination and licensure.

MEANS: Amend section 436E-5(d), Hawaii Revised Statutes.

JUSTIFICATION: Since September 1, 2000, section 436E-5 has required the Board of Acupuncture ("Board") to ensure that applicants for acupuncture examination and licensure meet the same high standards of acupuncture education, regardless of whether they attended an acupuncture school in the United States or one located in a foreign country.

Applicants who attended U.S. acupuncture schools are specifically required to complete an accredited program or one that is recognized as a candidate for accreditation by a national accrediting body recognized by the U.S. Department of Education. On the other hand, for applicants who completed their education at a foreign school, the Board is required to approve the foreign school curricula and ensure that the school was recognized by the appropriate foreign government agency.

The Board has not had difficulty ensuring that U.S. graduates meet the education requirements. This is due to the accrediting agency's oversight of U.S.

acupuncture programs.

However, the Board has had considerable difficulty in reviewing the documents of applicants who graduated from foreign acupuncture programs and determining whether they have met the requirements. In carrying out its mandate to ensure that foreign-educated applicants meet the required academic and clinical study hours and that the foreign school was recognized by the respective foreign government, the Board essentially is required to undertake duties similar to that of an accrediting body, for which it does not have the experience, qualifications, or resources. Among the problems that the Board has encountered is the lack of standardization among foreign educational programs. An example is that the foreign schools record credits earned and completion of clinical hours in different ways. Equally as important is that the Board is not able to ensure that the records applicants submit are authentic.

A credential evaluation service would provide an assessment of the applicant's foreign academic record, courses studied, and the degree, certificate, or diploma earned in terms of equivalency to U.S. acupuncture education. The service would also report whether the institution is recognized by the foreign government where the school is located. Further, the service would verify whether the credentials are authentic.

Thus, a credential evaluation would enable the Board to better understand the foreign academic credentials and, in turn, afford the Board with the opportunity to make a well-informed and objective review of the applicant's education qualifications.

Credential evaluators have experience and training in the U.S. and international education systems and are recognized authorities in their fields. They also have access to foreign educational systems, institutions, and programs, and experience in dealing with officials overseas. The Board does not possess these valuable experiences or resources.

By utilizing credential evaluations, the Board would not relinquish its responsibility to ensure that license applicants meet the education requirements. Indeed, the evaluations would be a valuable tool that would assist the Board in making expeditious decisions about an applicant's foreign education.

The Board is aware that presently there are at least two credentialing services that could conduct the aforementioned reviews.

It is, therefore, the Board's desire to amend section 436E-5(d) to assist it in ensuring that applicants who graduated from foreign acupuncture schools possess the education required by law. The amendments proposed in this bill will enable to Board to accomplish this goal.

Impact on the public: There should be a positive impact on the public and applicants who graduated from foreign schools. The public will be protected from those who do not possess the required education and training.

It is important to note that the foreign graduate will be required to pay for a credentialing review. The cost is estimated to be about \$400. However, the applicant will benefit because the Board will be able to process their applications more expeditiously.

Impact on the department and other agencies:

The impact on the Professional and Vocational Licensing Division and the Board will be positive as applicant processing will be improved.

It is not anticipated that this bill will impact other governmental agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-105.

OTHER AFFECTED
AGENCIES: None anticipated.

EFFECTIVE DATE: Upon approval.