

**Table Summary of the California Acupuncture Board Scope of Practice
Summary by Kevin McNamee, D.C., L.Ac. with The Supply Center funding**

A professions scope of practice is a dynamic entity which will continually be molded to reflect the techniques and procedures commonly used in clinical practice. The following is a synopsis of the **Scope of Practice for Acupuncture in California based on the Legal Opinion No. 93-11 by staff counsel Donald Chang** and adopted in November 1995 by the Committee as a “reference” document. It is subject to change based upon changes in the profession and expert testimony.

Primary Health Care, Physician and Diagnosis		
Therapy/Procedure/Term	Description	Can or Can't Be Done
Primary Health Care Professional	Ability to diagnose, prescribe and administer treatments	Yes , Is defined as such but is limited by statue as to the types of treatments he/she can prescribe and administer
Use of the term Physician in California Workers' Compensation	Under Labor Code, acupuncturists are considered to be physicians	No , may not use the term physician. This inclusion does not change or expand the scope of practice for an acupuncturist from how defined in the Act.
Diagnosis	The Legislature in repealing former section 2155 has authorized acupuncturist to diagnose a patient's condition prior to providing any treatment	Yes, acupuncturist are legally authorized to diagnose a patient's condition prior to providing any treatment
Laboratory and Diagnostic Imaging		
Ordering Laboratory Tests	Order appropriate laboratory tests.	Yes , may order. An acupuncturist is legally authorized to diagnose a patient's condition prior to treatment, therefore ordering blood and laboratory tests to assist in making a diagnosis and monitor the treatment plan is consistent with the scope of practice.
Ordering X-ray	Order x-rays.	Yes , may order. An acupuncturist is legally authorized to diagnose a patient's condition prior to treatment, therefore ordering x-ray to assist in making a diagnosis and monitor the treatment plan is consistent with the scope of practice.
Acupuncture, Oriental Medicine, Herbology		
Acupuncture Needling	Insertion of needles of various shapes and sizes into specific points of the body	Yes

Acupuncture, Oriental Medicine, Herbology (cont.)		
Therapy/Procedure/Term	Description	Can or Can't Be Done
Electro acupuncture	Battery-powered instruments that generate AC or DC to stimulate acupuncture points through metal needles, rubber electrodes or by direct contact with a metal probe.	Yes , (Does not include the use of diagnostic devices which evaluate the human energy field.) No , (For electrical assessment and diagnostic devices which evaluate the human energy field e.g.: Voll, point locators.)
Cupping	Vacuum suction created by either heating the air in the cup or by a vacuum pump, to stimulate the acupuncture points	Yes
Moxibustion	Application of heat to acupuncture points by burning moxa. Either the direct application of burning moxa to the skin or the indirect application of the heat without direct contact of the moxa to the skin.	Yes
Oriental Massage	Characterized by kneading, or rubbing the surface of the body to achieve a therapeutic objective.	Yes , specifically enumerated in the Act (section 4937(b))
Acupressure	Based upon theory similar to acupuncture except the acupuncture point stimulation is with pressure rather than needling.	Yes , specifically enumerated in the Act (section 4937(b))
Breathing Techniques	Instructing patients in breathing exercises appropriate to the condition. Focus on training the patient to breath properly with the diaphragm, body movements combined with directed breath to certain areas of the body to affect healing or alleviate pain.	Yes , specifically enumerated in the Act (section 4937(b))
Herbs	Incorporation to promote health. May prescribe nutritional advice which includes the use of herbs.(Includes plants and vegetative material, but may include some mineral and animal products. Can consist of single or multiple ingredients.)	Yes , but must be (1) used as a dietary supplements, and (2) they must be drugless. Specifically enumerated in the Act (section 4937(b)) No , if the herb has intended use as a drug for medicinal or therapeutic purposes.
Herbal Medicine	Implies the herbs are being used for medicinal purposes.	No , once an herb is considered a drug, it is no longer a drugless substance and cannot be prescribed by an acupuncturist.

Exercise		
Exercise	As it relates to Oriental medicine.	Yes , specifically enumerated in the Act (section 4937(b))
Nutrition and Drugless Substances		
Therapy/Procedure/Term	Description	Can or Can't Be Done
Nutrition	As it relates to Oriental medicine is based upon a dietary system which holds that basic flavors have special relationship to the internal organs.	Yes , specifically enumerated in the Act (section 4937(b))
Drugless Substances	Incorporation to promote health. May prescribe nutritional advice which includes the use of drugless substances. (Includes plants and vegetative material, but may include some mineral and animal products.)	Yes , but must be (1) used as a dietary supplements, and (2) they must be drugless. Specifically enumerated in the Act (section 4937(b)) No , if the drugless substance has intended use as a drug for medicinal or therapeutic purposes.
Administer or Prescribe Drugs	Sherman Food, Drug and Cosmetic Law defines “drugs” as (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation , treatment, or prevention of disease in human beings or any other animal; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animal; and (4) articles intended for use as component of any such specified articles.	No
Homeopathy, Naturopathy and Chiropractic		
Homeopathy	System of treating diseases by the use of small doses of medicine which in large doses produce in a healthy person the same symptoms as the disease treated.	No , acupuncturists is not allowed to prescribe drugs. If either, under Health and Safety Code section 26010, if a homeopathic preparation is recognized in one of the official compendiums, it is considered to be a drug. If the homeopathic remedy is to cure, treat, mitigate or prevent a disease, it is considered to be a drug.

Homeopathy, Naturopathy and Chiropractic (cont.)		
Therapy/Procedure/Term	Description	Can or Can't Be Done
Naturopathy	Light, air, clay, rest, diet, herbs, massage and magnetism and naturopathic electricity (only to the extent that it also constitutes electro acupuncture.	<p>Yes, only those naturopathic techniques as part of the acupuncture practice which are specified in section 4927 or 4937 of the acupuncture act and not prohibited by law.</p> <p>No, not authorized to practice naturopathic treatments not specifically authorized by the Act.</p>
Chiropractic Services		No
Physical Medicine		
Ultrasound or Diathermy Devices	Applying ultrasonic energy at a frequency beyond 20 Kilohertz and are intended to generate deep heat within body tissue	<p>No, if used to stimulate acupuncture points. It is not recognized in the Act. Are considered to be either a new device or are used in a manner which constitutes the practice of medicine.</p> <p>Yes, if the purposes is to relax a patient or a particular area to facilitate the effectiveness of needling either before or after treatment and not for physical or corrective treatment or keep a patient warm while undergoing treatment.</p>
Cold Lasers to stimulate acupuncture points	Low energy noninvasive laser	No , not recognized in the Act. Are considered to be either a new device or are used in a manner which constitutes the practice of medicine.
Magnets to stimulate acupuncture points	Used to alter the flow of energy through the region to which they are applied.	Yes , because they are not considered to be a new device and are a noninvasive treatment which do not constitute the practice of medicine.
Hot Pads		Yes , if the purposes is to relax a patient or a particular area to facilitate

		<p>the effectiveness of needling either before or after treatment and not for physical or corrective treatment or keep a patient warm while undergoing treatment.</p> <p>No, when using the heat alone to correct a patient’s ailment falls within the physical therapy scope of practice. The use of heat to stimulate acupuncture points by heating modalities not enumerated in the act is not permitted.</p>
Physical Medicine (cont.)		
Therapy/Procedure/Term	Description	Can or Can’t Be Done
Cold Pads		Yes , may utilize this because it is not included withing the physical therapy or other healing arts professions scope of practice.
Heat Lamps		<p>Yes if the purposes is to relax a patient or a particular area to facilitate the effectiveness of needling either before or after treatment and not for physical or corrective treatment or keep a patient warm while undergoing treatment.</p> <p>No, when using the heat alone to correct a patient’s ailment falls within the physical therapy scope of practice. The use of heat to stimulate acupuncture points by heating modalities not enumerated in the act is not permitted.</p>
Infrared Heat		<p>Yes if the purposes is to relax a patient or a particular area to facilitate the effectiveness of needling either before or after treatment and not for physical or corrective treatment or keep a patient warm while undergoing treatment.</p> <p>No, when using the heat alone to correct a patient’s ailment falls within the physical therapy scope of practice. The use of heat to stimulate acupuncture points by heating modalities not enumerated in the act is not permitted.</p>
Diathermy		Yes if the purposes is to relax a patient or a particular area to facilitate the effectiveness of needling either before or after treatment and not for physical or corrective treatment or keep a patient warm while undergoing treatment.

		No , when using the heat alone to correct a patient's ailment falls within the physical therapy scope of practice. The use of heat to stimulate acupuncture points by heating modalities not enumerated in the act is not permitted.
Cold Lasers and New Devices		
Therapy/Procedure/Term	Description	Can or Can't Be Done
Baths and Hydrotherapy		Yes if the purposes is to relax a patient or a particular area to facilitate the effectiveness of needling either before or after treatment and not for physical or corrective treatment. No , when using the water therapy alone to correct a patient's ailment falls within the physical therapy scope of practice. When used for the purpose of physical or corrective treatment.
Cold Lasers to stimulate acupuncture points	Low energy noninvasive laser	No , not recognized in the Act. Are considered to be either a new device or are used in a manner which constitutes the practice of medicine.
New Devices	Devices to diagnose and treat patients are subject to the Department of Health Services, Food and Drug Branch (FDB). These are devices which are not generally recognized among experts as being safe and effective for its intended use. (Acupuncture needles, Electro acupuncture, i.e. electro stimulation, moxa, (in moxibustion) and cups (in cupping) are not considered to be new devices.)	No , unlawful to sell, deliver, or give away any new device unless the new device has received approval from the appropriated state and federal agencies or the new devices is used by experts qualified by scientific training and experience in accordance with the state or federal law requirements. May not be clinically used on patients within this state.

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