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## **A.B.3014 Awaits Governor's Signature**

OPPOSITION TO THE BILL NOW NEUTRAL

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After traveling between the two houses of the California legislature for two months, A.B.3014, a bill that defines the term "Asian massage" to clarify the scope of practice for acupuncturists, has reached the governor's desk and awaits his signature. After fighting against the bill throughout the entire legislative year, the Council of Acupuncture and Oriental Medicine Associations (CAOMA) - the only acupuncture organization to oppose the bill - amended its stance at the last minute to "neutral."

In a May 2006 floor alert to the members of the California State Assembly, CAOMA representative Sandra Carey had asked the legislators to oppose the bill, stating, "(w)hat this bill actually does is to legitimize a profession that only has connotations of brothels and massage parlors. ... Additional proof of this can be found if one only 'Googles' the term Asian massage - in nearly all cases, what is revealed is that the use of these two words refers to solicitation of prostitution."<sup>1</sup>



CAOMA opposition to the language in A.B.3014 was surprising because, last October, CAOMA vigorously supported A.B.1117, which changed all references of "Oriental medicine" within existing

statutes to "Asian medicine," a phrase similar to one they opposed in A.B.3014. A sample letter of support for A.B.1117, available on CAOMA's Web site, outlines the organization's rationale for the language change: "The term 'oriental' really means 'eastern,' and has sometimes been used as an insult. The government should not endorse the use of terms that include the word 'oriental.' Please support A.B. 1117."<sup>2</sup>

Back to A.B.3014: Between the May 2006 floor alert and the vote on the bill, CAOMA sent two other letters of opposition to the legislature. One letter, dated Aug. 13, 2006, stated that the bill would "do significant damage to acupuncture."<sup>3</sup> The letter reiterated CAOMA's contention that the term "Asian massage" was inherently related to prostitution. The letter went on to accuse the bill of altering the function of Section 4937 of the California Business and Professions Code, which reads, "An acupuncturist's license authorizes the holder thereof ... to perform or prescribe the use of Asian massage." Carey argued against facts clearly stated in this statute: "[t]his bill would not require that the target practitioners be lawfully licensed. This bill would give credibility to anyone who practices the subject procedure and thereby opens the door for any pretender to be recognized and to practice some fashion of massage under the aegis of Acupuncture/Oriental Medicine."

Days before the final vote on A.B.3014, CAOMA sent a last-minute floor alert, once again opposing the bill. "We oppose this bill because it harms the medicine and is potentially injurious to the patient." The letter reiterated that the bill would "dilute and degrade the medicine by association" and "not require that the target practitioners be lawfully licensed."<sup>4</sup> It also stated that "[t]he California Acupuncture Board does not support this measure." After talking with Acupuncture Board Executive Director, Janelle Wedge, it was clear the Board's position was misrepresented. "At the Acupuncture Board's May 23, 2006 meeting, they took a support position if A.B. 3014 was amended with certain language. The bill was not amended with the identified language. However, at their meeting on August 25, 2006, the California Acupuncture Board voted to support A.B. 3014 as amended on August 21, 2006."<sup>5</sup>

However, one day later, on Aug. 22, CAOMA representative Carey sent a letter directly to Assembly member Koretz, stating that CAOMA was "pleased to remove their opposition to A.B. 3014."<sup>6</sup> Carey went on to say, "CAOMA is gratified that recent negotiations have moved this bill in a more favorable direction and which have, at least in part, responded to an element of our concern. Though we remain guarded about certain yet-to-be resolved details, we are confident of the assurance that these issues will be addressed both in the Letter of Intent to the Journal clarifying any existing ambiguity with the use of the term 'Asian Massage,' and during the regulatory process."

A.B.3014, which was passed on a 46-32 final vote in the Assembly, will now wait for the governor's approval. If the bill is not signed or the governor refrains from vetoing it within the next 30 days, it will automatically become law.

## *References*

1. CAOMA May 2006 floor alert to members of California State Legislature.
2. Sample Letter Supporting AB 1117, CAOMA Web site, [www.acucouncil.org/ab\\_1117\\_letter.htm](http://www.acucouncil.org/ab_1117_letter.htm).
3. CAOMA August 13, 2006 floor alert to members of California State Legislature.
4. CAOMA August 21, 2006 floor alert to members of California State Legislature.
5. Email from California Acupuncture Board Executive Director Janelle Wedge, September 6, 2006.

6. CAOMA August 22, 2006 letter to Paul Koretz.

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