

# CALIFORNIA

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## Acupuncture Test Comes Under Fire

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SACRAMENTO—The state Acupuncture Board for years has been battling students and their schools over the validity of a clinical test one must pass to become a licensed acupuncturist.

While the board views the exam as an essential safeguard for professional competence, many acupuncture-school administrators and students consider it an ill-conceived obstacle that bears little relation to the realities of acupuncture's practice.

And now a state legislator is siding with the schools and the students. Fed up with complaints about the test, Sen. Richard Polanco, a powerful Los Angeles Democrat, wants to eliminate the clinical exam by amending a budget-companion bill now before a joint Senate-Assembly committee.

"It's something whose time has come," says Mr. Polanco. "It's a clinical exam that's created too much controversy. And by eliminating it, it doesn't really lower the standards" of assessing competency.

Indeed, a written examination would remain. But Mr. Polanco wants changes there, too. Currently, state law requires independent contractors to develop the written and clinical exams, with the board's cooperation. But the senator, having lost faith in the clinical tests, wants to strip the consultants of any involvement by transferring responsibility for the written exam to the Department of Consumer Affairs, the Acupuncture Board's parent agency.

### Missing the 'Points'

The clinical exam, which is given after students pass their written test, evaluates one's ability to identify medicinal herbs; diagnose health problems and illnesses; and, most controversially, identify on the bodies of human volunteers the location of 15 preselected "points" for treatment.

Among other criticisms, students and school administrators say that the latter part of the test ignores the fact that different acupuncture schools disagree on how to identify the exact location of those points. In addition, the subjects who volunteer to be examined typically stand up, while real acupuncture patients usually lie down.

While complaints have existed for years, the current situation started coming

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# Test for Acupuncturists Comes Under Fire

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 to a head when Consumer Affairs' top testing expert, Norman Hertz, wrote a blistering two-page memo to the Acupuncture Board in February 1998. In that memo, Dr. Hertz urged the board to eliminate the practical exam and to cover the same material by adding more multiple-choice questions to the written exam.

"I believe that it is not possible to measure the competencies of candidates...as currently constructed, in a clinical examination," Dr. Hertz wrote at the time. "The subject matter is too subjective." Dr. Hertz, who is not an acupuncturist but a licensed psychologist, manages Consumer Affairs' Office of Examination Resources.

The Acupuncture Board has no intention of giving up its testing authority without a fight. In a move seen by many as a political counteroffensive, it voted last month to increase educational requirements for licensing candidates if the Legislature and Gov. Gray Davis eliminate the clinical test.

"The board has a responsibility to protect the public, and if the exam is to be devalued, then the quality of students applying needs to be upgraded," says Shawn Steel, the board member who spearheaded the proposed changes.

Specifically, the board would require—after a lengthy rule-changing procedure—that all acupuncture students complete a two-year supervised internship program before taking the written exam; current regulations require a clinical internship of at least 800 hours. In addition, every acupuncture-school applicant would be required to have a bachelor's degree; the current rules require two years of college.

Mr. Steel, a former board chairman, is a Beverly Hills attorney who's perhaps best known as the conservative vice-chairman of the state Republican Party, and for his oftentimes pugnacious personality.

"If Mr. Polanco wants to use a sledgehammer, the sledgehammer is going to do a lot of damage," Mr. Steel snapped at the board's May 18 meeting in Sacramento, according to a tape recording of the session.

## 'Political Hardball'

Thomas Haines, a dean at the American College of Traditional Chinese Medicine in San Francisco, recalls that the discussion "got very emotional...and [Mr. Steel] just stormed out of the room. He was basically playing political hardball and it was unnecessary... It was just asinine, but basically done to irritate Polanco."

"Nope," responds Mr. Steel. "That's not my intention. I don't think anybody's got any interest in challenging any sitting legislator." Mr. Steel points out that at that same meeting, the board approved a host of changes recommended by a task force created to improve the clinical test. But at the meeting, Dr. Hertz said the changes weren't enough to persuade him that the exam should be continued.

This latest brouhaha comes at a time of exploding use of acupuncture and other alternative medical practices in California. Today there are 5,017 licensed acupunctur-

ists practicing in the state, an increase of about 79% from the 2,798 licensees in 1992. The number of complaints filed against licensees has surged as well, the board points out, growing 280% since 1995.

California would not be the first state in the nation to eliminate a troubled practical exam for acupuncturists. Today, only 13 of the 38 states and the District of Columbia that regulate the practices of professional acupuncturists require any sort of clinical exam. Only California and Nevada administer their own practical exams; the 11 others use a national exam prepared by the National Certification Commission for Acupuncture and Oriental Medicine in Alexandria, Va.

"Everyone has had so much difficulty administering their own exams that they've given it up and gone to the national test," says Barbara Mitchell, secretary of the nonprofit National Acupuncture

could never reach any consensus. The discussions got particularly heated at a board meeting April 6 in Los Angeles.

"If I failed the exam, I would take that letter and sue you," Jack Miller, president of the San Diego-based Pacific College of Oriental Medicine, told the board. "So why do you continue administering this exam that's invalid and unreliable?" It was after this meeting that frustrated students and school administrators stepped up their efforts to lobby Sen. Polanco and other lawmakers to kill the exam.

The Acupuncture Board's executive officer, Marilyn Nielsen, says the board "has never taken the advice" of Dr. Hertz or Consumer Affairs concerning the practical exam. "No matter what he has said or showed them," she says, "or given statistics to justify his position, they have not changed their position." Ms. Nielsen declines to state her own position.

Licensed acupuncturists, meanwhile, are divided over the worth of the exam. Brian Fennen, president of the Callistoga-based Council of Acupuncture and Oriental Medicine Associations, says that the roughly 1,300 licensed acupuncturists he represents want the clinical exam modified and improved, but not eliminated. On the other hand, "the students would love not having to take another exam," says Mr. Fennen, who has been a licensed acupuncturist for 10 years. And, he adds sarcastically, "maybe we should give them a lot of money and all the patients they can treat."

## Passed, Then Failed

But Margaret Jasiunas, a would-be acupuncturist, says her desire to eliminate the clinical exam is all about fairness, not laziness. A magna cum laude graduate of the Emperor's College of Traditional Oriental Medicine in Santa Monica, Ms. Jasiunas was one of 18 candidates who took the clinical exam in October 1998 and were mistakenly told they had passed. When the testing contractor found a computation error, the 18 were then sent failure notices.

Ms. Jasiunas had been issued a license last November, and was establishing her practice when the board gave her the bad news and subsequently revoked her license. Since then, she has refused the board's offer to take another clinical exam at no charge. The test normally costs \$200. "I was neither confident in taking an exam that was deeply flawed, nor in their ability to administer an exam," says Ms. Jasiunas who wants to restart her practice without retaking the test.

Tara Perry, a licensed acupuncturist in Santa Monica, argues that the clinical exam is a waste of students' time and money. Ms. Perry failed her first clinical exam in the summer of 1996—one that she and many others at the time charged was flawed and invalid. She passed a retest at the end of 1996, she says, with virtually no additional preparation.

"The written exam generally does an adequate job of separating the wheat from the chaff," she says, "but the clinical exam is often just a crap shoot."

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In California, the clinical exam has been a part of the state's licensing requirements since acupuncture was first regulated in 1975. And, it seems the board's testing procedures have been plagued by controversy for nearly that long, as well.

## Case of Bribery

In 1990, one of the board's members, Chae Woo Lew, a Korean-born acupuncturist from Hillsborough, went to prison for taking \$500,000 in bribes over at least six years in exchange for the answers to the written exam. In response, the Legislature that year stripped the board of its authority over the exam and required that a consultant develop and administer it.

But in his 1998 memo, Dr. Hertz wrote that his office has worked with four different testing contractors and three long-term executive officers over the past decade to improve both the written and clinical exams. "In spite of all the efforts," he wrote, "the clinical examination remains problematic...[and] cannot be designed to provide reliable measures of the competency of candidates to practice safely."

Board members and representatives of the acupuncture community discussed Dr. Hertz's memo at subsequent meetings but

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