

FINAL ANALYSIS AND RECOMMENDATION FOR ACAOM

Meeting Date: 02/27/2024

Type of Submission:
Compliance Report

Criteria: 602.15(a)(4)

Description of Criteria

(4) Educators, practitioners, and/or employers on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Agency Compliance Report Submitted 6 15 2022	220614 ACAHM Compliance Rpt.pdf	-	-
Secretary Decision Letter	Accreditation Commission for Acupuncture and	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

In response to the SDO letter (Exhibit 2), the agency provided a compliance report via email (Exhibit 1). However, the agency did not submit its response into the E-Recognition system. The agency must submit its narrative response and exhibits to this section in the e-recognition system as per the requirements of the SDO letter.

Analyst Remarks to Narrative:

In response to the SDO letter (Exhibit 2), the agency provided a compliance report via email (Exhibit 1). However, the agency did not submit its response into the E-Recognition system. The agency must submit its narrative response and exhibits to this section in the e-recognition system as per the requirements of the SDO letter.

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Response:

34 C.F.R. SECTION 602.15(a)(4) - COMMISSION RESPONSE. As reported to the Department and to the National Advisory Committee on Institutional Quality and Integrity (NACIQI) during ACAHM's hearing on 28 July 2021, the Commission agreed with the Department staff's identification of a deficiency in the appeal process outlined in ACAHM's Commission's Actions Policy. This report confirms that the Commission took timely and appropriate corrective action and revised its Commission Actions Policy at the pages indicated, effective 28 June 2021, as follows:

Appeal Committee (p. 12) A panel of three (3) individuals selected by the Administrator of the Appeal to consider a program/institution's appeal. The Appeal Committee will be selected in accordance with the procedure provided herein and shall be composed of an Educator or Administrator from a member institution accredited by the ACAHM, an Acupuncture/Chinese Herbal Medicine Practitioner, and a Public Representative. No individual currently serving on the Commission may serve as a member of the Appeal Committee.

Appeal Committee (p. 15) Upon receipt of a timely Notice, the Executive Director of the Commission shall designate the Administrator of the Appeal. The Administrator shall select an Appeal Committee of three (3) members comprised of an Educator or Administrator from a member institution accredited by the ACAHM, an Acupuncture/Chinese Herbal Medicine Practitioner, and a Public Representative. An Appeal Committee candidate is disqualified from serving on an Appeal Committee if he or she has a conflict of interest as defined in the Commission's Conflict of Interest and Disclosure Policy, participated in any way in the process leading to the action being appealed, or has had any prior employment relationship with the Appellant.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

The agency provided its compliance report (Exhibit 1) in response to one finding of non-compliance, as identified in the Secretary Decision Letter dated October 27, 2021 (Exhibit 2).

The agency provided the text of changes it made to its policies and procedures to come into compliance with this section of the regulations, which requires that the agency must have educators/practitioners on its decision-making bodies, including appeals panels, when it serves as a programmatic accreditor or when it is accrediting a single-purpose institution that prepares students for a specific profession.

The agency updated its Commission Actions Policy, effective June 28th 2021, to state on page 12 that Appeals Committees “shall be composed of an educator or administrator from a member institution accredited by ACAHM, an Acupuncture/Chinese Herbal Medicine Practitioner, and a public representative.” Again on page 15, the agency's policy now states that an Appeals Committee's three members shall be comprised of “an Educator or Administrator from a member institution accredited by the ACAHM, an Acupuncture/Chinese Herbal Medicine Practitioner, and a Public Representative.”

The agency's updated policy meets the requirements of 602.15(a)(4), since appeals panels will now always include a practitioner, meeting the requirement of 602.15(a)(4). The agency attested via email that they have not had any appeals panels convened since the change in policy. The agency's revised policy is found in the attached analyst upload (Exhibit 15) on page 15, “Commission Actions Policy.”

List of Document(s) Uploaded by Analyst - Response

No file uploaded

Criteria: 602.24(b)

Description of Criteria

(b) *Site visits.*

The agency must undertake a site visit to a new branch campus or following a change of ownership or control as soon as practicable, but no later than six months, after the establishment of that campus or the change of ownership or control.

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Department investigated the agency under this section of the Criteria as part of its review of the 602.33 investigation (Exhibits 3-12). The Department's draft staff analysis is found in Exhibit 7, and the agency's response is found in Exhibit 11.

The Department found that the agency could not have been reasonably expected to uncover the issues identified by the state in the massage therapy students' individual records, which related to admissions, graduation requirements, and payments for the unaccredited Tuina Massage Therapy program. A review of the unaccredited massage therapy program's individual student records was not required by Department regulations or the agency's policies and procedures. Additionally, the state's additional sources of information included state and local data about individual masseuses and massage locations that had known links to prostitution, information that ACAHM would not have had available during its review of the institution.

The Department investigated several related issues that arose during the course of the 602.33 investigation. One of those issues related to the agency's site visit following the school's change of ownership, which occurred in the Spring of 2022, more than 6 months following the agency's approval of the change of ownership in August of 2021. The Department asked the agency to address its late site visit following the change of ownership of this school.

The agency cited delays due to the COVID national emergency for its delayed in-person site visit report (Exhibit 11). The agency affirmed that it conducted an internal review of prior site visits following change of ownership substantial changes and found that it had consistently conducted these site visits within 6 months. Given the fluctuating circumstances around the COVID national emergency, the Department does not find the agency out of compliance in this instance.

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Exhibit Title	File Name
Department Enclosure 08 08 2022	3 Department Enclosure.pdf
Supporting Documents 09 09 2021	Supporting Documents ACAOM to Department 09 09 2021.pdf
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ACAOM Exhibits May 13 2022	ACAOM Exhibits May 13 2022.pdf

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

Criteria: 602.26(a)

Description of Criteria

The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--

(a) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:

- (1) A decision to award initial accreditation or preaccreditation to an institution or program.
- (2) A decision to renew an institution's or program's accreditation or preaccreditation;

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency must verify or update all of its records in the DAPIP system to ensure accurate information. The agency must respond to the draft staff analysis with information about the completion of this process.

Analyst Remarks to Narrative:

The Department investigated the agency under this section of the Criteria as part of its review of the 602.33 investigation (Exhibits 3-12). The Department's draft staff analysis is found in Exhibit 7, and the agency's response is found in Exhibit 11.

The Department found that the agency could not have been reasonably expected to uncover the issues identified by the state in the massage therapy students' individual records, which related to admissions, graduation requirements, and payments for the unaccredited Tuina Massage Therapy program. A review of the unaccredited massage therapy program's individual student records was not required by Department regulations or the agency's policies and procedures. Additionally, the state's additional sources of information included state and local data about individual masseuses and massage locations that had known links to prostitution, information that ACAHM would not have had available during its review of the institution.

The Department investigated several related issues that arose during the course of the 602.33 investigation. One of those issues was the agency's reporting to the Department, which occurs through the DAPIP system. The Department found that the agency's records regarding the school that was the subject of the 602.33 (American Academy of Health and Wellness) were incomplete in the DAPIP system. The agency stated (Exhibit 11) that it conducted a review of its own information in DAPIP and that this review raised concerns that there may be additional missing information. The agency attested that it has updated its internal process for DAPIP reporting (09-30-2022 ACAOM Letter to Department). The Department noted that the agency has updated its records for American Academy of Health and Wellness in the DAPIP system.

The agency must verify or update all of its records in the DAPIP system to ensure accurate information. The agency must respond to the draft staff analysis with information about the completion of this process.

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Response:

The Accreditation Commission for Acupuncture and Herbal Medicine (agency or Commission) completed transition to an accreditation management system (AMS) that serves as the database for our online directory. The AMS is constantly reviewed by agency staff and updated based on information received from agency accredited institutions/programs. Any reportable actions taken by the agency are updated consistent with our *Master Compliance Calendar* within the requisite timeframe (typically thirty (30) days) and submitted to DAPIP.

After receipt of the 21 March 2023 USDE staff report, agency staff began working with INOVAS, the IT vendor supporting the DAPIP system, to identify ongoing discrepancies between data made available by the Commission and data visible to system users. These discrepancies are tracked utilizing the agencies *DAPIP Reporting Suspense Log*". INOVAS initially populated the system with data solicited from ACAHM via CSV. At the time data from the initial CSV was populated, agency staff reviewed visible data and was able to see all submitted information. Subsequently, submitted changes have appeared to be accepted but in some cases have not then been identifiable; other changes have been visible for varying timeframes but later cannot be identified or searched; and still other changes appear to have not been properly associated with the agency.

During the most recent engagement with INOVAS on this issue, the Commission identified items dating back to the initial CSV submission that were initially visible to the agency and to external users, appeared on previous reports, and are now absent. Based upon these examples, INOVAS has pursued a series of internal inquiries to determine if any records have been mistakenly removed or if there is an issue with the system hiding these records. The issue may be associated with changes in the Commission's data table relating to its name change and changes in program nomenclature. The Commission has worked with INOVAS to create a complete reconstructed record of all reportable activities in the designated data format, including previously unavailable historical information regarding closed programs and institutions. The Commission and INOVAS will execute a reload, jointly review all records, and conduct a post-hoc review of reported data from actions taken at the Commission's August 2023 semiannual meeting; this will occur following completion of INOVAS active internal inquiries. This process should be completed in October

2023.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

The agency reported that it has worked with the Departments' DAPIP contractor, INOVAS, to correct issues with how its records were appearing in the DAPIP system. The agency stated that it was able to see records from the agency view in DAPIP that were not showing on the public view of DAPIP, and notes that since the agency has undergone a name change, this may have affected how DAPIP displayed records.

The agency reports that it has provided to the DAPIP contractor a comprehensive list of the agency's record via CSV to be reuploaded by DAPIP. The agency reports that this process is still in process. Department staff did a spot check of DAPIP entries submitted by the agency and found that the records of agency actions that were previously not showing were visible as of October 2023. The agency's additional explanation and documentation are attached under analyst uploads.

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Criteria: 602.26(b)

Description of Criteria

(b) Provides written notice of a final decision of a probation or equivalent status or an

initiated adverse action to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision and requires the institution or program to disclose such an action within seven business days of receipt to all current and prospective students;

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency must update all of its records in the DAPIP system to ensure accurate information. The agency must respond to the draft staff analysis with information about the completion of this process.

Analyst Remarks to Narrative:

The Department investigated the agency under this section of the Criteria as part of its review of the 602.33 investigation (Exhibits 3-12). The Department's draft staff analysis is found in Exhibit 7, and the agency's response is found in Exhibit 11.

The Department found that the agency could not have been reasonably expected to uncover the issues identified by the state in the massage therapy students' individual records, which related to admissions, graduation requirements, and payments for the unaccredited Tuina Massage Therapy program. A review of the unaccredited massage therapy program's individual student records was not required by Department regulations or the agency's policies and procedures. Additionally, the state's additional sources of information included state and local data about individual masseuses and massage locations that had known links to prostitution, information that ACAHM would not have had available during its review of the institution.

The Department investigated several related issues that arose during the course of the 602.33 investigation. One of those issues was the agency's notifications to the Department, which occur through DAPIP. The Department found that the agency's records regarding the school that was the subject of the 602.33 investigation (American Academy of Health and Wellness) were incomplete in the DAPIP system.

The agency stated (Exhibit 11) that it conducted a review of its own information in DAPIP and that this review raised concerns that there may be additional missing information. The agency attested that it has updated its internal process for DAPIP reporting (09-30-2022 ACAOM Letter to Department). The Department noted that the agency has updated its records for American Academy of Health and Wellness in the DAPIP system.

The agency must verify or update all of its records in the DAPIP system to ensure accurate information. The agency must respond to the draft staff analysis with information about the completion of this process.

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Response:

The Accreditation Commission for Acupuncture and Herbal Medicine (agency or Commission) completed transition to an accreditation management system (AMS) that serves as the database for our online directory. The AMS is constantly reviewed by agency staff and updated based on information received from agency accredited institutions/programs. Any reportable actions taken by the agency are updated consistent with our *Master Compliance Calendar* within the requisite timeframe (typically thirty (30) days) and submitted to DAPIP.

After receipt of the 21 March 2023 USDE staff report, agency staff began working with INOVAS, the IT vendor supporting the DAPIP system, to identify ongoing discrepancies between data made available by the Commission and data visible to system users. These discrepancies are tracked utilizing the agencies *DAPIP Reporting Suspense Log*". INOVAS initially populated the system with data solicited from ACAHM via CSV. At the time data from the initial CSV was populated, agency staff reviewed visible data and was able to see all submitted information. Subsequently, submitted changes have appeared to be accepted but in some cases

have not then been identifiable; other changes have been visible for varying timeframes but later cannot be identified or searched; and still other changes appear to have not been properly associated with the agency.

During the most recent engagement with INOVAS on this issue, the Commission identified items dating back to the initial CSV submission that were initially visible to the agency and to external users, appeared on previous reports, and are now absent. Based upon these examples, INOVAS has pursued a series of internal inquiries to determine if any records have been mistakenly removed or if there is an issue with the system hiding these records. The issue may be associated with changes in the Commission's data table relating to its name change and changes in program nomenclature. The Commission has worked with INOVAS to create a complete reconstructed record of all reportable activities in the designated data format, including previously unavailable historical information regarding closed programs and institutions. The Commission and INOVAS will execute a reload, jointly review all records, and conduct a post-hoc review of reported data from actions taken at the Commission's August 2023 semiannual meeting; this will occur following completion of INOVAS active internal inquiries. This process should be completed in October 2023.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

The agency reported that it has worked with the Departments' DAPIP contractor, INOVAS, to correct issues with how its records were appearing in the DAPIP system. The agency stated that it was able to see records from the agency view in DAPIP that were not showing on the public view of DAPIP, and notes that since the agency has undergone a name change, this may have affected how DAPIP displayed records.

The agency reports that it has provided to the DAPIP contractor a comprehensive list of the agency's record via CSV to be reuploaded by DAPIP. The agency reports that this process is still in process. Department staff did a spot check of DAPIP entries submitted by the agency and found that the records of agency actions that were previously not showing were visible as of October 2023. The agency's additional explanation and documentation are attached under analyst uploads.

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Criteria: 602.28 (b)

Description of Criteria

(b) Except as provided in paragraph (c) of this section, the agency may not grant initial or renewed accreditation or preaccreditation to an institution, or a program offered by an institution, if the agency knows, or has reasonable cause to know, that the institution is the subject of--

- (1) A pending or final action brought by a State agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the State;
- (2) A decision by a recognized agency to deny accreditation or preaccreditation;
- (3) A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or
- (4) Probation or an equivalent status imposed by a recognized agency.

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Department investigated the agency under this section of the Criteria as part of its review of the 602.33 investigation (Exhibits 3-12). The Department's draft staff analysis is found in Exhibit 7, and the agency's response is found in Exhibit 11.

The Department found that the agency could not have been reasonably expected to uncover the issues identified by the state in the massage therapy students' individual records, which related to admissions, graduation requirements, and payments for the unaccredited Tuina Massage Therapy program. A review of the unaccredited massage therapy program's individual student records was not required by Department regulations or the agency's policies and procedures. Additionally, the state's additional sources of information included state and local data about individual masseuses and massage locations that had known links to prostitution, information that ACAHM would not have had available during its review of the institution.

The Department investigated several related issues that arose during the course of the 602.33 investigation. One issue the Department investigated was the agency's action in approving a doctoral program while the school was under a pending action by the state. The agency documented that while it did take this action, it did so through the exception allowed in paragraph (c), where the agency provided a notification and explanation for its overriding decision in regards to the American Academy of Health and Wellness (Exhibit 11). The agency meets this section of the criteria.

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Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

Criteria: 602.28 (c)

Description of Criteria

(c) The agency may grant accreditation or preaccreditation to an institution or program described in paragraph (b) of this section only if it provides to the Secretary, within 30 days of its action, a thorough and reasonable explanation, consistent with its standards, why the action of the other body does not preclude the agency's grant of accreditation or preaccreditation.

Narrative:

Documentation and analysis are found in the attachments.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Department investigated the agency under this section of the Criteria as part of its review of the 602.33 investigation (Exhibits 3-12). The Department's draft staff analysis is found in Exhibit 7, and the agency's response is found in Exhibit 11.

The Department found that the agency could not have been reasonably expected to uncover the issues identified by the state in the massage therapy students' individual records, which related to admissions, graduation requirements, and payments for the unaccredited Tuina Massage Therapy program. A review of the unaccredited massage therapy program's individual student records was not required by Department regulations or the agency's policies and procedures. Additionally, the state's additional sources of information included state and local data about individual masseuses and massage locations that had known links to prostitution, information that ACAHM would not have had available during its review of the institution.

The Department investigated several related issues that arose during the course of the 602.33 investigation. One issue the Department investigated was the agency's action in approving a doctoral program while the school was under a pending action by the state. The agency documented that while it did take this action, it did so through the exception allowed in this section of the Criteria. The agency provided documentation of its timely notification to the Secretary of the reasons for its decision in regards to

AAHW, and its explanation for its action (Exhibit 11 09-30-2022 ACAOM Letter to Department). The agency meets this section of the criteria.

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Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

3rd Party Written Comments

Document Title	File Name	Pro/Con
-	-	CON

Staff Analysis of 3rd Party Written Comments

The Department received one written comment regarding ACAHM, but most of it is unrelated to the agency's compliance with the recognition regulations. The comment stated that the Department's solicitation of written third-party comments occurred without access to the agency's compliance report or related materials. The Department's solicitation of written third-party comments sought comment on the agency's compliance with the regulation in question pursuant to 34 C.F.R. §§ 602.32(c) and (l), not on the agency's compliance report or related materials. The purpose of the call for written third-party comment is to allow anyone who has any knowledge of an agency undergoing a recognition review by the Department and the agency's compliance or non-compliance with Departmental regulations to provide that information and/or documentation so that Department staff can utilize it in the comprehensive analysis of the agency. The comment also stated that complaint processes used by accrediting agencies should be more accessible to complainants. The Department's recognition review process assesses whether or not an accrediting agency meets the Secretary's Criteria for Recognition (Criteria) at 34 C.F.R. Part 602. The Criteria include a requirement that an agency must review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program or itself, per 34 C.F.R. § 602.23(c)(1-3). The scope of this review is to assess the agency in the specific areas of noncompliance noted in the senior Department official's decision on recognition dated October 27th, 2021. Therefore, only information and documentation concerning actions or examples in 34 C.F.R. § (§) 602.15(a)(4) of the Criteria would be applicable to this analysis. No matter, the agency may wish to respond to the comment in its response to the draft staff analysis. The comment noted the

Sweet v. Cardona case and settlement and stated that NACIQI should review accrediting agencies and their actions related to individual institutions included in the case. The Criteria include a requirement that an agency must submit to the Department any institution or program it accredits that it has reason to believe is failing to meet its title IV, HEA program responsibilities, per 34 C.F.R. § 602.27(a)(5). Department staff use information and documentation related to individual institutions and programs to ensure that an accrediting agency acts in accordance with both its own policies and procedures and with the Criteria. The recognition review process is not intended to review individual institutions or programs that are accredited by the agency, but the agency itself. As noted above, the scope of this review is to assess the agency in 34 C.F.R. § (§) 602.15(a)(4) of the Criteria. The agency may still wish to respond to the comment in its response to the draft staff analysis.

Response to 3rd Party Comments

No response to 3rd Party Written Comments

Document(s) Uploaded in response to 3rd Party Comments

No files were uploaded in response to 3rd Party Comments.

3rd Party Request for Oral Presentation

There are no oral comments uploaded for this Agency.
