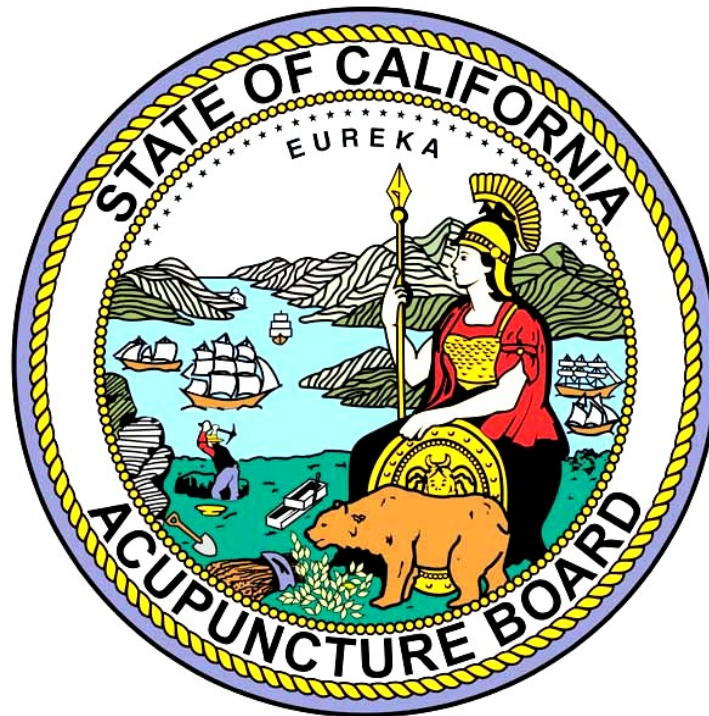


California Acupuncture Board Meeting

May 26, 2017
Los Angeles, CA



Board Members

Hildegarde Aguinaldo, J.D. – President
Public Member
Jamie Zamora – Vice President
Public Member
Kitman Chan – Public Member
Dr. Michael Corradino, DAOM, L.Ac
Francisco Hsieh – Public Member
Jeannie Kang, L.Ac
Dr. Amy Matecki, MD, L.Ac

Legal Counsel

Jason Hurtado, Esq.

Staff

Ben Bodea – Executive Officer
Erica Bautista – Administration Coordinator
Cricket Borges – Enforcement Analyst
Kristine Brothers – Enforcement Coordinator
Tammy Graver – Board Liaison
Van Martini - Continuing Education Coordinator
Jay Herdt – Education Coordinator
Marc Johnson – Policy Coordinator
Vacant – Office Technician
Terry Sinkovich – Exam Coordinator
Tammy Stadley – Exam Analyst
Vacant – Licensing Technician
Beck Untalasco – Seasonal Clerk
Sandra Wilson – Licensing Technician



ACUPUNCTURE BOARD
1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

NOTICE OF ACUPUNCTURE BOARD MEETING **Friday, May 26, 2017**

Upon conclusion of committee meetings until completion of business

LOCATION:
Tai Chi Studio – 2nd floor
Yo San University of Traditional Chinese Medicine
13315 W. Washington Blvd., Los Angeles CA 90066

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.

California Acupuncture Board Members

Hildegarde Aguinaldo, President, Public Member
Jamie Zamora, Vice President, Public Member
Kitman Chan, Public Member
Dr. Michael Corradino, DAOM, Licensed Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Dr. Amy Matecki, MD, L.Ac, Licensed Member

AGENDA — FULL BOARD MEETING

- 1. Call to Order, Roll Call and Establishment of a Quorum (Aguinaldo)**
- 2. Opening Remarks (Aguinaldo)**
- 3. Election of Officers**
 - a. President**
 - b. Vice President**
- 4. Public Comment for Items Not on Agenda (Aguinaldo)**

Public Comments will be limited to two minutes per speaker. Time limitations will be determined by the President. The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
- 5. President's Report (Aguinaldo)**
- 6. Staff Reports**
 - a. Executive Officer's Report (Bodea)**
 - 1. Staff Update**
 - 2. Budget Update**
 - 3. March 21, 2017 CALE Examination Statistics**
 - 4. Outreach Update**
 - a. Medicine Day**
 - b. CCAOM**

5. Strategic Plan Update
6. 2016 – 2017 Accomplishments Letter
7. National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Examination Update
8. Sunset Report Update

b. Enforcement Report (Brothers)

1. Q3 16-17 Enforcement Report
2. National Practitioner Databank (NPDB) update
3. Form 801 Malpractice Settlement Form

c. Education Report (Herdt)

1. Status of Curriculum Reviews
2. BPPE and ACAOM collaboration
3. Continuing Education Update

d. Regulatory Update (Johnson)

1. Title 16, California Code of Regulations (CCR), Sections 1399.480, 1399.490.1, 1399.490.2, 1399.490.3 – Sponsored Free Health Care Events (AB 2699)
2. Title 16, CCR Sections 1399.433, 1399.434, 1399.436 and 1399.437 – Implementation of SB 1246
3. Title 16, CCR Section 1399.455 – Advertising Guidelines: Display of License Number in Advertising
4. Title 16, CCR Section 1399.469.4 – Prohibited Sexual Acts
5. Title 16, CCR Section 1399.482.2 – Continuing Education Ethics Requirement
6. Title 16, CCR Section 1399.451(a) – Hand Hygiene Requirements
7. Title 16, CCR Section 1399.469 – 2017 Update of Disciplinary Guidelines
8. Title 16, CCR Section 1399.469 – Uniform Standards Related to Substance Abuse (SB 1441)

e. Legislative Update (Johnson)

1. Assembly Bill 12 (Cooley) – State government: administrative regulations: review
2. Assembly Bill 1005 (Calderon) – Professions and vocations: fines relief
3. Assembly Bill 1190 (Oberholte) – Department of Consumer Affairs: BreEZe system: annual report
4. Assembly Bill 1340 (Maienschein) – Continuing medical education: mental and physical health care integration
5. Senate Bill 27 (Morrell) – Professions and vocations: military service
6. Senate Bill 572 (Stone) – Healing arts licensees: violations: grace period
7. Senate Bill 762 (Hernandez) – Healing arts licensee: license activation fee: waiver

7. Committee Reports

- a. Education Committee
- b. Exam Committee
- c. Research Committee
- d. Enforcement Committee
- e. Executive Committee

8. Consideration and Possible Action on New Proposed Amendments to Title 16, CCR Section 1399.469 – Uniform Standards Related to Substance Abusing Licensees (Johnson)

9. **Approval of February 24, 2017 Board Meeting Minutes (Johnson)**
10. **Re-scheduling of 2017 Board Meeting dates (Aguinaldo)**
11. **Future Agenda Items (Aguinaldo)**
12. **Adjournment (Aguinaldo)**

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the President. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THE AGENDA, AS WELL AS BOARD MEETING MINUTES AND MATERIALS, CAN BE FOUND ON THE ACUPUNCTURE BOARD'S WEBSITE: www.acupuncture.ca.gov

Please Note: Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you need additional reasonable accommodations, please make your request no later than five (5) business days before this meeting. Please direct any questions regarding this meeting to the Board Liaison, Tammy Graver at (916) 515-5204; FAX (916) 928-2204.

#6a2

Budget Report

FY 2016-2017

CALIFORNIA ACUPUNCTURE BOARD - 0108
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
FISCAL MONTH 9

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (MONTH 13)	EXPENDITURES 3/31/2016	STONE 2016-17	EXPENDITURES 3/31/2017	SPENT	TO YEAR END	BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	508,346	376,851	529,000	349,249	66%	465,665	63,335
Statutory Exempt (EO)	72,205	72,205	80,000	38,431	48%	85,905	(5,905)
Temp Help Reg (Seasonals)	59,993	43,380	19,000	40,164	211%	60,246	(41,246)
BL 12-03 Blanket							
Temp Help (Exam Proctors)							
Board Member Per Diem	14,100	11,700	7,000	8,000	114%	14,000	(7,000)
Committee Members (DEC)							
Overtime	1,615	1,615	5,000			2,500	2,500
Staff Benefits	290,739	214,316	356,000	211,532	59%	282,043	73,957
TOTALS, PERSONNEL SVC	946,998	720,067	996,000	647,376	65%	910,359	85,641
OPERATING EXPENSE AND EQUIPMENT							
General Expense	44,611	39,838	57,000	39,645	70%	59,468	(2,468)
Fingerprint Reports	613	417	20,000	588	3%	1,000	19,000
Minor Equipment	85			2,100	n/a	2,100	(2,100)
Printing	15,391	13,564	17,000	9,698	57%	14,547	2,453
Communication	11,208	5,244	17,000	5,813	34%	8,720	8,281
Postage	25,802	17,286	27,000	19,146	71%	28,719	(1,719)
Insurance							
Travel In State	38,866	27,113	32,000	23,109	72%	34,664	(2,664)
Travel, Out-of-State	2,861						
Training			3,000	420		1,500	1,500
Facilities Operations	109,458	109,144	65,000	111,172	171%	111,172	(46,172)
Utilities							
C & P Services - Interdept.			9,000				9,000
C & P Services - External	3	3	4,000	18	0%	500	3,500
DEPARTMENTAL SERVICES:							
OIS Pro Rata	107,890	101,250	149,000	111,753	75%	149,000	0
Administration Pro Rata	133,859	100,500	185,000	135,747	73%	185,000	0
DOI - ISU Pro Rata	3,933	3,000	5,000	3,753	75%	5,000	0
Communications Division	161,000	120,750	82,000	61,497	75%	82,000	0
PPRD Pro Rata			2,000	1,503	75%	2,000	0
INTERAGENCY SERVICES:							
Interagency Services							
IA w/ OPES	305,652	191,190	334,000	157,803	47%	334,000	0
Consolidated Data Center	934	625	3,000	574	19%	861	2,139
DP Maintenance & Supply	449	449	5,000	3,973	79%	5,960	(960)
Central Admin Svc-ProRata	138,730	104,048					
EXAM EXPENSES:							
Exam Supplies							
Exam Freight							
Exam Site Rental							
C/P Svcs-External Expert Administrative	279,186	305,491	287,000	305,491	106%	305,491	(18,491)
C/P Svcs-External Expert Examiners	51,286	29,723	84,000				84,000
C/P Svcs-External Subject Matter				16,212		21,616	(21,616)
ENFORCEMENT:							
Attorney General	307,042	262,780	386,000	109,489	28%	179,234	206,767
Office Admin. Hearings	77,938	63,640	107,000	15,757	15%	27,012	79,988
Court Reporters	3,210	2,710		397	n/a	529	(529)
Evidence/Witness Fees	69,285	44,581	11,000	5,787	53%	8,681	2,320
DOI - Investigations	500,566	381,750	824,000	618,003	75%	824,000	0
MISC:							
Major Equipment							
Special Items of Expense							
Other (Vehicle Operations)			3,000				3,000
TOTALS, OE&E	2,389,858	1,925,096	2,718,000	1,759,448	65%	2,392,771	325,229
TOTAL EXPENSE	3,336,856	2,645,163	3,714,000	2,406,824	130%	3,303,130	410,870
Sched. Reimb. - External/Private	(1,410)		(1,000)			(1,000)	0
Sched. Reimb. - Fingerprints	(441)	(294)	(22,000)	(637)		(22,000)	0
Sched. Reimb. - Other		(705)		(705)			
Sched Interdepartmental							
Unsched. Reimb. - Other	(130,413)	(96,431)		(123,560)			
NET APPROPRIATION	3,204,592	2,547,733	3,691,000	2,281,922	62%	3,280,130	410,870
SURPLUS/(DEFICIT):							11.1%

#6a2

Fund Condition

0108 - Acupuncture Analysis of Fund Condition

Prepared 1/5/2017

(Dollars in Thousands)

2017-18 Governor's Budget		Budget		
		ACTUALS	Act	BY
		2015-16	CY	2017-18
		2016-17		
BEGINNING BALANCE		\$ 1,921	\$ 1,339	\$ 4,268
Prior Year Adjustment		\$ 15	\$ -	\$ -
Adjusted Beginning Balance		\$ 1,936	\$ 1,339	\$ 4,268
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	\$ 49	\$ 48	\$ 50
125700	Other regulatory licenses and permits	\$ 750	\$ 817	\$ 862
125800	Renewal fees	\$ 1,788	\$ 1,907	\$ 1,823
125900	Delinquent fees	\$ 13	\$ 14	\$ 14
141200	Sales of documents	\$ -	\$ -	\$ -
142500	Miscellaneous services to the public	\$ 4	\$ 4	\$ 4
150300	Income from surplus money investments	\$ 8	\$ 13	\$ 9
150500	Interest Income From Interfund Loans	\$ -	\$ -	\$ -
160400	Sale of fixed assets	\$ -	\$ -	\$ -
161000	Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1
161400	Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues		\$ 2,613	\$ 2,804	\$ 2,763
Transfers from Other Funds				
F00683	Teale Data Center (CS 15.00, Bud Act 2005)	\$ -	\$ -	\$ -
	GF loan repayment	\$ -	\$ -	\$ -
	Proposed GF 11-12 Loan Repayment, 1110-011-0108 Budget Act	\$ -	\$ 4,000	\$ -
Totals, Revenues and Transfers		\$ 2,613	\$ 6,804	\$ 2,763
Totals, Resources		\$ 4,549	\$ 8,143	\$ 7,031
EXPENDITURES				
Disbursements:				
1110	Program Expenditures (State Operations)	\$ 3,205	\$ -	\$ -
1111	Department of Consumer Affairs (State Operations)	\$ -	\$ 3,691	\$ 3,238
8880	Financial Information System for California	\$ 5	\$ 4	\$ 6
9900	Statewide General Administrative Expenditures (ProRata)	\$ -	\$ 180	\$ 238
Total Disbursements		\$ 3,210	\$ 3,875	\$ 3,482
FUND BALANCE				
Reserve for economic uncertainties		\$ 1,339	\$ 4,268	\$ 3,549
Months in Reserve		4.1	14.7	12.0

NOTES: A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING BY+1.

C. ASSUMES INTEREST RATE AT 0.3%

2/8/2017 11:47 AM

#6a3

March 21, 2017 CALE
Examination Statistics

MARCH 2017 EXAMINATION RESULTS STATISTICS - FIRST TIME AND OVERALL

SCHOOL	1st TIME TAKERS			OVERALL (includes re-examinees)		
	#Passed	# Failed	PASS %	# Passed	# Failed	PASS %
<i>Academy of Chinese Culture & Health Sciences</i>	22	1	96%	23	7	77%
<i>Acupuncture & Integrative Medicine College, Berkeley</i>	12	4	75%	12	9	57%
<i>Alhambra Medical University</i>	5	1	83%	6	6	50%
<i>American College of Acupuncture and Oriental Medicine</i>	2	0	100%	2	0	100%
<i>American College of Traditional Chinese Medicine at CIIS</i>	15	3	83%	16	5	76%
<i>Atlantic Institute of Oriental Medicine</i>	1	1	50%	1	1	50%
<i>California Trinity University</i>	0	0	N/A	1	5	17%
<i>Dong-guk University, California</i>	5	3	63%	12	20	38%
<i>Emperor's College of Traditional Oriental Medicine</i>	16	0	100%	21	3	88%
<i>Five Branches University</i>	22	2	92%	25	7	78%
<i>Golden State University</i>	0	0	N/A	1	0	100%
<i>Kingston University</i>	0	1	0%	0	2	0%
<i>National College of Naturopathic Medicine</i>	2	0	100%	2	0	100%
<i>New England School of Acupuncture</i>	0	1	0%	0	1	0%
<i>New York College of Health Professions</i>	1	0	100%	1	0	100%
<i>Nine Star University of Health Sciences</i>	4	0	100%	6	2	75%
<i>Oregon College of Oriental Medicine</i>	2	0	100%	2	0	100%
<i>Pacific College of Oriental Medicine</i>	42	3	93%	47	6	89%
<i>Samra University</i>	0	0	N/A	0	2	0%
<i>South Baylo University</i>	37	25	60%	52	62	46%
<i>Southern California University of Health Sciences</i>	2	0	100%	5	4	56%
<i>Southern CA Univ. School of OM & Acupuncture</i>	4	3	57%	5	5	50%
<i>Southwest Acupuncture College</i>	1	0	100%	1	0	100%
<i>St. Luke</i>	0	0	N/A	1	0	100%
<i>Stanton University</i>	0	6	0%	1	11	8%
<i>Maryland University of Integrative Health</i>	0	0	N/A	0	1	0%
<i>University of East West Medicine</i>	14	4	78%	17	13	57%
<i>University of South Los Angeles</i>	0	0	N/A	0	1	0%
<i>YoSan University of TCM</i>	15	2	88%	19	4	83%
<i>Tutorials</i>	1	1	50%	2	3	40%
<i>Foreign Equivalency</i>	7	3	70%	10	13	43%
GRAND TOTAL	232	64	78%	291	193	60%

MARCH 21, 2017 EXAMINATION RESULTS STATISTICS - FIRST TIME, RETAKER AND OVERALL

SCHOOL	1st TIME TAKERS			Retakers			OVERALL (includes re-examinees)		
	# Passed	# Failed	PASS %	# Passed	# Failed	PASS %	# Passed	# Failed	PASS %
Academy of Chinese Culture & Health Sciences	22	1	96%	1	6	14%	23	7	77%
Acupuncture & Integrative Medicine College, Berkeley	12	4	75%	0	5	0%	12	9	57%
Alhambra Medical University	5	1	83%	1	5	17%	6	6	50%
American College of Acupuncture and Oriental Medicine	2	0	100%	0	0	N/A	2	0	100%
American College of Traditional Chinese Medicine (CIIS)	15	3	83%	1	2	33%	16	5	76%
Atlantic Institute of Oriental Medicine	1	1	N/A	0	0	N/A	1	1	50%
California Trinity University	0	0	N/A	1	5	17%	1	5	17%
Dong-guk University, California	5	3	63%	7	17	29%	12	20	38%
Emperor's College of Traditional Oriental Medicine	16	0	100%	5	3	63%	21	3	88%
Five Branches University	22	2	92%	3	5	38%	25	7	78%
Golden State University	0	0	N/A	1	0	100%	1	0	100%
Kingston University	0	1	0%	0	1	0%	0	2	0%
National College of Naturopathic Medicine	2	0	100%	0	0	N/A	2	0	100%
New England School of Acupuncture	0	1	0%	0	0	N/A	0	1	0%
New York College of Health Professions	1	0	100%	0	0	N/A	1	0	100%
Nine Star University of Health Sciences	4	0	100%	2	2	50%	6	2	75%
Oregon College of Oriental Medicine	2	0	100%	0	0	N/A	2	0	100%
Pacific College of Oriental Medicine	42	3	93%	5	3	63%	47	6	89%
Samra University	0	0	N/A	0	2	0%	0	2	0%
South Baylo University	37	25	60%	15	37	29%	52	62	46%
Southern California University of Health Sciences	2	0	100%	3	4	43%	5	4	56%
Southern CA Univ. School of OM & Acupuncture	4	3	57%	1	2	33%	5	5	50%
Southwest Acupuncture College	1	0	100%	0	0	N/A	1	0	100%
St. Luke	0	0	N/A	1	0	100%	1	0	100%
Stanton University	0	6	0%	1	5	17%	1	11	8%
Maryland University of Integrative Health	0	0	N/A	0	1	0%	0	1	0%
University of East West Medicine	14	4	81%	3	9	25%	17	13	57%
University of South Los Angeles	0	0	N/A	0	1	0%	0	1	0%
YoSan University of TCM	15	2	88%	4	2	67%	19	4	83%
Tutorials	1	1	50%	1	2	33%	2	3	40%
Foreign Equivalency	7	3	70%	3	10	23%	10	13	43%
GRAND TOTAL	232	64	78%	59	129	31%	291	193	60%

California Acupuncture Board				
March 2017 Examination Results				
Statistics by Language				
FIRST TIME TAKERS ONLY				
	ENGLISH	CHINESE	KOREAN	TOTAL
PASSED	168	34	30	232
FAILED	33	10	21	64
TOTAL	201	44	51	296
PASS RATE	84%	77%	59%	78%
RE-EXAMINEES ONLY				
	ENGLISH	CHINESE	KOREAN	TOTAL
PASSED	33	9	17	59
FAILED	76	31	22	129
TOTAL	109	40	39	188
PASS RATE	30%	23%	44%	31%
OVERALL				
	ENGLISH	CHINESE	KOREAN	TOTAL
PASSED	201	43	47	291
FAILED	109	41	43	193
TOTAL	310	84	90	484
PASS RATE	65%	51%	52%	60%

#6a6

2016 – 2017

Accomplishments Letter



ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

April 14, 2017

The Honorable Jerry Hill, Chair
The Honorable Patricia C. Bates, Vice Chair
Senate Business, Professions and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

The Honorable Rudy Salas, Chair
The Honorable William Brough, Vice Chair
Assembly Committee on Business and Professions
1020 N Street, Room 383
Sacramento, CA 95814

RE: California Acupuncture Board 2016-2017 Accomplishments

Dear Senator Hill, Senator Bates, Assemblymember Salas, and Assemblymember Brough,

At the Review of the California Acupuncture Board (Board) at the Joint Sunset Review Oversight Hearing (Sunset Hearing) held by the Senate Business, Professions, and Economic Development Committee and the Assembly Committee on Business and Professions (collectively, Joint Committee) on March 14, 2016, Senator Bates requested that the Board provide the Joint Committee with an update regarding the Board's progress following one year. Accordingly, please allow this correspondence to provide you with an overview of the Board's work since that time.

Overall, the Board has noted considerable improvement from its position at the Sunset Hearing. The Board has enjoyed increased collaboration with the Legislature, stakeholders, and colleagues within the Department of Consumer Affairs (DCA), and has received commendation from the public for its thorough evaluation and responsiveness to the public's concerns. Its accomplishments also include measureable progress in the key areas of Legislative, Regulations/Policy, Board, Exams, Enforcement, Education, and Licensing, as further detailed below:

Legislative

- Per AB 2190 (Salas, Chapter 667, Statutes of 2016), the Board's sunset date was extended two years to January 1, 2019.
- Board Staff worked extensively with the Senate Committee's and the Assembly Committee's consultants to include two amendments to AB 2190 allowing the grandfathering of currently approved training programs and providing

specifications to the requirements for the evaluation of foreign transcripts for applicants seeking to practice in California.

- On June 8, 2016, Board Staff testified before the Assembly Committee on the Board's actions to combat human trafficking.

Regulations/Policy

- The Board's regulations for implementing Business and Professions Code (BPC) Section 138 (Notice to Consumers of Licensure by the Acupuncture Board) became effective as of October 1, 2016.
- The Board's regulations to implement the Consumer Protection Enforcement Initiative (CPEI) went into effect on October 1, 2015. The Board implemented outreach to all licensees notifying them of the CPEI regulation's requirements in winter 2016.
- The Board has worked extensively with all stakeholders over several hearings and public Board meetings to revise and finalize regulations to implement the Board's 2015 Sunset Bill – SB 1246 (Lieu, Chapter 497, Statutes of 2014). The regulations include new approved training program curriculum approval requirements. This regulatory package has been submitted for approval by the DCA and the Office of Administrative Law (OAL) with an expected implementation date of by summer 2017.
- The Board submitted the regulatory package for Uniform Standards Related to Substance Abuse with an expected implementation date of fall 2017.
- The Board approved a regulatory package at the February 24, 2017 public meeting to update the Board's Disciplinary Guidelines, which have not been updated since 1996. After initial approval from DCA and the Business, Consumer Services and Housing Agency, this regulatory package will be filed with OAL in fall 2017 with an expected implementation date of spring 2018.
- The Board approved a regulatory package for AB 2699 Free and Sponsored Healthcare Events – (Bass, Chapter 270, Statutes of 2010). The Board has made further changes to the proposed regulation at OAL's request, and has resubmitted the revised proposed regulation to DCA and OAL for approval. The expected implementation date for this regulatory package is summer 2017.
- The Board's Education Committee is currently considering revised language for Continuing Education requirements in Ethics as a condition of licensure renewal. It is expected to be reported to the full Board at the public meeting scheduled for September 8, 2017.

Board

- The Board and its Staff continued its work to implement the Board's 2013-2017 Strategic Plan. As reported at the December 14, 2016 Board Meeting, most Strategic Plan items have been completed with the remaining items in progress. The Board will begin developing its 2018 – 2022 Strategic Plan in September 2017.

- The Board held ten Board Meetings in 2016, including six full Board Meetings and four committee meetings (please note that BPC § 101.7 requires a minimum of three meetings per year).
- The Board hosted several informational presentations at its Board Meetings delivered by representatives from the DCA, including the Office of Professional Examination Services, Legal Affairs, the Division of Investigation, and the Budget Office to refresh the Board and the public on the Board's roles and responsibilities as a regulatory body.
- The Board has engaged in outreach to connect with all stakeholders (including acupuncture training programs and professional associations) by:
 - Updating its list of professional acupuncture associations on its website (www.acupuncture.ca.gov);
 - Holding Board Meetings at approved acupuncture training programs in California to offer students an opportunity to view and participate in the process;
 - Attending community events to educate the public on its functions;
 - Working with the DCA's Strategic Planning and Development Unit (SOLID) to host a stakeholder meeting in summer 2017 to discuss and receive input on Strategic Plan goals in education.
- The Board received a new licensed Board Member Appointment, Dr. Amy Matecki, MD, and is now fully constituted with seven members.
- The Board appointed Acting, then Interim, and now official Executive Officer Benjamin Bodea, who has served in several capacities on the Board since his hiring in January 2008.
- The Board filled two Staff Services Analyst (SSA) vacancies for an Exam Analyst and an Education Analyst.
- The Board submitted two Budget Change Proposals (BCPs) requesting funding for one Assistant Executive Officer, one enforcement analyst, two enforcement technicians, and licensing analyst to support the Board's increased work to ensure compliance with laws and regulations.
- The Acupuncture Board has joined the DCA's Mentorship Program. Member Boards/Programs give their staff access to managers at other participating DCA Boards and Programs to support and encourage career growth.
- The Board has increased collaboration with other consumer boards on issues of mutual interest and overlapping authority/scope.
- Board Staff has redesigned the layout of the office resources for greater access, utility, space, organization, and accountability, in order to increase staff productivity and efficiency.
- The Board has revised formatting for Meeting Minutes for improved clarity and utility to the Board and the public.
- The Board is currently scheduled to receive a \$4 million General Fund loan repayment in 2016-17 and \$1 million in 2018-19.

Exams

- The Board completed the audit of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) in fall 2015. The Board reviewed the Audit of the NCCAOM exams (spanning two Board Meetings) February 26, 2016 and June 10, 2016.
- After extensive Board discussion and public comment, the Board approved utilization of the NCCAOM exams as part of the Licensing requirements, along with a California supplemental exam, pending the Office of Professional Examination Service's (OPES) review of NCCAOM's 2016-17 Job-Task Analysis. The Board notified the Legislature of its recommendation in a letter to the Committees on July 8, 2016.
- The Board successfully conducted two California Acupuncture Licensing Examinations - March 16, 2016 in Ontario, California, and August 10, 2016 in Sacramento, California.

Enforcement

- The Board is meeting its performance measure targets in the areas of complaint intake, investigations, probation intake, and probation violation response time.
 - The Board outperformed its 200-day measure performance target for the overall average for the investigation cycle time for cases resulting in no discipline:
 - From April 2015 to March 2016 the overall average was 235 days;
 - From April 2016 to March 2017 the overall average was 157 days.
 - The Board outperformed its 10-day performance measure target for average complaint intake time:
 - From April 2015 to March 2016, the overall average intake time was six days;
 - From April 2016 to March 2017, the overall average intake time was four days.
 - The Board outperformed its 10-day performance measure target for overall average cycle time for probation intake:
 - From April 2015 to March 2016 the overall average was four days;
 - From April 2016 to March 2017 the overall average was three days.
 - The Board outperformed its 10-day performance measure target for overall average cycle time for probation violation response time:
 - From April 2015 to March 2016 the overall average was four days;
 - From April 2016 to March 2017 the overall average was two days.
- The Board streamlined the process involved for negotiating stipulations and communications with the Office of the Attorney General.
- The Board noted improvement in meeting its 540-day performance measure target for overall average cycle time for cases that resulted in discipline:
 - From April 2015 to March 2016 the overall average was 1040 days;
 - From April 2016 to March 2017 the overall average was 936 days.

Backlogged cases were being closed this period, so a significant drop in the overall average will likely be seen in the next fiscal year of 2017-2018.

- The Board streamlined processing for Continuing Education (CE) citations and CE audits from initial review to Enforcement referral. The process and considerations for assessing fines and order of abatements were updated. With the streamline in processes, Enforcement completed all reviews of the CE audits referred from Education and completed all citations as a result. During April 2016 to March 2017, the Board issued 35 citations as a result of failed CE audits.
- Board Staff has updated and implemented probation forms and tools for more effective probation monitoring.

Education

- The Board completed ten compliance site visits to approved acupuncture training programs. Nine of these were at approved training programs outside California.
- The Board completed 16 full clinical curriculum reviews as part of the comprehensive approved acupuncture training program compliance review process.
- The Board improved its application process and reporting format for the acupuncture training curriculum as required by SB 1246 (Lieu, Chapter 497, Statutes of 2014).
- The Board has worked closely with the Bureau for Private and Postsecondary Education (BPPE) to prepare for the new training program approval process beginning January 1, 2017.
- The Board has worked closely with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) to prepare for the new approval process beginning January 1, 2017.
- The Board has worked collaboratively with ACAOM and BPPE conducting three joint enforcement visits to approved acupuncture training programs in the last year.
- The Board has approved two new Acupuncture Training programs.
- The Board has developed a “Frequently Asked Questions” resource for continuing education providers.

Licensing

- The Board developed procedures to streamline and fast track the processing of applications for licensure of veterans as a result of SB 1226 (Correa, Chapter 657, Statutes of 2014), AB 1588 (Atkins, Chapter 742, Statutes of 2012) and AB 1904 (Block, Chapter 399, Statutes of 2012).
- The Board streamlined licensing processes to reduce new license processing times from:
 - FY 13/14: 11.46 days
 - FY 14/15: 9.26 days
 - FY 15/16: 2.0 days

- The Board entered all out-of-state licensees and applicants into the National Practitioner Database (NPDB) addressing the 2016 Sunset Review Joint Committee's concern.
- The Board conducted a review to ensure that all active licensees are in compliance with the fingerprinting requirements.

We look forward to keeping in communication with you regarding our work, and continuing to advance our ultimate goal of protecting the public. Should you need anything further, please contact Executive Officer Ben Bodea at 916-515-5208 or Ben.Bodea@dca.ca.gov.

Kind Regards,



Hildegard B. Aguinaldo,
President, California Acupuncture Board

Cc: Governor Edmund G. Brown Jr., State of California
Bill Gage, Senate BP&ED Chief Consultant
Dr. Le Ondra Clark-Harvey, Assembly B&P Chief Consultant
Dean R. Grafilo, Director, California Department of Consumer Affairs

#6b

Enforcement Report



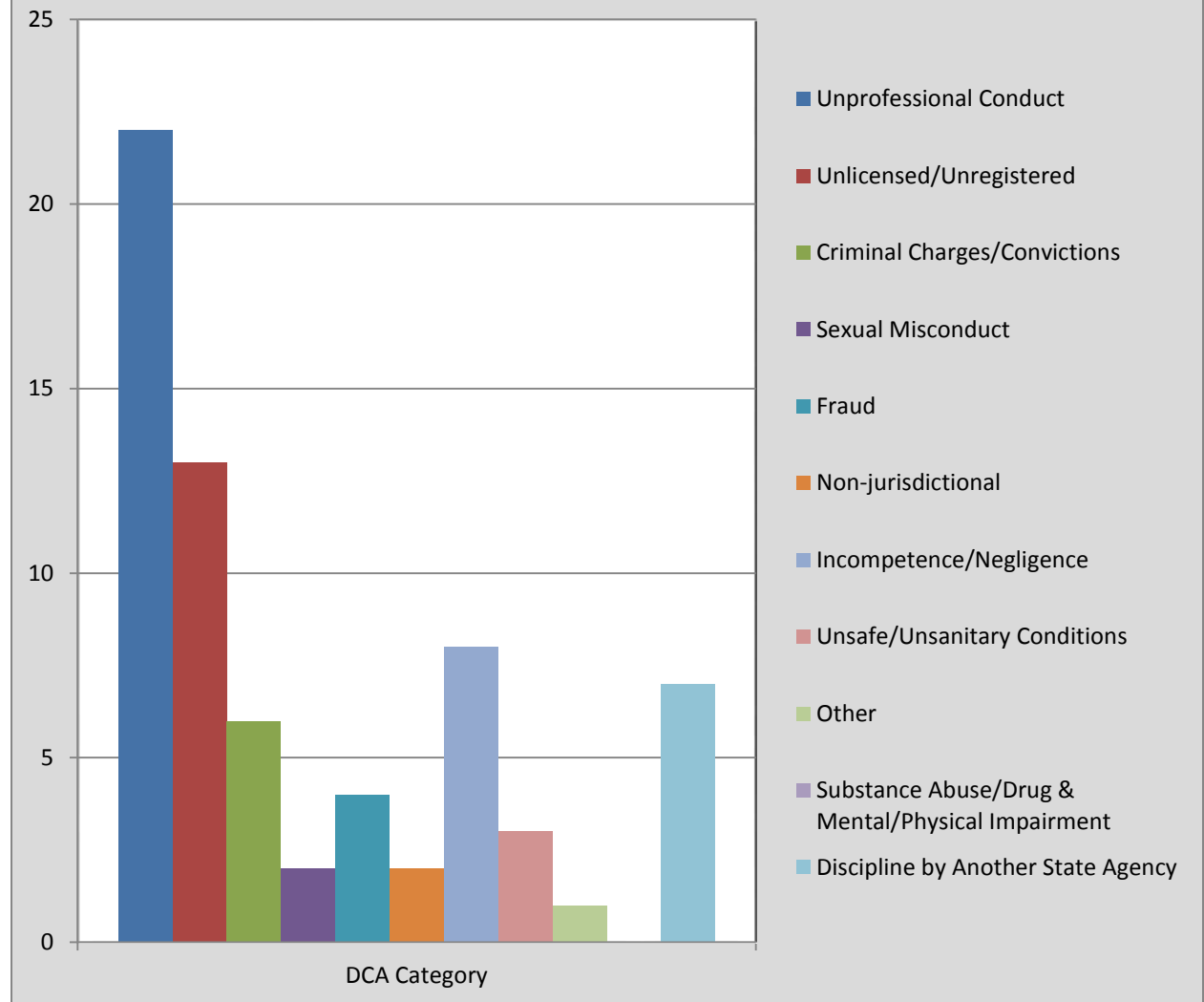
DATE	May 5, 2017
TO	All Board Members
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	Enforcement Update for Quarter (Q3) FY 2016/2017: January 1, 2017 to March 31, 2017

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category	Received	Closed/Referred to Investigation
Unprofessional Conduct	22	24
Unlicensed/Unregistered	13	14
Criminal Charges/Convictions*	6	8
Sexual Misconduct	2	2
Fraud	4	11
Non-jurisdictional	2	2
Incompetence/Negligence	8	8
Unsafe/Unsanitary Conditions	3	3
Other	1	1
Substance Abuse/Drug & Mental/Physical Impairment	0	0
Discipline by Another State Agency	7	8
Total	68	81
Average Intake Time: 5 days		

*Of the 6 Criminal Charges/Convictions, 2 were received on Applicants and 4 were received on Licensees.

Complaint Volume from Q3 FY 16/17

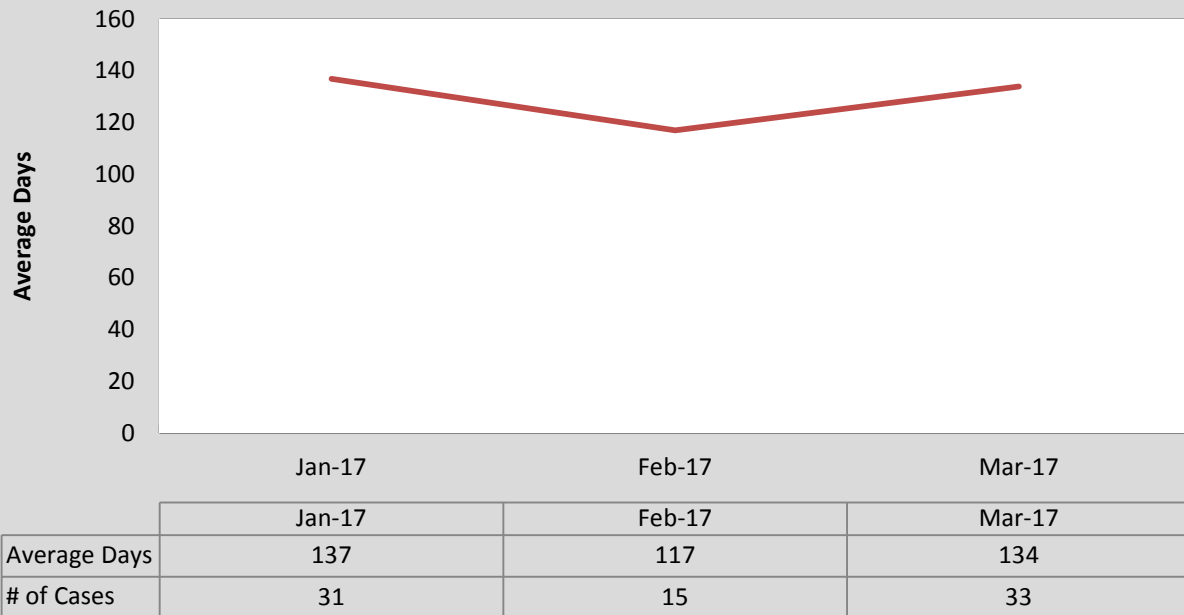


The bar graph above shows the number of complaints received by complaint type for this quarter. When each complaint is logged into the database it is assigned a complaint type based upon the primary violation.

INVESTIGATIONS - Includes formal investigations conducted by DOI and desk investigations conducted by staff

DCA Category	Initiated	Pending	Closed
Unprofessional Conduct	24	26	23
Unlicensed/Unregistered	14	28	8
Criminal Charges/Convictions (includes pre-licensure)	8	19	23
Sexual Misconduct	2	5	4
Fraud	11	15	7
Non-jurisdictional	0	0	0
Incompetence/Negligence	8	28	6
Unsafe/Unsanitary Conditions	3	5	3
Other	1	2	1
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	8	6	3
Total	79	134	78
Average days			119

Case Aging for Closed Investigations



The graph above shows the number of investigations closed out each month of this quarter. The line illustrates the average number of days the case was open from receipt of complaint to the date the investigative phase was closed. After the investigation is closed the case is either referred for disciplinary action, issued a citation, or closed due to insufficient evidence or no violation. The time it takes during the discipline phase is not captured in these averages. The overall average process time for cases that resulted in disciplinary action this quarter is shown below.

DISCIPLINARY ACTIONS

Requested	3
Pending	12
Accusation/SOI Filed	1
Decisions	6
• Revoked	0
• Voluntary Surrender	1
• Probation	5
• License Denied	0
• Public Reprimand	0
Avg. Overall Process Time	820 days*
Citations Issued	11
Open Probation Cases	41

*Only applies to cases that result in formal discipline through a Decision and Order, not all case closures.

QUARTER 3 FY 16/17 TREND ANALYSIS

Complaint Trends

This quarter's data is better understood when we use last year's FY 15/16 quarter 3 (Q3) data as a point of reference.

This quarter saw a decrease in complaints compared to this time last year from 84 to 68. This represents a 19 % decrease in volume. The most notable changes in the types of complaints received were found in unprofessional conduct complaints, which decreased from 52 to 22. The other noteworthy change in complaint volume between last year and this year are for unlicensed complaints. Last year only four (4) were received whereas this year's Q3 received 13, which is a 225% increase. The average intake time for complaints received has consistently been under its target of ten (10) days for this performance measure. This quarter the average intake time was five (5) days.

Investigation Trends

In comparing last year's investigation statistics to this year, the most noteworthy change is found in the number of total investigations pending and closed. The data shows that Staff has focused its efforts on efficiently processing investigations and reviews. Although there is a downturn in investigations initiated given the decrease in complaint volume, you can see that the investigations pending at the close of Q3 has gone down significantly. There were 204 investigations pending last year whereas this year at the close of Q3 there were 134 investigations pending, which is a 34% decrease. In addition, Staff has closed out more investigations this year in Q3 versus last year. This year 78 investigations were closed compared to 68 investigations last year, which is a 15% increase in closures. At the start of the year Staff saw a surge in formal investigations getting referred back to the Board for review. All of those formal investigations were quickly and thoroughly reviewed, and appropriate actions or closures were processed. The other noteworthy change is the average investigation time decreasing by 44% from 213 days last year to 119 days this year. Since the start of fiscal year 16/17 the Board has consistently been meeting its 200 day target for the performance measure on the average number of days to complete an investigation.

Formal Discipline Trends

This quarter continues to show that the majority of the backlog from prior years has been worked through or are pending with the Attorney General's Office. Complaints referred to the Attorney General for discipline went from eight (8) in Q3 last year to three (3) this year, resulting in a 63% decrease. Last year seven (7) Accusations and Statement of Issues were filed whereas this year in Q3 there was only one (1) Accusation filed. This represents an 86% decrease. The discipline statistics show that referrals for discipline have slowed significantly. Another change in disciplinary statistics is the number of cases pending with the Attorney General's Office. Last year in Q3 there were 29 cases pending; however, this year there were 12 cases pending at the close of Q3. This is a 59% decrease. The volume of decisions that became effective last year to this year is relatively similar. The average overall process time from complaint receipt to the close of discipline continues to show no real trend. This statistic is dependent on the complexity of the case or cases that close out in a particular quarter. If one or a few complex cases close out in one quarter versus another quarter where less complex cases close out, the average overall process time widely varies between quarters. Therefore, the Board has yet to see any consistency with this statistic.

#6b3

Standardized 801 reporting memo
and
801 Report form draft

ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



DATE	May 5, 2017
TO	Board Members
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	Informational Item -- Standardized Malpractice 801 Form

Issue:

The Board will be posting a form on its website for insurers to report settlement, judgments, and arbitration awards to the Board. No Board action is required.

Background/Discussion:

The Senate Committee on Business, Professions and Economic Development issued a "Background Paper for the California Acupuncture Board" after the Sunset Review hearing held March 12, 2012 directing the Board to develop a form to standardize 801 reports. Business and Professions Code (BPC) Section 801(a) requires every insurer providing professional liability insurance to a licensed acupuncturist to send a complete report to the Board as to any settlement or arbitration award over \$3,000 of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services.

Initially, there was confusion among staff if a legislative change or regulatory rulemaking package were required to mandate insurers to report on a standardized form developed by the Board. Legal Counsel has determined that simply providing a form for insurers' use in compliance with BPC 801(a) does not require legislation or a regulatory package.

Currently, the Board may not be receiving all settlements or judgments that amount to damages of \$3,000 or more for claims involving injury or death caused by a licensed acupuncturist. There is not a streamlined process for insurers or practitioners to report such judgments and settlements to the Board. The Board has developed a standardized form under the authority of BPC Section 801(a) to post on the Board's website for insurers' use when reporting malpractice settlements, judgments, and arbitration awards. The form is based upon the California Medical Board's existing 801 Form. Providing insurers with a standardized form for reporting malpractice cases promotes compliance with BPC 801 which will improve and enhance the Board's enforcement and protection of public safety.

The attached Standardized Malpractice 801 Form will be posted to the website following the Board meeting.

Attachment: Standardized Malpractice 801 Form



ACUPUNCTURE BOARD
 1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
 (916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

REPORT OF SETTLEMENT, JUDGMENT OR ARBITRATION AWARD OVER \$3,000
 In Reference to Business and Professions Code Section 801

PLEASE PRINT OR TYPE

REPORTING ENTITY:

Name of Entity: _____	Name of Person Preparing Report: _____
Address: _____	Telephone: _____

PROVIDER:

Name: _____	Defense Counsel Name: _____
Address: _____	Defense Counsel Address: _____
_____	_____
License Number: _____	Defense Counsel Telephone: _____

PLAINTIFF/CLAIMANT:

Name: _____	Plaintiff's Counsel Name: _____
Address: _____	Plaintiff's Counsel Address: _____
_____	_____
Relationship to Patient: _____	Plaintiff's Counsel Telephone: _____
Patient Name: _____	
Patient Date of Birth: _____	
Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Medical Record Number (if applicable): _____	
Date of Occurrence: _____	
Hospital Name: _____	
Hospital Address: _____	

Case Resulted in: (Check one) <input type="checkbox"/> Settlement <input type="checkbox"/> Judgment <input type="checkbox"/> Arbitration Award	Date Resolved: _____	Total Amount of Award: \$ _____	Total Paid on Behalf of Provider: \$ _____
Name and Location of Court/Arbitrator: _____	Filing Date: _____	Docket Number: _____	

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge the information provided within this report and any attachments is true and correct.

REPORT OF SETTLEMENT, JUDGMENT OR ARBITRATION AWARD continued

Include a comprehensive summary of the facts, including the date of occurrence and whether a death occurred, and the role of the provider(s) in the care or professional services provided to the patient with respect to those services at issue in the claim or action (Attach additional pages if necessary):

#6c

Education Report

ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



DATE	May 15, 2017
TO	Board Members
FROM	Jay Herdt – Education Coordinator
SUBJECT	Education Staff Report

There are currently thirty-two (32) Acupuncture Board (Board) approved acupuncture training programs.

Compliance Status as of May 2017:

- The Board has completed site visits and has obtained current CCR §1399.434 curriculum from all of the board approved training programs.
- 17 programs are in full compliance:
 1. Alhambra Medical University
 2. American College of Traditional Chinese Medicine
 3. Atlantic Institute of Oriental Medicine
 4. College of Eastern Medicine at Southern California University
 5. Five Branches University, Santa Cruz
 6. Five Branches University, San Jose
 7. Institute of Clinical Acupuncture and Oriental Medicine, Honolulu HI
 8. Kingston University
 9. Maryland University of Integrative Health, Laurel, MA
 10. Oregon College of Oriental Medicine
 11. Pacific College of Oriental Medicine, New York
 12. Pacific College of Oriental Medicine, San Diego
 13. Phoenix Institute of Herbal Medicine and Acupuncture
 14. College of Eastern Medicine at Southern California University of Health Sciences
 15. University of South Los Angeles
 16. Yo San University
 17. Yuin University

- All Board approved training programs have submitted clinical corrective action plans in response to the Board's compliance site visits.
- Three training programs have completed clinical corrective actions and have had their curriculum reviewed by staff. These programs are now in the process of submitting corrective actions relating to curriculum.
- Twelve training programs have submitted clinical corrective actions and are pending review by subject matter experts.
- Two programs have lost Board approval status since the last reporting:
 - Stanton University has lost training program approval. The program chose to not pursue accreditation with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).
 - California Trinity University has lost training program approval for choosing to not pursue accreditation with ACAOM.
- One program has been placed on probation
 - Nine Star University of Health Science (NSUHS) program has lost pre accreditation status with ACAOM. ACAOM requires that NSUHS wait 1 year to re-apply for accreditation. As a result the Board has placed NSUHS on probation for one year.
 - During this probation :
 - NSUHS will be allowed to continue the operation of their acupuncture training clinic at all levels of supervision.
 - NSUHS students will continue to be able to qualify to sit for the California Acupuncture Licensing Exam.

Continuing Education:

The Continuing Education Coordinator position has been filled. Van Martini entered the position with significant training and prior experience and has been able to address this workload immediately. The Education Unit's continuing education section is a busy desk and welcomes the increased staffing. The Education Unit has created a FAQ for provider's reference to support and facilitate the course submission process. This document is available to view on the Board's website at: http://www.acupuncture.ca.gov/ed_providers/cont_edu.shtml

Applications processed January 1 - April 10, 2017: 1220

Number of Continuing Education Providers with a current status: 542

Tutorial Program Update

Following a detailed tutorial file audit and updating there are 36 active tutorials in progress, and 4 applications in process for tutorial program approvals. Program administration and application processing status is current.

#6d

Regulatory Update



ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
 (916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



CAB list of past and future regulations

Updated: May 17, 2017

Set out below are a list of past and future pending regulations. Please note this list may be incomplete and subject to change depending upon Legislative or Executive action. Due date reflects the final due date when regulatory filing is required to be submitted for rulemaking to Office of Administrative Law (OAL).

Note: Authority for regulatory changes is provided under California Business and Professions (B&P) Code Chapter 12, Article 1, Code section 4933.

Pending regulations					
	Subject	Title 16, California Code of Regulations (CCR) Section referred	Date original authorizing vote taken (vote)	Current Status	Due Dates / Anticipated Filing Date
1	Uniform Standards Related to Substance Abusing Licensees (SB 1441)	Amend Section 1399.469	10/25/2013 (5-0)	Notice of Decision Not to Proceed Filed with OAL on 4/12/17. New Rulemaking package to be reviewed by Board at 05/26/17 meeting.	
2	Standards for the Approval of Educational Training and Clinical Experience Received Outside the United States; Curriculum Standards for Board Approval of Curriculum; Requirements for Board Approval of Curriculum. (SB 1246)	Adopt Section 1399.433, Amend Section 1399.434, Repeal Section 1399.436, Amend Section 1399.437	11/17/2015 (7-0)	Rulemaking file approved by DCA/Agency. Filed with OAL for approval on 04/12/17. OAL has 30 working days to approve or require changes. Regulation would be in effect upon filing with Secretary of State's office.	OAL will respond no later than 5/24/17.

3	Sponsored Free Health-Care Events (AB 2699)	Adopt Article 8 and Sections 1399.407, 1399.407.1, 1399.407.2, 1399.407.3	11/17/2011 (5-0)	Rulemaking file approved by DCA/Agency. Filed with OAL for approval on 04/25/17. OAL has 30 working days to approve or require changes. Regulation would be in effect upon approval from OAL.	OAL will respond no later than 6/17/17.
4	Advertising Guidelines – Display of License Number in Advertising	Adopt Section 1399.455	2/19/2013 (5-0)	Staff revising text for Board review and possible approval at future Board meeting. If approved, a 15-day modified text notice will be issued.	Anticipated initial filing with OAL upon Board approval.
5	Prostitution Enforcement and Condition of Office	Amend Section 1399.469.4	2/14/2014 (6-0)	Board approved amended text at 12/14/16 public meeting. Rulemaking package under staff development.	Anticipated initial filing with OAL by Fall 2017.
6	Continuing Education Ethics Requirement	Adopt Section 1399.482.2	11/15/2012 (5-0)	Education committee approved proposed text at 12/14/16 public meeting on a 3-1 vote and made several changes. Staff revising text to bring back to Board at future public meeting.	Anticipated initial filing with OAL upon Board approval.
7	Hand Hygiene Requirements	Amend Section 1399.451(a)	2/14/2014 (5-0)	Rulemaking package under staff development.	Anticipated initial filing with OAL by late Fall 2017.
8	2017 Update of Disciplinary Guidelines	Amend Section 1399.469	02/24/2017 (7-0)	Board approved text and Guidelines at 2/24/17 public meeting. Rulemaking package under staff development.	Anticipated initial filing with OAL by Fall 2017.

Adopted Regulations			
	Subject	Title 16, CCR Sections referred	Date approved by Office of Administrative Law; date in effect with link to text of regulation
1	Educational Curriculum Requirements	Amend Section 1399.415	Approved by OAL 10/5/04 http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art2.shtml#1399415
2	Cite and Fine Enforcement	Amend Section 1399.465	Approved by OAL 4/17/06 http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art6.shtml#1399465
3	Continuing Education	Amends Sections 1399.480 – 1399.489.1	Approved by OAL on 8/25/08 http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art8.shtml#1399480
4	Retroactive Fingerprinting Requirements	Adopts Sections 1399.419.1 and 1399.419.2	Approved by OAL 9/23/10 http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art25.shtml#13994191
5	Consumer Protection Enforcement Initiative (CPEI)	Amends Sections 1399.405, 1399.419, 1399.469.1, 1399.468.2	Approved by OAL 9/1/15; in effect 10/1/2015 https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I45A8F9C0D48E11DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
6	Display of Licensure by Acupuncture Board (BPC 138)	Adopt section 1399.463.3	Approved by OAL 7/12/16; in effect 10/1/2016 http://www.acupuncture.ca.gov/pubs_forms/laws_regs/bpc138_orderofadoption.pdf

#6e

Legislative Update



Acupuncture Board – Legislative Bills of Interest

Updated: May 17, 2017

1. Assembly Bill 12 (Cooley) – State government: administrative regulations: review.

Status: Introduced 12/5/16. In Assembly Appropriations Committee 4/5/17. Referred to suspense file.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

2. Assembly Bill 1005 (Calderon) – Professions and vocations: fines relief

Status: Introduced 2/16/17. Amended 5/2/17. In Assembly Appropriations Committee. No hearing date set.

Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation. This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.

3. Assembly Bill 1190 (Oberholte) -- Department of Consumer Affairs: BreEZe system: annual report.

Status: Introduced 2/17/17. Amended 5/2/17. In Assembly Appropriations Committee. No hearing date set.

This bill would require the Department of Consumer Affairs to publish, a minimum of once quarterly, prescribed information relating to BreEZe on its Internet Web site, including the estimated start and completion date of the Department of Technology's Project Approval Lifecycle (PAL) process for programs that were previously scheduled for the 3rd release of BreEZe, the status of programs that have started the process, and the results and recommendations made for each program that has completed the PAL process.

4. Assembly Bill 1340 (Maienschein) -- Continuing medical education: mental and physical health care integration.

Status: Introduced 2/17/17. In Senate Rules committee.

CALIFORNIA ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



This bill would require the Medical Board to consider including in its continuing education requirements a course in integrating mental and physical health care in primary care settings, especially as it pertains to early identification of mental health issues in children and young adults and their appropriate care and treatment. The Medical Board shall consider including a course in acupuncture to be taken by those licensees whose practices may require knowledge in the area of acupuncture and whose education has not included instruction in acupuncture.

5. Senate Bill 27 (Morrell) – Professions and vocations: military service

Status: Introduced 12/5/16. Amended 4/17/17. In Assembly Appropriations Committee on suspense file.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.

6. Senate Bill 572 (Stone) – Healing arts licensees: violations: grace period

Status: Introduced 2/17/17. Amended 3/27/17. Referred to Senate Business, Professions and Economic Development Committee. Set for hearing 4/24/17; hearing postponed by committee.

This bill would prohibit the boards from taking disciplinary action against, or otherwise penalizing, healing arts licensees who violate those provisions but correct the violations within 15 days and who are not currently on probation at the time of the violations, if the violations did not cause irreparable harm and will not result in irreparable harm if left uncorrected for 15 days.

7. Senate Bill 762 (Hernandez) -- Healing arts licensee: license activation fee: waiver

Status: Introduced 2/17/17. Amended 4/17/17. In Assembly Appropriations Committee on suspense file.

This bill would require the renewal fee to be waived for any healing arts licensee, including an Acupuncturist, who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

#6e1

Assembly Bill 12 (Cooley)

State government:
admin regulation: review

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley
(Principal coauthors: Assembly Members Calderon and Cunningham)

December 5, 2016

An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Cooley. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.6 (commencing with Section 11366)
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,
3 to read:

4
5 CHAPTER 3.6. REGULATORY REFORM

6
7 Article 1. Findings and Declarations

8
9 11366. The Legislature finds and declares all of the following:

10 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
11 with Section 11340), Chapter 4 (commencing with Section 11370),
12 Chapter 4.5 (commencing with Section 11400), and Chapter 5
13 (commencing with Section 11500)) requires agencies and the
14 Office of Administrative Law to review regulations to ensure their
15 consistency with law and to consider impacts on the state’s
16 economy and businesses, including small businesses.

17 (b) However, the act does not require agencies to individually
18 review their regulations to identify overlapping, inconsistent,
19 duplicative, or out-of-date regulations that may exist.

20 (c) At a time when the state’s economy is slowly recovering,
21 unemployment and underemployment continue to affect all
22 Californians, especially older workers and younger workers who
23 received college degrees in the last seven years but are still awaiting
24 their first great job, and with state government improving but in
25 need of continued fiscal discipline, it is important that state
26 agencies systematically undertake to identify, publicly review, and
27 eliminate overlapping, inconsistent, duplicative, or out-of-date
28 regulations, both to ensure they more efficiently implement and
29 enforce laws and to reduce unnecessary and outdated rules and
30 regulations.

31
32 Article 2. Definitions

33
34 11366.1. For the purposes of this chapter, the following
35 definitions shall apply:

36 (a) “State agency” means a state agency, as defined in Section
37 11000, except those state agencies or activities described in Section
38 11340.9.

1 (b) “Regulation” has the same meaning as provided in Section
2 11342.600.

3
4 Article 3. State Agency Duties
5

6 11366.2. On or before January 1, 2020, each state agency shall
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations
9 adopted by that state agency.

10 (b) Identify any regulations that are duplicative, overlapping,
11 inconsistent, or out of date.

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
13 any duplication, overlap, inconsistencies, or out-of-date provisions,
14 and shall comply with the process specified in Article 5
15 (commencing with Section 11346) of Chapter 3.5, unless the
16 addition, revision, or deletion is without regulatory effect and may
17 be done pursuant to Section 100 of Title 1 of the California Code
18 of Regulations.

19 (d) Hold at least one noticed public hearing, which shall be
20 noticed on the Internet Web site of the state agency, for the
21 purposes of accepting public comment on proposed revisions to
22 its regulations.

23 (e) Notify the appropriate policy and fiscal committees of each
24 house of the Legislature of the revisions to regulations that the
25 state agency proposes to make at least 30 days prior to initiating
26 the process under Article 5 (commencing with Section 11346) of
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of
28 Regulations.

29 (g) (1) Report to the Governor and the Legislature on the state
30 agency’s compliance with this chapter, including the number and
31 content of regulations the state agency identifies as duplicative,
32 overlapping, inconsistent, or out of date, and the state agency’s
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section
35 9795 of the Government Code.

36 11366.3. (a) On or before January 1, 2020, each agency listed
37 in Section 12800 shall notify a department, board, or other unit
38 within that agency of any existing regulations adopted by that
39 department, board, or other unit that the agency has determined
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that
2 agency.

3 (b) A department, board, or other unit within an agency shall
4 notify that agency of revisions to regulations that it proposes to
5 make at least 90 days prior to a noticed public hearing pursuant to
6 subdivision (d) of Section 11366.2 and at least 90 days prior to
7 adoption, amendment, or repeal of the regulations pursuant to
8 subdivision (c) of Section 11366.2. The agency shall review the
9 proposed regulations and make recommendations to the
10 department, board, or other unit within 30 days of receiving the
11 notification regarding any duplicative, overlapping, or inconsistent
12 regulation of another department, board, or other unit within the
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state
15 agency of any existing regulations adopted by that agency that
16 may duplicate, overlap, or be inconsistent with the state agency's
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or
19 undermine in any manner any human health, public or worker
20 rights, public welfare, environmental, or other protection
21 established under statute. This chapter shall not be construed to
22 affect the authority or requirement for an agency to adopt
23 regulations as provided by statute. Rather, it is the intent of the
24 Legislature to ensure that state agencies focus more efficiently and
25 directly on their duties as prescribed by law so as to use scarce
26 public dollars more efficiently to implement the law, while
27 achieving equal or improved economic and public benefits.

28
29
30

Article 4. Chapter Repeal

31 11366.5. This chapter shall remain in effect only until January
32 1, 2021, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2021, deletes or extends
34 that date.

- 1
- 2 REVISIONS:
- 3 Heading—Line 2.
- 4

O

#6e2

Assembly Bill 1005 (Calderon)

Professions and vocations; fines relief

AMENDED IN ASSEMBLY MAY 2, 2017

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1005

Introduced by Assembly Member Calderon

February 16, 2017

~~An act to amend Section 12.5 of the Business and Professions Code, relating to professions and vocations. An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Calderon. Professions and vocations: fines: relief.

Under existing law, the Department of Consumer Affairs is under the control of the Director of Consumer Affairs and is comprised of various ~~boards, bureaus, commissions, committees, and similarly constituted agencies~~ *boards* that license and regulate the practice of various professions and vocations. A violation of a regulatory act by a licensee can subject a licensee to discipline, including administrative penalties or citations, suspension, or revocation of the license. Existing law specifies that whenever any provision of law governing businesses and professions grants authority to issue a citation for a violation of a code provision, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to code.

~~This bill would authorize boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate professions and vocations, when granted the authority to issue a citation, to instead~~

~~issue a fix-it ticket in lieu of a fine. The bill would specify that any person who is issued a fix-it ticket in lieu of a citation would have 30 days in which to correct the violation before being issued the fine.~~

Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.

This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 125.9 of the Business and Professions
2 Code is amended to read:

3 125.9. (a) Except with respect to persons regulated under
4 Chapter 11 (commencing with Section 7500), any board, bureau,
5 or commission within the department, the board created by the
6 Chiropractic Initiative Act, and the Osteopathic Medical Board of
7 California, may establish, by regulation, a system for the issuance
8 to a licensee of a citation which may contain an order of abatement
9 or an order to pay an administrative fine assessed by the board,
10 bureau, or commission where the licensee is in violation of the
11 applicable licensing act or any regulation adopted pursuant thereto.

12 (b) The system shall contain the following provisions:

13 (1) Citations shall be in writing and shall describe with
14 particularity the nature of the violation, including specific reference
15 to the provision of law determined to have been violated.

16 (2) ~~Whenever~~ Except as provided in paragraph (3), whenever
17 appropriate, the citation shall contain an order of abatement fixing
18 a reasonable time for abatement of the violation.

1 (3) Notwithstanding paragraph (2), except with respect to
2 healing arts licensees licensed pursuant to Division 2 (commencing
3 with Section 500, the board created by the Chiropractic Initiative
4 Act, and the Osteopathic Medical Board of California, a citation
5 containing an order to pay an administrative fine shall contain
6 the following:

7 (A) An order of abatement fixing a period of no less than 30
8 days for abatement of the violation before the administrative fine
9 becomes effective.

10 (B) If the licensee successfully abates the violation within the
11 30-day period, the licensee shall not be responsible for payment
12 of the administrative fine.

13 (C) If the licensee fails to abate the violation within the 30-day
14 period, the licensee shall pay the administrative fine.

15 (3)

16 (4) In no event shall the administrative fine assessed by the
17 board, bureau, or commission exceed five thousand dollars (\$5,000)
18 for each inspection or each investigation made with respect to the
19 violation, or five thousand dollars (\$5,000) for each violation or
20 count if the violation involves fraudulent billing submitted to an
21 insurance company, the Medi-Cal program, or Medicare. In
22 assessing a fine, the board, bureau, or commission shall give due
23 consideration to the appropriateness of the amount of the fine with
24 respect to factors such as the gravity of the violation, the good
25 faith of the licensee, and the history of previous violations.

26 (4)

27 (5) A citation or fine assessment issued pursuant to a citation
28 shall inform the licensee that if he or she desires a hearing to
29 contest the finding of a violation, that hearing shall be requested
30 by written notice to the board, bureau, or commission within 30
31 days of the date of issuance of the citation or ~~assessment.~~
32 *assessment or the date the administrative fine becomes effective*
33 *pursuant to paragraph (3).* If a hearing is not requested pursuant
34 to this section, payment of any fine shall not constitute an
35 admission of the violation charged. Hearings shall be held pursuant
36 to Chapter 5 (commencing with Section 11500) of Part 1 of
37 Division 3 of Title 2 of the Government Code.

38 (5)

39 (6) Failure of a licensee to pay a fine within 30 days of the date
40 of ~~assessment,~~ *assessment or the date the administrative fine*

1 *becomes effective pursuant to paragraph (3) unless the citation is*
 2 *being appealed, may result in disciplinary action being taken by*
 3 *the board, bureau, or commission. Where a citation is not contested*
 4 *and a fine is not paid, the full amount of the assessed fine shall be*
 5 *added to the fee for renewal of the license. A license shall not be*
 6 *renewed without payment of the renewal fee and fine.*

7 (c) The system may contain the following provisions:

8 (1) A citation may be issued without the assessment of an
 9 administrative fine.

10 (2) Assessment of administrative fines may be limited to only
 11 particular violations of the applicable licensing act.

12 (d) Notwithstanding any other ~~provision of law~~, if a fine is paid
 13 to satisfy an assessment based on the finding of a violation,
 14 payment of the fine shall be represented as satisfactory resolution
 15 of the matter for purposes of public disclosure.

16 (e) Administrative fines collected pursuant to this section shall
 17 be deposited in the special fund of the particular board, bureau, or
 18 commission.

19 ~~SECTION 1. Section 12.5 of the Business and Professions~~
 20 ~~Code is amended to read:~~

21 ~~12.5. (a) Whenever any provision of this code grants authority~~
 22 ~~to issue a citation for a violation of any provision of this code, that~~
 23 ~~authority also includes the authority to issue a citation for the~~
 24 ~~violation of any regulation adopted pursuant to any provision of~~
 25 ~~this code.~~

26 ~~(b) The authority to issue a citation for a violation of any~~
 27 ~~provision of this code also includes the authority to issue a fix-it~~
 28 ~~ticket, in lieu of a fine. Any person who is issued a fix-it ticket in~~
 29 ~~lieu of a citation and fine shall have 30 days in which to correct~~
 30 ~~the violation before being issued the fine.~~

#6e3

Assembly Bill 1190 (Oberholte)

Department of Consumer Affairs:

BreEZe system: annual report

AMENDED IN ASSEMBLY MAY 2, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1190

Introduced by Assembly Member Obernolte

February 17, 2017

An act to add Section 210.5 to the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as amended, Obernolte. Department of Consumer Affairs: ~~BreEZe system: annual report.~~ *system.*

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the Department of Technology, formerly known as the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

~~This bill on and after July 1, 2018, would require the department to submit an annual report to the Legislature that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the department's's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.~~

This bill would require the Department of Consumer Affairs to publish, a minimum of once quarterly, prescribed information relating

to BreEZe on its Internet Web site, including the estimated start and completion date of the Department of Technology’s Project Approval Lifecycle (PAL) process for programs that were previously scheduled for the 3rd release of BreEZe, the status of programs that have started the process, and the results and recommendations made for each program that has completed the PAL process.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 210.5 is added to the Business and
2 Professions Code, to read:

3 210.5. (a) In connection with the department’s ongoing
4 commitment to provide quarterly and monthly updates to the
5 Legislature on the entities that were previously scheduled for the
6 third release of BreEZe, the department shall publish on its Internet
7 Web site the following:

8 (1) The estimated start and completion date of the Department
9 of Technology’s Project Approval Lifecycle process for the
10 programs that were previously scheduled for the third release of
11 BreEZe.

12 (2) The status of the programs that have started the project
13 approval process, including the programs’ current stage in the
14 process.

15 (3) The results and recommendations made for each program
16 that has completed the Department of Technology’s Project
17 Approval Lifecycle process, including the results of the alternatives
18 and cost-benefit analyses made during Stage 2 of the process.

19 (b) The department shall publish the information specified in
20 subdivision (a) a minimum of once quarterly.

21 ~~SECTION 1. Section 210.5 is added to the Business and~~
22 ~~Professions Code, immediately following Section 210, to read:~~

23 ~~210.5. (a) On or before July 1 of each year, commencing July~~
24 ~~1, 2018, the department shall submit an annual report to the~~
25 ~~Legislature that includes all of the following:~~

26 ~~(1) The department’s plan for implementing the BreEZe system~~
27 ~~at the regulatory entities in the department’s third phase of the~~
28 ~~implementation project, including, but not limited to, a timeline~~
29 ~~for implementation.~~

- 1 ~~(2) The total estimated costs of implementation of the BreEZe~~
2 ~~system at the regulatory entities in the department’s third phase~~
3 ~~of the implementation project and the results of any cost-benefit~~
4 ~~analysis the department conducted for the third phase of the~~
5 ~~implementation project.~~
6 ~~(3) A description of whether and to what extent the BreEZe~~
7 ~~system will achieve any operational efficiencies resulting from~~
8 ~~implementation by the boards and regulatory entities within the~~
9 ~~department’s jurisdiction.~~
10 ~~(b) The report described in subdivision (a) shall be submitted~~
11 ~~in compliance with Section 9795 of the Government Code.~~
12 ~~(c) For purposes of this section, “the regulatory entities in the~~
13 ~~department’s third phase of the implementation project” includes~~
14 ~~all of the following:~~
15 ~~(1) Acupuncture Board.~~
16 ~~(2) Board for Professional Engineers, Land Surveyors, and~~
17 ~~Geologists.~~
18 ~~(3) Bureau of Automotive Repair.~~
19 ~~(4) Bureau of Electronic and Appliance Repair, Home~~
20 ~~Furnishings, and Thermal Insulation.~~
21 ~~(5) Bureau for Private Postsecondary Education.~~
22 ~~(6) California Architects Board.~~
23 ~~(7) California Board of Accountancy.~~
24 ~~(8) California State Board of Pharmacy.~~
25 ~~(9) Cemetery and Funeral Bureau.~~
26 ~~(10) Contractors’ State License Board.~~
27 ~~(11) Court Reporters Board of California.~~
28 ~~(12) Landscape Architects Technical Committee.~~
29 ~~(13) Professional Fiduciaries Bureau.~~
30 ~~(14) Speech-Language Pathology and Audiology and Hearing~~
31 ~~Aid Dispensers Board.~~
32 ~~(15) State Athletic Commission.~~
33 ~~(16) State Board of Chiropractic Examiners.~~
34 ~~(17) State Board of Guide Dogs for the Blind.~~
35 ~~(18) Structural Pest Control Board.~~
36 ~~(19) Telephone Medical Advice Services Bureau.~~

#6e4

Assembly Bill 1340 (Maienschein)

Continuing medical education:
mental and physical health
care integration

ASSEMBLY BILL

No. 1340

Introduced by Assembly Member Maienschein
(Principal coauthor: Assembly Member Thurmond)
(Coauthors: Assembly Members Gallagher, Mathis, and Gipson)
(Coauthors: Senators Bates and Hertzberg)

February 17, 2017

An act to amend Section 2191 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as introduced, Maienschein. Continuing medical education: mental and physical health care integration.

The Medical Practice Act requires the Medical Board of California to adopt and administer standards for the continuing education of licensed physicians and surgeons and requires the board to require each licensed physician and surgeon to demonstrate satisfaction of the continuing education requirements at specified intervals. The act requires the board, in determining its continuing education requirements, to consider including courses on specified matters.

This bill would require the board to consider including in its continuing education requirements a course in integrating mental and physical health care in primary care settings, especially as it pertains to early identification of mental health issues in children and young adults and their appropriate care and treatment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2191 of the Business and Professions
2 Code is amended to read:

3 2191. (a) In determining its continuing education requirements,
4 the board shall consider including a course in human sexuality as
5 defined in Section 2090 and nutrition to be taken by those licensees
6 whose practices may require knowledge in those areas.

7 (b) The board shall consider including a course in child abuse
8 detection and treatment to be taken by those licensees whose
9 practices are of a nature that there is a likelihood of contact with
10 abused or neglected children.

11 (c) The board shall consider including a course in acupuncture
12 to be taken by those licensees whose practices may require
13 knowledge in the area of acupuncture and whose education has
14 not included instruction in acupuncture.

15 (d) The board shall encourage every physician and surgeon to
16 take nutrition as part of his or her continuing education, particularly
17 a physician and surgeon involved in primary care.

18 (e) The board shall consider including a course in elder abuse
19 detection and treatment to be taken by those licensees whose
20 practices are of a nature that there is a likelihood of contact with
21 abused or neglected persons 65 years of age and older.

22 (f) In determining its continuing education requirements, the
23 board shall consider including a course in the early detection and
24 treatment of substance abusing pregnant women to be taken by
25 those licensees whose practices are of a nature that there is a
26 likelihood of contact with these women.

27 (g) In determining its continuing education requirements, the
28 board shall consider including a course in the special care needs
29 of drug addicted infants to be taken by those licensees whose
30 practices are of a nature that there is a likelihood of contact with
31 these infants.

32 (h) In determining its continuing education requirements, the
33 board shall consider including a course providing training and
34 guidelines on how to routinely screen for signs exhibited by abused
35 women, particularly for physicians and surgeons in emergency,
36 surgical, primary care, pediatric, prenatal, and mental health
37 settings. In the event the board establishes a requirement for
38 continuing education coursework in spousal or partner abuse

1 detection or treatment, that requirement shall be met by each
2 licensee within no more than four years from the date the
3 requirement is imposed.

4 (i) In determining its continuing education requirements, the
5 board shall consider including a course in the special care needs
6 of individuals and their families facing end-of-life issues, including,
7 but not limited to, all of the following:

- 8 (1) Pain and symptom management.
- 9 (2) The psycho-social dynamics of death.
- 10 (3) Dying and bereavement.
- 11 (4) Hospice care.

12 (j) In determining its continuing education requirements, the
13 board shall give its highest priority to considering a course on pain
14 management.

15 (k) In determining its continuing education requirements, the
16 board shall consider including a course in geriatric care for
17 emergency room physicians and surgeons.

18 *(l) In determining its continuing education requirements, the*
19 *board shall consider including a course in integrating mental and*
20 *physical health care in primary care settings, especially as it*
21 *pertains to early identification of mental health issues in children*
22 *and young adults and their appropriate care and treatment.*

23
24 _____

25 **REVISIONS:**
26 **Heading—Line 3.**
27 _____

#6e5

Senate Bill 27 (Morrell)

Professions and vocations:

military service

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 27

Introduced by Senator Morrell

(Coauthors: Senators Bates, Berryhill, Nguyen, and Wilk)

*(Coauthors: Assembly Members Acosta, Baker, Chávez, Cunningham,
Lackey, Mathis, and Patterson)*

December 5, 2016

An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Morrell. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee or registrant whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license or registration without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist with, the initial licensure

process for an applicant who has served as an active duty member of the United States Armed Forces and was honorably discharged.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 114.6 is added to the Business and
2 Professions Code, to read:

3 114.6. (a) (1) Notwithstanding any other law, every board
4 within the department shall grant a fee waiver for the application
5 for and issuance of an initial license to an applicant who supplies
6 satisfactory evidence to the board that the applicant has served as
7 an active duty member of the California National Guard or the
8 United States Armed Forces and was honorably discharged.

9 (2) For purposes of this section, “satisfactory evidence” means
10 a completed “Certificate of Release or Discharge from Active
11 Duty” (DD Form 214).

12 (b) (1) A veteran shall be granted only one fee waiver, except
13 as specified in paragraph (2). After a fee waiver has been issued
14 by ~~any~~ a board within the department, the veteran is no longer
15 eligible for a waiver.

16 (2) If a board charges a fee for the application for a license and
17 another fee for the issuance of a license, the veteran shall be granted
18 fee waivers for both the application for and issuance of a license.

19 (3) The fee waiver shall apply only to an application of and a
20 license issued to an individual veteran and not to an application
21 of or a license issued to an individual veteran on behalf of a
22 business or other entity.

23 (4) A fee waiver shall not be issued for any of the following:

24 (A) Renewal of a license.

- 1 (B) The application for and issuance of an additional license, a
- 2 certificate, a registration, or a permit associated with the initial
- 3 license.
- 4 (C) The application for an examination.

O

#6e6

Senate Bill 572 (Stone)

Healing arts licensees:

violations: grace period

AMENDED IN SENATE MARCH 27, 2017

SENATE BILL

No. 572

Introduced by Senator Stone

February 17, 2017

An act to add Article 16 (commencing with Section 870) to Chapter 1 of Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 572, as amended, Stone. Healing arts licensees: violations: grace period.

Existing law provides for the licensure and regulation of various healing arts professions by various boards, as defined, within the Department of Consumer Affairs. Existing law imposes certain fines and other penalties for, and authorizes these boards to take disciplinary action against licensees for, violations of the provisions governing those professions.

This bill would prohibit the boards from taking disciplinary action against, or otherwise penalizing, healing arts licensees who violate those provisions but correct the violations within ~~15 days~~, *days and who are not currently on probation at the time of the violations*, if the violations did not cause irreparable harm and will not result in irreparable harm if left uncorrected for 15 days.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 16 (commencing with Section 870) is
2 added to Chapter 1 of Division 2 of the Business and Professions
3 Code, to read:

4

5

Article 16. Grace Period for Violations

6

7

8

9

10

11

870. Notwithstanding any other law, a person with a license
issued pursuant to this division shall not be subject to disciplinary
action by, or otherwise penalized by, the board that issued the
license for a violation of a provision applicable to the license if
~~both~~ *all* of the following apply:

12

13

14

15

16

- (a) The violation did not cause any irreparable harm and will not result in irreparable harm if left uncorrected for 15 days.
- (b) ~~The person~~ *licensee* corrects the violation within 15 days.
- (c) *The licensee is not currently on probation at the time of the violation.*

#6e7

Senate Bill 762 (Hernandez)

Healing arts licensees:

License activation fee: waiver

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 762

Introduced by Senator Hernandez

February 17, 2017

An act to amend Section 704 of the Business and Professions Code, relating to ~~workforce development~~: *healing arts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Hernandez. ~~Health care workforce development~~. *Healing arts licensee: license activation fee: waiver.*

Existing law requires a healing arts board, as defined, to issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by the board. Existing law requires the holder of an inactive license or certificate to, among other things, pay the renewal fee in order to restore his or her license or certificate to an active status. Existing law requires the renewal fee to be waived for a physician and surgeon who certifies to the Medical Board of California that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

This bill would require the renewal fee to be waived for any healing arts licensee who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

~~The federal Workforce Innovation and Opportunity Act of 2014 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified, and establishes local workforce investment boards to perform duties related to the implementation and coordination of local workforce investment activities. Existing law requires local workforce investment boards to spend a minimum percentage of specified funds for adults and dislocated workers on federally identified workforce training programs and allows the boards to leverage specified funds to meet the funding requirements, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation relating to health care workforce development.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 704 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 704. In order for the holder of an inactive license or certificate
4 issued pursuant to this article to restore his or her license or
5 certificate to an active status, the holder of an inactive license or
6 certificate shall comply with ~~all~~ *both* the following:

7 (a) Pay the renewal fee; provided, that the renewal fee shall be
8 waived for a ~~physician and surgeon~~ *healing arts licensee* who
9 certifies to the ~~Medical Board of California~~ *board* that license
10 restoration is for the sole purpose of providing voluntary, unpaid
11 service to a public agency, not-for-profit agency, institution, or
12 corporation ~~which~~ *that* provides medical services to indigent
13 patients in medically underserved or critical-need population areas
14 of the state.

15 (b) If the board requires completion of continuing education for
16 renewers of an active license or certificate, complete continuing
17 education equivalent to that required for a single license renewal
18 period.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~
20 ~~legislation relating to health care workforce development.~~

O

#10

Approval of February 24, 2017

Board meeting minutes



**California Acupuncture Board
Public Board Meeting
DRAFT Meeting Minutes
February 24, 2017**

**LOCATION:
1747 NORTH MARKET BOULEVARD
HQ2 HEARING ROOM
SACRAMENTO, CA 95834**

Board Members Present

Jamie Zamora, Vice President, Public Member
Kitman Chan, Public Member
Dr. Michael Corradino, DAOM, Licensed Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Dr. Amy Matecki, M.D., L.Ac, Licensed Member

Board Member Absent

Hildegarde Aguinaldo, President, Public Member

Legal Counsel Present

Kelsey Pruden

Staff Present

Ben Bodea, Executive Officer
Kristine Brothers, Enforcement Coordinator
Jay Herdt, Education Coordinator
Marc Johnson, Policy Coordinator

Guest List on File

Acupuncture Board Members

*Hildegarde Aguinaldo, President, Public Member
Jamie Zamora, Vice President, Public Member
Kitman Chan, Public Member
Dr. Michael Corradino, DAOM, Licensed Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Dr. Amy Matecki, M.D., L.Ac, Licensed Member*

FULL BOARD MEETING – 9:30 AM

Agenda Item #1 – Call to Order, Roll Call and Establishment of a Quorum

Vice President Jamie Zamora (VP Zamora), acting as meeting chair in place of President Hildegarde Aguinaldo, who was absent, called the meeting to order at 9:30am. Policy Coordinator Marc Johnson (Johnson) called the roll.



Members Present: 6 - Zamora, Chan, Corradino, Hsieh, Kang, Matecki. Members Absent: 1 – Aguinaldo. **6-1 Quorum established.**

Agenda Item #2 – Opening Remarks

VP Zamora welcomed everyone to the meeting and noted President Hildegard Aguinaldo was absent from the meeting. He also announced that public comments were limited to two minutes per speaker. Finally, he announced Agenda Item # 10 and #11 being moved to the start of the meeting, and that Agenda Item #12 was going to be postponed. Agenda Item #13 was moved to the end of the meeting.

Agenda Item #3 – Public Comment for items not on Agenda

There were no public comments made.

(Moved up) Agenda Item #10 – Presentation by DCA’s Division of Investigation (DOI)

Rex Cowart, North Area Commander for DCA’s DOI, and Stephanie Whitley, Supervisor for DOI, gave a presentation on DOI’s role and services offered to the Board.

Public comment was taken on the item. A question was asked about how inter-agency complaints made to DCA were handled. Another commenter was concerned about other Boards not communicating with the Acupuncture Board on enforcement issues. Board Member Michael Corradino (Corradino) expressed concern on this issue too. Executive Officer Ben Bodea (EO Bodea) said the Board would work to open up more lines of communication with other Boards. A third comment was made regarding licensees working in Federal facilities.

(Moved Up) Agenda Item #11 – Presentation Regarding the Board’s Budget from the Department of Consumer Affairs’ Budget Office

Matt Nishimine (Nishimine), from DCA’s Budget office, presented on the Board’s budget and fiscal health. He noted there were really no changes to the 2016/2017 budget from the Governor’s budget which was released. He reported that fiscally, the Board was doing very well, and that the numbers presented were on the conservative side, except for the enforcement costs which were a bit higher.

Board Member Kitman Chan (Chan) felt the numbers showed expenditure over revenue – by \$700,000 by his estimate. He worried the Board would run out of money by 2018. He wondered if the budget could be revised. Nishimine replied that while the Board does have a known structural imbalance, there was a significant reserve (12 months) in the budget through 2018, and most Boards had fewer than six. He also noted there



would be a yearly appropriation which helps the situation, but the imbalance would remain and the Board would have to either reduce expenses or increase fees in the future.

A public comment was made wondering about the General Fund repayment to the Board.

Agenda Item #4 – President’s Report

VP Zamora had nothing to report.

Agenda Item #5 – Election of Officers

Due to the absence of Hildegard Aguinaldo, VP Zamora proposed moving the elections to the next scheduled meeting.

MOTION: VP Zamora made a motion to table the Election of Officers until the next scheduled Board meeting. Member Chan seconded the motion. Vote: Aguinaldo – ABSENT; Zamora – YES; Chan – YES; Corradino – YES; Hsieh – YES; Kang – YES; Matecki – ABSTAIN. 6-0-1 MOTION PASSES.

Agenda Item #6 – Staff Reports

a. Executive Officer’s Report (Bodea)

Executive Officer Benjamin Bodea (EO Bodea) reported the following:

1. Staff Update – The Board has put out hiring offers for two open Exam and Education analyst staff positions, and was expecting the process to finalize in the next month.
2. Budget Update – EO Bodea referred to Nishimine’s presentation and that the Board was doing well for a state agency.

b. Enforcement Reports (Brothers)

Enforcement Coordinator Kristine Brothers (Brothers) provided the enforcement report. She noted from the dates of October 1, 2016 through December 31, 2016, the Board had 85 complaints received and 73 were closed or referred for investigation. The Board has 124 investigations pending, and 71 investigations were closed. The average days from complaints receipt to closure of the investigation was 145 days. She also reviewed complaint trends, noting a drop in unprofessional conduct complaints.

Several public comments were made in support of the enforcement work done by the Board.

CALIFORNIA ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



Johnson then gave a brief report on a letter sent to all licensees regarding new Board regulations on the Consumer Protection Enforcement Initiative and BPC 138. He noted the letter was also available on the Board's website and a FAQ was being developed on the issue.

A public comment was made thanking the Board for the letter mailed.

c. Education Report (Herdt)

Education Coordinator Jay Herdt (Herdt) gave the Education report. He updated the Board on the ongoing collaboration between the Bureau for Private Postsecondary Education (BPPE) and the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) to facilitate the implementation of Senate Bill 1246. There was a question about completing curriculum reviews within 30 days as required by SB 1246, but Herdt said the Board should have no problem doing so.

For continuing education operations, Herdt noted the unit continues to process a high volume of applications for CE course, an average of 280 per month, and felt the processing times were improving with additional staff. He also updated the Board on the Tutorial Program with 49 active tutorials currently in progress.

A public comment was made raising concern about the schools listed on the Board website as being in compliance.

d. Regulatory Update

Johnson presented the status of current regulatory packages approved by the Board.

Public Comment was taken on these agenda items. One commenter urged the Board to allow only Acupuncture Schools to be CE providers, another disagreed and felt associations can be good CE providers. Another commenter asked if the Occupational Analysis be offered in multiple languages. Several commenters urged the Board to adopt guidelines about CE providers and to review the high number of providers.

e. Legislative Update

Johnson reviewed legislation of interest to the Board. He highlighted SB 27, which would allow applicants for licensure who served in the military a waiver for their license fees. No positions were taken on Legislation.

A public comment was made urging the Board to support SB 27.

Agenda Item #7 – Presentation on the Role of a Regulatory Board (Pruden)

Legal Counsel Kelsey Pruden (Pruden) gave a presentation on the role of a Regulatory Board in California.



A public comment was made asking why there has not been more legislative action by the Board. Another commenter brought up the issue of cupping.

Agenda Item #8 – Discussion of “Dry Needling” or Unlicensed Individuals Applying a Needle to the Human Body

EO Bodea opened on the issue of dry needling by other practitioners including Physical Therapists by referencing Business and Professions Code Section 4927 – the Board’s legislatively defined scope of practice -- and Board regulations on the training for acupuncturists. Board Member Michael Corradino (Corradino) noted there has been a lot of talk about this from the public and practitioners. He felt the topic was a bit of a slippery slope, and something the Board had to be careful with since no profession wants to limit any other profession from what they do. He also noted the Board cannot take requests from practitioners to fight for them for their scope of practice.

Counsel Pruden agreed and reminded the Board to be cautious of their discussion on the topic, esp. in light of the North Carolina versus the Dental Board Examiners case. In response to a question from VP Zamora, she noted the Board can investigate complaints on unlicensed practice. She also pointed out that if the Board decided to act on the issue in some manner, it would be best to have Legal Counsel look into the different avenues and actions beforehand. VP Zamora agreed and stated the Board would not be making a decision on anything. EO Bodea noted he was in contact with other Boards regarding this issue.

Board Member Jeannie Kang (Kang) observed there were a number of professional organizations and schools attending the meeting, and encouraged them to continue the conversation on this topic. She pointed out there was only so much the Board could do, and urged them to do diligent research on the issue.

VP Zamora introduced Jason Kaiser, (Kaiser) the Executive Officer of the Physical Therapy Board, who was invited by EO Bodea to attend the meeting. Kaiser noted that tissue penetration by a physical therapist is prohibited unless under specialty certification for either kinesiological electromyography or electro neuromyography. He also noted the PT Board has not received a complaint about physical therapists performing dry needling. He said physical therapists who may have been reported to do dry needling at Federal Veterans Hospitals are under the auspices of the US Military and often are not even licensed in California to do so, but may be under the respective state they are in. EO Kaiser also referred to the physical therapy scope of practice, beginning with BPC Section 2620.

Public Comment was taken on the item. The first commenter noted the Board is protecting the public interest. The second commenter asked the Board make an official statement on the issue. Another comment was made wondering who to submit a



complaint to and with which Board. Additional comments were made by an attorney who was involved in the lawsuit in California to prevent certain people from performing dry needling. He felt the Board did not have to worry too much about being sued individually on this issue. Another commenter felt dry needling was acupuncture and asked the Board to define it better. Further comments were made in support of educating the public more on the issue, and making dry needling a subject for acupuncture training.

VP Zamora closed the discussion by asking Legal Counsel to perform more research on the issue and come back to the Board at a later date.

Agenda Item #9 –Presentation Regarding How to Conduct a Meeting in Accordance with the Bagley-Keene Open Meeting Act (Pruden)

Counsel Pruden gave a presentation to the Board about the Bagley-Keene open meeting act and how the laws apply to the Board.

A public comment was made asking the Board to post the meeting agendas online sooner.

Agenda Item #14 – Consideration and possible action on proposed amendments to Title 16, CCR Section 1399.469 - Disciplinary Guidelines (Brothers and Johnson)

Johnson provided an overview of the Guidelines and the history of the issue. He noted the current Guidelines date to 1996 and an update was needed. The rulemaking package was reviewed by the Enforcement Committee in December and was approved with minor changes for staff to make prior to presentation to the full Board. He read aloud the changes to the proposed regulatory text in California Code of Regulations (CCR) Section 1399.469.

Brothers then began the presentation of the Guidelines document for the Board. She provided an overview of the changes requested in the Guidelines by the Committee to conditions number two, four, ten, eleven and twelve. Counsel Pruden advised the Board to review the entire document, not just the changes requested by the Committee. VP Zamora referred the Board members to the memo in the Board packet and asked to review the Guidelines page by page.

The Board began review of the Guidelines. Counsel Pruden asked if the Board might want to separate practice and billing monitor. Brothers replied that the monitor typically submits the plan to the Board, and the Board has the final say about the plan. She advised deleting the paragraph on page 9 of the Guidelines and restoring the phrase "once approved, the monitor shall submit to the Board a plan by which respondent's practice shall be monitored" and adding in "and the Board or its designee shall approve

CALIFORNIA ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



such a plan". Under optional condition #12, Vice President Zamora asked about marijuana if the respondent was legitimately prescribed as part of treatment. Counsel Pruden replied the law was changing constantly on the issue, but marijuana should be treated just like alcohol and it would be prudent to be added into the condition. Board agrees with the changes.

A public comment was made asking about the length of time licensees must be licensed in order to be a probation monitor. There was concern that new licensees would be monitoring a licensee who has been practicing for much longer. VP Zamora noted the Board has a vetting process for the monitors and thus far have not had any problems in this area.

Brothers continued review of the document. Counsel Pruden suggested adding "respondent at all times must maintain a clear and active license with the Board" into standard condition #21 and standard condition #23. She also suggested changing "valid" to "clear and active" throughout the document to better identify licensees. There was some discussion about inactive licensees who may be on probation; Brothers noted that inactive license status might make some of the probationary conditions moot, however the Board would still have jurisdiction over them. Counsel Pruden felt the status was okay either way, but licensees would still need to maintain an active license for purposes of rehabilitation. She also noted that the Guidelines could be deviated from at the Board's discretion.

Discussion turned to the recommended action by violation section of the Guidelines. Board Member Kang asked about the range of penalties for advertising, specifically BPC 651 referenced in the Guidelines. Counsel Pruden explained the range was standard, but recommended duplicating BPC Section 4955(c) in place of 651 in the Guidelines, with 3 years maximum and 1 year minimum. Board agrees. VP Zamora reviewed the remaining action by violation section and then the last sections of the Guidelines. There were no further changes made.

Public comment was taken. The first comment had concern about the definition of unprofessional conduct and the understanding of what that meant. He also had concern about advertising regulations and wanted to see changes.

*MOTION: VP Zamora made a motion to approve the proposed regulatory text for CCR Section 1399.469 and the proposed 'Acupuncture Board Disciplinary Guidelines Revised December 2016' as incorporated by reference with the changes made here today, and delegate the authority to the Executive Officer to make any technical and non-substantive changes that may be required and to adopt the proposed regulatory changes. Member Kang seconded the motion. Vote: Aguinaldo – ABSENT; Zamora – YES; Chan – YES; Corradino – YES; Hsieh – YES; Kang – YES; Matecki – YES. **6-0-1 MOTION PASSES.***



Agenda Item #15 – Review and Approval of December 14, 2016 Board Meeting Minutes (Johnson)

Johnson presented the December 14, 2016 Board meeting minutes. There were no changes made.

MOTION: VP Zamora made a motion to approve the December 14, 2016 Board meeting minutes. Member Kang seconded the motion. Vote: Aguinaldo – ABSENT; Zamora – YES; Chan – YES; Corradino – ABSTAIN; Hsieh – YES; Kang – YES; Matecki – YES. 5-0-1-1 MOTION PASSES.

Agenda Item #16 – Scheduling of 2017 Board and Committee Meeting Dates

VP Zamora scheduled future full Board meeting dates for Friday, May 5th, 2017 in Los Angeles; Friday, September 8, 2017 in San Diego and Friday, November 3, 2017 in Oakland.

Agenda Item #17 – Future Agenda Items

Member Corradino asked the Board to make a statement on the issue of dry needling as a future agenda item, and for staff to provide an update on the transition from the CALE to the NCCAOM exam. He also asked the Board to pursue further regulations on Acupuncture Advertising, and a committee meeting on scope of practice and further clarification on scope issue. Member Kang asked to form an ad-hoc committee to review the 'Consumer's Guide to Acupuncture' publication.

Public comment was made on future agenda items. The first comment noted the NCCAOM had more herbal testing than the CALE, and wants the Board to address the issue. A second commenter wants the Consumer's Guide to Acupuncture re-issued, further discussion on advertising, and a statement made by the Board on dry needling and manual therapy. A third comment was made asking the Board to look into enforcement of herbs and traumatology. Another comment was made referring the Board to a study on dry needling made by the CCAOM.

CLOSED SESSION

Agenda Item #13 -- Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters Including Petitions, Proposed Decisions, Stipulated Settlements, Defaults, and Any Other Disciplinary Matters

The Board went into closed session on this item.



OPEN SESSION

Upon completion of the closed session, VP Zamora adjourned the meeting.

ADJOURNMENT at 4:15pm.