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**CALIFORNIA ACUPUNCTURE BOARD  
FULL BOARD MEETING NOTICE AND AGENDA**

**Thursday, August 11, 2022  
9:00 a.m. to 5:00 p.m. or upon completion of business**

**Location: WebEx Teleconference**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=meccc243ae34852a80d322bb0f3971b99>

If joining using the link above  
Webinar number: 2499 387 4742  
Webinar password: CAB08112022

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+1-415-655-0001 US Toll  
Access code: 249 938 74742  
Passcode: 22208112

**Pursuant to statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.**

**Important Notice to the Public**

**The Acupuncture Board (Board) will hold a public meeting via WebEx Events. To access and participate in the meeting, please log on to the website listed under Location on the day of the meeting. Instructions to connect to the meeting can be found at the end of this agenda.**

**ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA.**

**Members of the Board**

John Harabedian, Esq., President  
Ruben Osorio, Vice President  
Dr. Amy Matecki, M.D., L.Ac.  
Dr. Yong Ping Chen, L.Ac., Ph.D  
Hyun "Francisco" Kim, M.S., L.Ac.  
Dr. Shu Dong Li, Ph.D

- 1. Call to Order, Roll Call, and Establishment of Quorum (John Harabedian, President)**
- 2. President's Remarks (Harabedian)**
- 3. Petition for Reinstatement – 9:30a.m. Jian Wei Shou (AC 15022)**

**CLOSED SESSION**

4. Pursuant to Government Code section 11126, subdivision (c)(3), the Board will convene in closed session to deliberate on a decision to be reached in the above petition.

#### RECONVENE OPEN SESSION

5. Review and Possible Approval of the March 25, 2022, Board Meeting Minutes (Harabedian)
6. Executive Management Report
  - (A) Budget Update
  - (B) Staffing Update
  - (C) Facilities Update
  - (D) Business Modernization Update
  - (E) Licensing Report Q3 and Q4 Fiscal Year 2021-2022
  - (F) Enforcement Report Q3 and Q4 Fiscal Year 2021-2022
  - (G) Sunset Report Update
7. Legislative Report and Discussion, Update and Possible Action on 2022 Legislative Bills of Interest to the Board (Bodea)
  - i. AB 225 (Gray) DCA: Board: Veterans: Military Spouses: Licenses
  - ii. AB 646 (Low) DCA: Boards: Expunged Convictions
  - iii. AB 1604 (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications
  - iv. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction
  - v. AB 1733 (Quirk) State Bodies: Open Meetings
  - vi. AB 2600 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
  - vii. SB 731 (Durazo) Criminal records: relief
  - viii. SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees.
  - ix. SB 1237 (Newman) Licenses: Military Service
  - x. SB 1365 (Jones) Licensing Boards: Procedures
8. Regulatory Update (Bodea)
  - i. Fee Waiver for Licensure of Military Spouses/Partners and Application for Licensure (Title 16 CCR sections 1399.413, 1399.419, new section 1399.)
  - ii. Temporary Licensure of Military Spouses/Partners (Title 16 CCR sections 1399.413, 1399.419)
  - iii. Section 100 Clean-up Text and Forms ("B" for "b") (Title 16 CCR sections 1399.400 through 1399.489.1 inclusive)
  - iv. Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)
  - v. Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.415, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439)
  - vi. Application Process for Licensing Examination and Re-examination, and Criteria,

and Procedures for Approval of a Credential Evaluation Service (Adopt Text to Add Sections 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419 419 in Title 16 of the CCR)

- vii. Application for Retired Status; Retired Status (Title 16 CCR section 1399.419.3)
- viii. Continuing Education Requirements (Title 16 CCR sections 1399.483, 1399.489)
- ix. Standards of Practice for Telehealth Services (Title 16 CCR section 1399.452.1)
- x. Hand Hygiene Requirements (Title 16 CCR section 1399.451)

**9. Discussion and Possible Action Not to Pursue Proposed Regulations on Prohibited Sexual Acts**

**10. Public Comments for Items Not on the Agenda (Harabedian)**

*The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7(a).)*

**11. Future Agenda Items (Harabedian)**

**12. Adjournment (Harabedian)**

Informational Notes:

Discussion and action may be taken on any item on the full board meeting agenda. The agenda, as well as any available Board meeting minutes and materials, can be found on the California Acupuncture Board website: [www.acupuncture.ca.gov](http://www.acupuncture.ca.gov).

The time and order of agenda items are approximate and subject to change at the discretion of the Board President; agenda items scheduled for a particular day may be moved or continued to an earlier or later noticed meeting day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. 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 follow the log-in instruction listed above. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time for the same meeting. (Gov. Code, §§ 11125, 11125.7(a).)

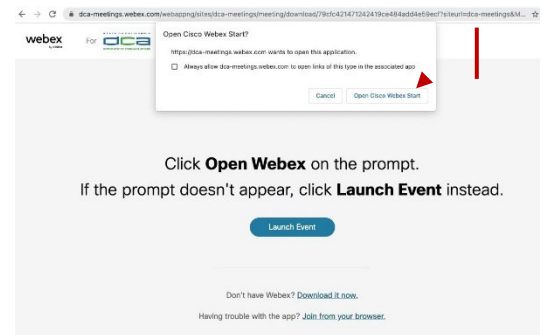
Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact the Board at (916) 515-5200; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.

### If joining using the meeting link

1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented.

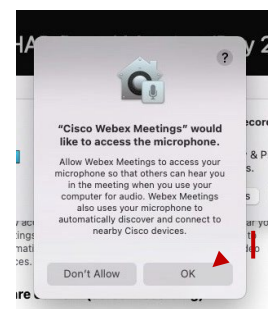
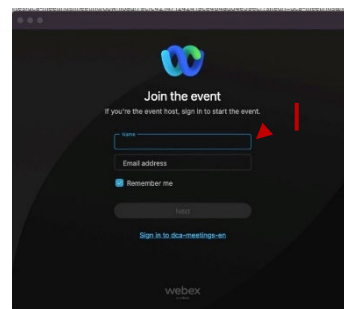
DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



3 Enter your name and email address.

Click “Join as a guest” .

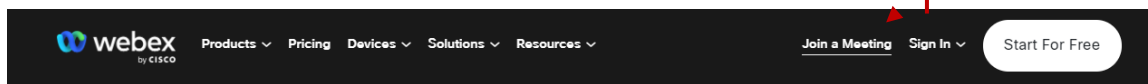
Accept any request for permission to use your microphone and/or camera.



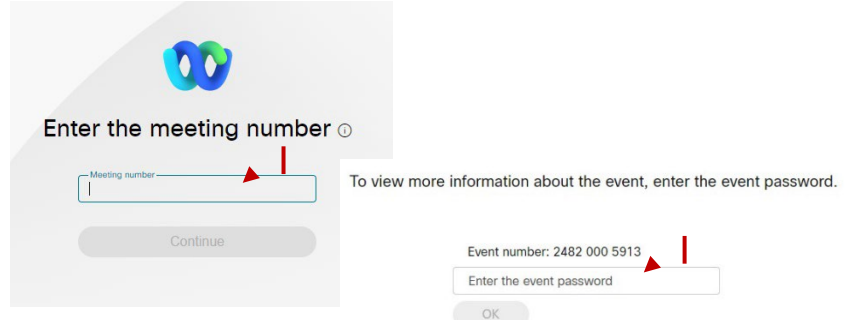
OR

### If joining from [Webex.com](https://www.webex.com)

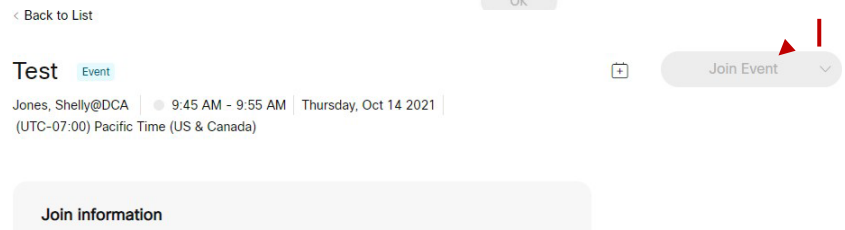
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue” . Enter the event password and click “OK” . This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event” .



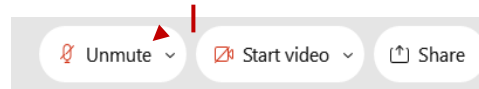
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### Connect via telephone:

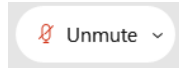
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

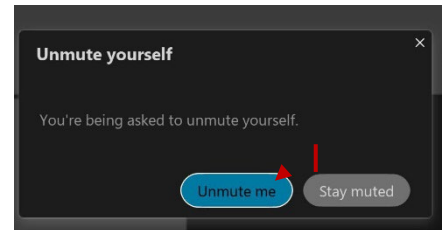


Green microphone = Unmuted: People in the meeting can hear you.



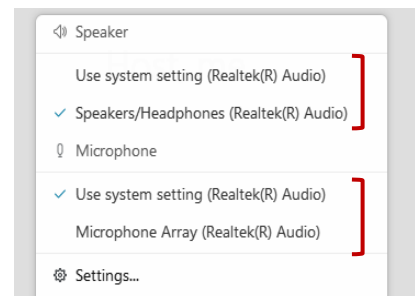
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



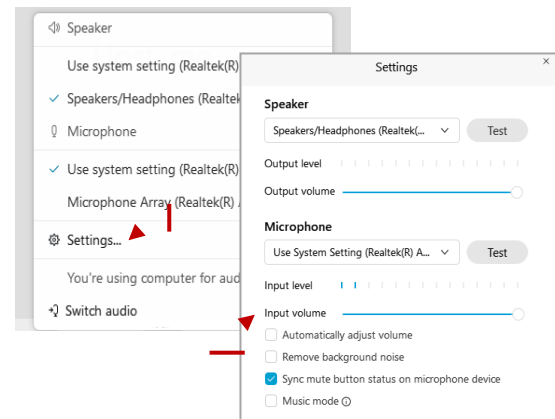
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

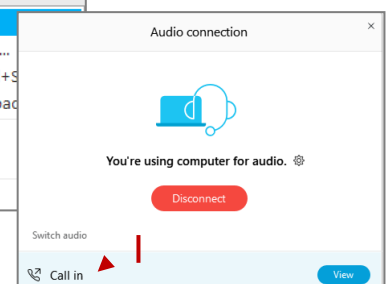
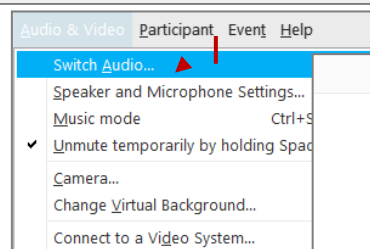
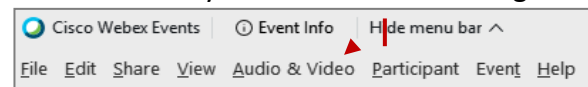
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

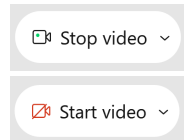
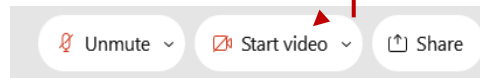
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.

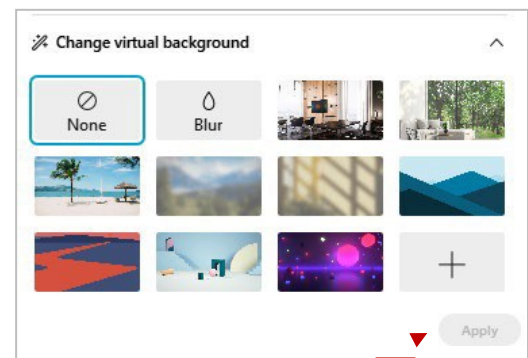
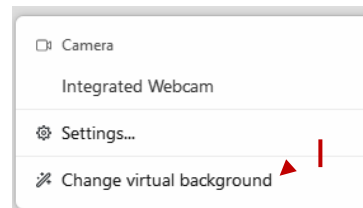


Green dot in camera = Camera is on: People in the meeting can see you.

Red dot in camera = Camera is off: No one in the meeting can see you.

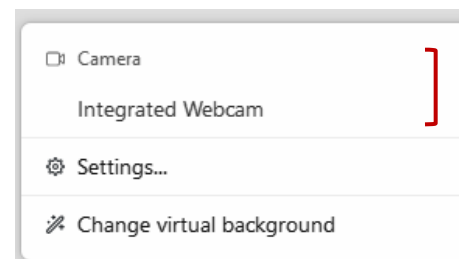
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.





## BOARD MEETING MINUTES March 25, 2022

### LOCATION:

Web Ex Teleconference

#### Staff Present

**Benjamin Bodea**, Executive Officer  
**Fred Chan-You**, Legal Counsel  
**Jay Herdt**, Licensing Manager  
**Marisa Ochoa**, Central Services Manager

#### Members of the Board

**John Harabedian**, Esq. President  
**Ruben Osorio**, Vice President  
**Dr. Yong Ping Chen**, Ph.D., L.Ac.  
**Hyun “Francisco” Kim**, M.S., L.Ac.  
**Shu Dong Li**, Ph.D.  
**Dr. Amy Matecki**, M.D., L.Ac.

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

Meeting commenced at 9:30 a.m.  
Roll call taken. All members present. Quorum established.

### Item 2 – President’s Remarks

President Harabedian welcomed members, staff, and the public to the meeting.

### Item 3 – Approval of Minutes

Board members reviewed the minutes from the December 2021 meeting.

### MOTION

Dr. Matecki motioned to approve the December meeting minutes.  
Harabedian seconded it.  
No public comment.

Yes: Harabedian, Osorio, Matecki, Kim, Chen, Li

**Motion Passes**

### Item Number 4 - Executive Management Report

#### (A) Budget Update

DCA budget analyst, Jennifer Thompkins provided the Board the budget update noting that the Board is in a good condition.

#### (B) Staffing Update

The Board is conducting interviews for the enforcement analyst position. Additionally, the two limited-term positions attached to the approved Business Modernization budget change proposal has expired.

### **(C) Facilities Update**

The Board's office relocation continues to be delayed due to pending permit approvals and the need for a small redesign requiring the development of a second exit for emergency purposes. The tentative move-in date is late June or July.

### **(D) Business Modernization (BizMod) Update**

Mr. Herdt shared that in the last quarter, the BizMod team has been able to refine a number of existing functionality, including licensing renewal processes, exam application processes, and the Licensing unit fulfilling printing issues that were impacted by when the Employment Development Department ended the contract to print the Board's licenses. The Board has begun working with the DCA to address this need and is contracting with a new print vendor.

The Board has now begun developing the continuing education module which will include the ability for CE Providers to apply for initial approval as a provider, provider renewal applications, as well course applications. Each of these processes will allow for credit card payments with a tentative go live date for May.

Following the roll out of the CE processes, BizMod staff will move on to more business processes that can be applied and paid for online, such as name change or license verifications. The next major module to develop will be the enforcement module, which has already been fully developed for another board in our cohort, and staff anticipates this will expedite its implementation at the Acupuncture Board.

### **(E) Licensing report Q2 FY 2021 - 2022**

Mr. Herdt noted that the report now includes an additional licensing status, that of 'clear'. Clear refers to an active license - any license that can be renewed. This would figure into the total of active, inactive, and delinquent licenses because all those licenses could be renewed.

Mr. Herdt reviewed the data for Licensing, Continuing Education, Tutorial, and training programs.

Mr. Herdt reviewed the examination statistics, identifying an overall pass rate of 74%. For the language statistics of Quarter One and Quarter Two of 2021-2022 Fiscal Year, Chinese language test takers passed at 76%, English language test takers at 73%, and Korean language test takers at 74%.

### **(F) Enforcement Report Q2 FY 21/22**

Executive Officer (EO) Bodea reviewed the Complaints/Convictions and Investigations data for the Quarter Two of 2021-2022 Fiscal Year (October 1 – December 31, 2021).



EO Bodea noted that he and staff have been working hand-in-hand with the Division of Investigation to ensure that the Board staff have adequate training to address complaints and investigations timely, effectively, and accurately.

### **(G) Sunset Report Update**

EO Bodea shared that staff began working on the Sunset report last summer, then Senate Bill 607 passed extending the Board's Sunset date one more year. Board Staff will be continuing working on the Sunset report this year and including this last fiscal year's data for the report resulting in the Board reporting on five years since the last Sunset Review. EO Bodea also noted that the report format will be changing, however, until the new template is released, the Board will continue to address the old format, as a lot of the data will be similar

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**President Harabedian calls for recess until 10:40.**

**Meeting Resumes at 10:43.**

**Roll call vote taken, all members present, quorum established.**

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### **Item 5 - Legislative Report**

EO Bodea reviewed the legislative calendar for 2022. He then reviewed the bills carried over from 2021 that failed to be taken up in 2022 and now considered dead, including AB 2, AB 29, AB 810, AB 885, AB 918, AB 1026, AB 1236, AB 1386, AB 1468 and SB 772.

EO Bodea then reviewed the bills of interest that have been introduced by the Legislature in the 2022 calendar year.

**AB 1604**, the Upward Mobility Act of 2022, boards and commissions, civil service examinations and classifications by Holden. Staff did not have a recommended position.

**AB 1662**, license boards, disqualification from licensure, criminal conviction by Gibson. Staff recommendation is watch.

**AB 1733**, state bodies, open meetings. Staff recommendation is watch in the report, but EO Bodea recommended a support position for increasing access to Board meetings for the public and Board members as well as reducing travel and accommodation costs.

**MOTION**

Member Matecki motioned that the Acupuncture Board take a support position on AB 1733 for the reasons discussed by members and reflected in the staff memo.

Member Chen seconded.

No Public comment received.

Vote

Yes: Harabedian, Osorio, Matecki, Chan, Kim, Li

### **6 - 0 Motion Passes**

**SB 1031**, healing arts boards, inactive license fees, by Ochoa-Bogh, introduced February 15th of this year. Staff recommended an oppose position as this bill creates a significant decrease in revenue and significantly impacts the Board's fund condition without creating a decrease in the Board's workload.

### **MOTION**

Member Chen motioned that the Acupuncture Board take an Oppose position to AB 1031 (Ochoa-Bogh) for the reasons discussed by the Board and as reflected in the staff memo.

Member Osorio Seconded

No public comment received

Vote

Yes: Harabedian, Osorio, Matecki, Chen, Kim, Li

### **6 – 0 Motion Passes**

### **Item 6 - Regulations Update**

EO Bodea summarized the status of the Board Regulatory packages as of the meeting date. No comments from the Board or the public were received.

### **Item 7 - Discussion of Proposed Acupuncture Curriculum Requirements Stakeholder Meeting**

At the December 2021 meeting, the Board motioned to hold a stakeholder meeting on Acupuncture curriculum required for licensure. EO Bodea noted that this item is part of the Board's strategic plan to review its current educational curriculum requirements.

EO Bodea shared that the Board is partnering with the Department of Consumer Affairs SOLID office to conduct a stakeholder meeting on May 20th with the question of what modifications to the currently approved California acupuncture curriculum requirements would people recommend and why. Electronic notifications are being drafted to be sent to all licensees, training programs, and the stakeholder list.

EO Bodea shared that the meeting will be held over WebEx and is scheduled for May 20th. Board members aren't required to attend but can observe. The public would be able to submit documentation for their position to the Board prior to the meeting but encouraged participation at the stakeholder meeting.

Member Matecki asked if it is appropriate to discuss the tutorial curriculum requirements at this time. President Harabedian and EO Bodea agreed. EO Bodea suggested that the topics be addressed on separate days

A public comment was received from Neal Miller, representing Cal ATMA, applauding the Board for listening to the stakeholders calling for curriculum review. He noted this question has been coming up since the early 1990s when it was addressed in the Little Hoover Commission, urging the Board to review its documents from this time as it captured the discussion on curriculum. He noted that what this Board came up with in the mid-'90s hasn't changed. He highlighted the result from the 2021 occupational analysis, showing that 25% of the people who participated in the survey felt that the education was not enough to be successful in practice, or to be an integrated practitioner. He surmised that the other 75% don't know that they need more education because they haven't been exposed to the high level of education others in the profession have attained noting that new competencies should be included in the curriculum requirements for licensure.

Member Kim shared that it would be prudent to review the Little Hoover Commission reports but thirty years and the Board should consider the new information the stakeholder meeting and curriculum requirement survey provides.

Member Chen stated that the Board's mandate is to protect the consumer and the public by regulating the profession for safe and competent practice of acupuncture. Some stakeholders have discussed degree requirements. The Board's authority is over the curriculum, not the degree, and as it pertains to curriculum, it is critical for the Board to hear from the stakeholder, but when it comes to degree requirements, stakeholders would need to seek a legislative change. Thus, the Board should focus on the curriculum.

Dr. Matecki asked if the question of so many degree names for TCM/acupuncture, such as DTCM, DACM, DAOM, DAHM, could also be addressed in the stakeholder meeting.

EO Bodea replied that the Board doesn't have authority over degrees; only the curriculum requirements. He recommended the Board focus on the curriculum but that it is likely that stakeholders will provide comments during the survey or meeting. He also noted that the Accreditation Commission for Acupuncture and Herbal Medicine, ACAHM, are responsible for the degree naming convention and have spoken before the Board on this matter.

Dr. Matecki stated that with so many degree names for acupuncture education it may be confusing to the public and therefore a possible public protection issue. She requested that the Board invite ACAHM to discuss this matter further.

Mr. Herdt added that the ACAHM's degree-naming conventions, for the research doctorate that's done after licensure - that's the DAOM - that degree title is just limited to that one title. But for all of the masters' programs that are approved, and the first professional doctorates approved, it's up to the program that's applying to provide their degree name. He noted that ACAHM has been working with its stakeholders with the naming convention challenge for a good ten years and a simple standard hasn't been settled on. Ultimately it is in the accreditor's purview to limit the degrees to a certain title.

Member Matecki noted that this is something that ACAHM and the Board can work on, so that the public will know it is being looked at. For nursing, if we know your title is LVN, licensed vocational nurse, or RN, registered nurse, or NP, Nurse Practitioner, identify different levels of education.

### **Item Number 8 - Discussion and Possible Action Regarding the Acupuncture Board's Executive Officer Salary Increase**

President Harabedian opened this item stating that this is something that has been put in motion for years now to actually address Mr. Bodea's salary and what he gets paid. He added that the intent of the Board was to do this a long time ago and that the through the years of his reviews the Board was not able to check all the boxes and do it right. Today's item has been teed up in our formal capacity to do this.

Ms. Trejo from the DCA Human Resources Office was in attendance to provide guidance.

The Board reviewed Mr. Bodea's Accomplishments document. President Harabedian noted that the record speaks for itself and that participants should note that many of the accomplishments are couched in the Board doing things but acknowledged that Mr. Bodea and staff have been instrumental in completing those goals and projects.

President Harabedian added that throughout the years when the Board reviewed Mr. Bodea the Board has recommended pay increases to the tune of a six percent increase but at this point the recommendation from DCA OHR is for a five percent increase.

Member Matecki shared that she really respected how hard Ben worked to address the Board's issues with patience, support, and no complaints, even when Board members could only speak late at night or early in the morning. Member Matecki apologized for not successfully addressing this in the past and shared her appreciation of President Harabedian's effort to move this.

Vice President Osorio agreed with President Harabedian and Dr. Matecki's comments regarding EO Bodea's performance, his professionalism, and his conduct with the staff.

Member Kim shared that this is way overdue considering all the accomplishments since 2016. He wished this could have happened sooner but is glad to see it finally happening.

Member Li shared that he's relied heavily on EO Bodea's support and feels he's doing a wonderful job.

Member Chen shared that she agrees with all the members' comments and personally feels that EO Bodea has done an excellent job for the Board demonstrating phenomenal leadership and hard work.

EO Bodea shared that he is humbled receiving such praise from each member underlining that all of the accomplishments could not have been done without the support of Board staff and has been grateful that he and Board staff have been able to pivot and change together to address the Board's needs.

President Harabedian then asked who would be reviewing the salary increase request. Ms. Trejo replied that the salary increase request goes to the Executive Office here at the Department of Consumer Affairs. It'll go to our agency, the Business, Consumer Services and Housing Agency. A copy will be sent to the Governor's office, and, ultimately, the California Department of Human Resources will be the final determiner.

President Harabedian then asked if the Board is able to make the salary increase retroactive to apply to the beginning of the pay year. Could it be retroactive to the start of the current fiscal year?

Ms. Trejo replied that the Board can submit the request with a retroactive effective date. But what the DCA usually sees an effective date thirty days out from when the package is submitted to the executive office and agency.

President Harabedian recommended a five percent salary increase, but also to go retroactive to the beginning of the pay fiscal year, given that retroactivity may not be approved.

Legal Counsel Chan-You clarified that the Board would need to make two motions; the first to approve the five percent, and then the second one would be the retroactive application of that five percent.

### **MOTION #1**

President Harabedian motioned to have the Acupuncture Board award a five percent pay increase for EO Bodea.

Vice-President Osorio seconded.

Public Comment on the Motion

Neil Miller commented that he's observed EO Bodea's performance grow since he started working at the Board to today and has seen this Board turn into a respected organization running efficiently. That this is a great reflection on him and his staff, that there are other associations that feel this way, and that his association will be writing a letter to the governor to communicate this as well.

Deborah Matos, lobbyist for the Southern California University of Health Sciences agreed with Mr. Miller's assessment of Ben's performance, noting that the Board has

gone through some challenging times and EO Bodea and his staff have done an amazing job.

VOTE

AYE: Harabedian, Osorio, Matecki, Chen, Kim, Li

**MOTION PASSES 6-0**

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**MOTION #2**

Member Matecki motioned that EO Bodea's 5% salary increase be retroactively granted from January 1st, 2022.

Member Chen seconded.

Public Comment on the Motion:

Neal Miller of CalATMA stated that our association stands in support of the motion and there are others in the public supporting this.

VOTE

Yes: Harabedian, Osorio, Matecki, Chen, Kim, Li

6 – 0

MOTION PASSES

President Harabedian wanted the record to reflect that the Board again had tried and thought that it had instituted a pay increase almost two years ago now, and the request for retroactive raise was made considering that. He hopes that DCA, and specifically Cal HR and the Governor's office, notes that this was something that the Board failed to do earlier even though it had intended to and thought it did.

**Item 9 – Public Comment for Items not on the Agenda**

Neal Miller of CalATMA, shared his challenge with only three minutes provided for public commentors as it makes it difficult to share with the Board any item significant comment that can have an impact from a practitioner's standpoint, or even a consumer, or a public person. He then shared that stakeholders need more than association and school representation if there are 10,000 practitioners that are not associated with schools and don't belong to an association. He then shared that it is critical for the Board to receive thorough feedback and hopes the Board is prepared to receive comments on the curriculum. He also noted that there are various academic titles that serve the schools, but not necessarily the consumer. He noted that his students, that will be graduating next year, will be calling themselves doctor, and those people like myself and the people who have been practicing for decades - got licensed before there was a master's or doctoral program. Mr. Miller added the need to focus on curriculum competent education. He further noted that the idea of the various titles and the degrees has to do with the schools and the accreditation commission, who are in favor of what works nationally, whereas the Board addresses what's best for California. Mr.

Miller welcomed President Harabedian to the Presidency and thanked Dr. Matecki for her service as president these last few years.

### **Item 10 - Future Agenda Items**

President Harabedian asked Board Members for items.

Member Matecki requested that the Board discuss the degree naming convention and the various degrees within the profession of acupuncture.

Member Chen would like to agendaize the analysis of the Curriculum Stakeholder Meeting submissions.

President Harabedian opened it up to the public for future agenda items.

Neal Miller of CalATMA requested that the Board agendaize the issue of terminology for bleeding and Asian massage. Mr. Miller requested a more in-depth analysis or a task force that addresses the occupational analysis. Mr. Miller requested agendaizing discussion of possible role of acupuncture assistants.

### **Item 10 – Adjournment**

President Harabedian Adjourned the meeting at 12:50 PM.

Fiscal Year	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
<b>BEGINNING BALANCE</b>	\$ 3,720	\$ 3,189	\$ 2,990	\$ 2,739	\$ 2,377
Prior Year Adjustment	\$ 301	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 4,021	\$ 3,189	\$ 2,990	\$ 2,739	\$ 2,377
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 15	\$ 33	\$ 55	\$ 55	\$ 55
4127400 - Renewal fees	\$ 2,401	\$ 2,728	\$ 3,108	\$ 3,108	\$ 3,108
4129200 - Other regulatory fees	\$ 106	\$ 324	\$ 159	\$ 159	\$ 159
4129400 - Other regulatory licenses and permits	\$ 539	\$ 720	\$ 708	\$ 708	\$ 708
4163000 - Income from surplus money investments	\$ 22	\$ 5	\$ 30	\$ 35	\$ 28
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 1	\$ 3	\$ 3	\$ 3
4173500 - Settlements and Judgements - Other	\$ 2	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 3,089	\$ 3,811	\$ 4,063	\$ 4,068	\$ 4,061
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 3,089	\$ 3,811	\$ 4,063	\$ 4,068	\$ 4,061
<b>TOTAL RESOURCES</b>	\$ 7,110	\$ 7,000	\$ 7,053	\$ 6,807	\$ 6,438
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,730	\$ 3,619	\$ 3,880	\$ 3,996	\$ 4,116
9892 Supplemental Pension Payments (State Operations)	\$ 43	\$ 43	\$ 43	\$ 43	\$ 43
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 148	\$ 348	\$ 391	\$ 391	\$ 391
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 3,921	\$ 4,010	\$ 4,314	\$ 4,430	\$ 4,550
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 3,189	\$ 2,990	\$ 2,739	\$ 2,377	\$ 1,887
Months in Reserve	9.5	8.3	7.4	6.3	5.0

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
Expenditures General Salary 4.55% increase.



Department of Consumer Affairs

Expenditure Projection Report

Acupuncture Board

Reporting Structure(s): 11111700 Support

Fiscal Month: 11

Fiscal Year: 2021 - 2022

Run Date: 07/06/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Projections to Year End	Balance	Prior Year Ratio	Straight Line Ratio	Lag Month
5100	PERMANENT POSITIONS	\$865,000	\$766,767	\$891,000	\$769,061	\$843,963	\$47,037	\$842,381	\$838,975	
5100	TEMPORARY POSITIONS	\$19,000	\$37,879	\$19,000	\$88,085	\$97,515	-\$78,515	\$106,199	\$96,093	
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$12,000	\$22,031	\$12,000	\$7,271	\$9,371	\$2,629	\$7,271	\$7,932	
5150	STAFF BENEFITS	\$536,000	\$419,088	\$524,000	\$452,952	\$497,517	\$26,483	\$494,243	\$494,129	
	<b>PERSONAL SERVICES</b>	<b>\$1,432,000</b>	<b>\$1,245,765</b>	<b>\$1,446,000</b>	<b>\$1,317,369</b>	<b>\$1,448,365</b>	<b>-\$2,365</b>	<b>\$1,450,094</b>	<b>\$1,437,130</b>	

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Projections to Year End	Balance	Prior Year Ratio	Straight Line Ratio	Lag Month
5301	GENERAL EXPENSE	\$79,000	\$16,870	\$57,000	\$5,524	\$31,815	\$25,186	\$32,336	\$33,726	
5302	PRINTING	\$18,000	\$5,909	\$18,000	\$9,418	\$15,657	\$2,343	\$10,899	\$17,081	
5304	COMMUNICATIONS	\$18,000	\$3,217	\$18,000	\$4,007	\$4,593	\$13,407	\$4,629	\$4,372	
5306	POSTAGE	\$28,000	\$7,020	\$6,000	\$3,586	\$7,020	-\$1,020	\$3,586	\$3,912	
5308	INSURANCE	\$0	\$190	\$0	\$22	\$190	-\$190	\$154	\$24	
53202-204	IN STATE TRAVEL	\$34,000	\$10,395	\$34,000	\$5,263	\$5,263	\$28,737	\$6,662	\$5,741	
5322	TRAINING	\$4,000	\$0	\$4,000	\$4,405	\$4,805	-\$805	\$0	\$4,805	
5324	FACILITIES	\$65,000	\$279,516	\$65,000	\$95,839	\$235,366	-\$170,366	\$105,237	\$104,551	
53402-53403	C/P SERVICES (INTERNAL)	\$539,000	\$289,050	\$502,000	\$130,256	\$153,710	\$348,290	\$155,531	\$142,097	
53404-53405	C/P SERVICES (EXTERNAL)	\$1,170,000	\$646,584	\$607,000	\$142,789	\$243,105	\$363,895	\$235,680	\$249,296	
5342	DEPARTMENT PRORATA	\$959,000	\$848,853	\$1,044,000	\$1,043,000	\$1,044,000	\$0	\$936,171	\$1,137,818	
5342	DEPARTMENTAL SERVICES	\$334,000	\$356,366	\$334,000	\$217,221	\$410,963	-\$76,963	\$285,050	\$236,968	
5344	CONSOLIDATED DATA CENTERS	\$4,000	\$21,253	\$4,000	\$11,615	\$20,671	-\$16,671	\$18,237	\$12,671	
5346	INFORMATION TECHNOLOGY	\$43,000	\$22,633	\$36,000	\$47,622	\$67,866	-\$31,866	\$67,716	\$73,872	
5362-5368	EQUIPMENT	\$0	\$42,368	\$14,000	\$7,613	\$10,674	\$3,326	\$7,707	\$8,408	
5390	OTHER ITEMS OF EXPENSE	\$3,000	\$0	\$3,000	\$0	\$0	\$3,000	\$0	\$0	
54	SPECIAL ITEMS OF EXPENSE	\$0	\$11,983	\$0	\$2,047	\$2,233	-\$2,233	\$0	\$2,233	
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$3,298,000</b>	<b>\$2,562,207</b>	<b>\$2,746,000</b>	<b>\$1,730,227</b>	<b>\$2,257,930</b>	<b>\$488,070</b>	<b>\$1,869,595</b>	<b>\$2,037,575</b>	

<b>OVERALL TOTALS</b>		<b>\$4,730,000</b>	<b>\$3,807,972</b>	<b>\$4,192,000</b>	<b>\$3,047,596</b>	<b>\$3,706,295</b>	<b>\$485,705</b>	<b>\$3,319,689</b>	<b>\$3,474,705</b>	
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11.59%

## FY 2021/22 Acupuncture Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Clear	12172	12132	12006	11883
Active	8631	8548	8263	7966
Inactive	2298	2304	2329	2359
Delinquent	1243	1280	1414	1558
Cancelled	85	89	53	57
Initial AC License Applications Approved	93	74	67	77
Initial AC License Applications Denied	0	0	0	0
AC License Renewals	1253	1272	1575	1584
Active Wall Licenses	1672	2007	2533	2976
Initial Wall Licenses	718	600	596	534
Wall License Renewals	13	14	50	51

## FY 2021/22 Continuing Education Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
New CE Provider Applications Approved	6	14	6	7
CE Provider Applications Denied	0	0	0	0
Course Applications Received	371	565	845	728
Course Applications Approved	368	562	839	724
Course Denials	3	3	6	4
Continuing Education Active Providers	477	436	433	383
CE Providers - Total Provider Numbers Issued	1754			

## FY 2021/22 Acupuncture Educational and Training Programs

Application for Board Approval of Curriculum (ABAC)	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
ABAC - Received	4	4	2	2
ABAC - Incomplete	1	1	2	0
ABAC - Approved	0	5	0	0
Loss of Approval	0	0	0	0

## FY 2021/22 Acupuncture Tutorial Training Programs

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Applications Received	7	4	4	5
New Program Approvals	4	19	4	0
Programs Completed	2	2	1	1
Programs Terminated/Abandoned	1	0	0	4
Total Approved Programs	38	55	58	53



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<b>DATE</b>	August 11, 2022
<b>TO</b>	Board Members
<b>FROM</b>	Ben Bodea, Executive Officer
<b>SUBJECT</b>	<b>Enforcement Update for Quarter 3 (Q3) FY 21/22: 01/01/22 – 03/31/22</b>

### COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category		Received
<b>Unprofessional Conduct</b>	<b>Sub-Total</b>	<b>13</b>
• <i>Improper corporation name</i>	3	
• <i>Failure to register place of practice</i>	1	
• <i>Record Keeping Violation</i>	1	
• <i>Billing</i>	3	
• <i>Infection control</i>	1	
• <i>Distributes non-approved medication</i>	2	
• <i>Misrepresentation as a Doctor</i>	1	
• <i>Safety issue</i>	1	
<b>Unlicensed/Unregistered</b>		<b>5</b>
<b>Criminal Charges/Convictions**</b>		<b>3</b>
• <i>Applicants</i>	2	
• <i>Licensees</i>	1	
<b>Sexual Misconduct</b>		<b>3</b>
<b>Fraud</b>		<b>2</b>
<b>Non-jurisdictional</b>		<b>2</b>
<b>Incompetence/Negligence</b>		<b>6</b>
<b>Unsafe/Unsanitary Conditions</b>		<b>1</b>
<b>Other</b>		<b>2</b>
<b>Substance Abuse/Drug &amp; Mental/Physical Impairment</b>		<b>0</b>
<b>Discipline by Another State Agency</b>		<b>0</b>
<b>Total</b>		<b>37</b>

The 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\*

DCA Category	Initiated	Pending **	Closed
Unprofessional Conduct	13	68	4
Unlicensed/Unregistered	5	28	3
Criminal Charges/Convictions (includes pre-licensure)	3	18	7
Sexual Misconduct	3	8	0
Fraud	2	39	2
Non-jurisdictional	2	3	2
Incompetence/Negligence	6	43	2
Unsafe/Unsanitary Conditions	1	6	1
Other	2	6	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	0	1	0
<b>Total</b>	<b>37</b>	<b>220</b>	<b>21</b>

\* Includes both formal investigations by DCA category conducted by DOI and desk investigations by staff.

\*\* These numbers include current and previous quarters and the DCA Category may change after the investigation is initiated to better categorize the complaint.

# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

### Complaint Intake

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM1: Total Complaints Received	180	33						33
PM1: Total Convictions/Arrests Received	53	10						10
PM1: Total Received	233	43						43

\*Of the Convictions/Arrests, 2 were received on Applicants and 8 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

### Intake

Target: 10 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM2: Intake/Avg. Days	4.3	5						5.0

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

### Investigations

Target: 200 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM3: All Investigations Closed	174	49						49
PM3: Average Cycle Time Investigation	189	233						233

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	45%	23						45%
91 - 180 Days	16%	8						16%
181 Days - 1 Year (364)	15%	5						10%
1 to 2 Years (365-730)	18%	9						18%
2 to 3 Years (731- 1092)	5%	6						12%
Over 3 Years (1093 +)	1%	0						0%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

### Citations

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Final Citations	33	9						9
Average Days to Close	240.5	385						385.0

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM4:Volume AG Cases	8	6						6
PM4: Total Cycle Time	512	702						702

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
AG Cases Initiated	16	4						4
AG Cases Pending	16	14						14
SOIs Filed	0	0						0
Accusations Filed	15	2						2
Total Closed after Transmission	8	6						6
Revoked	1	2						2
Voluntary Surrender	4	3						3
Probation	2	1						1
License Denied	0	0						0
Public Reprimand	1	0						0
Closed w/out Disciplinary Action	0	0						0

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	0%	0						0%
91 - 180 Days	13%	1						17%
181 Days - 1 Year (364)	13%	0						0%
1 to 2 Years (365-730)	38%	3						50%
2 to 3 Years (731- 1092)	13%	0						0%
Over 3 Years (1093 +)	25%	2						33%

Other Legal Actions								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PC 23 Ordered	1	1						1
Interim Suspension	0	0						0

# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

Complaint Intake								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM1: Total Complaints Received	180	33		28				61
PM1: Total Convictions/Arrest Received	53	10		8				18
PM1: Total Received	233	43		36				79

\*Of the Convictions/Arrests, 2 were received on Applicants and 8 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Intake								
Target: 10 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM2: Intake/Avg. Days	4.3	5		5				5.0

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations								
Target: 200 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM3: All Investigations Closed	174	49		38				87
PM3: Average Cycle Time Investigations	189	233		248				241

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	45%	23		21				47%
91 - 180 Days	16%	8		0				9%
181 Days - 1 Year (364)	15%	5		6				12%
1 to 2 Years (365-730)	18%	9		10				20%
2 to 3 Years (731- 1092)	5%	6		4				11%
Over 3 Years (1093 +)	1%	0		1				1%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

Citations								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Final Citations	33	9		6				15
Average Days to Close	240.5	385		532				458.5

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM4:Volume AG Cases	8	6		4				10
PM4: Total Cycle Time	512	702		920				811

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
AG Cases Initiated	16	4		2				6
AG Cases Pending	16	14		14				14
SOIs Filed	0	0		0				0
Accusations Filed	15	2		3				5
Total Closed after Transmission	8	6		4				10
Revoked	1	2		1				3
Voluntary Surrender	4	3		1				4
Probation	2	1		2				3
License Denied	0	0		0				0
Public Reprimand	1	0		0				0
Closed w/out Disciplinary Action	0	0		0				0

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	0%	0		0				0%
91 - 180 Days	13%	1		0				10%
181 Days - 1 Year (364)	13%	0		0				0%
1 to 2 Years (365-730)	38%	3		3				60%
2 to 3 Years (731- 1092)	13%	0		0				0%
Over 3 Years (1093 +)	25%	2		1				30%

Other Legal Actions								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PC 23 Ordered	1	1		0				1
Interim Suspension	0	0		0				0



# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

### Complaint Intake

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM1: Total Complaints Received	180	33		28		24		85	↓ -53%
PM1: Total Convictions/Arrest Received	53	10		8		4		22	↓ -58%
PM1: Total Received	233	43		36		28		107	↓ -54%

\*Of the Convictions/Arrests, 0 were received on Applicants and 4 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

### Intake

Target: 10 Days	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM2: Intake/Avg. Days	4.3	5		5		4		4.7	↑ 9%

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

### Investigations

Target: 200 Days	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM3: All Investigations Closed	174	49		38		31		118	↓ -32%
PM3: Average Cycle Time Investigations	189	233		248		423		301	↑ 59%

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Up to 90 Days	45%	23		21		12		44%	↓ -1%
91 - 180 Days	16%	8		0		2		8%	↓ -8%
181 Days - 1 Year (364)	15%	5		6		5		13%	↓ -2%
1 to 2 Years (365-730)	18%	9		10		9		22%	↑ 4%
2 to 3 Years (731- 1092)	5%	6		4		0		8%	↑ 3%
Over 3 Years (1093 +)	1%	0		1		5		5%	↑ 4%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

### Citations

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Final Citations	33	9		6		2		17	↓ -48%
Average Days to Close	240.5	385		532		1062		659.7	↑ 174%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)									
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM4:Volume AG Cases	8	6		4		1		11	↑ 38%
PM4: Total Cycle Time	512	702		920		1681		1101	↑ 115%

	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
AG Cases Initiated	16	4		2		2		8	↓ -50%
AG Cases Pending	16	14		14		15		15	↓ -6%
SOIs Filed	0	0		0		0		0	⇒ 0%
Accusations Filed	15	2		3		1		6	↓ -60%
Total Closed after Transmission	8	6		4		0		10	↑ 25%
Revoked	1	2		1		0		3	↑ 200%
Voluntary Surrender	4	3		1		0		4	⇒ 0%
Probation	2	1		2		1		4	↑ 100%
License Denied	0	0		0		0		0	⇒ 0%
Public Reprimand	1	0		0		0		0	↓ -100%
Closed w/out Disciplinary Action	0	0		0		0		0	⇒ 0%

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision									
	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Up to 90 Days	0%	0		0		0		0%	⇒ 0%
91 - 180 Days	13%	1		0		0		9%	↓ -4%
181 Days - 1 Year (364)	13%	0		0		0		0%	↓ -13%
1 to 2 Years (365-730)	38%	3		3		0		55%	↑ 17%
2 to 3 Years (731- 1092)	13%	0		0		0		0%	↓ -13%
Over 3 Years (1093 +)	25%	2		1		1		36%	↑ 11%

Other Legal Actions									
	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PC 23 Ordered	1	1		0		0		1	⇒ 0%
Interim Suspension	0	0		0		0		0	⇒ 0%

# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	180	33	28	24	24	109	↓ -39%
PM1: Total Convictions/Arrest Received	53	10	8	4	7	29	↓ -45%
PM1: Total Received	233	43	36	28	31	138	↓ -41%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.3	5	5	4	4	4.5	↑ 5%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	49	38	31	56	174	→ 0%
PM3: Average Cycle Time Investigations	189	233	248	423	433	334	↑ 77%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	45%	23	21	12	16	40%	↓ -5%
91 - 180 Days	16%	8	0	2	3	7%	↓ -9%
181 Days - 1 Year (364)	15%	5	6	5	9	14%	↓ -1%
1 to 2 Years (365-730)	18%	9	10	9	15	24%	↑ 6%
2 to 3 Years (731- 1092)	5%	6	4	0	10	11%	↑ 6%
Over 3 Years (1093 +)	1%	0	1	5	3	5%	↑ 4%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	33	9	6	2	5	22	↓ -33%
Average Days to Close	240.5	385	532	1062	624	650.8	↑ 171%



# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27				27	↓ -75%
PM1: Total Convictions/Arrest Received	29	10				10	↓ -66%
PM1: Total Received	138	37				37	↓ -73%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6				6.0	↑ 33%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41				41	↓ -76%
PM3: Average Cycle Time Investigations	334	553				553	↑ 65%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16				39%	↓ -1%
91 - 180 Days	7%	1				2%	↓ -5%
181 Days - 1 Year (364)	14%	5				12%	↓ -2%
1 to 2 Years (365-730)	24%	6				15%	↓ -9%
2 to 3 Years (731- 1092)	11%	5				12%	↑ 1%
Over 3 Years (1093 +)	5%	8				20%	↑ 15%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2				2	↓ -91%
Average Days to Close	650.8	1354				1354.0	↑ 108%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2				2	↓ -86%
PM4: Total Cycle Time	1039	1167				1167	↑ 12%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2				2	↓ -85%
AG Cases Pending	16	15				15	↓ -6%
SOIs Filed	0	0				0	⇒ 0%
Accusations Filed	6	1				1	↓ -83%
Total Closed after Transmission	14	3				3	↓ -79%
Revoked	3	0				0	↓ -33%
Voluntary Surrender	5	0				0	↓ -100%
Probation	6	2				2	↓ -67%
License Denied	0	0				0	⇒ 0%
Public Reprimand	0	0				0	⇒ 0%
Closed w/out Disciplinary Action	1	0				0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0				0%	⇒ 0%
91 - 180 Days	7%	0				0%	↓ -7%
181 Days - 1 Year (364)	0%	0				0%	⇒ 0%
1 to 2 Years (365-730)	50%	1				50%	⇒ 0%
2 to 3 Years (731- 1092)	7%	0				0%	↓ -7%
Over 3 Years (1093 +)	36%	1				50%	↑ 14%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0				0	↓ -50%
Interim Suspension	0	0				0	⇒ 0%

## Enforcement Statistics Report

### Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24			51	↓ -53%
PM1: Total Convictions/Arrest Received	29	10	10			20	↓ -31%
PM1: Total Received	138	37	34			71	↓ -49%

### PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7			6.5	↑ 44%

### PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34			75	↓ -57%
PM3: Average Cycle Time Investigations	334	553	606			580	↑ 73%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11			36%	↓ -4%
91 - 180 Days	7%	1	0			1%	↓ -6%
181 Days - 1 Year (364)	14%	5	4			12%	↓ -2%
1 to 2 Years (365-730)	24%	6	3			12%	↓ -12%
2 to 3 Years (731- 1092)	11%	5	6			15%	↑ 4%
Over 3 Years (1093 +)	5%	8	10			24%	↑ 19%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1			3	↓ -86%
Average Days to Close	650.8	1354	436			895.0	↑ 38%

### PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2	1			3	↓ -79%
PM4: Total Cycle Time	1039	1167	1322			1245	↑ 20%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2	8			10	↓ -23%
AG Cases Pending	16	15	22			22	↑ 38%
SOIs Filed	0	0	0			0	⇒ 0%
Accusations Filed	6	1	2			3	↓ -50%
Total Closed after Transmission	14	3	1			4	↓ -71%
Revoked	3	0	0			0	↓ -33%
Voluntary Surrender	5	0	0			0	↓ -100%
Probation	6	2	1			3	↓ -50%
License Denied	0	0	0			0	⇒ 0%
Public Reprimand	0	0	0			0	⇒ 0%
Closed w/out Disciplinary Action	1	0	0			0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0	0			0%	⇒ 0%
91 - 180 Days	7%	0	0			0%	↓ -7%
181 Days - 1 Year (364)	0%	0	0			0%	⇒ 0%
1 to 2 Years (365-730)	50%	1	0			33%	↓ -17%
2 to 3 Years (731- 1092)	7%	0	0			0%	↓ -7%
Over 3 Years (1093 +)	36%	1	1			67%	↑ 31%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0	0			0	↓ -50%
Interim Suspension	0	0	0			0	⇒ 0%



# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24	34		85	↓ -22%
PM1: Total Convictions/Arrest Received	29	10	10	3		23	↓ -21%
PM1: Total Received	138	37	34	37		108	↓ -22%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7	5		6.0	↑ 33%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline).

Investigation Cycle Time (Target: 200 Days)	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34	21		96	↓ -45%
PM3: Average Cycle Time Investigations	334	553	606	345		501	↑ 50%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11	8		36%	↓ -3%
91 - 180 Days	7%	1	0	3		4%	↓ -3%
181 Days - 1 Year (364)	14%	5	4	1		10%	↓ -3%
1 to 2 Years (365-730)	24%	6	3	6		16%	↓ -8%
2 to 3 Years (731- 1092)	11%	5	6	3		15%	↑ 4%
Over 3 Years (1093 +)	5%	8	10	0		19%	↑ 14%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1	0		3	↓ -86%
Average Days to Close	650.8	1354	436	0		596.7	↓ -8%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2	1	0		3	↓ -79%
PM4: Total Cycle Time	1039	1167	1322	0		830	↓ -20%

	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2	8	1		11	↓ -15%
AG Cases Pending	16	15	22	22		22	↑ 38%
SOIs Filed	0	0	0	0		0	→ 0%
Accusations Filed	6	1	2	1		4	↓ -33%
Total Closed after Transmission	14	3	1	0		4	↓ -71%
Revoked	3	0	0	0		0	↓ -33%
Voluntary Surrender	5	0	0	0		0	↓ -100%
Probation	6	2	1	0		3	↓ -50%
License Denied	0	0	0	0		0	→ 0%
Public Reprimand	0	0	0	0		0	→ 0%
Closed w/out Disciplinary Action	1	0	0	0		0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0	0	0		0%	→ 0%
91 - 180 Days	7%	0	0	0		0%	↓ -7%
181 Days - 1 Year (364)	0%	0	0	0		0%	→ 0%
1 to 2 Years (365-730)	50%	1	0	0		33%	↓ -17%
2 to 3 Years (731- 1092)	7%	0	0	0		0%	↓ -7%
Over 3 Years (1093 +)	36%	1	1	0		67%	↑ 31%

Other Legal Actions	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0	0	0		0	↓ -50%
Interim Suspension	0	0	0	0		0	→ 0%



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<b>DATE</b>	August 11, 2022
<b>TO</b>	Board Members
<b>FROM</b>	Ben Bodea, Executive Officer
<b>SUBJECT</b>	<b>Enforcement Update for Quarter 4 (Q4) FY 2021/2022: 04/1/22 – 06/30/22</b>

### COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category		Received
<b>Unprofessional Conduct</b>	<b>Sub-Total</b>	<b>14</b>
• Record Keeping Violation	5	
• Non-disclosure of probation	1	
• Performs non-acupuncture procedure	1	
• Minor harm	3	
• Refusal to give medical records	1	
• Covid protocols	1	
• Drug use	1	
• Continuing Education Provider reporting	1	
<b>Unlicensed/Unregistered</b>		<b>2</b>
<b>Criminal Charges/Convictions**</b>		<b>12</b>
• Applicants	3	
• Licensees	9	
<b>Sexual Misconduct</b>		<b>1</b>
<b>Fraud</b>		<b>0</b>
<b>Non-jurisdictional</b>		<b>3</b>
<b>Incompetence/Negligence</b>		<b>3</b>
<b>Unsafe/Unsanitary Conditions</b>		<b>0</b>
<b>Other</b>		<b>0</b>
<b>Substance Abuse/Drug &amp; Mental/Physical Impairment</b>		<b>0</b>
<b>Discipline by Another State Agency</b>		<b>0</b>
<b>Total</b>		<b>35</b>

The 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\*

DCA Category	Initiated	Pending **	Closed
Unprofessional Conduct	14	75	7
Unlicensed/Unregistered	2	29	1
Criminal Charges/Convictions (includes pre-licensure)	12	27	3
Sexual Misconduct	1	9	0
Fraud	0	39	0
Non-jurisdictional	3	4	2
Incompetence/Negligence	3	44	2
Unsafe/Unsanitary Conditions	0	5	1
Other	0	5	1
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	0	1	0
<b>Total</b>	<b>35</b>	<b>238</b>	<b>17</b>

\* Includes both formal investigations by DCA category conducted by DOI and desk investigations by staff.

\*\* These numbers include current and previous quarters and the DCA Category may change after the investigation is initiated to better categorize the complaint.

# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24	34	23	108	↓ -1%
PM1: Total Convictions/Arrest Received	29	10	10	3	12	35	↑ 21%
PM1: Total Received	138	37	34	37	35	143	↑ 4%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7	5	2	5.0	↑ 11%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline).

Investigation Cycle Time (Target: 200 Days)	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34	21	17	113	↓ -35%
PM3: Average Cycle Time Investigations	334	553	606	345	158	416	↑ 24%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11	8	11	41%	↑ 1%
91 - 180 Days	7%	1	0	3	2	5%	↓ -2%
181 Days - 1 Year (364)	14%	5	4	1	1	10%	↓ -4%
1 to 2 Years (365-730)	24%	6	3	6	2	15%	↓ -9%
2 to 3 Years (731- 1092)	11%	5	6	3	1	13%	↑ 2%
Over 3 Years (1093 +)	5%	8	10	0	0	16%	↑ 11%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 20/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1	0	0	3	↓ -86%
Average Days to Close	650.8	1354	436	0	0	447.5	↓ -31%



## Enforcement Statistics Report

### Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24	34		85	↓ -22%
PM1: Total Convictions/Arrest Received	29	10	10	3		23	↓ -21%
PM1: Total Received	138	37	34	37		108	↓ -22%

### PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7	5		6.0	↑ 33%

### PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline).

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34	21		96	↓ -45%
PM3: Average Cycle Time Investigations	334	553	606	345		501	↑ 50%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11	8		36%	↓ -3%
91 - 180 Days	7%	1	0	3		4%	↓ -3%
181 Days - 1 Year (364)	14%	5	4	1		10%	↓ -3%
1 to 2 Years (365-730)	24%	6	3	6		16%	↓ -8%
2 to 3 Years (731- 1092)	11%	5	6	3		15%	↑ 4%
Over 3 Years (1093 +)	5%	8	10	0		19%	↑ 14%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1	0		3	↓ -86%
Average Days to Close	650.8	1354	436	0		596.7	↓ -8%

### PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2	1	0		3	↓ -79%
PM4: Total Cycle Time	1039	1167	1322	0		830	↓ -20%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2	8	1		11	↓ -15%
AG Cases Pending	16	15	22	22		22	↑ 38%
SOIs Filed	0	0	0	0		0	⇒ 0%
Accusations Filed	6	1	2	1		4	↓ -33%
Total Closed after Transmission	14	3	1	0		4	↓ -71%
Revoked	3	0	0	0		0	↓ -33%
Voluntary Surrender	5	0	0	0		0	↓ -100%
Probation	6	2	1	0		3	↓ -50%
License Denied	0	0	0	0		0	⇒ 0%
Public Reprimand	0	0	0	0		0	⇒ 0%
Closed w/out Disciplinary Action	1	0	0	0		0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0	0	0		0%	⇒ 0%
91 - 180 Days	7%	0	0	0		0%	↓ -7%
181 Days - 1 Year (364)	0%	0	0	0		0%	⇒ 0%
1 to 2 Years (365-730)	50%	1	0	0		33%	↓ -17%
2 to 3 Years (731- 1092)	7%	0	0	0		0%	↓ -7%
Over 3 Years (1093 +)	36%	1	1	0		67%	↑ 31%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0	0	0		0	↓ -50%
Interim Suspension	0	0	0	0		0	⇒ 0%



## Enforcement Statistics Report

### Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24			51	↓ -53%
PM1: Total Convictions/Arrest Received	29	10	10			20	↓ -31%
PM1: Total Received	138	37	34			71	↓ -49%

### PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7			6.5	↑ 44%

### PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34			75	↓ -57%
PM3: Average Cycle Time Investigations	334	553	606			580	↑ 73%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11			36%	↓ -4%
91 - 180 Days	7%	1	0			1%	↓ -6%
181 Days - 1 Year (364)	14%	5	4			12%	↓ -2%
1 to 2 Years (365-730)	24%	6	3			12%	↓ -12%
2 to 3 Years (731- 1092)	11%	5	6			15%	↑ 4%
Over 3 Years (1093 +)	5%	8	10			24%	↑ 19%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1			3	↓ -86%
Average Days to Close	650.8	1354	436			895.0	↑ 38%

### PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2	1			3	↓ -79%
PM4: Total Cycle Time	1039	1167	1322			1245	↑ 20%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2	8			10	↓ -23%
AG Cases Pending	16	15	22			22	↑ 38%
SOIs Filed	0	0	0			0	⇒ 0%
Accusations Filed	6	1	2			3	↓ -50%
Total Closed after Transmission	14	3	1			4	↓ -71%
Revoked	3	0	0			0	↓ -33%
Voluntary Surrender	5	0	0			0	↓ -100%
Probation	6	2	1			3	↓ -50%
License Denied	0	0	0			0	⇒ 0%
Public Reprimand	0	0	0			0	⇒ 0%
Closed w/out Disciplinary Action	1	0	0			0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0	0			0%	⇒ 0%
91 - 180 Days	7%	0	0			0%	↓ -7%
181 Days - 1 Year (364)	0%	0	0			0%	⇒ 0%
1 to 2 Years (365-730)	50%	1	0			33%	↓ -17%
2 to 3 Years (731- 1092)	7%	0	0			0%	↓ -7%
Over 3 Years (1093 +)	36%	1	1			67%	↑ 31%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0	0			0	↓ -50%
Interim Suspension	0	0	0			0	⇒ 0%

# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27				27	↓ -75%
PM1: Total Convictions/Arrest Received	29	10				10	↓ -66%
PM1: Total Received	138	37				37	↓ -73%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6				6.0	↑ 33%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41				41	↓ -76%
PM3: Average Cycle Time Investigations	334	553				553	↑ 65%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16				39%	↓ -1%
91 - 180 Days	7%	1				2%	↓ -5%
181 Days - 1 Year (364)	14%	5				12%	↓ -2%
1 to 2 Years (365-730)	24%	6				15%	↓ -9%
2 to 3 Years (731- 1092)	11%	5				12%	↑ 1%
Over 3 Years (1093 +)	5%	8				20%	↑ 15%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2				2	↓ -91%
Average Days to Close	650.8	1354				1354.0	↑ 108%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2				2	↓ -86%
PM4: Total Cycle Time	1039	1167				1167	↑ 12%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2				2	↓ -85%
AG Cases Pending	16	15				15	↓ -6%
SOIs Filed	0	0				0	⇒ 0%
Accusations Filed	6	1				1	↓ -83%
Total Closed after Transmission	14	3				3	↓ -79%
Revoked	3	0				0	↓ -33%
Voluntary Surrender	5	0				0	↓ -100%
Probation	6	2				2	↓ -67%
License Denied	0	0				0	⇒ 0%
Public Reprimand	0	0				0	⇒ 0%
Closed w/out Disciplinary Action	1	0				0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0				0%	⇒ 0%
91 - 180 Days	7%	0				0%	↓ -7%
181 Days - 1 Year (364)	0%	0				0%	⇒ 0%
1 to 2 Years (365-730)	50%	1				50%	⇒ 0%
2 to 3 Years (731- 1092)	7%	0				0%	↓ -7%
Over 3 Years (1093 +)	36%	1				50%	↑ 14%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0				0	↓ -50%
Interim Suspension	0	0				0	⇒ 0%

# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	180	33	28	24	24	109	↓ -39%
PM1: Total Convictions/Arrest Received	53	10	8	4	7	29	↓ -45%
PM1: Total Received	233	43	36	28	31	138	↓ -41%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.3	5	5	4	4	4.5	↑ 5%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline).

Investigation Cycle Time (Target: 200 Days)	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	49	38	31	56	174	→ 0%
PM3: Average Cycle Time Investigations	189	233	248	423	433	334	↑ 77%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	45%	23	21	12	16	40%	↓ -5%
91 - 180 Days	16%	8	0	2	3	7%	↓ -9%
181 Days - 1 Year (364)	15%	5	6	5	9	14%	↓ -1%
1 to 2 Years (365-730)	18%	9	10	9	15	24%	↑ 6%
2 to 3 Years (731- 1092)	5%	6	4	0	10	11%	↑ 6%
Over 3 Years (1093 +)	1%	0	1	5	3	5%	↑ 4%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2019/20	Fiscal Year 2020/21					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	33	9	6	2	5	22	↓ -33%
Average Days to Close	240.5	385	532	1062	624	650.8	↑ 171%



# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

### Complaint Intake

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM1: Total Complaints Received	180	33		28		24		85	↓ -53%
PM1: Total Convictions/Arrest Received	53	10		8		4		22	↓ -58%
PM1: Total Received	233	43		36		28		107	↓ -54%

\*Of the Convictions/Arrests, 0 were received on Applicants and 4 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

### Intake

Target: 10 Days	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM2: Intake/Avg. Days	4.3	5		5		4		4.7	↑ 9%

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

### Investigations

Target: 200 Days	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM3: All Investigations Closed	174	49		38		31		118	↓ -32%
PM3: Average Cycle Time Investigations	189	233		248		423		301	↑ 59%

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Up to 90 Days	45%	23		21		12		44%	↓ -1%
91 - 180 Days	16%	8		0		2		8%	↓ -8%
181 Days - 1 Year (364)	15%	5		6		5		13%	↓ -2%
1 to 2 Years (365-730)	18%	9		10		9		22%	↑ 4%
2 to 3 Years (731- 1092)	5%	6		4		0		8%	↑ 3%
Over 3 Years (1093 +)	1%	0		1		5		5%	↑ 4%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

### Citations

	FY 2019/20 YTD	Fiscal Year 2020/21						Year → Year Change	
		Q1		Q2		Q3	Q4		YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Final Citations	33	9		6		2		17	↓ -48%
Average Days to Close	240.5	385		532		1062		659.7	↑ 174%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)									
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PM4:Volume AG Cases	8	6		4		1		11	↑ 38%
PM4: Total Cycle Time	512	702		920		1681		1101	↑ 115%

	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
AG Cases Initiated	16	4		2		2		8	↓ -50%
AG Cases Pending	16	14		14		15		15	↓ -6%
SOIs Filed	0	0		0		0		0	⇒ 0%
Accusations Filed	15	2		3		1		6	↓ -60%
Total Closed after Transmission	8	6		4		0		10	↑ 25%
Revoked	1	2		1		0		3	↑ 200%
Voluntary Surrender	4	3		1		0		4	⇒ 0%
Probation	2	1		2		1		4	↑ 100%
License Denied	0	0		0		0		0	⇒ 0%
Public Reprimand	1	0		0		0		0	↓ -100%
Closed w/out Disciplinary Action	0	0		0		0		0	⇒ 0%

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision									
	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
Up to 90 Days	0%	0		0		0		0%	⇒ 0%
91 - 180 Days	13%	1		0		0		9%	↓ -4%
181 Days - 1 Year (364)	13%	0		0		0		0%	↓ -13%
1 to 2 Years (365-730)	38%	3		3		0		55%	↑ 17%
2 to 3 Years (731- 1092)	13%	0		0		0		0%	↓ -13%
Over 3 Years (1093 +)	25%	2		1		1		36%	↑ 11%

Other Legal Actions									
	FY 2019/20	Fiscal Year 2020/21					Year →		
	YTD	Q1		Q2		Q3	Q4	YTD	Year Change
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun		
PC 23 Ordered	1	1		0		0		1	⇒ 0%
Interim Suspension	0	0		0		0		0	⇒ 0%



# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

Complaint Intake						
	FY 2019/20	Fiscal Year 2020/21				
	YTD	Q1		Q2		YTD
		Jul	Sep	Oct	Dec	
PM1: Total Complaints Received	180	33		28		61
PM1: Total Convictions/Arrest Received	53	10		8		18
PM1: Total Received	233	43		36		79

\*Of the Convictions/Arrests, 2 were received on Applicants and 8 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Intake						
Target: 10 Days	FY 2019/20	Fiscal Year 2020/21				
	YTD	Q1		Q2		YTD
		Jul	Sep	Oct	Dec	
PM2: Intake/Avg. Days	4.3	5		5		5.0

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations						
Target: 200 Days	FY 2019/20	Fiscal Year 2020/21				
	YTD	Q1		Q2		YTD
		Jul	Sep	Oct	Dec	
PM3: All Investigations Closed	174	49		38		87
PM3: Average Cycle Time Investigations	189	233		248		241

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20	Fiscal Year 2020/21				
	YTD	Q1		Q2		YTD
		Jul	Sep	Oct	Dec	
Up to 90 Days	45%	23		21		47%
91 - 180 Days	16%	8		0		9%
181 Days - 1 Year (364)	15%	5		6		12%
1 to 2 Years (365-730)	18%	9		10		20%
2 to 3 Years (731- 1092)	5%	6		4		11%
Over 3 Years (1093 +)	1%	0		1		1%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

Citations						
	FY 2019/20	Fiscal Year 2020/21				
	YTD	Q1		Q2		YTD
		Jul	Sep	Oct	Dec	
Final Citations	33	9		6		15
Average Days to Close	240.5	385		532		458.5

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM4:Volume AG Cases	8	6		4				10
PM4: Total Cycle Time	512	702		920				811

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
AG Cases Initiated	16	4		2				6
AG Cases Pending	16	14		14				14
SOIs Filed	0	0		0				0
Accusations Filed	15	2		3				5
Total Closed after Transmission	8	6		4				10
Revoked	1	2		1				3
Voluntary Surrender	4	3		1				4
Probation	2	1		2				3
License Denied	0	0		0				0
Public Reprimand	1	0		0				0
Closed w/out Disciplinary Action	0	0		0				0

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	0%	0		0				0%
91 - 180 Days	13%	1		0				10%
181 Days - 1 Year (364)	13%	0		0				0%
1 to 2 Years (365-730)	38%	3		3				60%
2 to 3 Years (731- 1092)	13%	0		0				0%
Over 3 Years (1093 +)	25%	2		1				30%

Other Legal Actions								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PC 23 Ordered	1	1		0				1
Interim Suspension	0	0		0				0

# Statistics Report

## Performance Measures (PM) 1 Volume Convictions/Arrests received

### Complaint Intake

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM1: Total Complaints Received	180	33						33
PM1: Total Convictions/Arrests Received	53	10						10
PM1: Total Received	233	43						43

\*Of the Convictions/Arrests, 2 were received on Applicants and 8 were received on Licensees.

## PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

### Intake

Target: 10 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM2: Intake/Avg. Days	4.3	5						5.0

**PM3 Cycle Time** - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

### Investigations

Target: 200 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM3: All Investigations Closed	174	49						49
PM3: Average Cycle Time Investigation	189	233						233

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	45%	23						45%
91 - 180 Days	16%	8						16%
181 Days - 1 Year (364)	15%	5						10%
1 to 2 Years (365-730)	18%	9						18%
2 to 3 Years (731- 1092)	5%	6						12%
Over 3 Years (1093 +)	1%	0						0%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

### Citations

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Final Citations	33	9						9
Average Days to Close	240.5	385						385.0

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM4:Volume AG Cases	8	6						6
PM4: Total Cycle Time	512	702						702

	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
AG Cases Initiated	16	4						4
AG Cases Pending	16	14						14
SOIs Filed	0	0						0
Accusations Filed	15	2						2
Total Closed after Transmission	8	6						6
Revoked	1	2						2
Voluntary Surrender	4	3						3
Probation	2	1						1
License Denied	0	0						0
Public Reprimand	1	0						0
Closed w/out Disciplinary Action	0	0						0

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	0%	0						0%
91 - 180 Days	13%	1						17%
181 Days - 1 Year (364)	13%	0						0%
1 to 2 Years (365-730)	38%	3						50%
2 to 3 Years (731- 1092)	13%	0						0%
Over 3 Years (1093 +)	25%	2						33%

Other Legal Actions								
	FY 2019/20	Fiscal Year 2020/21						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PC 23 Ordered	1	1						1
Interim Suspension	0	0						0



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<b>DATE</b>	August, 2022
<b>TO</b>	Acupuncture Board Members
<b>FROM</b>	Ben Bodea, Executive Officer
<b>SUBJECT</b>	2021 - 2022 Pending CA Legislation of Interest

**Bills of Interest to the Board Carried Over from 2021**

**[Assembly Bill 646](#): Department of Consumer Affairs: boards: expunged convictions - Low**

**Status: Referred to Appropriations Committee on 6/29/22 to be heard 8/1/22**

**Summary of Bill:**

This bill would require boards and bureaus under the Department of Consumer Affairs (Department) that post information on their online license search system about a revoked license, when the revocation is due to a criminal conviction, to update or remove information about the revoked license should the board receive an expungement order related to the conviction. This bill would authorize a board to charge a \$25 fee to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost.

**Board Position:**

Watch

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**[Senate Bill 731](#): Criminal records: relief - Durazo**

**Status: As of 6/30/22, In Senate. Concurrence in Assembly with Amendments pending.**

**Summary of Bill:**

This bill would continue recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

**Board Position:**

Watch

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**Bills of Interest to the Board Introduced in 2022**

**[Assembly Bill 1604](#): The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications - Holden**

**Status: Re-referred to Senate Appropriations on 6/30/22 to be heard 8/1/22**

**Existing Law:**

- Provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

**Summary of Bill:**

The relevant part of the bill affecting the Board would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran; or who has a disability. The bill would apply these requirements only as vacancies on state boards and commissions occur.

**Board Impact:**

No impact. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation

**Fiscal Impact:**

No impact

**Staff Recommendation:**

No position. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation.

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**Assembly Bill 1662: Licensing boards: disqualification from licensure: criminal conviction - Gipson**

**Status: Amended on 4/27/22. Set for first hearing. Hearing canceled at the request of the author**

**Existing Law:**

- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline within the last seven years from the date of application based on professional misconduct that would have been cause for discipline before the board, for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made.
- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession within the last seven years for which the application is made, as specified.

**Summary of Bill:**

AB 1662 would do the following:

- Amend the law to authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.
- Amend the law to require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the

information submitted with the request, and deliver that determination to the prospective applicant.

**Board Impact:**

Under current law, the Board shall not require applicants to disclose any information or documentation regarding the applicant's criminal history. Therefore, there is not a question regarding an applicant's criminal history on the Board's applications for licensure. The Board is only authorized to request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation on a voluntary basis.

The Board currently relies upon the LiveScan results after a mandatory fingerprint background check of all applicants to determine which applicants have a criminal conviction within the last seven years to investigate further. This change in law from July 1, 2020 has greatly reduced the volume of applicant criminal history cases that Enforcement reviews. Below is a table showing the volume of applicant convictions received, volume of applicants approved for licensure, and volume of applicants denied for the last three fiscal years.

| <b>FY</b>    | <b>Applications w/convictions received</b> | <b>Applications w/convictions approved for licensure</b> | <b>Applications w/convictions denied</b> |
|--------------|--------------------------------------------|----------------------------------------------------------|------------------------------------------|
| <b>18/19</b> | 33                                         | 27                                                       | 0                                        |
| <b>19/20</b> | 27                                         | 21                                                       | 0                                        |
| <b>20/21</b> | 11                                         | 8                                                        | 0                                        |

There has been interest expressed by applicants in the past wanting to know up front, sometimes prior to enrolling in an acupuncture training program, if their criminal history will be a barrier to licensure when they become eligible. It is anticipated that the proposed provisions of AB 1662 will be well received by prospective applicants of an acupuncture license.

The proposed legislation does not make it clear if the Board may also request applicants who make these preapplication determination requests to voluntarily submit to fingerprinting prior to applying so the information issued by DOJ and FBI are also available to the Board. Otherwise, if the preapplication determination is authorized to be based solely on what the applicant provides, then the determination issued by the Board cannot be determined as final until the applicant submits to fingerprinting with the Board. Although applicants receiving a determination from the Board regarding their criminal history ahead of time will be beneficial to the applicants, the legislation may not provide full benefit if the Board's decision is not final and based upon their Criminal Offender Record Information (CORI) report.

It is anticipated that the provisions of this bill will add additional staff time and resources for the review of any preapplication determination requests. There is no guarantee that the prospective applicant submitting a request will in fact follow through and apply for licensure eventually. Therefore, this may result in a waste of staff time and resources. In addition, the bill does not mention the request process authorizes the Board to collect a fee, so the time spent on the process and service to the applicant is essentially provided for free.

The legislation also does not take into account convictions that may occur in the interim of receiving the Board's decision on the applicant's preapplication determination request and applying for licensure. If a subsequent conviction occurs, then there will need to be additional time for the review of the applicant's criminal history rendering the first determination invalid. In addition, if the Board cannot use the applicant's official CORI during the preapplication

determination request process, then possibly an additional review will need to occur when the applicant applies with fingerprints and their CORI is received.

The benefit to applicants is apparent in that they will have the Board's determination regarding their criminal history upfront, which may result in cost savings to the applicant if investments in education can be avoided knowing they won't be eligible for licensure. However, the added benefit to public protection or improving Board processes or managing expenditures doesn't appear to be achieved.

**Fiscal Impact:**

It is anticipated the volume of the preapplication determination requests under the provisions of this bill will be similar to previous years' volume of applicant investigations prior to July 1, 2020, when the Board initiated cases based on applicant's self-disclosure in addition to CORI. The volume is also expected to be slightly higher with the assumption that prospective applicants not yet eligible for licensure or enrolled in an acupuncture program will also use this pathway in determining their education and career choices.

The volume is estimated to be between 35 and 50 preapplication determination requests annually. It currently takes Enforcement staff at the Associate Governmental Program Analyst (AGPA) level to complete an applicant investigation within 10 hours. This means the provisions of this bill may amount to 350 to 500 hours of AGPA time split between two Enforcement staff. Then there is also review time from the Executive Officer in making the final determination regarding a prospective applicant's qualification for licensure. This amounts to an hour per case (35 to 50 hours of an EO's time). Based on last fiscal year's volume of applicant investigations, AGPA time amounted to 110 hours. This means AB 1662 could increase an AGPA's time spent on applicant investigations by 355%.

It is also estimated the Board will require regulations to further implement the request and review process as well as standardize the information/documentation required for the requests. The entire rulemaking process on one package can take approximately 40 hours of AGPA time annually. There will also be IT implementation costs associated with updating the Board's IT system to capture the new preapplication determination process electronically.

**Staff Recommendation:**

Watch

**[Assembly Bill 1733](#): State bodies: Open Meetings**

**Status: Set for hearing in committee then postponed by committee**

**Board Position: Support**

**Existing Law:**

- The Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body.

**Summary of Bill:**

AB 1733 would specify that a "meeting" held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the



physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

**Board Impact:**

If passed, the Board will be able to hold open and closed meeting by teleconference as specified. The Board would see a decrease in staff time for travel arrangements but would see an increase in staff time for the arrangement of web conference, webcast functionality and ensuring a physical location that is open to the public to participate. The bill currently does not specify region requirements for the bill. For cost efficiencies, the Board's goal for the required physical location would be to utilize the hearing room at the Department's headquarters.

**Fiscal Impact:**

The Board typically spend about \$10,000 for in person meetings and \$2,000 to hold remote meeting four to five times per year. This bill would result in a cost savings to the Board of \$8,000 by reducing costs for travel, hotel, room reservations. The bill does not clarify if physical locations need to be held in a specific region, so this was not factored into the costs. For cost efficiencies, the goal for the required physical location is the hearing room at the Department's headquarters could be utilized.

**Staff Recommendation:**

Watch

**[Senate Bill 1031](#): Healing Arts Board: Inactive License Fees – Ochoa Bogh**

**Status:** Placed on Appropriations suspense file on 5/2/22. Set for hearing 5/19/22. Held in committee and under submission.

**Board Position: Oppose**

**Existing Law:**

- Requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board.
- Prohibits the holder of an inactive license from engaging in any activity for which an active license is required and requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

**Summary of Bill:**

This bill requires the renewal fee for an inactive license to be ½ of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

**Board Impact:**

Under current law, the Board charges the same dollar amount (\$500) for both active and inactive licensees. The Board would be prohibited from charging \$500 to inactive licensees and instead would be required to charge \$250 (half of the fee for an acupuncture license renewal). Staff will be required to update the Active/Inactive License Application but the workload to process the inactive licensees is estimated to remain the same. There will be IT implementation costs associated with updating the Board's IT system to capture the new inactive fee to process the application electronically.

**Fiscal Impact:**

On average, the Board has 2,206 inactive licensees that pay an inactive fee biennially or until they place their license back on active status. Reducing the inactive fee from \$500 to \$250 would create an annual revenue decrease of about \$275,750 to the Board's fund.

**Staff Recommendation:**

Oppose. This bill creates a significant decrease in revenue and significantly impacts the Board's fund condition without creating a decrease to the Board's workload.

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**[Senate Bill 189: State Government](#)**

**Status:** Chaptered 6/30/22

**Summary of Bill:**

Reinststitutes the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic. Effective from June 30, 2022 through July 1, 2023.

The changes took effect immediately upon signing.



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<b>DATE</b>	August, 2022
<b>TO</b>	Acupuncture Board Members
<b>FROM</b>	Ben Bodea, Executive Officer
<b>SUBJECT</b>	2021 - 2022 Pending CA Legislation of Interest

**Bills of Interest to the Board Carried Over from 2021**

**[Assembly Bill 646](#): Department of Consumer Affairs: boards: expunged convictions - Low**

**Status: Referred to Appropriations Committee on 6/29/22 to be heard 8/1/22**

**Summary of Bill:**

This bill would require boards and bureaus under the Department of Consumer Affairs (Department) that post information on their online license search system about a revoked license, when the revocation is due to a criminal conviction, to update or remove information about the revoked license should the board receive an expungement order related to the conviction. This bill would authorize a board to charge a \$25 fee to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost.

**Board Position:**

Watch

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**[Senate Bill 731](#): Criminal records: relief - Durazo**

**Status: As of 6/30/22, In Senate. Concurrence in Assembly with Amendments pending.**

**Summary of Bill:**

This bill would continue recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

**Board Position:**

Watch

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**Bills of Interest to the Board Introduced in 2022**

**[Assembly Bill 1604](#): The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications - Holden**

**Status: Re-referred to Senate Appropriations on 6/30/22 to be heard 8/1/22**

**Existing Law:**

- Provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

**Summary of Bill:**

The relevant part of the bill affecting the Board would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran; or who has a disability. The bill would apply these requirements only as vacancies on state boards and commissions occur.

**Board Impact:**

No impact. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation

**Fiscal Impact:**

No impact

**Staff Recommendation:**

No position. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation.

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**Assembly Bill 1662: Licensing boards: disqualification from licensure: criminal conviction - Gipson**

**Status: Amended on 4/27/22. Set for first hearing. Hearing canceled at the request of the author**

**Existing Law:**

- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline within the last seven years from the date of application based on professional misconduct that would have been cause for discipline before the board, for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made.
- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession within the last seven years for which the application is made, as specified.

**Summary of Bill:**

AB 1662 would do the following:

- Amend the law to authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.
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information submitted with the request, and deliver that determination to the prospective applicant.

**Board Impact:**

Under current law, the Board shall not require applicants to disclose any information or documentation regarding the applicant's criminal history. Therefore, there is not a question regarding an applicant's criminal history on the Board's applications for licensure. The Board is only authorized to request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation on a voluntary basis.

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|--------------|--------------------------------------------|----------------------------------------------------------|------------------------------------------|
| <b>18/19</b> | 33                                         | 27                                                       | 0                                        |
| <b>19/20</b> | 27                                         | 21                                                       | 0                                        |
| <b>20/21</b> | 11                                         | 8                                                        | 0                                        |

There has been interest expressed by applicants in the past wanting to know up front, sometimes prior to enrolling in an acupuncture training program, if their criminal history will be a barrier to licensure when they become eligible. It is anticipated that the proposed provisions of AB 1662 will be well received by prospective applicants of an acupuncture license.

The proposed legislation does not make it clear if the Board may also request applicants who make these preapplication determination requests to voluntarily submit to fingerprinting prior to applying so the information issued by DOJ and FBI are also available to the Board. Otherwise, if the preapplication determination is authorized to be based solely on what the applicant provides, then the determination issued by the Board cannot be determined as final until the applicant submits to fingerprinting with the Board. Although applicants receiving a determination from the Board regarding their criminal history ahead of time will be beneficial to the applicants, the legislation may not provide full benefit if the Board's decision is not final and based upon their Criminal Offender Record Information (CORI) report.

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The legislation also does not take into account convictions that may occur in the interim of receiving the Board's decision on the applicant's preapplication determination request and applying for licensure. If a subsequent conviction occurs, then there will need to be additional time for the review of the applicant's criminal history rendering the first determination invalid. In addition, if the Board cannot use the applicant's official CORI during the preapplication

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**Fiscal Impact:**

It is anticipated the volume of the preapplication determination requests under the provisions of this bill will be similar to previous years' volume of applicant investigations prior to July 1, 2020, when the Board initiated cases based on applicant's self-disclosure in addition to CORI. The volume is also expected to be slightly higher with the assumption that prospective applicants not yet eligible for licensure or enrolled in an acupuncture program will also use this pathway in determining their education and career choices.

The volume is estimated to be between 35 and 50 preapplication determination requests annually. It currently takes Enforcement staff at the Associate Governmental Program Analyst (AGPA) level to complete an applicant investigation within 10 hours. This means the provisions of this bill may amount to 350 to 500 hours of AGPA time split between two Enforcement staff. Then there is also review time from the Executive Officer in making the final determination regarding a prospective applicant's qualification for licensure. This amounts to an hour per case (35 to 50 hours of an EO's time). Based on last fiscal year's volume of applicant investigations, AGPA time amounted to 110 hours. This means AB 1662 could increase an AGPA's time spent on applicant investigations by 355%.

It is also estimated the Board will require regulations to further implement the request and review process as well as standardize the information/documentation required for the requests. The entire rulemaking process on one package can take approximately 40 hours of AGPA time annually. There will also be IT implementation costs associated with updating the Board's IT system to capture the new preapplication determination process electronically.

**Staff Recommendation:**

Watch

**[Assembly Bill 1733](#): State bodies: Open Meetings**

**Status: Set for hearing in committee then postponed by committee**

**Board Position: Support**

**Existing Law:**

- The Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body.

**Summary of Bill:**

AB 1733 would specify that a "meeting" held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the

physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

**Board Impact:**

If passed, the Board will be able to hold open and closed meeting by teleconference as specified. The Board would see a decrease in staff time for travel arrangements but would see an increase in staff time for the arrangement of web conference, webcast functionality and ensuring a physical location that is open to the public to participate. The bill currently does not specify region requirements for the bill. For cost efficiencies, the Board's goal for the required physical location would be to utilize the hearing room at the Department's headquarters.

**Fiscal Impact:**

The Board typically spend about \$10,000 for in person meetings and \$2,000 to hold remote meeting four to five times per year. This bill would result in a cost savings to the Board of \$8,000 by reducing costs for travel, hotel, room reservations. The bill does not clarify if physical locations need to be held in a specific region, so this was not factored into the costs. For cost efficiencies, the goal for the required physical location is the hearing room at the Department's headquarters could be utilized.

**Staff Recommendation:**

Watch

**[Senate Bill 1031](#): Healing Arts Board: Inactive License Fees – Ochoa Bogh**

**Status:** Placed on Appropriations suspense file on 5/2/22. Set for hearing 5/19/22. Held in committee and under submission.

**Board Position: Oppose**

**Existing Law:**

- Requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board.
- Prohibits the holder of an inactive license from engaging in any activity for which an active license is required and requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

**Summary of Bill:**

This bill requires the renewal fee for an inactive license to be ½ of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

**Board Impact:**

Under current law, the Board charges the same dollar amount (\$500) for both active and inactive licensees. The Board would be prohibited from charging \$500 to inactive licensees and instead would be required to charge \$250 (half of the fee for an acupuncture license renewal). Staff will be required to update the Active/Inactive License Application but the workload to process the inactive licensees is estimated to remain the same. There will be IT implementation costs associated with updating the Board's IT system to capture the new inactive fee to process the application electronically.

**Fiscal Impact:**

On average, the Board has 2,206 inactive licensees that pay an inactive fee biennially or until they place their license back on active status. Reducing the inactive fee from \$500 to \$250 would create an annual revenue decrease of about \$275,750 to the Board's fund.

**Staff Recommendation:**

Oppose. This bill creates a significant decrease in revenue and significantly impacts the Board's fund condition without creating a decrease to the Board's workload.

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**[Senate Bill 189: State Government](#)**

**Status:** Chaptered 6/30/22

**Summary of Bill:**

Reinststitutes the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic. Effective from June 30, 2022 through July 1, 2023.

The changes took effect immediately upon signing.





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<b>DATE</b>	August 2022
<b>TO</b>	Acupuncture Board Members
<b>FROM</b>	Board Staff
<b>SUBJECT</b>	Regulatory Update August 2022

The following list displays the status of the Board's current regulatory packages:

**1. Fee Waiver for Licensure of Military Spouses/Partners and Application for Licensure (Title 16 CCR sections 1399.413, 1399.419, new section 1399.?)**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
12/21	12/21					
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package would implement SB 607 (Min, Chapter 367 Statutes of 2021) which allows (effective July 1, 2022) a fee waiver to qualified spouses or domestic partners of active duty service members stationed in California. The waiver would cover the licensure application fee and the initial or original license fee. The package also places the license application form in regulations.

The package is under development by staff.

**2. Temporary Licensure of Military Spouses/Partners (Title 16 CCR sections 1399.413, 1399.419)**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
12/21	12/21					
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package would implement AB 107 (Salas, Chapter 693 Statutes of 2021). The law establishes the option of temporary licensure for qualified spouses or domestic partners of active duty service members stationed in California. The temporary licenses would last 12 months or until the applicant is granted or denied a standard license.

The package is under development by staff.

**3. Division 13.7, Article 6.1 and 6.2, Title 16 CCR sections 1399.469 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
11/28/2018	2012	N/A	3/28/19	6/2019		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package reflects updates to the Board's Disciplinary Guidelines, which include incorporating relevant portions of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees. It brings Board regulations in line with SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) which required the development of the Uniform Standards.

The Board approved modified text and updates to Guidelines to align with AB 2138 at the December 2020 Board meeting. Following review from Legal Affairs Division, the Board will consider revised language at an upcoming Board meeting.

**4. Disclosure of Probation Status to Patients – SB 1448**

**(Implemented through Disciplinary Guidelines Package – See #3)**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
11/28/2018	2/2019	N/A	3/28/19	6/2019		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

These changes (included as part of the package on updating the Board's Disciplinary Guidelines) will establish regulations consistent with SB 1448 (Hill, Chapter 570, Statutes of 2018), which requires licensees on probation pursuant to a probationary order made on or after July 1, 2019 to disclose that status to a patient or their guardian or health care surrogate prior to the patients first visit.

Following review from Legal Affairs Division, the Board will consider revised language at an upcoming Board meeting.

5. **16 CCR 1399.415, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439, Article 3.5: Align Curriculum Standards and Approval Related Regulations with Statute:**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
2/11/19	2/11/19	6/13/19	8/15/19; 3/26/21	1/21/21		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package will make additional changes to regulations to ensure compliance with SB 1246 (Lieu, Chapter 397, Statutes of 2014). The law changed the Board's authority from approving schools and colleges of acupuncture to approving education and training programs in acupuncture. It is the second package from the Board in connection with SB 1246.

The Board approved additional regulatory language at the March 2021 Board meeting. Regulatory package is currently under staff development.

6. **16 CCR 1399.409, 1399.411, 1399.413, 1399.414, 1399.416, 1399.416.2, 1399.416.3, 1399.416.4, 1399.417, 1399.419: Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service:**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
11/28/18	2018/2019	3/25/21	08/26/21			
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package sets regulations for the Board to approve credential evaluation services for evaluating the foreign education of applicants for licensure including, amendments addressing the licensing examination, documentation required during the applications process, and applications for examination and re-examination.

The Board reviewed regulatory language at the March 2021 Board meeting and approved language changes at the March and August 2021 Board meetings. The regulatory package is currently being developed by staff.

7. **16 CCR 1399.419.3: Application for Retired Status; Retired Status; Restoration**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
1/2020	4/2019	6/13/19	8/16/19	1/07/21		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package will establish a retired license status, and outline the restrictions of a retired license, as well as how to apply for one and how to restore a retired license to active status. The Board has authority to establish such a license status from BPC Section 464.

The Board approved regulatory language in August 2019, and the package is currently under development by staff and legal counsel.

**8. 16 CCR 1399.483, 1399.489: Continuing Education Requirements**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
1/2020	3/2019	3/29/19	3/26/21	3/26/21		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package will set requirements for continuing education in law and ethics for licensees (both in terms of the number of units and an end-of-class testing requirements) and clean up existing language. While the Board has previously required law and ethics courses in continuing education for licensees, this has not been the case since 1999.

The Board approved regulatory language at the March 2021 Board meeting and the package is currently under development with staff.

**9. 16 CCR 1399.452.2: Standards of Practice for Telehealth Services**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
1/1/21	12/20	12/17/20	3/26/21	3/26/21		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package will provide specific guidance and requirements for delivering acupuncture services via telehealth. This was prompted by the COVID-19 pandemic and the subsequent encouragement by the Governor through Executive Orders to use telehealth to maximize the abilities of California's health care workforce.

The Board approved regulatory language at the March 2021 Board meeting and the package is currently under development with staff.

**10. 16 CCR 1399.451: Hand Hygiene Requirements**

Added to Rulemaking Calendar	Researching & Development	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Notice Published by OAL	45-Day Comment Period Ended
n/a	2013	1/2014	2/2014	2014		
Hearing Held	Board Final Approval	15-Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date

This package was initially approved by the Board in February 2014 to update existing regulations and bring them up to then-current public health and health industry standards. Package was set aside for higher priority regulations and in October 2018 the Board restated its interest in proceeding with regulations. Package was again set aside for higher priority regulations. It is currently under development with staff.



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<b>DATE</b>	March 2022
<b>TO</b>	Board Members
<b>FROM</b>	David Bruggeman, Policy Analyst
<b>SUBJECT</b>	Discussion on Proposed Regulations on Prohibited Sexual Acts

## SUMMARY

At the October 2018 Board meeting, staff presented on proposed acupuncture regulations for Prohibited Sexual Acts. Following Board member and staff discussion that raised several legal questions, the Board requested Legal Counsel conduct research on those questions. In October and November 2021, staff consulted with Board Counsel and a Deputy Attorney General with the Department of Justice on these matters.

In the opinion of both attorneys, the Acupuncture Board should be able to pursue administrative action against licensees who violate Business and Professions Code (BPC) Section 731. That section defines as unprofessional conduct engaging in or aiding an abetting, a violation of specific sections of the Penal Code related to prostitution that occur in the work premises of, or the work area under the supervision or control of the licensee.

## HISTORY

While the Board has had authority through regulation to discipline licensees engaged with prostitution and related activities, proceeding with these cases require a conviction. In cases where prostitution or related charges were dismissed due to plea bargains and/or the completion of probation or other conditions the Attorney General's Office would not pursue an administrative action because the underlying criminal action had been resolved without a conviction.

The Enforcement Committee considered regulatory language on Prohibited Sexual Acts in January 2014. That language would have added subsection (b) to 16 CCR 1399.450 – Condition of Office. It would prohibit sexual acts or erotic behavior in any business, facility or premises used in connection with an acupuncture license.

The amended Section 1399.450 would have read (the proposed new text is underlined):

1399.450 Condition of Office.

(a) Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have a readily accessible bathroom facility in accordance with Title 24, Part 2, Building Standards Code Sections 494A.1 and 1994 Uniform Building Code Section 2902.3

(b) Where an acupuncture license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, employees, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.

Subsequent legal review (at the Department of Consumer Affairs and the Attorney General's Office) led to concerns that this proposed language was not specific enough. They recommended adopting a standalone regulation under the authority of BPC Sections 731 and 4955. The Enforcement Committee and the Full Board reviewed and approved the new proposed regulatory language at their December 2016 meetings.

The 2016 approved language was as follows:

Section 1399.469.4. Prohibited Sexual Acts.

- (a) Any person subject to regulation by the Acupuncture Board, who knowingly engages in or who aids and abets in, by owning, leasing, licensing, or operating a location where sexual acts, or attempted sexual acts occur, involving any person, including but not limited to patients, clients, employees, patrons, visitors, or customers, whether or not fees for services are paid, that person, shall be guilty of unprofessional conduct.
- (b) "Sexual Acts," as defined in this regulation, means the touching of any part of a person for the purpose of sexual arousal, gratification, or sexual abuse, and includes, but is not limited to, sexual intercourse, masturbation, sexual stimulation, and sexual penetration.
- (c) The license, certification, or registration of that person shall be subject to denial, suspension, or revocation by the Acupuncture Board.

Due to a focus on other, higher priority regulatory packages, this language had not been filed as of the October 2018 Board meeting. At that time, the Board discussed whether to proceed with the package. Concerns with the approved language at that time included that the regulation may be overbroad, and there was not clarity on if a conviction would be necessary in order to proceed with administrative discipline. Additionally, there were concerns about the stigma associated with having regulations specific to acupuncture related to prostitution. After some discussion the Board requested that additional legal research take place to address the concerns mentioned above.

#### **NEXT STEPS**

Based on the opinions of the attorneys Board staff consulted, additional regulations would be unnecessary. Enforcement should be able to proceed with administrative discipline for violations of BPC Section 731 without convictions.

At this time staff would recommend not proceeding with additional regulations. The approved regulatory language from 2016 was never noticed with the Office of Administrative Law, but the Board would need to vote to not proceed with language previously approved for regulations.

#### **SUGGESTED MOTION**

"I move to direct the Executive Officer to abandon the regulatory language approved at the December 2016 Board meeting adding 16 CCR Section 1399.469.4 and direct Board staff to not proceed with a regulatory rulemaking on the matter."