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

**Friday, December 2, 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=m7307b83b9045b1584394780d3a3a0de7>

If joining using the link above
Webinar number: 2482 759 9574
Webinar password: ACUP12022022

If joining by phone
+1-415-655-0001 US Toll
Access code: 248 275 99574
Passcode: 22871202

Pursuant to Government Code section 11133, no physical meeting location will be 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. Review and Possible Approval of the August 11, 2022, Board Meeting Minutes (Harabedian)**

4. Executive Management Report

- (A) Budget Update
- (B) Staffing Update
- (C) Business Modernization Update
- (D) Licensing Report Q1 2022-23
- (E) Enforcement Report Q1 2022-23

5. Legislative Report (Bodea)

- (A) 2021-22 Legislative Session Summary
 - 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

6. Discussion and Possible Approval of 2022 Sunset Report (Bodea)

7. 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).)

8. Future Agenda Items (Harabedian)

9. Closed Session

Pursuant to Government Code Section 11126(a)(1), the Board will convene to Consider the Evaluation of the Performance of the Executive Officer

10. 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.

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/>.

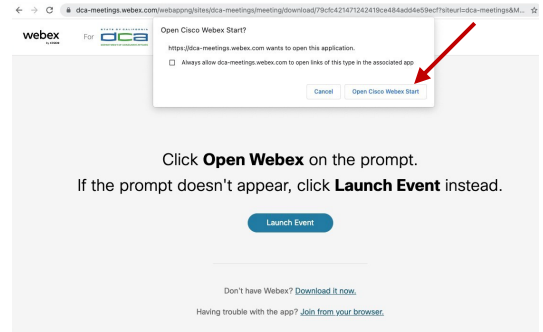
Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please follow the log-in instruction listed above. Adjournment, if it is the only item that occurs 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).)

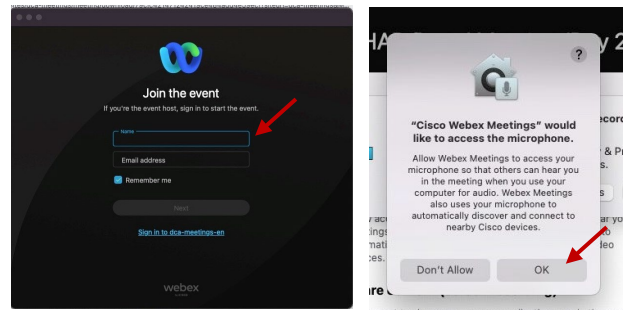
Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate 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.



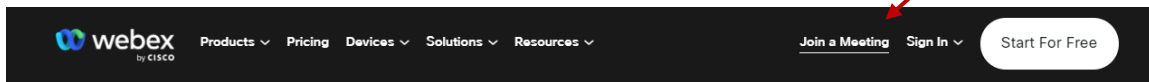
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



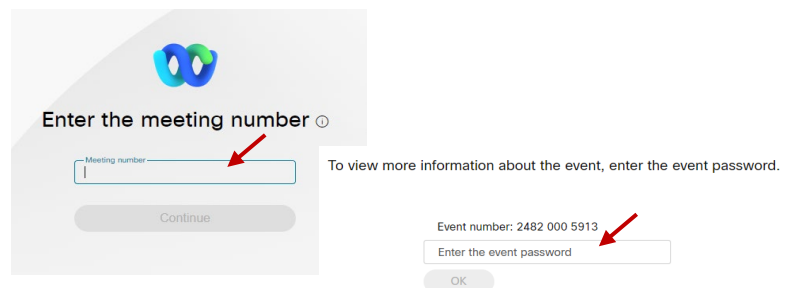
OR

If joining from Webex.com

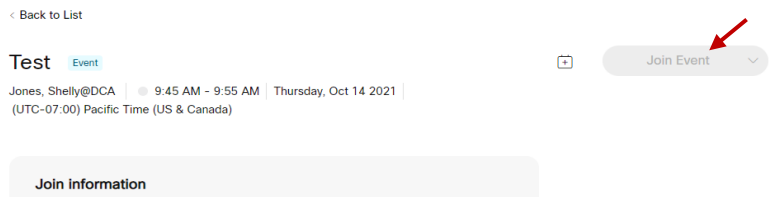
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



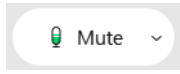
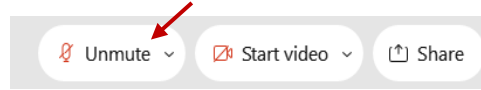
OR

Connect via telephone*:

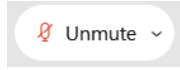
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

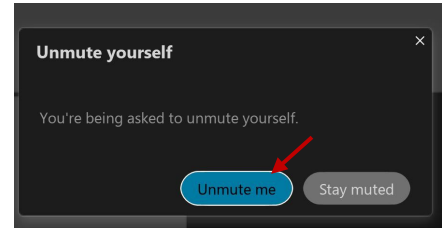


Green microphone = Unmuted: People in the meeting can hear you.



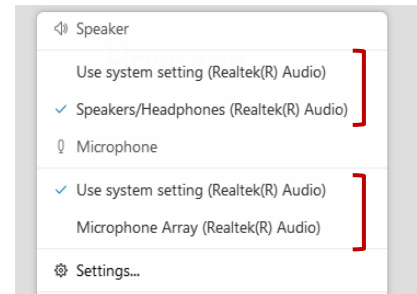
Red microphone = Muted: No one in the meeting can hear you.

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".



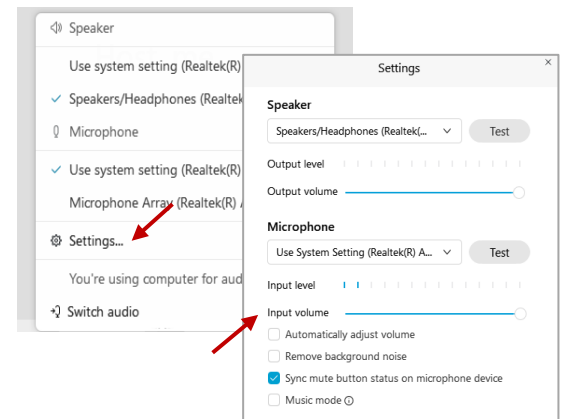
If you cannot hear or be heard

- 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

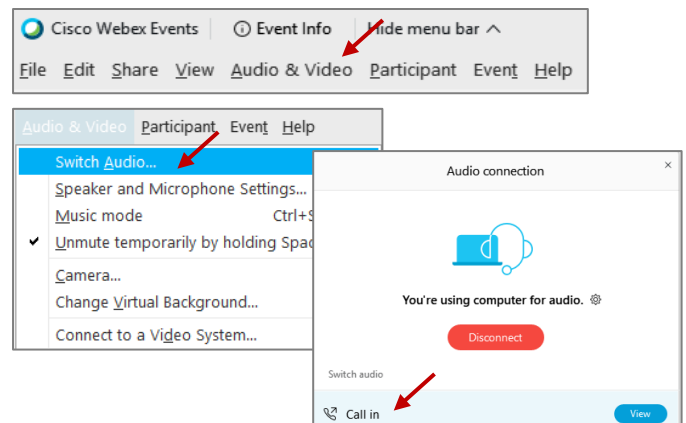
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.

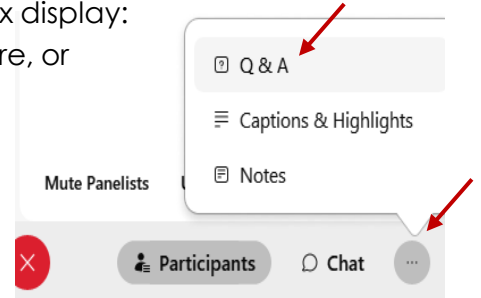
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

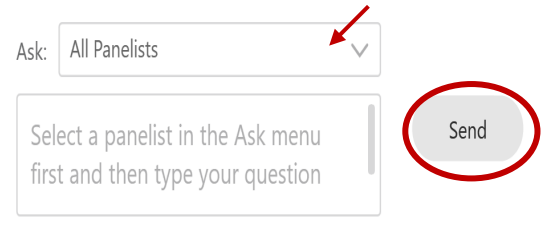
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



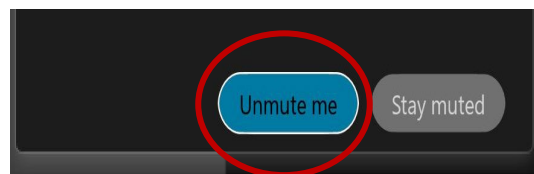
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

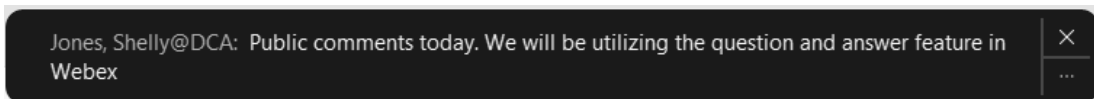


OR

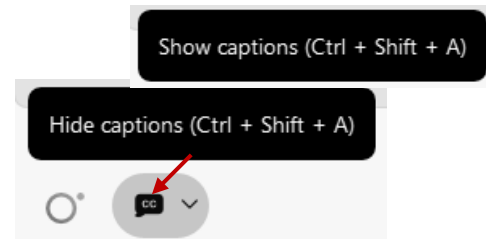
If connected via telephone:

- Press *3 to unmute your microphone.

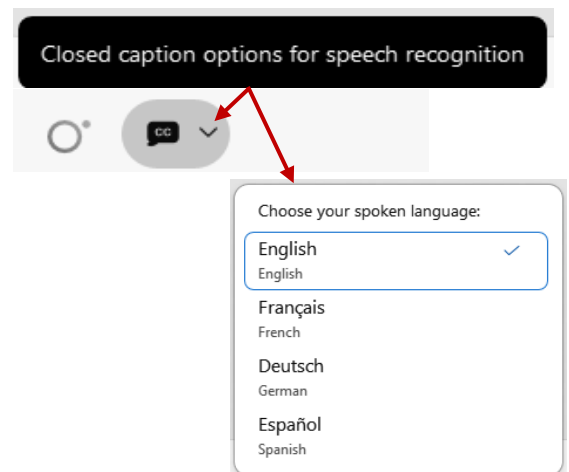
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



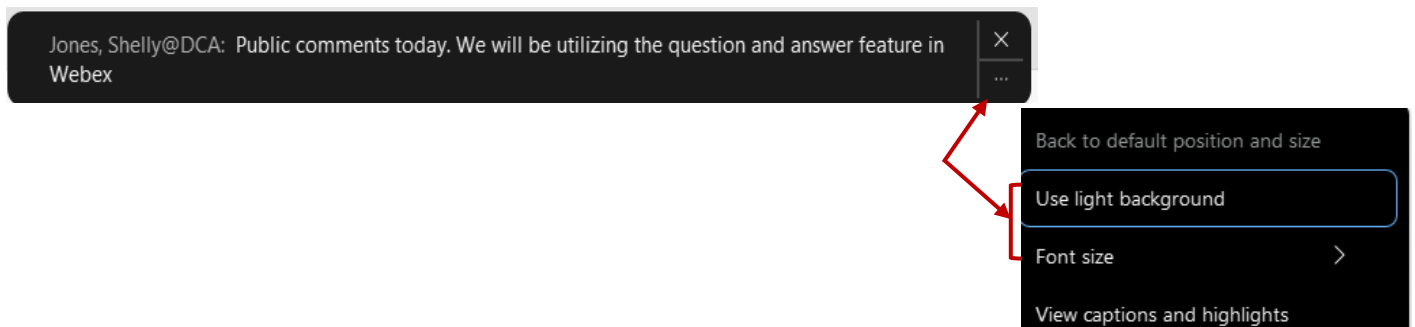
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





BOARD MEETING MINUTES August 11, 2022

LOCATION:

Web Ex Teleconference

Staff Present

Benjamin Bodea, Executive Officer
Ryan Marcroft, 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 9:04 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 – Petition for Reinstatement

The petition was withdrawn by petitioner.

Item 5 – Approval of Minutes

Board members reviewed the minutes from the March 2022 meeting.

MOTION

Dr. Matecki motioned to approve the March meeting minutes.

Kim seconded it.

No public comment.

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

Motion Passes

Item Number 6 - Executive Management Report

(A) Budget Update

Based on FM 11 projections, the Board is estimated to revert funds back to the fund.

(B) Staffing Update

The Board is conducting interviews for the enforcement analyst position and administrative analyst.

(C) Facilities Update

The Board has moved into the new office at HQ1.

(D) Business Modernization (BizMod) Update

In September 2022, the project will change from development phase to maintenance and operation phase for the next 18 months. During this time period, the Board will refine its existing licensing processes, add the enforcement module, and allow for licensees to manage their license status.

(E) Licensing report Q2 FY 2021 - 2022

Mr. Herdt reviewed the data for Licensing, Continuing Education, Tutorial, and training programs. It was noted that there was a drop of 1,059 of licensees.

(F) Enforcement Report Q2 FY 21/22

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

(G) Sunset Report Update

EO Bodea met with B&P Consultants and other EO's that will be going through Sunset this year to discuss the new Sunset report. Staff are currently working on the report. Once the report is completed, a Board Meeting will be set up to go over the report. The report is due to the Legislature January 3, 2023, with a tentative hearing date of February or March 2023.

Item 7 - Legislative Report – Reviewed bills with positions taken, or new bills

EO Bodea reviewed the bills of interest from 2022 calendar year. There were no bills that required a new position.

Item 8 - Regulations Update

There was no movement on any of the regulatory packages due to the office move, completion of the annual report, and the regulatory coordinator being out of office.

Item 9 - Discussion and Possible Action Not to Pursue Proposed Regulations on Prohibited Sexual Acts

Staff recommended to not move forward with the regulatory package as the Board already has the authority to pursue actions on prostitution or sexual behavior during treatment settings and does not need additional authority.

MOTION

Chen motioned to direct the EO 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.

Kim seconded it.

No public comment.

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

Motion Passes

Item 10 – Public Comments for Items Not on the Agenda

There were no comments from the public on this item.

Item 11 - Future Agenda Items

President Harabedian asked Board Members for items.

Member Matecki requested a possible discussion for the tutorial curriculum requirements. EO Bodea noted that this would be good item to add to the new Strategic Plan.

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

Item 12 – Adjournment

President Harabedian Adjourned the meeting at 9:51AM.

0108 - Acupuncture Fund Analysis of Fund Condition
(Dollars in Thousands)

Prepared 11/23/22

2022 Budget Act with FM 3 Projections

Fiscal Year	PY 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE	\$ 3,189	\$ 3,710	\$ 3,920	\$ 4,087	\$ 4,150
Prior Year Adjustment	\$ 288	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 3,477	\$ 3,710	\$ 3,920	\$ 4,087	\$ 4,150
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 43	\$ 34	\$ 34	\$ 34	\$ 34
4127400 - Renewal fees	\$ 2,811	\$ 3,225	\$ 3,225	\$ 3,225	\$ 3,225
4129200 - Other regulatory fees	\$ 277	\$ 135	\$ 135	\$ 135	\$ 135
4129400 - Other regulatory licenses and permits	\$ 725	\$ 671	\$ 671	\$ 671	\$ 671
4163000 - Income from surplus money investments	\$ 7	\$ 0	\$ 60	\$ 61	\$ 61
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 3,864	\$ 4,066	\$ 4,126	\$ 4,127	\$ 4,127
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised (AB 84)	\$ -121	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -121	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,743	\$ 4,066	\$ 4,126	\$ 4,127	\$ 4,127
TOTAL RESOURCES	\$ 7,220	\$ 7,776	\$ 8,046	\$ 8,214	\$ 8,277
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,119	\$ 3,422	\$ 3,525	\$ 3,630	\$ 3,739
9892 Supplemental Pension Payments (State Operations)	\$ 43	\$ 43	\$ 43	\$ 43	\$ 0
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 348	\$ 391	\$ 391	\$ 391	\$ 391
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 3,510	\$ 3,856	\$ 3,959	\$ 4,064	\$ 4,131
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,710	\$ 3,920	\$ 4,087	\$ 4,150	\$ 4,146
Months in Reserve	11.5	11.9	12.1	12.1	12.0

NOTES:

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

Department of Consumer Affairs

Expenditure Projection Report

Acupuncture Board

Reporting Structure(s): 11111700 Support

Fiscal Month: 3

Fiscal Year: 2022 - 2023

Run Date: 10/28/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$890,000	\$831,242	\$856,000	\$182,333	\$0	\$182,333	\$827,034	\$28,966
5100	TEMPORARY POSITIONS	\$19,000	\$90,079	\$19,000	\$0	\$0	\$0	\$41,000	-\$22,000
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	12000	\$7,271	\$12,000	\$0	\$0	\$0	\$7,271	\$4,729
5150	STAFF BENEFITS	\$535,000	\$486,394	\$505,000	\$105,608	\$0	\$105,608	\$502,769	\$2,231
	PERSONAL SERVICES	\$1,456,000	\$1,414,985	\$1,392,000	\$287,941	\$0	\$287,941	\$1,378,074	\$13,926

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$77,000	\$30,172	\$57,000	\$3,389	\$9,740	\$13,128	\$57,513	-\$513
5302	PRINTING	\$18,000	\$13,300	\$18,000	\$0	\$10,842	\$10,842	\$16,075	\$1,925
5304	COMMUNICATIONS	\$18,000	\$6,343	\$18,000	\$256	\$0	\$256	\$7,211	\$10,789
5306	POSTAGE	\$6,000	\$6,562	\$6,000	\$422	\$0	\$422	\$4,343	\$1,657
5308	INSURANCE	\$0	\$22	\$0	\$0	\$0	\$0	\$22	-\$22
53202-204	IN STATE TRAVEL	\$34,000	\$5,263	\$34,000	\$0	\$0	\$0	\$7,894	\$26,106
5322	TRAINING	\$4,000	\$4,405	\$4,000	\$0	\$0	\$0	\$4,000	\$0
5324	FACILITIES	\$65,000	\$123,398	\$65,000	\$13,694	\$0	\$13,694	\$208,694	-\$143,694
53402-53403	C/P SERVICES (INTERNAL)	\$502,000	\$166,602	\$502,000	\$25,659	\$0	\$25,659	\$189,696	\$312,304
53404-53405	C/P SERVICES (EXTERNAL)	\$565,000	\$314,408	\$557,000	\$26,285	\$192,482	\$218,767	\$397,365	\$159,635
5342	DEPARTMENT PRORATA	\$1,033,000	\$849,568	\$873,000	\$436,500	\$0	\$436,500	\$873,000	\$0
5342	DEPARTMENTAL SERVICES	\$334,000	\$260,678	\$334,000	\$24	\$0	\$24	\$240,141	\$93,859
5344	CONSOLIDATED DATA CENTERS	\$4,000	\$11,628	\$4,000	\$95	\$0	\$95	\$11,977	-\$7,977
5346	INFORMATION TECHNOLOGY	\$36,000	\$67,692	\$36,000	\$5,070	\$1	\$5,071	\$74,461	-\$38,461
5362-5368	EQUIPMENT	\$14,000	\$7,707	\$0	\$2,171	\$3,297	\$5,468	\$16,526	-\$16,526
5390	OTHER ITEMS OF EXPENSE	\$3,000	\$0	\$3,000	\$528	\$0	\$528	\$528	\$2,472
54	SPECIAL ITEMS OF EXPENSE	\$0	\$2,047	\$0	\$0	\$0	\$0	\$2,047	-\$2,047
	OPERATING EXPENSES & EQUIPMENT	\$2,713,000	\$1,869,793	\$2,511,000	\$514,093	\$216,362	\$730,455	\$2,111,493	\$399,507

OVERALL TOTALS	\$4,169,000	\$3,284,779	\$3,903,000	\$802,034	\$216,362	\$1,018,395	\$3,489,567	\$413,433
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10.59%

FY 2022/23 Acupuncture Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Clear	13473	n/a	n/a	n/a
Active	9423	n/a	n/a	n/a
Inactive	2380	n/a	n/a	n/a
Delinquent	1670	n/a	n/a	n/a
Cancelled	70	n/a	n/a	n/a
Initial AC License Applications Approved	77	n/a	n/a	n/a
Initial AC License Applications Denied	0	n/a	n/a	n/a
AC License Renewals	1576	n/a	n/a	n/a
Active Wall Licenses	3438	n/a	n/a	n/a
Initial Wall Licenses	485	n/a	n/a	n/a
Wall License Renewals	65	n/a	n/a	n/a

FY 2021/22 Continuing Education Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
New CE Provider Applications Approved	5	n/a	n/a	n/a
CE Provider Applications Denied	0	n/a	n/a	n/a
Course Applications Received	564	n/a	n/a	n/a
Course Applications Approved	532	n/a	n/a	n/a
Course Denials	32	n/a	n/a	n/a
Continuing Education Active Providers	344	n/a	n/a	n/a
CE Providers - Total Provider Numbers Issued	1759			

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	5	n/a	n/a	n/a
ABAC - Incomplete	0	n/a	n/a	n/a
ABAC - Approved	0	n/a	n/a	n/a
Loss of Approval	0	n/a	n/a	n/a

FY 2021/22 Acupuncture Tutorial Training Programs

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Applications Received	4	n/a	n/a	n/a
New Program Approvals	4	n/a	n/a	n/a
Programs Completed	3	n/a	n/a	n/a
Programs Terminated, Abandoned	3	n/a	n/a	n/a
Total Approved Programs	51	n/a	n/a	n/a

EXAMINATION RESULTS STATISTICS - FIRST TIME AND OVERALL

1/1/2022 - 6/30/2022

APPROVED ACUPUNTURE AND EDUCATIONAL TRAINING PROGRAMS	1ST TIME TAKERS			OVERALL (Includes Re-Takers)		
	#PASS	#FAIL	PASS %	#PASS	#FAIL	PASS %
Academy of Chinese Culture & Health Sciences	5	3	63%	5	3	63%
Acupuncture & Integrative Medicine College, Berkeley	9	3	75%	10	3	77%
Alhambra Medical University	7	2	78%	7	2	78%
American College of Traditional Chinese Medicine at CIIS	5	1	83%	5	2	71%
California University - Silicon Valley	1	0	100%	1	0	100%
Dongguk University Los Angeles	2	5	29%	2	7	22%
Emperor's College of Traditional Chinese Medicine	8	5	62%	8	6	57%
Five Branches University	13	3	81%	14	6	70%
Golden State University*	1	0	100%	1	0	100%
International Institute of Chinese Medicine*	1	0	100%	1	0	100%
National University of Natural Medicine	0	1	0%	0	1	0%
New England School of Acupuncture	1	0	100%	1	0	100%
Nine Star University*	1	0	100%	1	0	100%
Oregon College of Oriental Medicine	2	0	100%	2	0	100%
Pacific College of Health and Science	20	5	83%	22	7	76%
Samra University*	0	1	0%	0	1	0%
South Baylo University	19	11	63%	22	22	50%
Southern California University of Health Sciences	6	0	100%	6	0	100%
Stanton University*	0	0	0%	0	2	0%
University of East West Medicine	6	2	75%	6	2	75%
University of Herbal Medicine*	0	1	0%	0	2	0%
Whitewater University	1	0	100%	1	0	100%
Yosan University	4	2	66%	4	2	66%
Tutorials	2	2	50%	2	3	40%
Foreign	4	1	80%	4	2	67%
GRAND TOTAL	118	48	71%	125	73	63%

*Previously Approved Training Program

EXAMINATION RESULTS STATISTICS - BY LANGUAGE**1/1/2022 - 6/30/2022**

LANGUAGE	#PASS	#FAIL	PASS %
Chinese	22	15	59%
English	86	49	64%
Korean	17	9	65%
GRAND TOTAL	125	73	63%



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DATE	December 2, 2022
TO	Board Members
FROM	Ben Bodea, Executive Officer
SUBJECT	Enforcement Update for Quarter 1 (Q1) FY 2022/2023: 7/1/22 – 9/30/22

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category		Received
Unprofessional Conduct	Sub-Total	11
• <i>Inappropriate behavior</i>	3	
• <i>Patient abandonment</i>	1	
• <i>Revocation of clinical privileges</i>	1	
• <i>Patient harm</i>	2	
• <i>Failure to comply with contractual obligations</i>	2	
• <i>Patient threat</i>	1	
• <i>Use of the title Dr.</i>	1	
Unlicensed/Unregistered		0
Criminal Charges/Convictions**		2
• <i>Applicants</i>	2	
• <i>Licensees</i>	0	
Sexual Misconduct		1
Fraud		2
Non-jurisdictional		3
Incompetence/Negligence		5
Unsafe/Unsanitary Conditions		1
Other		3
Substance Abuse/Drug & Mental/Physical Impairment		0
Discipline by Another State Agency		0
Total		28

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	11	86	0
Unlicensed/Unregistered	0	29	0
Criminal Charges/Convictions (includes pre-licensure)	2	26	3
Sexual Misconduct	1	10	0
Fraud	2	41	0
Non-jurisdictional	3	5	2
Incompetence/Negligence	5	48	1
Unsafe/Unsanitary Conditions	1	6	0
Other	3	8	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	0	1	0
Total	28	260	6

* 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 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	108	26				26	↓ -76%
PM1: Total Convictions/Arrest Received	35	2				2	↓ -94%
PM1: Total Received	143	28				28	↓ -80%

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

Intake Cycle Time (Target: 10 Days)	FY 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	5	3				3.0	↓ -40%

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 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	113	6				6	↓ -95%
PM3: Average Cycle Time Investigations	416	36				36	↓ -91%

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

	FY 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	41%	6				100%	↑ 59%
91 - 180 Days	5%	0				0%	↓ -5%
181 Days - 1 Year (364)	10%	0				0%	↓ -10%
1 to 2 Years (365-730)	15%	0				0%	↓ -15%
2 to 3 Years (731- 1092)	13%	0				0%	↓ -13%
Over 3 Years (1093 +)	16%	0				0%	↓ -16%

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

Citations	FY 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	3	0				0	↓ -100%
Average Days to Close	447.5	0				0.0	↓ -100%

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 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	3	1				1	↓ -67%
PM4: Total Cycle Time	622	1748				1748	↑ 181%

	FY 2021/22	Fiscal Year 2022/23					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	11	0				0	↓ -100%
AG Cases Pending	21	18				18	↓ -14%
SOIs Filed	0	0				0	⇒ 0%
Accusations Filed	7	2				2	↓ -71%
Total Closed after Transmission	5	1				1	↓ -80%
Revoked	0	0				0	⇒ 0%

Voluntary Surrender	0	2				2	#DIV/0!
Probation	3	0				0	↓ -100%
License Denied	0	0				0	⇒ 0%
Public Reprimand	0	0				0	⇒ 0%
Closed w/out Disciplinary Action	0	1				1	↑ 100%

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

Total Orders Aging/Final Decision	FY 2021/22	Fiscal Year 2022/23				YTD	Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun		
Up to 90 Days	0%	0				0%	⇒ 0%
91 - 180 Days	0%	0				0%	⇒ 0%
181 Days - 1 Year (364)	0%	0				0%	⇒ 0%
1 to 2 Years (365-730)	33%	0				0%	↓ -33%
2 to 3 Years (731- 1092)	0%	0				0%	⇒ 0%
Over 3 Years (1093 +)	67%	1				100%	↑ 33%

Other Legal Actions	FY 2021/22	Fiscal Year 2022/23				YTD	Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun		
PC 23 Ordered	0	0				0	⇒ 0%
Interim Suspension	0	0				0	⇒ 0%



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

Bills of Interest to the Board Carried Over from 2021

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

Status: Chaptered 9/29/22

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: Chaptered 9/13/22**

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

Status: Chaptered 6/30/22

Summary of Bill:

Reinstates 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.