



Approved November 3, 2006

**ACUPUNCTURE BOARD  
MEETING MINUTES**

August 25, 2006  
Wyndham Anaheim Park Hotel  
Fullerton, CA

**Full Board Meeting  
Friday August 25, 2006**

**Members Present**

*Steven Tan, M.D. Chair  
Kenny Cherng, L.Ac., Vice Chair  
Adam Burke, L.Ac.  
Peichin Cheng  
Cary Nosler  
Larry Yee*

**Staff Present**

*Janelle Wedge, Executive Officer  
LaVonne Powell, Legal Counsel  
Nancy Molinar, Education Coordinator  
Christie Loftin, Examination Coordinator  
Robin Saenz, Enforcement Coordinator*

**Guest List on File**

1. **Call to Order and Establishment of a Quorum (J. Wedge, Interim Executive Officer)**  
Interim Executive Officer, Janelle Wedge, called the Acupuncture Board (Board) meeting to order at approximately 8:40a.m. Roll was taken and a quorum was established.
2. **HEARING: PETITION FOR REINSTATEMENT Petitioner: Byung Kim  
PRRL 1A-2005-196 – Postponed by petitioner**
3. **CLOSED SESSION: Pursuant to Government Code Section 11126(c)(3) to discuss and take action on disciplinary actions.**
4. **CLOSED SESSION: Pursuant to Government Code Section 11126(a) Discussion and Possible Appointment of New Executive Officer**
5. **Discussion re Recruitment of New Executive Officer**  
Steven Tan announced the Board would like to offer the executive officer position to Janelle Wedge. Ms. Wedge accepted.
6. **Petitions Pursuant to B & P Code Section 4967(b)**  
Ms. Wedge informed the Board that there were two individuals who had their license canceled for failure to renew within three years of its expiration and were attempting to become licensed again without having to take and pass the licensing exam. There is a specific provision which allows the individual to try and establish to the satisfaction of the Board that he or she is qualified to practice acupuncture (section 4967(b)). The following individuals presented their case.

**a. Marianne D'Amore**

Ms. D'Amore explained to the board her failure to meet the renewal requirements. She indicated she has kept up on her continuing education and was determined not to let this situation ever take place again.

**ADAM BURKE MOVED AND STEVEN TAN SECONDED  
THE MOTION TO ISSUE MS. D'AMORE A NEW LICENSE  
WITHOUT TAKING THE EXAM.  
PASSED UNANIMOUSLY**

**b. Fariba Nourafshan**

Ms. Nourafshan explained to the board her failure to meet the renewal requirements. She indicated she has kept up on her continuing education and was determined not to let this situation ever take place again.

**PEICHIN CHENG MOVED AND LARRY YEE SECONDED  
THE MOTION TO ISSUE MS. NOURAFSHAN A NEW  
LICENSE WITHOUT TAKING THE EXAM.  
PASSED UNANIMOUSLY**

**7. Interim Executive Officer's Report**

Ms. Wedge reported the individual hired for the administrative technician position did not work out and she would be recruiting for that position again.

**8. Approval of May 23, 2006 Meeting Minutes**

**STEVEN TAN MOVED AND KENNY CHERNG SECONDED  
THE MOTION TO APPROVE THE MAY 23, 2006 MINUTES.  
FIVE YEAS /ONE ABSTAINED  
MOTION PASSED**

**9. Administrative Business – (Discussion/Action)**

**a. Budget Report**

Ms. Wedge reviewed 05/06 year-end budget report and indicated there was a large surplus. This was largely due to vacant positions and projects that were not completed, i.e., the printing and mailing of the new laws and regulations. This project will be reflected in the next fiscal year budget. It was questioned why we did not have a budget allotment for Court Reporter Services when we had expended \$3,300 for that service. It was explained that was a fairly new line item and it will be explored as to having its own allotment. Mr. Yee addressed the issue of consumer outreach and Ms. Powell advised that within the Department of Consumer Affairs there is a Consumer and Community Relations Division, which can assist the Board in any outreach they would like to pursue. Mr. Burke would like to see more information available to prospective students on the website. Ms. Wedge indicated the website is currently being redesigned and information for students will be included. Ms. Wedge reminded the Board of the consumer brochure, which is available for distribution.

**b. Update on Regulatory Amendments to Title 16, California Code of Regulations, Sections 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 399.485, 1399.486, 1399.487, 1399.488, 1399.489, and 1399.489.1**

Ms. Wedge informed the Board that the continuing education regulatory package had been filed with the Office of Administrative Law but issues had come up regarding the difference in the number of CE hours in the regulatory package and the number of CE hours in statute (due to the passage of AB 1114). Ms. Wedge informed the Board that she and LaVonne Powell, Board legal counsel, would be meeting with the attorney from the Office and Administrative Law in an attempt to clarify and hopefully resolve any problems.

**c. Legislation**

**1. AB 2287 (Chu) - Workers Compensation**

*This bill would enact a specific set of medical guidelines for the provision of acupuncture treatment in the Workers' Compensation system if the Administrative Director of the Division of Workers' Compensation fails to do so.*

Ms. Wedge reported this bill has passed out of the Senate Business, Professions & Economic Development Committee. Mr. Burke would like to have a state's definition of those guidelines as opposed to one particular association's definition. Mr. Yee suggested reviewing the guidelines before taking a position. Ms. Wedge explained that final action on the bill would already have taken place by the next Board meeting.

**Public Comment: None**

**2. AB 2821 (Huff) - Name Change to California Asian Medicine Board**

*Would change the name of the Acupuncture Board to the California Asian Medicine Board.*

Ms. Wedge reported this bill failed passage in Senate Business, Professions and Economic Development Committee and has been rescheduled.

**Public Comment: None**

**3. AB 2927 (Leno) - Public Records**

*This bill would establish a procedure for seeking review by the AG's when a public agency denies or fails to timely grant a written request for a record under the Public Records Acts. This bill would also place new Internet posting requirements on state agencies, i.e., contact information as to who is responsible under PRA, written guidelines for requesting public records, and online forms for submitting electronic requests for public records.*

Ms. Wedge reported this bill was amended and passed out of the Senate Judiciary Committee as amended and has been referred to the Senate Committee on Appropriations.

**Public Comment: None**

**4. AB 3014 (Koretz) - Asian Massage**

*This bill would define Asian massage as use of pressure techniques, including Myofascial release of manual therapy, as it relates to soft tissues, through massage and mobilization of the skin and muscle for the therapeutic objective of stimulation of proper body function, so long as the pressure techniques or manual therapy are consistent with the training requirements specified in the board's regulations.*

Ms. Wedge reported this bill was amended on August 21, 2006. Mr. Burke indicated he liked the amendment and Dr. Tan agreed it shouldn't limit the scope of an acupuncturist.

**LARRY YEE MOVED AND PEICHIN CHENG SECONDED THE MOTION TO SUPPORT THE BILL. PASSED UNANIMOUSLY**

**Public Comment: None**

**5. SB 1476 (Figueroa) - Extending Sunset Date**

*Extends the sunset date of the Board from January 1, 2009 to January 1, 2010.*

Ms. Wedge reported this bill passed out of Assembly Committee on Appropriations.

**Public Comment: None**

**6. Any other bills of interest to the Board**

Ms. Wedge reported that there was another legislative bill which could be of interest to the Board. SB 412 (Figueroa) would provide for the certification of massage practitioners and massage therapists by a nonprofit organization. The bill was read third time in the Assembly, was amended, and again was sent to its third reading.

**10. Examination Business – (Discussion/Action)**

**a. August 29, 2006 Licensing Examination**

Ms. Loftin reported there were 339 English candidates, 119 Chinese candidates, and 147 Korean candidates scheduled for the August 29, 2006 exam.

**Public Comment:** Tom Haines, Pacific College of Oriental Medicine would like to have the curriculums strong and weak points disclosed and indicated that a disclosure statement is signed by the students to allow the Board to release this information to the schools.

**b. Other DCA Boards' Limitations on Retaking Examinations**

Ms. Loftin reviewed the research data provided in the packet on candidates retaking other Board's and Bureau's licensing examinations. Mr. Burke suggested having multiple retakers take an exam preparation class to determine the percentage of pass and fail rate after taking the class. Dr. Tan indicated he would not be in support of legislation requiring exam retakers to take an exam preparation class.

**c. The Process Used to Develop a Legally Defensible Licensing Examination (Linda Hooper, Ph.D., OER)**

Ms. Hooper presented a PowerPoint demonstration on the process used to develop a legally defensible licensing examination.

**11. Educational Business – (Discussion/Action)**

**a. China International Medical University (Intent to Revoke Approval)**

Janelle Wedge informed the Board that a letter was sent to China International Medical University's (CIMU) legal representative on June 20, 2006. The official correspondence was based on the Board's decision to issue a notice of intent to revoke the school approval. The letter further stated that if CIMU would like to respond to the areas of concern they would need to do so at least two weeks prior to the Board's August 25, 2006 Board meeting. The Board has not heard from the school since the May 23, 2006 Board meeting.

**CARY NOSLER MOVED AND ADAM BURKE SECONDED THE MOTION TO REVOKE THE SCHOOL APPROVAL FOR CHINA INTERNATIONAL MEDICAL UNIVERSITY FOR THE MASTER**

**OF SCIENCE AND TRADITIONAL CHINESE MEDICINE  
PROGRAM.  
PASSED UNANIMOUSLY**

**b. East West College of Natural Medicine, Sarasota, FL – school site visit**

A site visit was conducted for East West College of Natural Medicine (EWC), in Sarasota Florida on June 27-28, 2006. Nancy Molinar, Education Coordinator and Laurel Holloway, California licensed acupuncturist performed the site visit. Ms. Molinar reviewed the report and concluded that EWC provides a facility, faculty, academic clinical leadership, staff and a clinical experience that meets the requirements of the California Acupuncture Board.

**CARY NOSLER MOVED AND KENNY CHERNG SECONDED  
THE MOTION TO GIVE FULL SCHOOL APPROVAL TO EAST  
WEST COLLEGE OF NATURAL MEDICINE FOR THE MASTER  
OF ORIENTAL MEDICINE PROGRAM (MOM).  
PASSED UNANIMOUSLY**

**c. Stanton University, Garden Grove, CA – school site visit**

On August 8 & 9, 2006, a site visit was conducted for Stanton University, located in Garden Grove, by Janelle Wedge, Interim Executive Officer, Nancy Molinar Education Coordinator and John Kolenda, California licensed acupuncturist. The finances have been audited and Stanton University's financial stability is sufficient. The school and clinic were not in full operation during the site visit and therefore it was difficult to recommend full approval of the University. Legal Counsel informed the Board that they do not have authority to grant "conditional" school approval, and must either approve or deny the acupuncture program.

**KENNY CHERNG MOVED AND LARRY YEE SECONDED THE  
MOTION TO GRANT FULL SCHOOL APPROVAL TO STANTON  
UNIVERSITY FOR THE MASTER OF SCIENCE AND ORIENTAL  
MEDICINE PROGRAM (MSOM).  
PASSED UNANIMOUSLY**

The Board would like the staff to revisit the school during Fall Quarter 2006.

**d. Pending School Site Visits**

Janelle Wedge explained to the Board that school applications are reviewed in order of receipt. During the review process, if there are areas of concern the school must address the issues before a site visit is scheduled.

Ms. Wedge reviewed for the Board the list of schools pending site visits. Nobel University, Los Angeles and Alhambra Medical University, Alhambra are scheduled for a site visit either in Fall 2006 or Winter 2007.

**e. Non-integrated Acupuncture – Herb Programs**

Ms. Wedge indicated there were schools approved by the Board in the 1980's who offered an acupuncture program without the integration of herbs. If those same schools were to apply to the Board for school approval today their application would be returned. Currently there are two schools on the Board's approved school list that offer a separate herb program along with

acupuncture. This issue has been around for a long time and staff would like direction from the Board.

Adam Burke indicated the training needs to include a sufficient integration of herbal practice or it would be a disservice to the students and the patients. He further stated, “to be trained in the full spectrum of what Traditional Chinese Medicine is, gives a broader scope of practice skill base to use with people, who come with very complex problems”. He feels the Board should not make it easy for schools to come in that don’t bundle a comprehensive training for students and to rectify that by giving an ‘add on’. It would be cumbersome, expensive and students would be required to receive an unnecessary second Masters.

LaVonne Powell, Legal Counsel, stated that the regulations require that the training program have an integrated acupuncture and Oriental medicine diagnostic and treatment procedures. Ms. Powell further stated if the school does not want to meet the legal requirements as established by the Board and offer an integrated acupuncture and herb program, then the Board could send a letter of “Intent to Revoke” to the school. She further stated that during the Strategic Plan the Board may want to look at whether or not they want to approve schools outside of California, due to the fact that they are hard to monitor. Student transcripts and curriculum can be evaluated as required by law to qualify students to sit for the exam. Ms. Powell continued by saying other DCA board’s only approve in-state programs.

The Board agreed to discuss this issue further at the Strategic Plan meeting scheduled for November 2, 2006.

**f. Consider Recognition of Approved Doctorate Program**

Tom Haines representing Pacific College of Oriental Medicine asked the Board to consider recognizing approved doctorate programs. He stated that when the law was written there were no doctorate programs approved in the medicine; however, currently there are seven approved doctorates in the country with five located in California. Dr. Haines would like to see the California Business and Professions Code, section 4935(d)(1-2) add a number 3, to read “*Is enrolled in a doctoral program approved by the board and an accrediting agency recognized by USDE*”.

Dr. Haines further stated that there are several sections within the law (B & P Code sections 4935(d)(2) and 4949), which allows practitioners holding a license outside California to practice acupuncture in the doctorate program.

Dr. Haines stated it would be helpful if the laws stipulated that the doctorate program exists and that practitioners applying from outside of California, without having sat for the CALE (licensed in California), would be eligible to practice in these programs with proper supervision.

He would like to see the Board establish a regulation to accept only certain doctorate titles approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE), or US Department of Education would be acceptable. Marcia Trott, Senior Education Specialist Degree Program, with the BPPVE stated, that BPPVE has authority to approve the program and curriculum not the titles of the individuals. Ms. Trott clarified that it would be helpful to establish a consistency among the titles for consumer sake and other regulatory agencies from state to state.

The Board agreed to add the above issues to the Strategic Plan discussion on November 2, 2006.

**g. Ownership of External Clinic Sites (CRC section 1399.434(h))**

California Code of Regulations, section 1399.434(h) states:

“The curriculum in clinical Practice shall consist of at least 950 hours in clinical instruction, 75% of which shall be in a clinic owned and operated by the school, which includes direct patient contact where appropriate in the following:....”

Tom Haines, Pacific College of Oriental Medicine representative has requested the Board to look at this regulation and to adopt the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) criteria. ACAOM’s relevant criterion 8.9 reads as follows: “...*The supervised clinical practice must be an internship and must be affiliation with the institution where the institution exercises academic oversight substantially equivalent to the academic oversight exercised for teaching clinics operated by the institution, where: 1) clinical instructors’ qualifications meet school requirements for clinical instruction; 2) regular, systematic evaluation of the clinical experience takes place; and, 3) clinical training supervision procedure are substantially equivalent to those within the teaching clinic operated by the institution.*”

He further stated that the students should be allowed to train in a variety of settings. The key is to not limit the training environment due to the ‘ownership’ issue as established in 1399.434(h). If these changes were made, colleges would be able to explore highly educational clinical training environments that could broaden what is currently unavailable in college-owned training clinics.

The Board agreed to add the above issue to the Strategic Plan discussion on November 2, 2006.

**12. Enforcement Business – (Discussion/Action)**

**a. Fiscal Year 2005/2006 Enforcement Case Report**

Ms. Wedge reviewed the information provided in the packet. The board would like to see a comparison of previous years and months on the next report.

**b. Use of professional titles: OMD, DOM, DAOM, etc**

Tom Haines clarified that this issue deals with the use of the title Dr. He stated that based on the wording of 1399.456, individuals who have not obtained a doctorate degree could call themselves doctor based on specific circumstances. The Board agreed to add the above issue to the Strategic Plan discussion on November 2, 2006.

**Public Comment:** Neal Miller representing AIMS requested the demographics of complaints received by the Board. He stated as an association they would like to identify the problem areas and attempt to police the profession. Mr. Miller was advised that he could request to be put on a list to receive Board actions, which are sent on a monthly basis. This would provide the violation, the area and the action taken.

**13. Public Comment Period:**

Dia Vickery of Emperor’s College of Traditional Oriental Medicine requested the Board to review the 50% transfer credit limitation for courses taken at a school not approved by the

Board. She also requested the Board revisit the issue of acceptance of credit for online courses taken from an accredited institution. In addition, Ms. Vickery asked the Board to please not select the month of January when scheduling future examination dates.

**14. Adjournment**

The California Acupuncture Board meeting adjourned at approximately 3:41 PM.