



NOTICE OF ACUPUNCTURE BOARD MEETING

Approved Minutes

September 18, 2015

**FOUR POINTS SHERATON LAX
CALIFORNIA ROOM
9750 AIRPORT BOULEVARD
LOS ANGELES, CA 90045**

A webcast of this meeting can be viewed at:

<https://youtu.be/S8pke1S3RC0>

Board Members Present

Michael Shi, L.Ac, President, Licensed Member
Kitman Chan, Public Member
Jamie Zamora, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Dr. Michael Corradino, DAOM, Licensed Member

Board Member Absent

Hildegarde Aguinaldo, Vice President, Public Member

Legal Counsel

Tamara Colson
Kurt Heppler

Staff Present

Terri Thorfinnson - Executive Officer
Ben Bodea - Continuing Education Coordinator
Van Martini – Office Technician

FULL BOARD MEETING – 09:10 a.m.

1. Call to Order and Quorum established

2. Opening Remarks

Michael welcomed the Acupuncture Community in Los Angeles, and thanked everyone for attending.

3. Public Comment for items not on Agenda

A representative from the Division of Workers' Compensation (DWC's) Medical Evidence Evaluation Advisory Committee informed the Board of their commitment to adhere to the changes of the Acupuncture Board guidelines in the next two years. Michael thanked Ted Priebe for his continued support of the California Acupuncture Board.

4. Approval of Board Meeting Minutes for:

- **June 19, 2015** - Legal counsel revised the language in paragraph 11 to reflect "*the coursework that EMS Safety Services, Inc. and Save-A-Life Educators, Inc. needs to be equivalent to the coursework of the courses approved by the Board in our regulations for certification for students as stated in our regulations*".
 - Jeannie moved to pass the June 19, 2015 Meeting Minutes with the revisions.
 - Jaime seconded the motion.
 - Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes to approve the minutes. MOTION PASSED 6-0.
- **September 12, 2014 Revised Board Meeting Minutes** - Terri informed the Board of the need to revise the minutes to reflect specific reference to the proposed language's requirements for implementing the Business and Professions Code Section 138 that the Board approved at the September 12, 2014 meeting. This proposed regulation would require that all licensed acupuncturists post a consumer notice in their offices stating they are licensed by the California Acupuncture Board and include the contact information of the Board for consumers.
 - Kitman moved to approve Sept 12, 2014 Revised Board Meeting Minutes.
 - Jeannie seconded the motion.
 - Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes to approve the minutes. MOTION PASSED 6-0.

5. President's Report

Michael welcomed Legal Counsel Kurt Heppler and appreciated the double dose of advice from the two-person legal team of the Board.

6. Executive Officer's Report

• **Staff Update** - Terri and Michael welcomed Van Martini, who was present to take the Board meeting minutes as the new Office Support Personnel. Krystle Englehart was recently added to the Board as the Examination Analyst, and she came with research and data management skills. Terri concluded that the Board is now fully staffed.

- **Budget Update** - Terri began the budget review making the point that the Board ended the fiscal year \$380,000 under their authorized budget. This was a relief since the budget update all last year included a projection of being within \$50,000 of their budget. The close margin of the budget was the result of the precautionary overestimation to account for some of the unforeseen expenses. A reminder that the recently filled positions mentioned above were empty for most of the year. So this number might not be accurate for next year, but the overall message is the budget is in the black. Terri also clarified that the budget was created by the Department of Consumer Affairs by averaging the Board's two years expenditures and general needs. And this percentage reflected in some red numbers in the unencumbered balance report such as in the enforcement area. The red amount was due to the increase in investigating cost when the budget was calculated two years behind. Kitman Chan reminded the Board to be cautious that the appropriation can be higher than the revenue and that maybe the number will need to be adjusted by the inflation rate. He also cautioned that the Board needs to deal with its structural imbalance of more expenditures than revenues.

- **Exam Update: Audit of NCCAOM Exam** - The audit of the NCCAOM exam has been continuing, and the projection date for the release of the report remained to be December/January timeframe. Currently, the review is undergoing subject matter expert workshops and information gathering for further analysis. There will be an extensive legal review and writing of the report with a projected target date at the end of the year. Jeannie inquired about the selection process of the expert's panel conducting the audit of the NCCAOM exam. Terri informed the Board that she chose to have a panel of three experts to perform the audit instead of the Office of Professional Exam Services (OPES). The two independent experts were selected from a list of experts in the industry based on recommendations from OPES. These members have expertise in the type of exam format that NCCAOM uses. This panel of three experts will have combined expertise in the three components of the auditing process.

- **Enforcement: Data Report** - Terri began the report by explaining that the largest category convictions consisted of both licensees and pre-licensure; and 80% of conviction cases are from a pre-licensure group. In reviewing the investigation numbers, 90% of enforcement cases are closed in 2 years. The rest remained open for further processes such as appeals, and formal disciplinary actions including hearings. The Board has been prioritizing closing aging cases. Terri clarified that the number of days it takes during the discipline phase is not calculated in these averages until the Board closes the cases. Hence, case closing is useful for enforcement statistic purposes, but it] only captures processing time for cases closed, not those that are pending. As more aging cases are closed, this may drive up the average time for discipline. Terri cautioned that this trend will continue next year. Regarding the high number of criminal/conviction types of complaints, Jamie suggested making a notation in the conviction data statistic to indicate that this figure included pre-licensure convictions to minimize the misleading number of a more serious nature of criminal charges/convictions.

- **Legislative Update** – The Board's position on AB 85 was one of opposition, and was on the Governor's desk waiting final decision. The Board took a supportive position on SB 800. This committee bill had the Board's fix for the Canadian program, where Canada will be considered foreign for the purposes of the existing statute. For many years, their training programs were denied for California Acupuncture Licensing Exam (CALE) due to the definition of a foreign program outside U.S. and Canada in the current statute. The new bill will go into effect as of

January 2016 if passed. There were additional bills added to the list over the summer that came up late after the Board took positions, but were included for information purposes.

- **Regulations Update** - The Administrative Office of Law (AOL) approved the Consumer Protection Enforcement Initiative (CPEI) and will be effective 10/01/15. Sponsored Free Health-Care (AB 2699) and Display of Licensure by Acupuncture Board (BPC 138) are heading to the final stages to be approved. The Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation (SB 1441) is also on the pending regulations agenda. The Board is making progress and on target with the regulations for SB 1246.

7. Consideration and Possible Action to Adopt the Revised Administrative Manual

The Board's Sunset review report required a copy of the Administrative Manual. Any changes that were made to the manual the Board had to adopt. One of the recent changes was to add Dr. Corradino, DAOM to the manual. Terri suggested that the number of the committees go up from two-person to three-person committees. Legal counsel cautioned the Board for the decision to go beyond three Board Members, because then a quorum of the Board is established. A quorum had very strict rules about Members of the Board who were not part of the committee; they could not participate in that meeting. While keeping the number to two-person committees, the Board will not be subject to other meeting laws, so there will be more flexibility with a two-person committees. The Board decided to keep at least two Board Members Committee, the same as in the current Administrative Manual.

- Jeannie Kang made the motion to adopt Dr. Michael Corradino's name into this manual, as well as changing the adoption date.
- Kitman Chan seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

8. Consideration and Possible Action to Adopt Proposed Regulations 16 CCR 1399.469.3 Regarding Consumer Notice Pursuant to Business and Professions Code section 138

Terri informed the Board that this final rulemaking package had been voted and filed with the Office of Administrative Law with no comments and changes to the language. This bill passed in 1999, and the requirement is for all the offices to display a notice to notify the consumers that Acupuncturists are licensed and regulated by the California Acupuncture Board. This notice also contained the Board's telephone number and website for the consumer's interest if they experienced any difficulty or had any complaints without having to look up the Board contact information. The acupuncturists can download the actual language of the Notice to Consumers directly from the Acupuncture website.

- Jeannie made the motion to adopt the proposed regulatory changes as noticed, and delegate to the Executive Officer the authority to make any technical or non-substantive changes in completing the rule-making file.
- Dr. Corradino seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

9. Consideration and Possible Action to Adopt Proposed Regulation 16 CCR 1399.480, 1400.1, 1400.2, and 1400.3 Regarding Sponsored Free Health Care Events Pursuant to Business and Professions Code section 901

Terri informed the Board that this final rulemaking package (AB 2699, BPC section 901) had been voted on by the Board initially and filed with the Office of Administrative Law. However there were comments received for which the Board must approve the response. The Board needed to consider whether to adopt the staff's recommendations and proposed response to the comments, in addition to taking an Order of Adoption of the approved regulatory language. This bill is free and sponsored healthcare events that took effect in 2010 with the purpose of providing access to healthcare to the uninsured or under-insured individuals by volunteer healthcare practitioners. This may include licensed or unlicensed professionals in California

The Board discussed the first proposed response regarding the one treatment during a "Free Healthcare Event." The public comment claimed that acupuncture treatments cannot be effective unless it was to be a repeated process that exceeded the time-limit of these sponsored events mentioned above. Dr. Corradino disagreed as he participated in a three-day, free, healthcare event, and some patients came in every day for treatments. Also, Business and Professions Code section 901 provided for the provision of services by out of State licensees at healthcare events to participate in any particular sponsored event for no more than ten days. Hence, if the length of the event allows, a person may be able to receive more than one treatment. The Board rejected the comment.

The Board continued with the second proposed response regarding not allowing out-of-state practitioners at these sponsored events while there are plenty of unlicensed practitioners' in-state. Also, the public comment was concerned with the quality of practice from out-of-state licensees versus the high standards of practice from California trained unlicensed practitioners. Terri reminded the Board of the Business Professions Code section 901 with a provision of services by out-of-state licensees at a healthcare event when meeting certain criteria. This proposed regulation is consistent with this section. Hence, the comments were not sufficient for the Board to change the proposed response. The Board rejected the comment.

- Dr. Corradino made the motion to adopt the staff's recommendations to reject the comments and proposed responses to the comments.
- Francisco seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.

MOTION PASSED 6-0.

There was a public comment asking for the proper procedure of notifying the Board regarding out-of-state licensees attending an upcoming healthcare event that is taking place in December 2015. The question was if "*these licensees will be automatically covered by this regulation at a three-day event?*" Legal counsel advised that the statute and provisions of the law were in effect as to the parameters of who can participate. But the Board's actual regulation requirements were not in force yet. Therefore, legal counsel recommended the public member to contact the Board's staff with the exact details of the dates and verify with the staff regarding the progress of the regulation. Terri confirmed that the Board planned to make this process as transparent as possible as the Board likes to promote these Sponsored Free Healthcare Events.

Michael reminded the Board with moving forward and finalizing the regulation process by adopting the language for AB 2699.

- Jeannie made a motion to adopt the proposed regulatory changes as noticed and delegate to the Executive Officer the authority to make any technical or non-substantive changes in completing the rule making file.
- Dr. Corradino seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

10. School Compliance Site Visits: Consideration and Possible Action of Non-compliance Exit Reports and Possible Action Related to Program Approval Pursuant to Regulation 16 CCR 1399.438

The purpose of this agenda item is to consider possible action on compliance reports. Additionally, the Board wanted to discuss how the Board is planning to take additional action of Non-Compliance Exit Reports and possible action related to program approval pursuant to Regulation 16 CCR 1399.438. There was concern raised by some Board members to why it took a while for some of the schools to get into compliance. Also, why there were a good number of compliance issues in the Exit Report prior to being in compliance. Terri explained that the process of School Compliance Site Visits is new, and this Board had not done these site visits before. Michael reported that his experience of school site visits was very positive. As word got out, a lot of schools were very forthcoming and proactively made changes post-visit to get those non-compliances remedied. Jeannie concurred with her experience with school site visits. She noted that the institutions were very cooperative and compliant. However, she was still concerned about the substantive non-compliances.

• Alhambra University

Ben gave a summary of the school's non-compliance findings and what they did to come back to compliance. The majority of the non-compliance findings are from the curriculum, where they did not use the wording that the Board had in the regulations in their syllabi. The staff also did a clinic site visit with the Subject Matter Expert (SME) and noted those findings as well. Legal Counsel Kurt Heppler advised the Board to proceed with accepting the finding of staff that they are in full compliance, and therefore, no disciplinary action is warranted at this time. Tamara also counseled that if the schools are in compliance with the regulations, the Board has no authority to impose upon them some additional term on their approval. A University representative reported on how the school discussed and implemented the changes to the syllabi among the staff. Public comment suggested the Board follow up on the enforced changes with a standard practice of an audit as in many other industries.

- Jeannie moved to accept staff's findings of compliance and no action will be taken regarding approval at this time.
- Dr. Corradino seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

• Kingston University

The staff visited Kingston University on January 22. This school had a few non-compliance issues, and they brought themselves into compliance. Rosalie, a representative from the

University, informed the Board that the school had received ACAOM accreditation, and appreciated the Board's support.

- Dr. Corradino moved to accept staff's findings of compliance and no action will be taken with regard to the approval at this time.
- Jamie seconded the motion.
- Kitman, Jamie, Francisco, Jeannie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

- **Stanton University**

Stanton University had several curriculum issues, and a few clinical findings of non-compliance. The school's corrective action has brought the school into full compliance. A representative from the University explained that most of the discrepancy issues come from the school's first syllabi that had since been revised. Dr. Corradino questioned the ACAOM accreditation of these non-compliant schools. Ben replied that not all of them have gone through ACAOM's processes. Public comment brought up an Advisory Committee called NACIQI (National Advisory Committee on Institutional Quality and Integrity) under the U.S. Department of Education who reviewed all accreditation bodies for the Board to follow up with their report on ACAOM if desired.

- Jamie moved to accept the staff's finding of compliance and no action will be taken regarding the approval at this time.
- Jeannie seconded the motion.
- Kitman, Francisco, Jeannie, Jamie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

- **University of South Los Angeles**

The Compliance Site Visit staff found some non-compliance issues with the school's curriculum, and several clinical non-compliances. The University corrected the curriculum findings. However, the Board's Subject Matter Expert panel found the University's Standard Physical Assessments such as the Orthopedic Exam was incomplete. The patient's chart was incorrectly documented with pain description and findings. Ben reported that the school was approved in 2006 and the University is not ACAOM accredited. This school was visited over half a year ago, and they have made several attempts to come into compliance. Representatives of the school requested the Board to give detailed non-compliance guidelines explaining why their Western Assessment report was incomplete. Terri emphasized that the Subject Matter Expert (SME) was not going to be made available to give details of the corrective action, and the schools should stand on their own merits when being evaluated by the Compliance Site Visit team. Jeannie suggested the Board to move the motion to keep the record open for the University of South Los Angeles, to provide documentation that can fulfill the compliance of this section within the next 30 days, and be brought back to the Board by the next Board meeting in November. Michael emphasized that the Board does not want to set this as a precedent for other schools that have not come to the Board. This was an exception. Public comment was made to support Michael's emphasis.

- Jeannie moved the motion to leave the record open for the University to provide documentation to fulfill compliance within 30 days to the Board staff and it is to be brought back before the Board at the next meeting.
- Dr. Corradino seconded the motion.

- Kitman, Francisco, Jeannie, and Dr. Corradino voted yes. Jamie abstained. Michael voted no.

MOTION PASSED 4-1-1

11. Consideration and Possible Action of Proposed Regulatory Language to Amend 16 CCR 1399.469 Disciplinary Guidelines Including Incorporation of Uniform Standards Related to Substance Abuse Pursuant to Business and Profession code section 315

Terri presented the updated version of SB 1441 Uniform Standards & Updated Disciplinary guidelines Rule Making Package. The revised proposed language is similar to the version the Board approved in 2013, but with the addition of the definition of a substance-abusing licensee. The changes also included minor modifications to the 1996 guidelines. This proposed regulation is to implement Uniform Standards 1-12 in its proposed 2015 disciplinary guidelines through the regulatory process.

A question was raised regarding the definition of substance-abusing licensee. Terri explained that *“If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be the substance-abusing licensee for the purposes of section 315 of the Business and Professions Code.”* She defined further that if the licensees had some conviction involving a substance abuse like a DUI; the Board is going to presume that they were a substance-abusing licensee. And the current guidelines allow the licensee the opportunity to rebut it. And if they were not substance-abusing licensees, but still involved in discipline and related to substance abuse, the Board could use the existing guidelines.

Uniform Standard #1: Clinical Diagnostic Evaluation. This standard lists specific requirements for a clinical diagnostic evaluation of the licensee, including, but not limited to, required qualifications for the providers evaluating the licensee. Terri emphasized that this standard is geared specifically to the substance-abusing licensees.

Uniform Standard #2: Practice Restrictions. This standard lists specific requirements for temporary removal of a licensee from practice to enable the licensee to undergo the clinical diagnostic evaluation and any treatment recommended by the evaluator and approved by the Board. It also lists specific criteria that the licensee must meet before being permitted to return to practice on a full-time or part-time basis. Terri clarified that this kind of process is needed because the existing guidelines do not have this kind of provisions. Hence, when the Board wants the licensee to cease the practice, there’s a need to have both due process and a process. And this guideline is setting that up.

Uniform Standard #3: Notification to Employer Notification to Employer. This standard sets out specific requirements that govern the ability of the Board to communicate with the licensee’s employer about the licensee’s status or condition.

Uniform Standard #4: Drug Testing. This standard governs all aspects of required testing, including, but not limited to, frequency of testing, randomness, method of notice to the licensee, number of hours between the provision of notice and the test, standards for specimen collectors, procedures used by specimen collectors, the permissible locations of testing, whether the collection process must be observed by the collectors, backup testing requirements when the licensee is on vacation or otherwise unavailable for local testing, requirements for the laboratory that analyzes the specimens, and the required maximum timeframe from the test to the receipt of the result of the test. This standard further details various outcome and amendments and data

collection requirements as well. Terri emphasized the difference in these guidelines is that there is a much higher frequency of testing, and this would only apply to substance-abusing licensees.

Questions were raised to why there was a need for the Board to make this change? And were there a lot of substance abusers found in the Acupuncture profession?

Terri explained that the Board needed to adopt some specificity about defining a substance abusing licensee. The statute required a guideline on determining appropriate disciplinary action depending on how many substance abuse incidents or frequency and alcohol blood levels. Also, it is a priority for the Sunset Review Committee to see regular updates. Additionally, there were a couple of incidents where providers had been involved in DUI accidents. And the concern about the effectiveness of diversion programs that some Boards had and that there was a need for much more stringent disciplinary actions. Hence, since the Board did not have a diversion program, it chose guidelines one through twelve to have somewhat of a disciplinary, and uniform structure showing how harsh the terms and conditions would be.

Uniform Standard #5: Group Meeting Requirements. This standard sets out requirements governing all aspects of group meeting attendance requirements, including, but not limited to, required qualifications for group meeting facilitators, frequency of required meeting attendance, and methods of documenting and reporting attendance or nonattendance by licensees.

Uniform Standard #6: Treatment Programs. This standard determines whether inpatient, outpatient, or other types of treatment are necessary.

A Board member questioned if the Board planned to govern the treatment programs, or intended to outsource that for a medical specialist?

Terri explained that the first standard is that the Board needed to evaluate if there were a substance abusing licensee and what exact services the licensee required. For example, if there were a substance abusing licensee, but he did not need to cease practicing his profession. However, he still needed to go into drug treatment programs or participate in group therapy.

Uniform Standard #7: Worksite Monitoring Requirements. This standard sets out various Worksite monitoring requirements and standards, including, but not limited to, required qualifications of worksite monitors, required methods of monitoring by worksite monitors, and required reporting by worksite monitors. For example, if a licensee were intoxicated at work, a worksite monitor would be observing that this person was not being a danger and complied with their probation. This proposed change was one of the terms that the Board can impose in the probation guideline.

Uniform Standard #8: Test positive for banned substance. Sets forth procedures to be followed when a licensee tests positive for a banned substance.

Uniform Standard #9: Procedures to be followed when a licensee is confirmed to have ingested a banned substance. When the Board confirms that a positive drug test is evidence of use of a prohibited substance, the licensee has committed a major violation, as defined in Uniform Standard #10 and the Board shall impose the consequences set forth in Uniform Standard #10.

Uniform Standard #10: Specific consequences for major and minor violations. This standard details how the Board shall consider the use of a “deferred prosecution” stipulation described on

Section 1000 of the Penal Code, in which the licensee admits to self-abuse of drugs or alcohol and surrenders his or her license. That agreement is deferred by the agency until or unless the licensee commits a major violation, in which case it is revived and license is surrendered.

Uniform Standard #11: Return to practice. This standard details the criteria that a licensee must meet in order to petition for return to practice on a full time basis.

Uniform Standard #12: Petitions for reinstatement. This standard sets out criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.

Terri summarized the list of policies and terms, and reviewed the underlined languages that the Board was newly adding to the Disciplinary Guidelines and Regulations beyond the language approved by the Board in 2013. The proposed additions to the existing approved language include:

- Adding Condition: Substance-Abuse 1 – Clinical Diagnostic Evaluation – to reflect language as set out in SB 1441.
- Adding Condition: Substance-Abusing 2 – Notice to employer – to reflect language as set out in SB 1441
- Adding Condition: Substance-Abuse 3 – Biological Fluid Testing and Abstaining from Drugs and Alcohol – to reflect language as set out in SB 1441
- Adding Condition: Substance-Abuse 4 – Facilitated Support Group Meetings – to reflect language as set out in SB 1441
- Adding Condition: Substance-Abuse 5 – Treatment Program for Cases Involving Substance-Abusing Licensees – to reflect language as went out in SB 1441
- Adding Condition: Substance-Abusing 6 – Worksite Monitor – to reflect language as set out in SB 1441

Board members thoroughly discussed the process of defining, evaluating and mandating practice restrictions if there were a substance-abusing licensee. Terri emphasized the importance of how the new proposed language is needed to clarify the substance-abusing licensee definition before invoking penalty restrictions.

- Jeannie moved to approve the proposed regulatory language for noticing.
- Kitman seconded the motion.
- Kitman, Francisco, Jeannie, Jamie, Dr. Corradino, and Michael voted yes.

MOTION PASSED 6-0.

12. Consideration and Possible Action Related to Potential Legislative Proposal Related to Foreign Credential Evaluators

The Board discussed the proposal to request the authority to establish the quality criteria that would allow the Board to evaluate what standards the Foreign Credential Evaluators have in place that assures accuracy and reliability in verifying foreign equivalency training. The problem prompting this proposal is that the Board has received fraudulent documents not detected by Foreign Credential Evaluators, and conflicting evaluations regarding foreign schools' accreditation. Hence, the proposed language would provide the Board with the authority to establish criteria for Foreign Credential Evaluators and set up a process for approval. Also, the

approved language would be included in the Sunset Report with a request that it be included in the Board's sunrise bill.

Terri detailed the proposed Statuary Authority Language and highlighted the need for transparency in recommending the criteria requirements for Foreign Credential Evaluators. Legal counsel advised changing the language "*approved as opposed to recommended*", and also advised to not include this proposed language but to instead put in a placeholder in the Sunset Report to say it is necessary to grant the Board authority to set standards. The legal team also suggested the Board to consider assessing fees for the proposed workload. Public comments questioned the effectiveness of this proposed language, and asked if this new criterion will adequately address the problem? Michael asserted that this is not the complete process, and the Board will continue with this discussion in the Continuing Education Meeting.

- Jeannie made a motion to seek authority to be able to set criteria and approve foreign credential evaluation services and to charge a fee within your Sunset report.
 - Dr. Corradino seconded the motion.
 - Kitman, Francisco, Jeannie, Jamie, Dr. Corradino, and Michael voted yes.
- MOTION PASSED 6-0.

13. Consideration and Possible Action to Approve the Sunset Review Report

Terri reminded the Board that this was a proposed draft report that needed approving, and revising before giving it to the legislature. This 52 page report summarized the responses to questions given by the committee. She provided an overview of the report:

- Page 38, Section 9, Current Issues – What is the status of, and specific questions.
- Section 10, Board Actions and Responses to Prior Sunset Issues, and responses.
- Page 51, Appendices and Attachments with reports:
 - Meeting the criteria for attendance and participation (Appendix A)
 - Strategic Plan 2013-2017 including the Board action plan (Appendix B)
 - Specific Performance Measures – An aggregate of four years of performance (Appendix C)
 - Customer Satisfaction Survey – including two survey reports (Appendix D)
- Attachments:
 - Revised Org Administrative Manual (Attachment A)
 - Org Chart to Form Committee Structure (Attachment B)
 - Occupational Analysis (Attachment C)
 - Four years of Org Charts (Attachment D)

Michael complimented Terri for the work it took to produce this large volume report. Terri emphasized the importance of giving this some serious thought since this document is what the legislature will be using as the launching point. A recommendation to form a two- person committee along with advice from legal counsel to consider it, and then bring it back to the next meeting for the Board to review it was proposed. Legal counsel suggested making a motion to form a committee, and the president has the ability to appoint committee members.

- Michael made the motion to appoint a two person Sunset Review Report Committee. One of the persons being appointed would be Jeannie. And Hilde will also be appointed to that committee. However, if she declines to participate in that committee, the president may select and appoint another person to be the second person of that committee.

- Jeannie seconded the motion.
- Kitman, Francisco, Jeannie, Jamie, Dr. Corradino, and Michael voted yes.
MOTION PASSED 6-0.

14. Committee Reports: Education Committee – Implementation of Senate Bill 1246

Kitman noted that the Committee voted to use the current standard, and not appointing an advisory panel of experts to establish uniform education standard for graduating from acupuncture training program outside the United States. There was confusion about why the Board is spending too much time on this particular section when the language already existed. Terri clarified that there were two different parts to this discussion: 1) Setting the standards for those trained outside of the United States, and 2) Changing the wording to reflect “*curriculum approval*” instead of the current “*curriculum requirements*”. The Board can choose to keep those same curriculum requirements as your curriculum approval for schools within the United States, and for evaluating those who have been educated outside of the United States. The objective is for the two standards to stay the same.

15. Future Agenda Items

- Jeannie requested that at the next Board meeting there be a closed session on personnel matters.
- Jeannie requested the formalization of the process in which whoever the Board members meet in between meetings, they have to come back to the full Board meeting at the beginning to report who they spoke to or met with.

20. Adjournment – 04: 03 p.m.

Public Comment on items of discussion will be taken during each item. The Chairperson will determine time limitations. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

**THE AGENDA, AS WELL AS BOARD MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD’S WEBSITE AT
www.acupuncture.ca.gov**

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