



**CALIFORNIA ACUPUNCTURE BOARD**

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

**California Acupuncture Board  
Public Board Meeting  
APPROVED Meeting Minutes  
Wednesday, December 14, 2016**

**LOCATION:  
ELIHU M. HARRIS STATE OFFICE BUILDING  
MEETING ROOM #2  
1515 CLAY STREET  
OAKLAND, CA 94612**

**Board Members Present**

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

**Board Member Absent**

Dr. Michael Corradino, DAOM, Licensed Member

**Legal Counsel Present**

Kelsey Pruden

**Staff Present**

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

**Acupuncture Board Members**

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

**FULL BOARD MEETING – 1:28 PM**

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

Hildegarde Aguinaldo (Aguinaldo), Board President, called the meeting to order at 1:28pm. Policy Coordinator Marc Johnson (Johnson) called the roll.

Members Present: Six - Aguinaldo, Zamora, Chan, Hsieh, Kang, Matecki  
Members Absent: One - Corradino



6-1 Quorum established.

## **Agenda Item #2 – Opening Remarks and Announcement of Executive Officer (Aguinaldo)**

President Aguinaldo welcomed everyone to the meeting. She announced that on October 12, 2016, Benjamin Bodea was appointed as Executive Officer of the Acupuncture Board. She also introduced Dr. Amy Matecki, M.D. as the newest Board member.

## **Agenda Item #3 – Public Comment for items not on Agenda (Aguinaldo)**

President Aguinaldo announced that public comments on each agenda item were limited to two minutes per speaker.

Several commenters had concerns about the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) exam fees, and the Board's vote in June 2016 to recommend to the California Legislature a move to the NCCAOM exam beginning in 2019.

A commenter asked the Board for direction on how to submit complaints on unlicensed activity. A comment was made asking the Board for further definition of the Acupuncture scope of practice, and a third commenter wanted the Board to examine the issue of dry needling by other health care practitioners.

Several comments were made in support of keeping the existing California Acupuncture Licensing Exam (CALE) in place.

## **Agenda Item #4 – President's Report (Aguinaldo)**

President Aguinaldo had nothing to report.

## **Agenda Item #5 – Staff Reports**

### **a. Executive Officer's Report (Bodea)**

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

1. Staff Update – The seasonal clerk position has been filled, and the Education Analyst and Exam Analyst positions have been posted and are undergoing the hiring process.
2. Budget Update – The Board's current fiscal year finances are solid, and noting that he would be meeting with Department of Consumer Affairs (DCA) Budget staff in the

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coming months to review the budget more closely. Vice President Jamie Zamora (Zamora) asked about the repayment of the four million dollar loan to the State's General Fund from the Acupuncture fund; EO Bodea stated it was scheduled to be repaid back to the Acupuncture Fund in 2017. Board Member Kitman Chan (Chan) commented on the budget, stating that the Board needed more revenue, and the budget appears to be reporting allocations and expenditures from the budget reserve and was confusing. He was concerned that the Board may run short of money, and felt the Board should cut expenses by 15-20%. EO Bodea replied that staff was looking at fee increases, which would require Legislative action. Board Member Jeannie Kang (Kang) mentioned looking at CE Provider Fees and exam fees. President Aguinaldo stated the Board's Executive Committee would be meeting next year to address the budget concerns.

3. Exam Update – EO Bodea reviewed pass rates for the August 2016 CALE. Member Chan asked about the possibility of regulations limiting the amount of times people can re-take the exam. He noted in four years there has not been improvement in re-taker pass rates, and would like the exam committee to address the issue. EO Bodea did note staff has begun work on language for this issue and would be bringing it to the exam committee. President Aguinaldo agreed and asked this issue be placed on a future Exam committee agenda. Member Kang also asked the issue of low pass rates for schools be placed on the agenda; EO Bodea agreed.

4. Human Trafficking Report – EO Bodea reported on his presentation given to the Legislature on June 8th on the issue. He indicated staff has reviewed all cases for any issues related to Human Trafficking but has not found any, and noted the Board has worked diligently to address prostitution related complaints.

5. Strategic Plan Update – EO Bodea updated the Board on Strategic Plan items:

- Licensing – all goals have been met, with cashiering delays being reduced to two days;
- Enforcement – four main goals are in process, including inspection authority and strengthening the license re-application process.
- Education – several items are no longer applicable and are being shifted to the Bureau of Private Postsecondary Education (BPPVE). Other items are due to be taken up as agenda items by the Education Committee such as TOEFL requirements.
- Professional Qualifications – Continuing Education (CE) provider requirements and CE compliance are being looked at by staff.
- Outreach – several of these items are in process. EO Bodea reported staff was working with Acupuncture associations to improve communications, and working on a series of FAQs for the Board website.

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- Administration – several items have been completed including an ongoing regulatory report. EO Bodea reported the Board has started the process of hiring for the vacant positions and staff was looking to update the Board Administrative manual.

Vice President Zamora asked about Budget training; he felt it was a good idea. EO Bodea replied he would ask Budget staff to present at the next Board meeting. President Aguinaldo further asked that Board Committees be assigned the remaining strategic plan issues in the coming year in order to complete the items.

**b. Enforcement Reports (Brothers)**

Enforcement Coordinator Kristine Brothers (Brothers) provided the enforcement report. She first set out the Q4 2015-2016 report, which was not taken up at the previous public Board meeting. The second report given was the Q1 2016-2017 report. The reports summarized Board enforcement activity in the last six months. Member Chan felt there should be more effort made on continuing education enforcement; Brothers agreed.

**c. Education Report (Herdt)**

Education Coordinator Jay Herdt (Herdt) gave the Education report, noting that the Board has completed twenty one in-state and nine out-of-state training program compliance visits in Fiscal Year 15-16. He further indicated that thirteen training programs are in full compliance with Board regulations, three had completed clinical corrective actions, and twenty programs have submitted correction plans which are pending review by the Board.

Herdt updated the Board on the ongoing collaboration between the (Bureau for Private Postsecondary Education (BPPE) and the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) to facilitate the implementation of Senate Bill 1246. He noted there has been close collaboration between all parties as the statutory implementation date of January 1, 2017 nears.

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

Member Kang commented on the high number of CE providers. Herdt replied that there were many major CE providers offering multiple courses, and the ongoing review of the high number was timely. She felt the high number of CE providers, as well as CE courses offered were too high and calls for a clean-up. Vice President Zamora noted the

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Education committee would be examining the issue. Both he and Member Kang want to see what other Boards are doing with the issue.

**d. Regulatory Update**

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

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

**Agenda Item #6 – Update, Discussion and Possible Action on Committee Reports and Recommendations (Aguinaldo)**

Committee chairs offered their updates on Board Committee meetings. Member Kang, reporting on the Research Committee, noted the agenda item on Dry Needling was tabled and that EO Bodea provided a report on needle sales. Vice President Zamora, chair of the Education Committee, reported that the committee dealt with the proposed CE Ethics requirement and would be bringing proposed regulatory language back in the future. President Aguinaldo, as chair of the Enforcement Committee, reported the Committee reviewed the Board's proposed Disciplinary Guidelines, which would be then brought before the full Board at a future meeting.

She also noted the Committee dealt with the proposed Prostitution Prevention and Condition of Office regulatory package, which was approved by the Committee and is now before the full Board for a vote. Johnson reviewed the regulation and read aloud the proposed text. He noted the Committee voted to move the regulation to CCR Section 1399.469.4 and to keep the existing text of 1399.450(a), which was strikethrough in the proposed text. Counsel Pruden indicated the Committee's motion which was adopted 4-0, was valid for the full Board.

No public comment was offered on these items.

*MOTION: (carried over from Enforcement Committee): Vice President Zamora made a motion to approve the proposed regulatory action to Sections 1399.469.4 as presented and to direct staff to notice the language for public comment without setting a hearing and delegate to staff the authority to make any technical changes. President Aguinaldo seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – YES; Corradino – ABSENT; Hsieh – YES; Kang – YES; Matecki – YES. **6-0-1 MOTION PASSES.***



**Agenda Item #7 – Consideration and possible action on proposed amendments to Title 16, CCR Sections 1399.407, 1399.407.1, 1399.407.2, and 1399.407.3 –**

Johnson reviewed the proposed AB 2699 (Sponsored Free Health Care Events) regulatory package, which was disapproved by the Office of Administrative Law. The changes proposed are in response to the disapproval. He reviewed the various proposed changes to the text:

- Renumbering of the CCR Sections;
- Relocation of the “in good standing” meaning to the definitions section of 1399.407;
- Updated references to current forms incorporated by reference;
- Various spelling and grammatical corrections.

Johnson then reviewed the changes to both Forms 901-A and 901-B:

- Updated contact information and phone numbers for DCA on Form 901-A;
- New revision dates on both;
- New description on Form 901-B of how applicants can complete a Live Scan or fingerprints in order to complete a background check;
- Addition on a disclaimer on Form 901-B regarding personal information;
- Additional questions on Form 901-B regarding investigations or convictions;
- A note stating authorization for temporary license would not be issued until clearances from FBI/DOJ have been received.

Vice President Zamora requested adding “California” to the title of Form 901-B for clarity. The corresponding change in the regulatory text was also made.

No public comment was offered on this item.

*MOTION: Vice President Zamora made a motion to amend the proposed language as staff has recommended, to approve the modified text for a 15-day comment period and delegate to the Executive Officer, if there are no comments received during the public comment period, the authority to make technical, non-substantive changes as necessary in completing the rulemaking file. Member Kang seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – YES; Corradino – ABSENT; Hsieh – YES; Kang – YES; Matecki – YES. 6-0-1 MOTION PASSES.*

**Agenda Item #8 – Approval of October 26, 2016 Board Meeting Minutes (Johnson)**

Johnson presented the October 26<sup>th</sup> meeting minutes. There were no changes made. Counsel Pruden advised Member Matecki to abstain on this vote, as she was not a member of the Board in October 2016.

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*MOTION: Vice President Zamora made a motion to approve the October 26, 2016 Board meeting minutes. Member Kang seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – YES; Corradino – ABSENT; Hsieh – YES; Kang – YES; Matecki – ABSTAIN. 5-0-1-1 MOTION PASSES.*

**Agenda Item #9 – Scheduling of 2017 Board Meeting Dates (Aguinaldo)**

Discussion commenced on scheduling public meetings for 2017. Vice President Zamora proposed setting meetings in conjunction with the Legislative Calendar; this would give the Board flexibility in responding to legislation. He felt additional committee meetings were also necessary to address strategic plan items.

President Aguinaldo tentatively set public meetings for February, May, July and October, subject to committee calendars and Board member availability.

A public comment was made reminding the Board that Acupuncture Schools have ACAOM meetings in May.

**Agenda Item #10 – Future Agenda Items (Aguinaldo)**

A public comment was made asking the Board to review the number of Herbal Formulas on the exam. He also thanked the Board for their hard work. Another commenter wanted further discussion of the NCCAOM exam and the Board to look at a Congressional Bill regarding Acupuncture. Several comments were further made asking the Board to look at the issue of dry needling, and a comment was made wondering what the Board could do in conjunction with the Physical Therapy Board.

President Aguinaldo asked that staff include a presentation as to what the role of a regulatory Board at a future meeting.

**ADJOURNMENT AT 3:57 PM**