



ACUPUNCTURE BOARD
1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

**California Acupuncture Board
Public Board Meeting
APPROVED Meeting Minutes
May 26, 2017**

LOCATION:

**Yo San University of Traditional Chinese Medicine
Tai Chi Studio – 2nd floor
13315 W. Washington Blvd.,
Los Angeles CA 90066**

Board Members Present

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

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*

Legal Counsel Present

Mina Hamilton

Staff Present

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

Guest List on File

FULL BOARD MEETING

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

President Hildegarde Aguinaldo (Aguinaldo) called the meeting to order. Policy Coordinator Marc Johnson (Johnson) called the roll.

Members Present: 7 – Aguinaldo, Zamora, Chan, Corradino, Hsieh, Kang, Matecki. 7-0 Quorum established.

Agenda Item #2 – Opening Remarks



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President Aguinaldo welcomed everyone to the meeting and thanked Yo San University for hosting the Board meeting. She also noted the meeting was taking place at the conclusion of several Board Member's four-year terms.

Agenda Item #3 – Election of Officers

This item was to elect a new Board President and Vice President. Board Member Kitman Chan (Chan) nominated Hildegarde Aguinaldo for president. He felt the Board had functioned very efficiently under her leadership. Board Member Francisco Hsieh (Hsieh) seconded the nomination. President Aguinaldo accepted the nomination.

MOTION: Member Chan nominated Hildegarde Aguinaldo as President of the Acupuncture Board. Member Hsieh seconded the motion. Vote: Aguinaldo – Yes; Zamora – Yes; Chan – Yes; Corradino – Yes; Hsieh – Yes; Kang – Yes; Matecki – Yes.
7-0 Motion passes.

Vice President Jamie Zamora (Zamora) nominated Kitman Chan for vice-president. Member Chan declined due to scheduling conflicts and nominated Board Member Amy Matecki (Matecki) for vice president. Board Member Michael Corradino (Corradino) seconded the nomination. Member Matecki accepted the nomination.

MOTION: Vice President Zamora nominated Amy Matecki as Vice President of the Acupuncture Board. Member Corradino seconded the motion. Vote: Aguinaldo – YES; Zamora – Yes; Chan – Yes; Corradino – Yes; Hsieh – Yes; Kang – Yes; Matecki – Yes.
7-0 Motion passes.

Legal Counsel Mina Hamilton (Hamilton) noted the terms of both positions became effective as of the next Board meeting.

There were no public comments on this item.

Agenda Item #4 – Public Comments for Items Not on Agenda (Aguinaldo)

A commenter had concerns about the status of a school's curriculum review and asked that it be placed as a future agenda item.

Agenda Item #5 – President's Report (Aguinaldo)

President Aguinaldo had nothing to report.

Agenda Item #6 – Staff Reports

a. Executive Officer's Report (Bodea)

Executive Officer Benjamin Bodea (EO Bodea) gave his report to the Board.



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He announced the Board has two vacancies for Office Technicians and that the hiring process was underway. He also reviewed the Board's fund condition and budget report, and noted the Board was projected to be \$410,000 under budget.

He then moved on to the March 21, 2017 exam statistics, with the first-time taker pass rate at 78%, and re-takers pass rate at 31%. Member Chan brought up the issue of limiting how many times a person can retake the exam. He felt the Board should consider some kind of guideline to the school or to anybody and help to improve this score. Executive Officer Bodea noted his concern and mentioned the NCCAOM limit of five times retaking their exam; the Board would be discussing the issue in the future. President Aguinaldo asked staff to include statistics for the passage rates for second, third, fourth, fifth time repeat test takers. There was additional Board discussion on the need for a re-taker limit.

Executive Officer Bodea gave the Board an update on outreach, by noting he and several Board Members attended a Medicine Day celebration in March, and he and Board staff attended the CCAOM meetings in May. He felt both were very constructive and informative. There were some questions as to how many Board members could attend such events, and Counsel Hamilton noted no more than two should attend.

A public comment was made appreciating Board staff attending the CCAOM conference.

Counsel Hamilton clarified that Board Members may attend conferences but may not discuss business that could be under the jurisdiction of the Board.

Executive Officer Bodea provided a strategic plan update. He noted several items are nearing completion, including an update to the Disciplinary Guidelines. He also said the Board would be holding a stakeholder meeting regarding curriculum review, also a strategic plan item.

Executive Officer Bodea reported the 2016-2017 Accomplishments Letter, requested by Senator Bates at the 2016 Sunset Review hearing, was sent to the Legislature in May. He then gave an NCCAOM update, noting he has been meeting with Dr. Kory-Ward Cook and that NCCAOM was presently conducting an occupational analysis which California licensees were welcome to participate in.

EO Bodea then reported that the Board would begin work on the Sunset review process. He noted staff has been given a template for last year's report, and would be using that to produce the report. Work has already begun on the report, which will be brought to the full Board for review and approval at the September meeting.

Public comment was taken. A commenter had concerns about the NCCAOM job task analysis and how it might superimpose over what the Board has done. He cited several styles which were being taught at certain schools and was concerned they may not be



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mainstream in acupuncture. Member Jeannie Kang (Kang) agreed with the comment that there are different microsystems from China, Japan or Korea and a lot of continuing education around it. She felt it may be a good issue for the Education or Exam committee. President Aguinaldo agreed and assigned it to the Exam Committee, once the makeup and sizes of the committees has been determined.

b. Enforcement Reports (Brothers)

Enforcement Coordinator Kristine Brothers (Brothers) provided the enforcement report, covering January 1 through March 31st. She reported 68 complaints were received or rolled over from the prior period, and 81 were closed or referred for investigation. 134 investigations were pending and 78 were closed. She also noted the average investigation time decreased by 44 percent. Board members were encouraged by the enforcement numbers. President Aguinaldo asked staff to do a review of materials available to consumers to make complaints.

Brothers gave a National Practitioner Database update, noting that a total of 1,287 out-of-state applicants and licensees were enrolled, and 16 reports were found with 10 opened for further investigation. Member Kang asked if enrolling into NPDB was beneficial for the Board; Brothers replied it has not been super beneficial but was good to do a one time inquiry. She noted there were several licensees who had things that were egregious and the Board was looking into them as a result of the search.

Brothers then noted the Board would be posting a form on its website for insurers to provide settlement judgments and arbitration awards to the board. This was being done in response to a Sunset review hearing item.

Public comment was taken. A commenter noted the need to reduce unprofessional conduct complaints. Another comment was made concerning dry needling being performed by physical therapists. A third commenter was pleased the Board was receiving less complaints, but was concerned that the Board was going to be aggressive about certain enforcement types and that most practitioners are not aware of the violations. He wanted the Board to reach out to associations more. Another commenter agreed and asked for clear guidelines for profession issues.

c. Education Report (Herdt)

Education Coordinator Jay Herdt (Herdt) gave the Education report. He reported that 17 programs have been found in full compliance with CCR Section 1399.434, and three programs completed clinical correction action. 12 programs have submitted clinical corrective actions which are pending review. He also noted Stanton university and California Trinity University has lost training program approval, and Nine Star University has lost their ACAOM accreditation but will still be able to operate for another year.

Herdt noted the Board was continuing to work with ACAOM and NCCAOM and the relationship was very cordial, as was the Board's relationship with BPPE.



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Herd reported on continuing education. He noted the continuing education position has been filled and the workload has been caught up. For Jan 1 through April 10 there were 1,220 applications for CE courses processed by the Board, and there were currently 542 CE providers. He also noted there were 36 active tutorial candidates, with four applications.

There was no public comment on this item.

d. Regulatory Update

Johnson reviewed the status of current regulatory packages approved by the Board. He reported that the Board was not pursuing the current Uniform Standards regulatory package and instead would be bringing a new version for Board approval. He also reported that the SB 1246 regulatory package was approved by OAL and is now in regulation, and the AB 2699 regulatory package was currently being reviewed by OAL for approval. He then went over the remaining regulatory packages, all of which were being worked on at the staff level.

A public comment was made supporting raising the education standards for acupuncture. A second comment was made asking if the hand hygiene regulation has been updated.

e. Legislative Update

Johnson reviewed legislation of interest to the Board. No positions were taken on legislation.

Public comment was taken. One commenter urged the Board to coordinate for training in acupuncture with the Medical Board. A second commenter recommended the Board track legislation regarding minimum wage. A third commenter wondered how the NCCAOM exam was going to be written in a legislative bill.

President Aguinaldo asked that Legislative items be placed on the September agenda in case the Board wants to take positions on any legislation.

Agenda Item #7 – Committee Reports

Board Members provided reports on Committee meetings from earlier in the day. Vice President Zamora reported the Education Committee approved meeting minutes from January 17, 2014, April 18, 2014, and December 14, 2016. Member Kang reported the Exam Committee approved meeting minutes from January 17, 2014 and April 18, 2016. Member Corradino reported the Research Committee approved meeting minutes from September 21, 2016 and December 14, 2016. President Aguinaldo reported the Enforcement Committee approved meeting minutes from January 17, 2014, May 29, 2016 and December 14, 2016. Member Chan reported the Executive Committee approved meeting minutes from May, 29, 2015.



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No public comments were taken on this item.

Agenda Item #8 – Consideration and Possible Action on New Proposed Amendments to Title 16, CCR Section 1399.469 – Uniform Standards Related to Substance Abusing Licensees (Johnson)

This item was tabled until the next Board meeting. Johnson reported the new Uniform Standards package was ready for Board discussion but the Attorney General's office had asked to review it, and their review was not completed by the May meeting. He indicated it would be brought back at the next scheduled Board meeting in September.

No public comments were taken on this item.

Agenda Item #9 – Approval of February 24, 2017 Board Meeting Minutes (Johnson)

Johnson presented the February 24, 2017 Board meeting minutes. A minor change was made on page 5 from 'then' to 'them'.

A public comment was made regarding some comments made at a previous Board meeting. He felt several of his questions were not addressed by Legal Counsel and his comments were not reflected fully in the minutes. President Aguinaldo asked staff to review the previous minutes and clarify what request was made.

MOTION: President Aguinaldo motioned to approve the February 24, 2017 Board meeting minutes. Member Kang seconded the motion. Vote: Aguinaldo – Abstain; Zamora – Yes; Chan – Yes; Corradino – Yes; Hsieh – Yes; Kang – Yes; Matecki – Yes.
6-0-1 Motion passes.

Agenda Item # 10 – Re-scheduling of 2017 Board Meeting dates (Aguinaldo)

The Board discussed rescheduling the remaining fall Board meeting dates. The September 8, 2016 meeting date in San Diego was not changed. The disciplinary hearing in Sacramento was scheduled for August 4, 2016. The November 3, 2016 meeting date in Oakland was not changed.

Public comment was taken. A commenter noted he was working to get feedback for the Board from consumers and to bring that feedback to the meeting.

Agenda Item #11 – Future Agenda Items

One commenter wanted clarification with online CE courses. A second commenter provided an overview of his book on acupuncture. A third commenter wanted the Board to discuss current literature and review the approved books which may be outdated. He also asked the consumer's guide to acupuncture be reissued, and asked the Board to



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have the term 'Asian massage' better defined in statute. A fourth commenter asked about the transition to the NCCAOM; the cost to do so; grandfathering of existing licensees into the new system and how many test sections there may be.

Agenda Item #12 – Adjournment

Vice President Zamora thanked the Board Members, Board staff and stakeholders as May 26th was his last meeting as a board member. President Aguinaldo praised Zamora's service to the Board and thanked him as well.

Adjournment at 1:18pm.