



1747 N. Market Blvd., Suite 180  
Sacramento, CA 95834  
P 916.515.5200 F 916.928.2204  
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**Members of the Board**

**Dr. Amy Matecki**,  
M.D., L.Ac., President  
**Kitman Chan**,  
C.P.A., Vice President  
**John Harabedian**, Esq.  
**Ruben Osorio**  
**Bradley Cimino**,  
M.A., L.Ac.  
**Hyun “Francisco” Kim**,  
M.S., L.Ac.  
**Shu Dong Li**, Ph.D.

**BOARD MEETING**  
**Approved Meeting Minutes**  
**June 13 & 14, 2019**

**(Approved at the 8/15-16/19 Board Meeting)**

**LOCATION:**  
Board ‘A’ Room  
‘A’ Building  
Southern California University  
of Health Sciences  
16200 Amber Valley Drive  
Whittier, California 90604

**Board Members Present**

Dr. Amy Matecki, M.D., L.Ac, President, Licensed Member  
Kitman Chan, C.P.A., Vice President, Public Member  
Bradley Cimino, M.A., L.Ac., Licensed Member  
John Harabedian, Esq., Public Member  
Hyun “Francisco” Kim, M.S., L.Ac., Licensed Member  
Shu Dong Li, Ph.D., Public Member  
Ruben Osorio, Public Member

**Staff Present**

Benjamin Bodea, Executive Officer  
Salwa Bojack, Legal Counsel  
Jay Herdt, Licensing Manager  
Matt Nishimine, Central Services Manager (Call-in)  
Kristine Brothers, Policy Coordinator  
Cricket Borges, Enforcement Coordinator (Call-In)

**Guest List on File**

**Full Board Meeting – Thursday, June 13, 2019**

**1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki)**

Board President, Dr. Amy Matecki (Matecki) called the meeting to order at 1:05 p.m.



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after the conclusion of the Education and Research Committee and Licensing and Examination Committee meetings.

Policy Coordinator, Kristine Brothers (Brothers) called the roll.

Members Present:

7 Present – Matecki, Chan, Cimino, Harabedian, Kim, Li, and Osorio.  
*7-0 Quorum established.*

**2. President's Remarks (Dr. Amy Matecki)**

- Welcoming message and meeting information

President Matecki thanked all Board members, Committees, and staff for their hard work and announced that there was a full agenda of items to get through.

**3. Public Comment on Items Not on the Agenda (Dr. Amy Matecki)**

The following comments were made:

- The first commenter requested that the issue of bleeding or bloodletting be clearly addressed in scope as it is allowed to be taught under education programs. It was requested that the topic be placed on a future agenda.
- The second commenter pointed out that Title 16, California Code of Regulations section 1399.483, subdivision (d)(1) states that continuing education courses that require practical or hands-on techniques may not be approved for independent or home study. It was requested that the terms “practical” or “hands-on techniques” be defined as it is subjective and could vary from person-to-person.

**4. Review and Possible Approval of the March 28-29, 2019 Board Meeting Minutes (Dr. Matecki)**

President Matecki presented the March 28-29, 2019 Board meeting minutes. President Matecki noted on the second page, item five, line four, there was a typo with the Assistant Deputy Director's last name, which needed to be changed from Lee to Le.

**MOTION:**

Member Harabedian motioned to approve the March 28-29, 2019 Board Meeting Minutes. President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li –



Yes; Osorio – Yes.

## **7 - 0 motion passes.**

### **5. Executive Officer's Report (Ben Bodea, Executive Officer)**

#### *(A) Staff Update Regarding Vacancies*

EO Bodea announced the hiring process for two analyst positions are nearing completion. It was also announced that a new seasonal clerk was recently hired.

#### *(B) Budget Update*

- (i) Fund Condition*
- (ii) Fee Study*
- (iii) Architecture Revolving Fund*
- (iv) Budget Change Proposals (BCP)*
  - a) Business Modernization Plan*
  - b) Facilities (rent)*
  - c) DCA-Wide Administration*

Central Services Manager, Matt Nishimine, presented updates on the Board's fund condition, fee study, Architecture Revolving Fund, and three BCPs: Business Modernization Plan, Facilities, and DCA-Wide Administration. For the complete presentation, please refer to the presentation materials under agenda item 5, pages 32 – 54, in the Board's June 13 - 14, 2019 meeting materials:  
[https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_fbm.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_fbm.pdf).

Member, Chan expressed concern over bringing on the two new Associate Governmental Program Analyst positions awarded by the BCP when the Board is also expending money for a new IT system that is supposed to improve efficiency. Nishimine explained that the positions are permanent, but the funding is limited. It was also explained that the purpose of the two new positions is to cover current staff's duties while staff is diverted to work on the project over the next year.

#### *(C) Outreach Update Regarding Acupuncture Day*

EO Bodea announced the Board was invited to attend Acupuncture Day in Vacaville, which was held on April 19, 2019. He attended on behalf of the Board and believed that it was a great event where many cultures came together and a lot of leaders of the acupuncture world were present.

### **6. Enforcement Report (Cricket Borges, Enforcement Coordinator)**



*Originally agendized as item 8 of Day 1.*

Enforcement Coordinator Cricket Borges (Borges) provided the Enforcement Report.

- *Q3, FY 18-19 Enforcement Report*

Borges presented the enforcement data and statistics from quarter three (Q3) of fiscal year 2018-2019.

For the complete presentation please refer to the presentation materials under agenda item 8, pages 170 – 173, in the Board’s June 13 - 14, 2019 meeting materials:

[https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_fbm.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_fbm.pdf).

Board members expressed concern over the investigations table and how the number of cases by category do not match up between the cases initiated, cases closed, and cases pending within the quarter. EO Bodea indicated he and Borges could research other ways to present the data and distinguish investigations initiated within the quarter from investigations initiated in prior quarters.

#### Public Comment:

The following comments were made:

- A commenter brought up the Board’s discussion of establishing a continuing education requirement for laws and ethics from the March 2019 Board meeting. The commenter indicated that when the Board makes a final decision on the matter, CalATMA is interested in working with the Board and schools to develop classes on these subject areas to address enforcement getting proactive and preventative.

## **7. Legislative Update (Kristine Brothers, Policy Coordinator)**

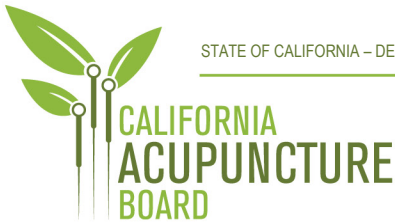
*Originally agendized as item 6 of Day 1.*

- *Items Introduced in 2019 Legislative Session Pertinent to Acupuncture*

Policy Coordinator, Kristine Brothers, reported on legislative bills as amended as of the May 24, 2019 legislative calendar for the Board to discuss and take positions.

### **(i) AB 193, as amended, Patterson. Professions and vocations.**

The Board previously took an oppose position on this bill, but Brothers explained the bill has not moved forward in Committee past April 23, 2019 and did not make it out of the first house. The Board chose to keep its current oppose position and not take any further action.



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**(ii) AB 544, as amended, Brough. Professions and vocations: inactive license fees and accrued and unpaid renewal fees.**

The Board took an oppose position on this bill due to a projected revenue loss of \$74,000 if the Board loses its ability to collect the full renewal fees from inactive licensees, as well as a \$7,000 loss if collection of accrued and unpaid renewal fees is prohibited by the bill.

**MOTION:**

Member Harabedian motioned for the Board to take an oppose position on AB 544 (Brough), as amended on March 21, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of the position.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**

**(iii) AB 613, as introduced, Low. Professions and vocations: regulatory fees.**

The Board previously took a watch position on this bill due to the uncertain nature of how it may affect the Board. It was explained to the Board the bill provides an additional mechanism to raising fees and would not replace the other legislative and regulatory means to change fees. Counsel Bojack also explained that based upon her understanding of the bill analysis, despite other statutes that identify fee limits and fee caps, the Board can make incremental changes that coincide with the Consumer Price Index. Due to these concerns being addressed, the Board took a new position to support the bill.

**MOTION:**

Member Osorio motioned for the Board to take a support position on AB 613 (Low), as amended on February 14, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of the position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes



**7 – 0 motion passes.**

**(iv) AB 778, as introduced, Low. Acupuncture: continuing education.**

Brothers explained to the Board there have not been any amendments to the bill since the last time the Board took a support position. Staff recommended that the Board's position not be updated due to the lack of changes. The Board agreed.

**(v) AB 779, as amended, Low. Acupuncture: place of practice: wall license.**

Brothers explained the Board previously took a support position on this bill as it was discussed that it would provide improved tracking of practice locations. However, Brothers pointed out that the bill has been substantially amended since the March 2019 Board meeting. The amendments were reviewed, and the Board chose to take another support position on the June 5, 2019 version of the bill because it provides greater accountability to and of licensees, better tracking, and an increase to public protection.

Public Comment:

A commenter expressed concern over the bill's language, including that the term, Asian massage, is not consistent with current medical language. The commenter urged the Board to inform the author of the bill of the problematic language that he has wanted removed from law since 2012.

**MOTION:**

Member Chan motioned for the Board to take a support position on AB 779 (Low), as amended on June 5, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of the position, and work with the author to state the Board's preference to replace "Asian massage."

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**

**(vi) AB 888, as amended, Low. Opioid prescriptions: information: nonpharmacological treatments for pain.**

The Board took a support position on this bill because it would increase consumer awareness of the availability and benefits of acupuncture. President Matecki also indicated that patients are searching for alternatives to opioids, so it is the Board's duty to the public to support the bill. The Board also wanted the EO to communicate to the bill's Author other adjunct therapies permitted by an acupuncture license listing Chinese



herbal medicine, manual therapy, qi gong, and tai chi as effective for opioid treatment.

Public Comment:

The following comments were made:

- The first commenter indicated that the California Acupuncture and Traditional Medicine Association (CalATMA) already took a support position for the bill and encouraged the Board to do the same.
- The second commenter thanked the Board for taking a support position and pointed out that the Joint Commission, which is the organization that accredits hospitals and clinics in the U.S., is mandating nonpharmacological approaches to pain management including acupuncture. The commenter stated the bill is a very positive move for the country, acupuncture, and patients.
- The third commenter explained her treatment of veterans and their appreciation of acupuncture to help them with pain management. The commenter noted she spoke to legislative staff of Senator Harris' office and brought this bill to her attention when there was a tragedy that occurred in Thousand Oaks City, Ventura County involving a veteran.
- The fourth commenter commended President Matecki and the Board for their support of the bill, since it is the Board's duty to protect the public, not only from acupuncturists and unsafe practices, but also opiates and other potential harm.

**MOTION:**

President Matecki motioned for the Board to take a support position on AB 888 (Low), as amended on April 11, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of the position, and direct the EO to communicate to the author the effectiveness of the additional adjunct therapies, including Chinese herbal medicine, manual therapy, qi gong, tai chi as effective for opioid treatment.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**

**(vii) AB 1076, as amended, Ting. Criminal records: automatic relief.**



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The Board chose not to take a position on this bill as its potential adverse effect on public protection was discussed.

**(viii) AB 1245, as amended, Low. Political Reform Act of 1974: contribution prohibitions.**

Brothers explained that since the Board last took a support position on AB 1245 at the March 2019 Board meeting, the bill has been completely gutted and amended to focus on the Political Reform Act of 1974. The Board took no position on the bill, as amended on April 9, 2019, because the bill no longer relates to acupuncture or the Board.

**MOTION:**

Member Osorio motioned for the Board to change its previous support position to no position on AB 1245 (Low), as amended on April 9, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this change in position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**

**(ix) SB 53, as amended, Wilk. Open meetings**

The Board took an oppose position on this bill because the provisions of this bill would be unduly burdensome by creating unnecessary processes when trying to further Board business without improving transparency. It was discussed that advisory committees streamline the research and discussion of policy issues. If this bill becomes law, it is anticipated to slow down Board business.

**MOTION:**

Member Harabedian motioned for the Board to take an oppose position on SB 53 (Wilk), as amended on March 5, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**





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**(x) SB 425, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.**

Brothers pointed out that the Board took a watch position on this bill previously at the March 2019 Board meeting because it was unclear how some of the provisions of the bill would affect the Board. Since that time, there were amendments to the bill that addressed those concerns. Brothers indicated that staff was recommending a new position be taken on the bill since it was amended. The Board took a support position on this bill because previous concerns were addressed, and it is a noteworthy bill that would provide greater public protection.

**MOTION:**

President Matecki motioned for the Board to take a support position on SB 425 (Hill), as amended on May 21, 2019, for the reasons discussed by the members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

**7 – 0 motion passes.**

**(xi) SB 601, as amended, Morrell. State agencies: licenses: fee waiver.**

The Board took no position on this bill because it only provides authority, but not the requirement to reduce license fees or grant license fee waivers during a declared state or federal emergency.

Public Comment

A commenter brought the Board's attention to AB 5 by Assembly Member, Lorena Gonzalez. It was explained that the bill deals with how independent contractors are defined, which might affect current and future employment opportunities for acupuncturists.

**8. Regulations Update (Kristine Brothers, Policy Coordinator)**

*Originally agendized as item 7 of Day 1.*

Brothers provided an update on the regulations regarding the implementation of the following bills the Board is currently working on during the 2019 calendar year.



(A) AB 2138 (2018 Chiu and Low) Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

(B) SB 1441 (2008 Ridley-Thomas) and Update of Acupuncture Board Disciplinary Guidelines, Healing arts practitioners: substance abuse

(C) SB 1448 (2018 Hill) Healing arts licensees: probation status: disclosure

(D) SB 1246 (2014 Lieu) Acupuncture

(E) AB 2190 (2016 Salas) Acupuncture Board: Executive officer: Education

For the complete presentation please refer to the presentation materials under agenda item 7, pages 166 – 169, in the Board’s June 13 - 14, 2019 meeting materials: [https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_fbm.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_fbm.pdf).

## **9. Licensing Report (Jay Herdt, Licensing Manager)**

Licensing Manager, Jay Herdt, provided an update on the status of curriculum reviews as well as reports on the tutorial program, continuing education, continuing education audit, and the examination statistics.

For the complete presentation please refer to the presentation materials under agenda item 9, pages 174 – 180, in the Board’s June 13 - 14, 2019 meeting materials: [https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_fbm.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_fbm.pdf).

Herdt went over Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) degree structure naming convention as well as their requirements for didactic and clinical hours for each degree type.

President Matecki noted she gets many questions from patients regarding the different titles being used and feels there is much confusion amongst patients.

Bodea reiterated that there is confusion for the public. Bodea indicated that he and Herdt met with ACAOM to go over the Degree Structure, not understanding why the PDOM is only 70 hours under the California requirement. He does not understand why ACAOM set the hours so close to the requirement and could not just make it the same. Bodea stated staff and the public will have to track more degrees because of this.

Member Kim stated that there needs to be a standard set for the profession by schools and other experts. Member Kim expressed a standard model where licensees can be



specialists by a doctorate degree obtained in a specialty similar to how there are specialties with physicians.

#### Public Comment:

The following comments were made:

- The first commenter also echoed the confusion over the new degree designations. She indicated there would be some communication to ACAOM about the complications that have arisen due to ACAOM's decision. The commenter encouraged the Board to put this issue on a future agenda.
- The second commenter explained that ACAOM announced publicly a few months back that they reviewed the changes to the degree structures with the Board, and the Board was okay with such changes. The commenter stated that ACAOM has set a requirement for schools to be complied within three years, but there are still a whole host of implementation questions that have not been addressed. The commenter also pointed out how acupuncture does not need to be so convoluted and there are simple models of healthcare doctorates, like chiropractic, naturopaths, and osteopaths.
- The third commenter encouraged the Board to retain its current education standards. The commenter explained that ACAOM removed content related to standard TCM terms, yin-yang, five phase, and acupuncture meridians, all of which are gone.
- The fourth commenter indicated that there is no transparency into ACAOM's process of setting these new standards and new competencies. The commenter voiced a need for this kind of documentation, so schools can create the appropriate curriculum.
- The fifth commenter stated the need for national standards regarding doctorate programs for acupuncture. The commenter indicated that the Board's standards would likely be the standards to go nationally.

#### **10. Closed Session**

*Originally agendized as item 13 of Day 2.*

Pursuant to Government Code section 11126, subdivision (c)(1), the Board convened to discuss and take possible action on preparation, approval, and administration of examinations.

**Closed session began at 4:56 pm.**



**Open session reconvened at 5:04 pm.**

**11. Recess until Friday, June 14, 2019 at 9:00 a.m.**

*Originally agendized as item 10 of Day 1.*

**President called the meeting into recess at 5:04 p.m. until Friday, June 14, 2019 at 9:00 a.m.**

**DAY 2 AGENDA – 9:00 a.m., Friday, June 14, 2019**

**12. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki)**

*Originally agendized as item 11 of Day 2.*

President Matecki called the meeting to order at 9:10 a.m. Brothers conducted roll call.

Members Present: 7 – Matecki, Chan, Cimino, Harabedian, Kim, Li, Osorio.  
*7-0 Quorum established.*

**13. President’s Report (Dr. Amy Matecki)**

- *Opening message and meeting information*

*Originally agendized as item 12 of Day 2.*

President Matecki acknowledged the hard work of Board members, Committees, and staff in preparing for the Board meeting. She commented on everyone’s energy and stated the Board continues to make California the leader for the country, serving the public to the best level the Board can.

**14. Public Comment on Items Not on the Agenda (Dr. Amy Matecki)**

- A commenter stated CalATMA’s vision is to have all licensed acupuncturists practice with doctorate degrees in ten years’ time. The commenter requested the Board require all schools to implement entry level doctorate programs for acupuncture and transitional doctorate programs for those who already have a master’s degree.



### **15. Report from Education and Research Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (John Harabedian, Committee Chair)**

Member Harabedian summarized the committee meeting and what was discussed. He indicated the committee recommended some changes to the regulations regarding curriculum oversight for the full Board to consider. Most of the proposed changes are more clerical with only one substantive change to the time line in which education programs are required to submit their curriculum for approval.

The other issue discussed pertained to clinical supervision requirements, specifically physical presence and the number of hours for an intern to practice with supervision. Harabedian indicated that this issue needs to be discussed more at the committee level in partnership with educators.

### **16. Report from Licensing and Examination Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (Kitman Chan, Committee Chair)**

Vice President Chan summarized the committee meeting and what was discussed. The committee discussed two issues: The possible addition of a requirement for tutorial and foreign applicants to pass the Test of English as a Foreign Language (TOEFL) if the exam is taken in a language other than English, and, a retired status license designation. With regards to the TOEFL discussion, the committee made a motion to ask staff to provide more detail and information to go back to the committee, so it can be discussed there and then be referred to the full Board.

Vice President Chan indicated that the committee was in favor of implementing a retired status designation for licensees. The committee decided to let staff make some changes to the regulation and take it to the full Board for discussion.

#### **Public Comment:**

The following comments were made:

- The first commenter commended the committee on the good work done on the two issues discussed at the Licensing and Examination Committee. The commenter emphasized the importance of setting a standard of safety and a reasonable level for TOEFL competency. The commenter asked the committee to also consider looking into the process for changing someone's status to deceased instead of the license going delinquent and then cancelling.



- The second commenter noted that ACAOM setting a TOEFL requirement not only affects students, but those who can sit for the exam, and, the faculty of schools. The commenter explained that if the TOEFL requirement is set too high, then the schools will not benefit from the teachers and faculty that come from Asia, as they would not be able to sit for the exam and obtain a license.

### **17. Strategic Plan Update (Ben Bodea, Executive Officer)**

EO Bodea presented the Board's 2018 to 2022 Strategic Plan items. EO Bodea went over each of the different goal areas for licensing, enforcement, education, legislative/regulatory, outreach, and administration.

For the complete presentation please refer to the presentation materials under agenda item 17, pages 181 – 183, in the Board's June 13 - 14, 2019 meeting materials: [https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_fbm.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_fbm.pdf).

### **18. Updates from Acupuncture Professional Associations**

David Quackenbush, the Executive Director of CalATMA, presented a brief history of the formation of the association and CalATMA's plans for the future. Quackenbush explained that CalATMA is trying to bring unification and consistency to the acupuncture profession. Quackenbush highlighted some issues within the profession like dry needling, insurance coverage, and reimbursement rates. He also indicated the healthcare system is becoming more integrated and includes acupuncture. Due to this tipping point, the association was formed to unify acupuncturists.

Quackenbush went over the association's mission and its steering committee which evolved into the association's Board of Directors. CalATMA's current Board of Directors are Michael Fox, Yong Ping, and Neil Miller. Quackenbush explained that he was brought on as the Executive Director because of his history of association management, advocacy, and lobbying in Sacramento and DC.

CalATMA's priorities are scope of practice, insurance coverage, and reimbursement rates, integration in the healthcare delivery system, enhancing professionalism, and small business regulation. Quackenbush also explained that CalATMA is very serious about providing continuing education opportunities and creating employment opportunities for job creation.

Quackenbush also went over CalATMA's collaboration efforts with the Board, legislators, the American Society of Acupuncturists, and NCCAOM.



## **19. Presentation on Dry Needling/Trigger Point Therapy (California Acupuncture and Traditional Medicine Association (CaIATMA))**

Neill Miller provided a presentation on dry needling or trigger point therapy. Miller explained that it was brought to the attention of the Board many years ago. At that time, Miller states the Board said dry needling is acupuncture and it fell within the scope of practice for acupuncturists. Miller indicated dry needling has been going from state-to-state, being utilized by physical therapists and athletic trainers.

Miller explained that it is a myth that dry needling is not acupuncture. Rather, dry needling techniques are a subset of techniques used in acupuncture orthopedics and myofascial acupuncture systems. Dry needling uses acupuncture needles and the originators of dry needling identify it as acupuncture.

The concern with dry needling is there are no defined standards of education, curriculum, standardized national examination, or requisite knowledge, skills, and abilities in place. He also indicated that Current Procedural Terminology (CPT) codes are being developed for dry needling and trigger point therapy. Miller stated it is incumbent upon the Board to make a specific statement regarding this issue and to let practitioners know that they are not violating their scope or advertising scope in using the term “dry needling.” Miller expects there will be legislation on dry needling in the coming years and wants the Board to be aware of the myths and the truth about dry needling, so the Board can weigh in on various legislation and educational requirements to better protect the public.

President Matecki wanted clarification from Miller on what he was seeking from the Board, since the statutory definition of acupuncture already identifies needling that penetrates the skin as acupuncture. Miller responded that he did not believe the definition needed to change, but that he believed it would be advantageous for everyone if the term dry needling was added into the definition. It would be clear that it is considered acupuncture.

Member Kim agreed with Miller and seeing the danger of non-standardized dry needling, both as a practitioner and a member. Kim stated that it is on the profession and the association to bring about change to the law and scope of practice, so the Board can support the mission of protecting the public.

Cimino commented on the matter, noting that the Board can be more supportive by explaining to the public that dry needling is within the scope of practice for acupuncturists and that particular style of needling is already being performed. Cimino also mentioned re-developing the public Consumer Guide to help provide more



information on this issue.

### Public Comment

The following comments were made:

- The first commenter further expanded on dry needling and stated that dry needling used to be insertion and removal on the trigger point. However, now physical therapists and some chiropractors call it homeostatic dry needling, which means needle retention. Some of these practitioners are doing this with as low as 12 hours of coursework. The commenter expressed concern about the serious infringement on the acupuncture profession.
- The second commenter provided some historical information about how dry needling got started and derived from acupuncture. The commenter stated it was essentially physical therapy stealing acupuncture and turning it into dry needling.
- The third commenter showed support of the other statements and noted the profession could create great strength in California by saying dry needling is acupuncture and conveying what you have to do to become an acupuncturist. By doing this, the California acupuncture profession can influence the rest of America.

### **20. Presentation on Manual Therapy (CalATMA)**

Miller provided a history and description of the medical modality, “manual therapy.” Miller indicated that at some point the modality in the Acupuncture profession was called “Oriental massage,” then “Asian massage.” In 2004, patients were not being reimbursed when acupuncturists used the CPT code for manual therapy because the terminology is not consistent with the law, but is within the scope for acupuncturists. Miller explained that when he brought this issue up in 2004, the Board started sending letters to insurance companies.

Previously, acupuncture associations have introduced legislation to change the wording to manual therapy. It successfully made it through both houses and was vetoed by Governor Schwarzenegger, upon receiving over 500 letters from physical therapists opposing acupuncturists using that term.

Miller explained that manual therapy is the application of hands-on techniques to the body tissues, with the intent to therapeutically assess and treat. Miller pointed out there is no CPT code for Asian massage. The applicable CPT code is for manual therapy, and this is the terminology recognized by medical doctors or other healthcare providers.





Miller stated that CalATMA will be introducing legislation next year and is hoping for the Board's support. The legislation will be using modern, current medical terminology because it will cover cupping, gua sha, and tui na, bringing acupuncture into the modern world. Miller concluded his presentation by stating he and CalATMA look forward to working with the Board on this issue.

Counsel Bojack identified where cupping, gua sha, and the other modalities are called out in the Acupuncture Licensure Act. She explained the different ways the Board could address the issue, but recommended further research at the committee level to determine if clarifications are needed at the statutory or regulatory levels.

There was some brief discussion of whether the clarification of the terminology could be addressed in statute or in regulation. Ultimately, Miller expressed an interest for "manual therapy" to be included in statute.

Member Harabedian summarized the conversation on manual therapy, pointing out that there are two main issues. The first issue is Asian massage and Oriental massage have been hijacked and made into a more grotesque thing and so CalATMA wants the profession to break away from that terminology. The second issue is that insurance companies are not reimbursing acupuncturists for manual therapy. He does not believe changing the term of Asian massage will necessarily change that.

Member Harabedian stated that it makes sense for CalATMA and licensees to work with insurance companies first to be sure changing the term, "Asian massage" to "manual therapy" will actually allow insurance companies to cover the treatment.

Miller responded and explained that insurance companies stated that treatment would not be reimbursed for "manual therapy" because it is beyond the scope of practice for acupuncturists. Miller also stated the issue is more about clarifying scope and using professional language, then about reimbursement.

Quackenbush added to the discussion by indicating that CalATMA has already spoken with a couple of insurance companies about this issue, and the association continues to work with acupuncturists and the insurance companies.

#### Public Comment

A commenter supported the idea that manual therapy be called out because it is a detailed treatment and a different massage therapy. The commenter indicated that Chinese medicine has been using manual therapy to treat people for over 3,000 years.

#### **21. Presentation on Open and Closed Session Protocols, the Adjudication Process, and Conflicts of Interest (Salwa Bojack, Legal Counsel)**



Counsel Bojack provided a presentation on the Bagley-Keene Open Meeting Act, the adjudication process involving Board members, and the different kinds of conflicts of interest for the Board members to be aware of and avoid.

For the complete presentation please refer to the presentation materials under agenda item 21 in the Board's June 13 - 14, 2019 meeting materials:

[https://acupuncture.ca.gov/about\\_us/materials/20190613\\_14\\_item\\_21.pdf](https://acupuncture.ca.gov/about_us/materials/20190613_14_item_21.pdf).

## **22. Future Agenda Items and Meeting Dates (Dr. Amy Matecki)**

EO Bodea confirmed the Board will be holding a Board meeting on November 8 and 9, 2019 in San Diego. President Matecki also pointed out that the next Board meeting will be August 15 and 16, 2019 in San Jose.

Member Kim explained an issue that was brought to his attention concerning acupuncturists applying for licensure in Washington with NCCAOM certification. These people were led to believe that applying for national certification is like a Visa allowing you to go to any state and be accepted for licensure, but that is not the case. These people are not reading the fine print and are victims. Member Kim wants the Board to find a way to address the issue.

EO Bodea explained that there was an announcement about the issue, and it was brought to the Board's attention at the March 2019 meeting that Washington does not accept national certification. A disclaimer was provided at the meeting for all to check with the state, in which they seek to practice, first. EO Bodea noted the Board has no jurisdiction over the problem. However, the topic of Route 8 can be agendized again.

Member Cimino requested that the topic of bloodletting as a part of an acupuncturist's scope of practice be added as a future agenda item.

### Public Comment

The following comments were made:

- The first commenter requested the Board address consumer confusion by requiring an accurate disclosure of a licensee's education.
- The second commenter requested that the subject of lasers and injection therapy be added as a future agenda item.

## **23. Adjournment (Dr. Amy Matecki)**



**CALIFORNIA  
ACUPUNCTURE  
BOARD**

1747 N. Market Blvd., Suite 180  
Sacramento, CA 95834  
P 916.515.5200 F 916.928.2204  
[www.acupuncture.ca.gov](http://www.acupuncture.ca.gov)



**Meeting adjourned at 12:47 pm.**

