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## **BOARD MEETING Meeting Minutes August 26, 2021**

### **LOCATION:**

Web Ex Teleconference

### **Board Members Present**

John Harabedian  
Ruben Osorio  
Dr. Yong Ping Chen, Ph.D.  
Kitman Chan  
Hyun “Francisco” Kim  
Shu Dong Li, Ph.D.  
Dr. Amy Matecki

### **Members of the Board**

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

### **Staff Present**

Benjamin Bodea, Executive Officer  
Fred Chan-You, Legal Counsel  
Kristy Schieldge, DCA Legal  
Jay Herdt, Licensing Manager  
Marisa Ochoa, Central Services Manager  
Cricket Borges, Enforcement Coordinator  
Kristine Brothers, Policy Coordinator  
David Bruggeman, Policy Analyst

### **Full Board Meeting – Thursday, August 26**

#### **1. Call to Order, Roll Call, and Establishment of Quorum**

Board President, John Harabedian (President Harabedian), called the meeting to order at 9:45 a.m.

Policy Analyst, David Bruggeman (Bruggeman), called the roll.

#### **Members Present**

5 Present – Harabedian, Chen, Chan, Li, Matecki



2 Absent – Osorio, Kim

5-2 Quorum Established

## 2. President's Remarks

President Harabedian thanked the previous President, Dr. Matecki, and Vice President, Member Chan, for their service. Harabedian looks forward to the year ahead.

*Member Kim joined the meeting.*

There were no public comments on the President's remarks.

## 3. Review and Possible Approval of the June 2021 Board Meeting Minutes

No discussion took place, nor were there public comments on the minutes.

### MOTION

*Member Matecki motioned to approve the June 2021 Board meeting minutes.*

Member Chan seconded the motion.

### Vote

**Yes:** Harabedian, Chan, Chen, Kim, Li, Matecki.

**6-0 motion passes**

## 4. Executive Management Report

### *Budget*

Executive Officer Ben Bodea (EO Bodea) noted that staff are waiting for final numbers for the end of fiscal year to be able to provide current data, and it would be available for review and discussion at the next Board meeting.

### *Staffing*

EO Bodea reported filling enforcement analyst and licensing technician positions.

### *Facilities*

EO Bodea noted that the tentative move date for Board staff to the new



location is now scheduled for November.

### *Business Modernization*

Licensing Manager (Herdt) provided an update on the Business Modernization project. As of the meeting, the following actions had been added or updated: wall license applications, exam applications, license applications and credit card transactions. The current phase of the process is working on continuing education processes: provider and course applications and renewals. This phase also includes license verification and address changes. All of these transactions will include the ability for credit card payments.

The complete business modernization process was scheduled to finish in October. That was extended to the end of the calendar year, but the project will remain within budget. Since online transactions began in September 2020, there have been 1254 license applications, 2551 renewal applications, 1255 wall license applications, and over \$1.97 million in revenue processed.

### *Licensing*

Herdt reviewed the Q4 (March-June 2021) licensing statistics. He thanked everyone involved with the 2021 Occupational Analysis. The full report is now available on the Board website. The most recent examination statistics will be posted to the website soon and will be presented at the next Board meeting.

### *Enforcement*

Enforcement Coordinator Cricket Borges (Borges) reviewed the Q4 (March-June 2021) enforcement statistics. She noted that the FY 2020-21 enforcement numbers are most likely lower than previous years due to the pandemic and a decrease in services provided during that time.

*Vice President Osorio joined the meeting.*

Board members asked how the Acupuncture Board enforcement numbers compared to other boards. Borges noted the biggest parallel with other boards is that the cases are fluid. Smaller boards are more likely to have similar numbers to the Acupuncture Board compared to larger boards. Another question was about what is considered fraud in these statistics. Borges clarified that unauthorized practice is a distinct category from fraud. Cases in the fraud category typically involved billing matters.

The only public comment concerned seeing the presentation materials, which



were not available to view through the Web-Ex teleconference but available for the public to download on the Board's website.

## 5. Committee Assignments

President Harabedian described the new committee assignments. The Education and Licensing Committees were combined (into the Licensing Committee), with the remaining two committees as Enforcement, and, Executive and Legislative. Harabedian also placed Board members on new committees with an eye toward expanding everyone's scope of knowledge.

Member Kim expressed interest in continuing work on educational issues. Harabedian suggested Kim join licensing, which Member Matecki would chair. Vice President Osorio would chair Enforcement, and Member Chan would join that committee. (Member Chen and Member Li will serve on the Executive and Legislative Committee)

Both EO Bodea and President Harabedian emphasized that the committee assignments do not limit the issues Board members can weigh in on. Committees are there for developing ideas and bringing them to the full Board.

There were no public comments on this item.

The Board recessed from 10:42-10:55 a.m.

Roll Call taken at 10:55 a.m.:

### Members Present

7 Present: Harabedian, Osorio, Chan, Chen, Kim, Li, Matecki

*7-0 Quorum*

## 6. Legislative Report and Update of 2021 Legislative Bills of Interest to the Board

Policy Coordinator Kristine Brothers (Brothers) reviewed the 2021 California legislative calendar. They covered the status of bills that the Board expressed interest in and/or took a position of support or opposition. The status of each bill discussed was current as of August 6<sup>th</sup>. The bulk of the report focused on those bills that have been amended since the last Board meeting.

Four bills the Board has been watching have been amended since the last Board meeting. The Board previously took a watch position on each bill.



**AB 107** – Would require licensing boards to grant temporary licenses to applicants who are spouses or legal partners of service members assigned to duty stations in California. Amendments added requirements for a California law and ethics test as well as issuing a temporary license.

**AB 1273** – Would remove barriers to ‘earn and learn’ programs such as apprenticeships. Amendments did not substantively change the bill.

**SB 607** – Would require the Board to waive the application and initial license fees for applicants who meets expedited licensure requirements. Amendments change what fees would be waived.

**SB 731** – Would expand the ability to petition for arrest record and/or conviction record relief, provided certain circumstances are met. Amendments clarify applicants’ responsibilities under unexpired protective orders should relief be granted.

Board member discussion focused on SB 731. President Harabedian expressed concern it would have a big impact on the Board, and Member Kim asked how to monitor the bill’s progress. Staff will continue to track SB 731 and all the bills the Board has expressed interest in, as any of them could move next year if they aren’t signed into law this year. Harabedian indicated he had no suggestions for changing positions on any bills, and no Board members offered any.

No public comments were offered on the legislative report.

## **7. Regulations Update**

Policy Analyst David Bruggeman summarized the status of each regulatory package the Board has in progress. The major change since the last meeting was that the Office of Administrative Law approved a Section 100 regulatory package to repeal regulations on Sponsored Free Health Care Events. The underlying legislative authority for these regulations had expired.

No public comments were offered on the regulation update

## **8. Sunset Report Update**

EO Bodea noted that staff is working on the Sunset report, and that an ad hoc committee of President Harabedian and Member Matecki will be involved as well. The report will be reviewed at the November Board meeting as it is due to the Legislature the first week of December. The report requires full Board approval prior to submission.



The sole public comment was to reference several items (manual therapy/Asian massage, bleeding/therapeutic blood draw, acupuncture assistants, injection therapy).

The Board recessed from 11:35-11:50

Roll Call taken at 11:50 p.m.:

Members Present

7 Present: Harabedian, Osorio, Chan, Chen, Kim, Li, Matecki

7-0 Quorum

**9. Discussion and Possible Action to Initiate a Rulemaking and to Adopt Text to Add Sections 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend Sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419 in Title 16 of the California Code of Regulations: Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service Board**

Brothers reviewed the policy memo that discusses the proposed language changes. The proposed amendments build on and refine the amendments the Board approved at its March 2021 meeting. The new amendments provided additional clarity and further updates regulatory language.

President Harabedian supported the proposed language and asked for Board member comments. Board members had no substantive comments.

No public comments were offered on the proposed regulatory language.

**MOTION**

*Member Chen motioned to Approve the proposed regulatory text for Section(s) 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend Sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive*



*Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend Sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419 as noticed..*

Member Kim seconded the motion.

### **Vote**

**Yes:** Harabedian, Osorio, Chan, Chen, Kim, Li, Matecki.

**7-0 motion passes**

### **10. Public Comments Received by the Board**

President Harabedian noted he received an email on August 18 from Dylan Stan on behalf of continuing education providers concerning the recent changes to the continuing education fee structure. He forwarded it to EO Bodea for further discussion. Neither Bodea nor the Board members reported receiving any other public comments.

No public comments were offered for this item.

### **11. Public Comment on Items Not on the Agenda**

No public comments were offered for this item.

### **12. Future Agenda Items**

Member Kim expressed interest in gathering input from the schools and the associations to help with the Sunset report. EO Bodea noted the Occupational Analysis report will be covered at the next Board meeting. Kim also wants to continue a curriculum review at the Committee level.

Harabedian noted that CalATMA has provided a list of topics to be included in the Sunset report.

Member Chen noted that acupuncturists could be more aware of public health needs, what acupuncturists can do to address them, and suggested linking this to the curriculum review.

Kim suggested bringing in researchers working in COVID and acupuncture, perhaps connected to the curriculum review. Bodea stated a research review would be outside of the Board's authority to review. But could research to see



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how to place it within the Board's scope, but that is hard to do without a regulatory or enforcement link.

Kim echoed an earlier comment about connecting public needs to acupuncture training. The idea would be to assess existing needs and measure them against curriculum and other education requirements.

There were no public comments offered for this item.

### **13. Adjournment**

Meeting Adjourned at 12:36 p.m. PDT.