

ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



NOTICE OF ACUPUNCTURE BOARD MEETING

May 6, 2010

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room
Sacramento, CA 95834

Acupuncture Board Members

Robert Brewer, Chair, Public Member
Charles Kim, Public Member
AnYork Lee, L.Ac.
George Wedemeyer, Public Member
Paul Weisman, Public Member

AGENDA

FULL BOARD MEETING - 8:30 a.m.

1. **Call to Order and Establishment of a Quorum**
2. **8:30 a.m. HEARING: Petition for Reinstatement of Revoked License**
Petitioner: Zion Yu (Case No. PRRL-1A-2010-55)

CLOSED SESSION

3. **Pursuant to Government Code Section 11126(c)(3) the board will convene in closed session to deliberate on the Petition for Reinstatement and take action on disciplinary matters.**

OPEN SESSION – Announcement Regarding Closed Session

4. **Chair's Report**
5. **Executive Officer's Report** **Tab A**
6. **Director's Report** (Kimberly Kirchmeyer, Deputy Director Dept of Consumer Affairs)
7. **Approval of February 23, 2010 Meeting Minutes – (Discussion/Action)** **Tab B**
8. **Legislation Update - (Discussion/Action)** **Tab C**
 - a. AB 1391 (Eng) – Extension of Board's Sunset Date
 - b. SB 1111 (Negrete McLeod) - Consumer Health Protection Enforcement Act
 - c. SB 1171 (Negrete McLeod) - Revises Sunset Review Law and Dates
 - d. SB 1172 (Negrete McLeod) - Probation and Diversion Programs
 - e. S. 3002 (McCain) - Dietary Supplement Safety Act of 2010
 - f. Any other bills of interest to the Board

ACUPUNCTURE BOARD
Executive Officer's Report

Agenda Item: 5.0
Date: May 2010

- **Board Updates**

I'm happy to announce that the Senate Rules Committee reappointed Robert Brewer.

As previously reported, the Board office will be relocating to the new building here at DCA headquarters. It is projected that we will be moving in December or January.

At the last meeting it was requested that we obtain email addresses for the members. This is to advise you that the Board is currently in the process of switching over to a new email system (Outlook). It is my understanding that this cannot occur until that switch over has taken place, which is scheduled for our Board at the end of May. For information on this I will refer you to Ben who is the project leader and has more technology expertise than I do.

- **Department of Consumer Affairs (DCA) Updates**

The Department of Consumer Affairs (DCA) will no longer be holding a conference that was scheduled to be held July 26 – 28, 2010 in Sacramento. Instead the department will be holding a Board Member and Advisory Committee Member Training Day which will be held on Tuesday, July 27, 2010, at the Sacramento Public Library. A draft agenda of this training is attached.

The Board will still be holding our regularly scheduled board meeting on July 26, 2010 at the Sacramento Convention Center.

- **Enforcement Update**

On a monthly basis, the Board files an Enforcement Improvement Plan with the Department, which shows the steps we have taken or will be taking to meet the goals of the new Enforcement Model. The goals of the Enforcement Model are increased accountability, greater efficiency, and putting consumers first. Attached are copies of our monthly improvement plans.

- **Budget Update**

Attached is a 2009/2010 Expenditure Report through March 31, 2010 with projected expenditures through the end of the fiscal year. Even with the 15% required reduction in our operating expenses and the \$50,000 set aside for an ARF fund, it is projected that the Board will still have a surplus of approximately 8.4%.

I've also attached the Board's 2009/2010 Revenue Report through March 31, 2010 with projected income through the end of the fiscal year. I have noticed that there is a decline in revenue based on the first nine months of this FY and will keep a close watch on those figures.



Board Member and Advisory Committee Member Training Day Tuesday, July 27, 2010 Sacramento Public Library

- 9:00 AM - 9:15 AM **Welcome & Introductions** - Brian Stiger, Director, Department of Consumer Affairs
- 9:15 AM - 9:45 AM **Opening Remarks** - Bill Leonard, Secretary, State and Consumer Services Agency
- 9:45 AM - 10:30 AM **Status of Consumer Protection Initiative** - Paul Riches, Deputy Director, Enforcement and Compliance & Luis Portillo, Assistant Deputy Director, Legislative and Policy Review
- 10:30 AM - 10:45 AM **Break**
- 10:45 AM - 11:15 AM **DCA's Role in Job Creation** - Brian Stiger, Deputy Director, Enforcement and Compliance & Bill Young, Chief Deputy Director, Department of Consumer Affairs
- 11:15 AM - Noon **Performance Measurement for Enforcement and Licensing** - Bev Augustine, Deputy Director, Strategic, Organizational Leadership & Individual Development & Kim Kirchmeyer, Deputy Director, Board and Bureau Support
- Noon - 1:15 PM **Break**
- 1:15 PM - 2:30 PM **Board and Advisory Committee Members Roles & Responsibilities** - Kim Kirchmeyer, Deputy Director, Board and Bureau Support
- 2:30 PM - 2:45 PM **Break**
- 2:45 PM - 3:00 PM **Continuing Competency** - David Swankin, President and CEO, Citizen Advocacy Center
- 3:00 PM - 3:45 PM **Process Improvement for Enforcement & Licensing** - Bev Augustine, Deputy Director, Strategic, Organizational Leadership & Individual Development
- 3:45 PM - 4:00 PM **Wrap Up & Closing Remarks** - Thomas Sheehy, Undersecretary, State and Consumer Services Agency

CALIFORNIA ACUPUNCTURE BOARD 2010 Enforcement Improvement Plan

Listed below is the Acupuncture Board's Enforcement Improvement Plan which will assist us in pursuing and implementing many of the objectives outlined in the CPEI and carrying out our mandate of consumer protection.

Enforcement Backlog

The Board met with the Division of Investigation to review all cases that were one year or older and identified those which we felt they should immediately focus on. The Board further reviewed all cases assigned to the Division of Investigation and requested they close those that we felt we could handle more expeditiously in-house.

Enforcement Program Training

The Board's enforcement program is comprised of an Enforcement Coordinator (AGPA) and the Executive Officer. The Enforcement Coordinator has been nominated to attend DCA's comprehensive enforcement training academy two and, hopefully, I will be able to attend in the near future.

Subpoena Authority

The Executive Officer and Enforcement Coordinator completed the training process to receive subpoena authority. The Acupuncture Board will reevaluate high priority cases to determine if these cases may be expedited using this new authority.

SB 1441 (Substance Abusing Licensees Standards) Implementation

The Board has been working closely with legal counsel to determine what regulatory changes are necessary to implement the established uniform standards. One regulatory change already identified is to our Disciplinary Guidelines. Those changes are currently being made and will be presented to the Acupuncture Board at their May 2010 meeting. Upon approval, a regulatory package will be prepared and filed with the Office of Administrative Law.

Applicant Criminal Background Checks

Since the board began licensing in 1976, applicants for licensure were required to submit rolled fingerprints on paper cards for the purpose of conducting criminal history background checks through the Department of Justice. In 1995, the Board began to also require that fingerprints undergo a federal criminal offender record information search. Since 2001, with limited exceptions, all applicants for licensure as an acupuncturist have been required to submit their prints via Live Scan. Those applicants fingerprinted prior to 2001 were fingerprinted using the rolled fingerprints on a hard card and they were not entered into the DOJ electronic database. When a notice of arrest is received at DOJ on an individual that is not in the electronic database, the file must be located and pulled manually and then entered into the

electronic database before the arrest is reported to the Board, which can take up to six months.

To rectify this matter, the Board has filed a regulatory proposal to establish requirements that a licensee must furnish a full set of fingerprints to the Department of Justice ("DOJ") as a condition of renewal with the Acupuncture Board ("Board") if the licensee was initially licensed prior to 2001 or if an electronic record of the fingerprint submission no longer exists. The public hearing on this proposal is scheduled for April 14, 2010.

Evaluate Enforcement Program

The Acupuncture Board will continually evaluate our enforcement program to determine if there are any additional areas where processes can be streamlined and improved,

National Database Search

The Acupuncture Board will explore the authority and resources needed to access a national database to determine if disciplinary action has been taken in another state for new and existing licensees.

Acupuncture Board Meetings

The Acupuncture Board will increase its transparency by making all of its agenda materials available on-line, in addition to the agenda notice and minutes that are currently posted.

CALIFORNIA ACUPUNCTURE BOARD
2010 Enforcement Improvement Plan
March 2010

Listed below is the update to the Acupuncture Board's Enforcement Improvement Plan submitted in February 2010.

Enforcement Backlog

The Board met with the Division of Investigation to review all cases that were one year or older and identified those which we felt they should immediately focus on. Completion dates were identified for those older cases, which have not been met. Immediate action on those cases is being requested. In addition to requesting frequent updates from DOI, the Board would like the ability to access DOI's case activity reporting relative to Board's cases to monitor their progress.

In order to ensure the timely handling of disciplinary cases, the Acupuncture Board has requested the attorney general's office schedule our cases for hearing as soon as a Notice of Defense is received. The Board also requested that if a Notice of Defense is not filed within the time frame allowed by law, that a default decision is prepared as soon as the time has expired. The Board has received confirmation from the attorney general's office to our request.

Enforcement Program Training

The Board's Executive Officer and Enforcement Coordinator have just completed the enforcement activity reporting training. This new reporting tool should assist the Board in tracking specific time frames in the handling of complaints in house.

The Board's Enforcement Coordinator is also scheduled to attend DCA's comprehensive enforcement training academy, which is scheduled to begin April 26, 2010.

Subpoena Authority

The Acupuncture Board has not had the opportunity utilize this tool but is ready to do so if necessary.

SB 1441 (Substance Abusing Licensees Standards) Implementation

Our disciplinary guidelines are currently being revised to include the uniform standards. Our revised disciplinary guidelines will be presented to the Board at their May board meeting for approval to proceed with a regulatory package. If approved, the Board anticipates filing the regulatory package with the Office of Administrative Law in June 2010 with the hearing by August 2010.

Applicant Criminal Background Checks

The public hearing on this proposal is scheduled for April 14, 2010. If all approved the Board anticipates finalizing this regulatory package by July 2010.

Evaluate Enforcement Program

The Acupuncture Board will continually evaluate our enforcement program to determine if there are any additional areas where processes can be streamlined and improved. The Board is currently updating our enforcement procedures manual which identifies time frames to be met in processing complaints at different stages. This will assist the Board in meeting our objectives in completing enforcement cases in 6 to 18 months.

Complaint Review Process

The Board has implemented the Complaint Prioritization Guidelines recommended by the Department.

Experts

The Board is currently researching the steps necessary to implement a recruitment and formal training program for experts.

Cite and Fine Regulations

In our goal to maximize the use of existing enforcement tools available to us, the Board is reviewing our cite and fine regulations to develop criteria to use the full range of fines available.

National Database Search

The Acupuncture Board will explore the authority and resources needed to access a national database to determine if disciplinary action has been taken in another state for new and existing licensees.

Acupuncture Board Meetings

The Acupuncture Board will increase its transparency by making all of its agenda materials available on-line, in addition to the agenda notice and minutes that are currently posted.

CALIFORNIA ACUPUNCTURE BOARD
2010 Enforcement Improvement Plan
April 2010

Listed below is the update to the Acupuncture Board's Enforcement Improvement Plan submitted in March 2010.

Enforcement Backlog

The Board has been working with the Division of Investigation to have all cases that are one year or older are immediately focused on. I am happy to report that several of those cases have been completed by DOI and have either been referred for formal disciplinary action or closed.

Enforcement Program Training

The Board's Enforcement Coordinator will begin training in DCA's comprehensive enforcement training academy on April 26, 2010.

Subpoena Authority

The Acupuncture Board has not had the opportunity utilize this tool but is ready to do so if necessary.

SB 1441 (Substance Abusing Licensees Standards) Implementation

The Executive Officer attended the Substance Abuse Coordination Committee meeting on April 6, 2010 regarding amendments to four uniform standards. Our disciplinary guidelines are currently being revised to include the uniform standards. Upon final adoption of all uniform standards, our revised disciplinary guidelines will be presented to the Board for approval to proceed with a regulatory package. If approved, the Board anticipates filing the regulatory package with the Office of Administrative Law in August 2010 with the hearing by September or October 2010. This is a delay from what was originally in our plan due to the amendments of some of the standards.

Applicant Criminal Background Checks

A public hearing on this proposal is scheduled for April 14, 2010. If all approved the Board anticipates finalizing this regulatory package by July 2010. In addition, the Board has launched their live scan fingerprint automation process.

Evaluate Enforcement Program

The Acupuncture Board will continually evaluate our enforcement program to determine if there are any additional areas where processes can be streamlined and improved. The Board is currently updating our enforcement procedures manual which identifies time frames to be met in processing complaints at different stages. This will assist the Board in meeting our objectives in completing enforcement cases in 6 to 18 months.

Complaint Review Process

The Board has implemented the Complaint Prioritization Guidelines recommended by the Department.

Mail Vote Ballots

The Acupuncture Board adopted a new mail vote ballot which included updated mail voting policy and procedures will allow disciplinary decisions to proceed in a timely manner. The Board has also implemented electronic mail voting procedures.

Experts

The Board is currently researching the steps necessary to implement a recruitment and formal training program for experts.

Cite and Fine Regulations

In our goal to maximize the use of existing enforcement tools available to us, the Board is reviewing our cite and fine regulations to develop criteria to use the full range of fines available.

National Database Search

The Acupuncture Board will explore the authority and resources needed to access a national database to determine if disciplinary action has been taken in another state for new and existing licensees.

Acupuncture Board Meetings

The Acupuncture Board will increase its transparency by making all of its agenda materials available on-line, in addition to the agenda notice and minutes that are currently posted.

**ACUPUNCTURE BOARD
BUDGET REPORT
2009/10 EXPENDITURE PROJECTIONS**

Fund # 0108

Expense Index # 6500

March 31, 2010

MONTH 9

Category	Actual	Encumbrance	Actual	Encumbrance	%	Actual	Encumbrance
PERSONNEL SERVICES							
Salary & Wages	311,210	231,562	271,798	196,730	72%	265,823	5,975
Temp Help 907	6,956	4,469	0	5,788		8,682	(8,682)
Statutory Exempt	78,589	60,042	70,186	52,809	75%	70,186	0
Board 901,920	700	700	7,463	1,900	25%	2,800	4,663
Overtime	113	113	0	0		200	(200)
Benefits	133,747	105,132	162,929	104,118	64%	138,824	24,105
Salary Savings		0	(11,735)	0	0%		(11,735)
TOTAL PERS SVS	531,315	402,018	500,641	361,345	72%	486,515	14,126
OPERATING EXPENSES & EQUIPMENT							
General Expense	5,929	4,369	33,772	4,304	13%	10,000	23,772
Minor Equipment	4	0	0	817		1,000	(1,000)
Fingerprints	982	612	20,045	204	1%	1,400	18,645
Printing	20,787	17,721	17,869	3,466	19%	16,000	1,869
Communication	11,902	4,137	17,630	4,239	24%	14,000	3,630
Postage	21,499	14,847	49,074	15,859	32%	25,000	24,074
Noc-Insurance	0	0	0	0			0
Travel In state	29,708	24,259	39,513	13,850	35%	22,000	17,513
Travel Out of state	0	0	489	0	0%	800	(311)
Training	2,394	1,044	2,129	0	0%	2,400	(271)
Facilities Ops	63,888	61,374	62,776	61,097	97%	69,097	(6,321)
C&P Serv. Internal	0	0	11,264	0	0%		0
C&P Serv. External	0	0	3,965	0	0%		0
PRORATA							
DP Billing (OIS)	61,438	56,574	79,519	59,643	75%		0
Indirect Distrib Costs (OAS)	79,913	63,594	67,462	50,598	75%		0
Interagency Services	0	0	650	0	0%		0
Interagency Agreeemt (OER)	221,634	221,634	333,119	203,246	61%		0
DOI Prorata	2,636	2,556	2,705	2,025	75%		0
Public Affairs (Formally CED)	3,271	3,141	6,895	5,175	75%		0
CCRD	3,797	3,087	3,269	2,448	75%		0
OPP Support Svcs		0	0	0			0
Consol. Data Cen (Teale)	380	830	2,642	830	31%	830	1,812
DP Maint & Supplies	0	0	2,093	0	0%	1,000	1,093
Cental Admin Svcs (Statewide Pr	108,578	81,434	80,828	60,621	75%		0
EXAMS							
Exam supplies & freight	0	0	25	0	0%		25
Exam Contracts (admin ext ser	241,990	241,990	286,772	282,483	99%	282,483	4,289
Expert Examiners/SMEs	49,464	34,205	83,944	10,212	12%	44,000	39,944
Interest Penalties	1,811	1,811		0			0
ENFORCEMENT							
Attorney General	127,592	63,670	379,123	126,753	33%	222,069	157,054
Off of Admin Hearings	16,041	2,613	106,670	3,435	3%	36,000	70,670
Evidence/Witness	12,713	7,688	10,795	5,006	46%	14,000	(3,205)
Court Reporter Svcs	2,399	700		464		2,700	(2,700)
Div of Investigations	190,514	163,485	250,162	187,623	75%		0
Major Equipment	0	0	6,000		0%	10,000	(4,000)
Special Adjustments (ARF)		0	0			50,000	(50,000)
OE & E Reduction Plan			0	0		105,702	(105,702)
Total OE & E	1,281,264	1,077,375	1,961,199	1,104,398	56%	1,770,319	190,880
Total Personal Services	531,315	402,018	500,641	361,345	72%	486,515	14,126
TOTAL EXPENDITURES	1,812,579	1,479,393	2,461,840	1,466,743	60%	2,256,834	205,006
Sch Reimbursements	(25,345)	(23,000)	(23,000)	(23,965)	104%	(23,000)	0
TOTAL	1,787,234	1,456,393	2,438,840	1,441,778	59%	2,233,834	205,006

Surplus/Deficit

8.4%

ACUPUNCTURE
Revenue Projection
 2009-10

Month: Mar

Month Number: 9
 Mos. Remaining: 3

Revenue Code:	FY 07/08		FY 08/10		
	3/31/08 YTD	Month 13	Budgeted	3/31/10 YTD	Projection
Acupuncture Reimbursements:					
991913	\$ 245	\$ 245	\$ -	\$ -	\$ -
991913 00 Scheduled Interdepartmental	\$ 245	\$ 245	\$ -	\$ -	\$ -
991936	\$ -	\$ 245	\$ -	\$ -	\$ -
991936 00 Scheduled External/Local	\$ -	\$ 245	\$ -	\$ -	\$ -
991937	\$ 5,898	\$ 7,916	\$ 23,000	\$ 3,129	\$ 4,172
991937 01 Fingerprint Reports	\$ 208	\$ 336	\$ 22,000	\$ 64	\$ 85
991937 02 Scheduled Reimbursements/External	\$ 5,690	\$ 7,580	\$ 1,000	\$ 3,065	\$ 4,087
995988	\$ 45,271	\$ 51,169	\$ -	\$ 23,792	\$ 31,723
995988 01 Unsch - Investigative Cost Recovery	\$ 45,271	\$ 51,169	\$ -	\$ 23,792	\$ 31,723
Total Reimbursements:	\$ 51,414	\$ 59,575	\$ 23,000	\$ 26,921	\$ 36,665
Acupuncture Revenue:					
125600	\$ 23,770	\$ 34,365	\$ 37,000	\$ 27,660	\$ 36,920
125600 00 Other Regulatory Fees	\$ -	\$ -	\$ 37,000	\$ -	\$ -
125600 3D Dup Ren Receipt	\$ 610	\$ 870	\$ -	\$ 520	\$ 693
125600 3E Endorsement	\$ 1,020	\$ 1,380	\$ -	\$ 770	\$ 1,127
125600 3F Dup Cert - Add'l Off	\$ 3,240	\$ 4,965	\$ -	\$ 3,420	\$ 4,500
125600 3G CME Approval Fee	\$ 18,900	\$ 27,150	\$ -	\$ 22,950	\$ 30,600
125700	\$ 452,878	\$ 818,231	\$ 951,000	\$ 484,760	\$ 646,383
125700 E2 Schools App Fee	\$ 3,000	\$ 4,500	\$ -	\$ 4,500	\$ 6,000
125700 00 Other Regulatory Licenses and Per	\$ -	\$ -	\$ 951,000	\$ -	\$ -
125700 01 Refunded Reimbursements	\$ -	\$ -	\$ -	\$ -	\$ -
125700 3F App Fee - Acupuncturist	\$ 37,725	\$ 59,700	\$ -	\$ 46,950	\$ 62,600
125700 3G Re-Exam Fee - Acupunc	\$ 97,350	\$ 222,200	\$ -	\$ 94,600	\$ 126,133
125700 3H App Fee - Acupunct Sup	\$ 1,800	\$ 2,800	\$ -	\$ 2,200	\$ 2,933
125700 32 App/Ren - Acupunct Trainee	\$ 225	\$ 350	\$ -	\$ 300	\$ 450
125700 34 Exam Fee - Acupuncturist	\$ 180,950	\$ 380,600	\$ -	\$ 231,550	\$ 308,733
125700 36 Initial Cert - Acupuncturist - Var	\$ 155,005	\$ 170,665	\$ -	\$ 139,668	\$ 188,251
125700 90 Over/Short Fees	\$ 103	\$ 103	\$ -	\$ -	\$ -
125700 91 Suspended Revenue	\$ 1,275	\$ 2,450	\$ -	\$ 3,250	\$ 4,333
125700 92 Prior Year Revenue Adjustment	\$ (24,555)	\$ (25,137)	\$ -	\$ (38,288)	\$ (51,051)

125800		\$ 973,160	\$ 1,290,040			\$ 1,512,000	\$ 1,115,265	\$ 1,479,341
125800 00	Renewal Fees	\$ -	\$ -			\$ 1,512,000	\$ -	
125800 C1	Automated Revenue Refund Claim	\$ 495	\$ (75)			\$ -	\$ 100	\$ 133
125800 3A	Ren App - Sterile Compounding	\$ -	\$ -			\$ -	\$ -	
125800 3B	Biennial Renewal form - Acupunc	\$ 971,725	\$ 1,288,925			\$ -	\$ 1,114,750	\$ 1,478,638
125800 3D	Annual Renewal - Acupunc	\$ 800	\$ 1,000			\$ -	\$ 350	\$ 467
125800 3E	Annual Renewal - Acupunc Trainee	\$ 130	\$ 180			\$ -	\$ 70	\$ 93
125800 90	Over/Short Fees	\$ 10	\$ 10			\$ -	\$ (5)	\$ 10
125900		\$ 6,095	\$ 9,100			\$ 10,000	\$ 7,250	\$ 9,667
125900 00	Delinq Fees	\$ -	\$ -			\$ 10,000	\$ -	\$ -
125900 3A	Delinq Renewal - Acupunc	\$ 5,890	\$ 8,890			\$ -	\$ 7,225	\$ 9,633
125900 3B	Delinq Fee - Acupunct Trainee	\$ 30	\$ 10			\$ -	\$ -	\$ -
125900 3D	Delinq Fee - Acupunct Sup	\$ 175	\$ 200			\$ -	\$ 25	\$ 33
142500		\$ 1,424	\$ 1,649			\$ -	\$ 2,040	\$ 2,667
142500 00	Misc Services to the Public	\$ -	\$ -			\$ -	\$ -	
142500 90	Misc Services to the Public - General	\$ 1,424	\$ 1,649			\$ -	\$ 2,040	\$ 2,667
150300		\$ 156,919	\$ 148,972			\$ 201,000	\$ 16,091	\$ 21,455
150300 00	Income from Surplus Money Investmen	\$ 156,919	\$ 148,972			\$ 201,000	\$ 16,091	\$ 21,455
161000		\$ 2,276	\$ 2,404			\$ -	\$ 1,976	\$ 2,567
161000 00	Escheat of Unclaimed checks, warrants	\$ -	\$ -			\$ -	\$ 50	
161000 02	Revenue Cancelled Warrants	\$ 2,276	\$ 2,404			\$ -	\$ 1,925	\$ 2,567
161400		\$ 110	\$ 515			\$ -	\$ 250	\$ 333
161400 FT	Misc Revenue FTB collection	\$ -	\$ 295			\$ -	\$ -	
161400 00	Miscellaneous Revenue	\$ -	\$ 60			\$ -	\$ -	\$ -
161400 91	Dishonored Check Fee	\$ 110	\$ 160			\$ -	\$ 250	\$ 333
Totals Revenue:		\$ 1,616,632	\$ 2,305,276			\$ 2,711,000	\$ 1,686,281	\$ 2,199,533
Total:		\$ 1,668,046	\$ 2,364,851			\$ 2,734,000	\$ 1,682,202	\$ 2,235,428



Draft
**ACUPUNCTURE BOARD
MEETING MINUTES**

Westin Hotel
San Diego, CA

**FULL BOARD MEETING
February 23, 2010**

Members Present

*Robert Brewer, Public Member, Chair
Charles Kim, Public Member
AnYork Lee, L.Ac,
George Wedemeyer, Public Member
Paul Weisman, Public Member*

Staff Present

*Janelle Wedge, Executive Officer
LaVonne Powell, Staff Counsel
Christie Loftin, Examination Coordinator
Cathy Hardin Schau, Education Coordinator
Kristine Brothers, Enforcement Coordinator
Benjamin Bodea, Administrative Technician*

Guest List on File

1. Call to Order and Establishment of a Quorum

All members were present. Quorum established. Meeting started at 8:40 AM.

2. Chair's Report

Chair Brewer asked for a panel to study curriculum, Primary Care as focus and discuss Integrative Medicine.

3. Executive Officer's Report

Janelle Wedge presented the Board the Budget Report with expenditures through 12/31/09. She also noted that the Board will not be renewing the lease this year and will be looking to move towards the end of 2010. Due to further Budget constraints all of our future meetings will have to be in a state facility. The Office has received a scanner and all future meeting materials will be posted on our website.

4. Director's Report

a. Consumer Protection Enforcement Initiative

Kimberly Kirchmeyer, Deputy Director of the DCA, introduced herself and updated the Board on the Department's efforts with the Consumer Protection Initiative.

b. SB 1441: Uniform Standards

Kimberly Kirchmeyer updated the Board on SB 1441 and asked that the Board have an agenda item dedicated to bring the language of the guidelines to discussions. She requested that the Board to authorize Janelle Wedge to implement any uniform standards that do not require legal authority, such as regulations or legislations, so they can immediately be put into effect. An agenda item will be placed on each future agenda updating on the status of SB 1441. Future Board meetings will be able to be web cast.

c. SB 139 Healthcare Workforce Data

Kimberly Kirchmeyer updated the Board on the SB 139: Healthcare Workforce Data.

5. Approval of November 19, 2009 Meeting Minutes

LaVonne Powell noted an error on the minutes for the November 19, 2009. On page 4, the third line from the bottom should read for 'allegedly fraudulently reporting'.

**CHARLES KIM MOTIONS TO ADOPT THE MINUTES WITH THE INDICATED AMENDMENT.
PAUL WEISMAN SECONDS. 5 – 0 – 0. MOTION PASSES.**

6. Ethical Decision Making Training

LaVonne Powell shared additional information not covered during the Board Member Orientation and reviewed proper proceedings and communications among the Board Members.

7. Legislation Update

Janelle Wedge summarized the following bills, including their current status.

- a. AB 1391 (Eng) – Extension of Board’s Sunset Date** – Passed to the Senate B&P committee. Department is opposed unless the Board amends the bill to just a two year (instead of six) extension until a review process is put in place.
- b. SB 1111** - Has now become a bill that has proposed language. Actual language will be brought to next meeting. This bill will improve our office’s Enforcement processes.
- c.** A bill was recently introduced by US Senator McCain that has to do with supplements and their labeling. Janelle will keep the Board informed on its progress.

**CHARLES KIM MOTIONS TO SUPPORT SB 1111.
PAUL WEISMAN SECONDS. 5 – 0 – 0 MOTION PASSES**

Charles Kim asked for access to Legislative Updates. LaVonne Powell recommended the California Legislative Counsel Site subscription service that allows individuals to track bills of interest.

8. Administrative Business

a. Draft Board Member Administrative Procedure Manual

LaVonne Powell introduced the draft Board Member Manual that centralizes information regarding processes and procedures for our Board Members. Robert asked to place this on the Agenda for the next meeting.

b. California Public Records Act

With so many communications going to the Board Members, it has been recommended that a requirement be made that the public see on our website all public communications the Board Members have had. LaVonne Powell commented that this should be put in the Board Member Administrative Procedural Manual and that the Board should discuss this policy at the next meeting. George Wedemeyer stressed that the board should have a process to not have to present inflammatory messages. AnYork Lee suggested that

the posting should be based on a Consensus of the Board. LaVonne Powell and Janelle Wedge will come to the next meeting with some suggestions. The public was in favor of greater transparency.

9. Examination Business

a. February 16, 2010 Examination

The Examination was held in Ontario, CA for the first time. Examinees were happy to have a Southern California location. The passing score workshop will be taking place next week after which the Board will have the results.

b. Tracking Multiple Test Takers

Robert Brewer stated that there are enough test-takers that have taken this exam so many times that he would like a formal investigation be carried out on these individuals and the institutions they come from. LaVonne Powell suggested the Board direct the Executive Director to use Enforcement resources to research this topic. She recommended that Janelle Wedge only share this information with the Chair so as to not have other members need to recuse themselves when making a decision. AnYork Lee asked about increasing the number of questions in the databank. Janelle Wedge noted that since the exam is offered in three languages, doing this very costly and time-consuming. The Board instructed Janelle Wedge to begin investigating the institutions that have multiple test-takers and reporting with statistics.

10. Education Business

a. Update Pending School Applications

Education Coordinator Cathy Hardin Schau updated the Board on the six schools applying for approval. Nine Star will be reporting back to us for the May meeting. Staff is still waiting on the Governor's approval to visit the Hawaiian school. We're waiting on more information from Hong Guk International University in Los Angeles and Health Medicine University in Palo Alto. The Phoenix Institute in Arizona had a strong application and we're waiting on a little more information. Golden State University recently submitted an application that has not yet been reviewed.

b. Update on School Annual Report Filings

Schools are required to file an annual report with our office every year. AIMC is currently behind in submitting their report by almost a year. Cathy Hardin Schau and Janelle Wedge have both sent letters asking for the required materials. They stand to lose approval if they do not contact us. Board requested to place AIMC on the Agenda for the next meeting and ask them to come out to answer questions and produce the required data. The Board has the authority to place a school on probation, suspend or cancel their approval.

c. Proposed Regulatory Language for Transfer Credit

Janelle Wedge noted that this is the language adopted with exception of the addition of item I4. This reads, 'at least one academic year of residence must be completed in an Acupuncture and Asian Medicine Training program approved by the Board'. AnYork Lee indicated a conflict between a school approving transfer credit and the accrediting agency says that you can't accept 100% due to their requirements. LaVonne Powell stated that this is occurring right now. Jack Miller of Pacific College responded that the university adheres to the stricter standard. Megan Haungs added that the schools are responsible to apply transfer credits that adhere to CA standards.

GEORGE WEDEMEYER MOTIONS TO NOTICE THE PROPOSED LANGUAGE ON TRANSFER CREDIT AMENDING SECTION 1399.435 AND TO BRING IT TO A PUBLIC HEARING TO START THE REGULATORY PROCESS. PAUL WEISMAN SECONDS. 5 – 0 – 0. MOTION PASSES.

d. Proposed Changes to Admission Prerequisites

George Wedemeyer proposed changes to current admission prerequisites. The intention is to have the anatomy, physiology and pathophysiology from a WASC accredited (or similar accrediting body) institution completed before they enter the school. Robert Brewer asked for the purpose of this if it's already a part of the basic sciences requirement. Ted Priebe commented that the regulations state only a survey in those classes which are not up to bachelors level. Jack Miller of Pacific College responded that though a survey may not be appropriate, Acupuncture Schools necessitate having more than a survey of these classes. Public comments were given asking for more information on the topic before the Board makes a decision. AnYork asked for more study of this before a decision is made.

e. School Accountability/Reporting Requirements

The Board requested discussion regarding a school's accountability to the students. AnYork Lee pointed out that Medical Schools are more competitive than Acupuncture schools and thus raise the bar. LaVonne Powell suggested that the Board look at setting alarms when a school's pass rate drops below a certain level. She also noted that the Board should look at the statistics of other Boards. Neil Miller observed that the big schools already take on this responsibility but the smaller schools may have need of greater guidance. Paul Weisman stated that just because the pass rate is low doesn't mean the schools are not performing up to par. The California Bar has a lower pass rate than medical schools. This can mean that the exam tests for knowledge more thoroughly and insures that your practitioners have a minimum competency. LaVonne added that compared to other Boards, Acupuncture has relatively little complaints on quality of care, indicating good practitioners. It was pointed out that the Board will soon be able to see the results of malpractice cases and there will be a prohibition on gag-clauses. Robert Brewer will create a Committee/Task Force to take on Education Accountability. He will be taking nominations and appointing members to the group in the coming weeks.

f. Continuing Education Audits

From August 1, 2009 to January 21, 2010, 55 randomly selected audits have been completed. Of those, 22 have been referred to Enforcement for a follow-up. This is usually because the practitioner took a course that was not approved or the certificates that they submitted didn't match up with their renewal form. Not all of those go to an enforcement action but I still do send them to Enforcement. Providers also are sent to Enforcement for actions such as issuing certificates for classes not approved by our Board. Part of the citation requires that they complete the courses that are invalid and their license is placed on hold until that is completed. Cathy Hardin Schau is working out a way to audit the providers by attending the classes. Kristine Brothers will bring statistics on the Audit at the next meeting. Janelle Wedge noted that once word gets out that our Board is carrying out the random audits the number of violations goes down.

11. Enforcement Business

a. Enforcement Case Report

Enforcement Coordinator Kristine Brothers presented to the Board the Enforcement Case Report. Robert Brewer asked if we are within our timelines for enforcement cases. Kristine responded that currently it takes our Board a year with the largest portion of time taken up with the investigation. LaVonne Powell noted that the Board will see a dramatic drop in response time once the Board's Special Investigator has started. Paul Weisman asked if there is a high percentage of people practicing with a false or expired license. Kristine answered that although there are a number of practitioners that we've found practicing without a valid license, a majority of these are not aware that they've not appropriately renewed. A few of these people do consciously practice without a license and pursue these by referring them to city and county prosecutors for criminal charges.

b. Mail Ballot

A model ballot has been drafted that more accurately reflects the possible actions, including refusal. LaVonne recommends that members still send in a vote even if you vote to have a case for discussion, in case you can't hold the discussion. Staff is also looking for shorter turn-around times on the votes to help expedite enforcement.

**ANYORK MOTIONS TO ADOPT THE NEW MAIL BALLOT FORM.
CHARLES KIM SECONDS. 5 – 0 – 0 MOTION PASSES.**

Kimberly Kirchmeyer shared with the Board that the department is looking to make it possible to vote online. The department is also looking to change the amount of time that a Board has to vote on the decision. This is to reflect the Department's commitment to the new Enforcement Timelines.

c. Disciplinary Guidelines

LaVonne Powell that staff still needs to incorporate SB 1441 standards (Uniform Standards on Substance Abuses). This will be back to you in May to be voted on. At the same time we'll be tracking SB 1111 so that we can make any changes to the guidelines that it may effect.

d. Primary Care Definition

George Wedemeyer proposes to adopt the definition of Primary Care the California Code of Regulations Title 22 Section 51170.5. Robert Brewer stated that he does not feel that definition complies with the current legal definition of an Acupuncturist's scope of practice by limiting to just biomedicine. Ted Priebe stated that Acupuncturist are not trained appropriately to give Primary care and thus the need for this change. By adopting this you would be able to change the educational requirements. LaVonne Powell responded that changing the definition will not change the educational criteria. George Wedemeyer asserted that this is a physiologically based medicine but it's currently being presented as mystical, thus requiring greater explanation in scientific terms. Jack Miller of Pacific College agrees that greater scientific terminology is important but that this process is already underway. This field is evolving and you'll continue to see improvement. Paul Weisman asked if Jack Miller feels that practitioners know enough to be able to refer clients to Medical Doctors once the need arises. Jack Miller responded this concern is addressed in the curriculum which he expects to continue to evolve. George Wedemeyer asked to table this discussion to the next meeting in May. Chair Robert Brewer called for individuals who are interested in this topic to leave their names with the Executive Officer

e. Herb-Drug Interactions

Janelle Wedge shared with the Board the idea of releasing monthly articles explaining Herb-drug interactions. She has asked John Chen for help in validating the Pharmacy Boards releases on Herb-Drug Interactions. John Chen, acupuncturist and pharmacist, shared he reviewed the article and pointed out several inconsistencies. He agrees with Janelle Wedge that it would be beneficial to update our Board's lists and release, on our website, updates on herb-drug interactions. Janelle commented that the Acupuncture Board has updated their list based on John Chen's recommendations. LaVonne Powell recommended that we approach the Pharmacy Board now so that we can begin getting all the Boards on the same page.

f. Use of Lasers

Michael Fox, licensed California Acupuncturist, asked the Board if the use of Laser Acupuncture within the scope of practice of licensed Acupuncturists in California or if it is prohibited, what are the possible enforcement actions. He pointed out the 1993 legal opinion not supporting devices classified as 'new devices'. In 2005, Class III cold lasers, were approved by the FDA for use in acupuncture and is

approved in CA. Michael Fox pointed out that Chiropractors and advertising it as Needle-less acupuncture. LaVonne Powell noted that a regulatory action may be better suited to address this question as opposed to relying on a legal opinion or the Board's permission. She shared that Chiropractors were able include it by including the word 'light' within their scope of practice. Robert Brewer asked who teaches on its use and where are the controls and regulation on this device. Michael Fox responded that training currently comes from manufacturers who provide chiropractors with one day seminars on its use, generally on laser safety. As part of that training manufacturer's are also giving out acupuncture protocols and pointer devices to chiropractors and other health professionals to help them find the correct acupuncture points to use with the laser devices. Laser Acupuncture is legal in five states including Florida, Massachusetts and Wisconsin and has been approved in Europe for thirty years and used in China, Russia and Spain. He did not that although the training on the use of the laser is from the manufacturers, the training for the point location is from our field of practice. Ted Priebe noted that only one laser has been approved for work comp, a Microlite 830 laser, specifically to treat Carpel Tunnel Syndrome. He stated that he felt more trials were necessary, suggesting that the Board could stop the advertising laser acupuncture by chiropractors since it's not within their scope of practice. Greg Sperber asked the Board to seriously take this issue up as there is a good amount of literature available. LaVonne suggested that legislation is quicker. Greg Sperber asked for a legal review on the safety of lasers. LaVonne Powell responded that there is no point if it's not in your scope of practice. To begin, the Board would have to make a policy decision if they wanted to move forward on standard of care regulations. Robert Brewer asked that the Board receive research on it showing how that this modality works before the Board makes a decision on it. Neil Miller shared that there are other health professionals already using lasers and recommended contacting the Chiropractic Board and have an open discussion on the issue.

12. Petitions Pursuant to B & P Code Section 4967 (b)

a. Peter Kwang Sik Yoo (license cancelled 2/1/04)

Peter Yoo was not present. His case was reviewed by the Board Members.

GEORGE WEDEMEYER MOTIONS TO DENY THE PETITION.

PAUL WEISMAN SECONDS. 5 – 0 – 0 MOTION PASSES.

b. Patricia Bedrosian (license cancelled 8/1/08)

Patricia Bedrosian was not present. Her case was reviewed by the Board Members.

CHARLES KIM MOTIONS TO DENY THE PETITION.

GEORGE WEDEMEYER SECONDS. 5 – 0 – 0 MOTION PASSES.

13. Future Agenda Items

AnYork asked to agendize the clinical portion of the exam. Charles Kim asked to agendize requiring foreign school graduates taking a class on CA/US laws. John Chen asked to agendize Safe Compounding of Herbs. Neil Miller asked to agendize the recognition of Specialty Boards.

14. Public Comment Period

Phillip Yang of Nine Star University spoke of furthering Western Medicine and Acupuncture integration within his school and clinic. John Chen asked if the distance education courses must provide a test. Cathy Hardin Schau responded that that is required. He also asked if the Herb Formula list could be brought to the next meeting for review. Next meeting will be on May 6, 2010.

Meeting adjourned at 4:55 pm.

2010 LEGISLATION OF INTEREST

AB 1391	Author:	Eng
	Title:	Extension of Acupuncture Board's Sunset Date
	Introduced:	2/27/2009
	Status:	Senate Business, Professions and Economic Development Committee
	Summary:	Bill would extend the Board's sunset date to January 1, 2017.
	Position:	Support

SB 1111	Author:	Negrete McLeod
	Title:	Consumer Health Protection Enforcement Act
	Introduced:	2/17/2010
	Status:	Failed passage in Senate Business, Professions and Economic Development Committee
	Summary:	Enacts the Consumer Health Protection Enforcement Act that includes various provisions affecting the investigation and enforcement of disciplinary actions against licensees of healing arts boards.
	Position:	

SB 1171	Author:	Negrete McLeod
	Title:	Regulatory Board Operations
	Introduced:	2/18/2010
	Status:	Senate Committee on Rules
	Summary:	Bill revises and recasts sunset review law to remove the provision that a board automatically become a bureau under the Dept of Consumer Affairs and instead provides for the removal of a board's members, and appointment of a new successor board upon the sunset date. Removes all references to the Joint Committee for Boards, Commissions and Consumer Protection, and instead authorizes the appropriate standing policy committees of the Legislature to carry out the sunset review functions.
	Position:	

2010 LEGISLATION OF INTEREST

SB 1172	Author:	Negrete McLeod
	Title:	Regulatory Boards Probation and Diversion Programs
	Introduced:	2/18/2010
	Status:	Senate Committee on Appropriations
	Summary:	Requires a healing arts board of the Dept of Consumer Affairs to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program; allows a healing arts board to adopt regulations authorizing the board to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to uniform and specific standards, as specified.
	Position:	

S. 3002	Author:	McCain
	Title:	Dietary Supplement Safety Act of 2010
	Introduced:	2/4/2010
	Status:	Committee on Health, Education, Labor and Pensions
	Summary:	To amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers.
	Position:	

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1171

Introduced by Senator Negrete McLeod

February 18, 2010

An act to amend Sections 22, 473.1, 473.15, 473.2, 473.3, 473.4, 473.6, and 9882 of, to add Sections 473.12 and 473.7 to, to repeal Sections 473.16 and 473.5 of, and to repeal and add Sections 101.1 and 473 of, the Business and Professions Code, relating to regulatory boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1171, as amended, Negrete McLeod. Regulatory boards: operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs, with board members serving specified terms of office. Existing law generally makes the regulatory boards inoperative and repealed on specified dates, unless those dates are deleted or extended by subsequent legislation, and subjects these boards that are scheduled to become inoperative and repealed as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified. Existing law requires the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to submit certain analyses and reports to the committee on specified dates and requires the committee to review those boards and hold hearings as specified, and to make certain evaluations and findings.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy

committees of the Legislature to carry out its duties. The bill would terminate the terms of office of each board member or bureau chief within the department on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified. The bill would also subject interior design organizations, the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, the Tax Education Council, ~~and~~ the Naturopathic Medical Committee, *and the certification of common interest development managers and massage therapists* to review on unspecified dates. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if its annual report contains certain information, to post that report on its Internet Web site. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22 of the Business and Professions Code
2 is amended to read:

3 22. "Board," as used in any provision of this code, refers to
4 the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include "bureau,"
6 "commission," "committee," "department," "division," "examining
7 committee," "program," and "agency."

8 SEC. 2. Section 101.1 of the Business and Professions Code
9 is repealed.

10 SEC. 3. Section 101.1 is added to the Business and Professions
11 Code, to read:

12 101.1. (a) Notwithstanding any other provision of law, if the
13 terms of office of the members of a board are terminated in
14 accordance with the act that added this section or by subsequent
15 acts, successor members shall be appointed that shall succeed to,
16 and be vested with, all the duties, powers, purposes,
17 responsibilities, and jurisdiction not otherwise repealed or made
18 inoperative of the members that they are succeeding. The successor

1 members shall be appointed by the same appointing authorities,
2 for the remainder of the previous members' terms, and shall be
3 subject to the same membership requirements as the members they
4 are succeeding.

5 (b) Notwithstanding any other provision of law, if the term of
6 office for a bureau chief is terminated in accordance with the act
7 that added this section or by subsequent acts, a successor bureau
8 chief shall be appointed who shall succeed to, and be vested with,
9 all the duties, powers, purposes, responsibilities, and jurisdiction
10 not otherwise repealed or made inoperative of the bureau chief
11 that he or she is succeeding. The successor bureau chief shall be
12 appointed by the same appointing authorities, ~~for the remainder~~
13 ~~of the previous bureau chief's term,~~ authority and shall be subject
14 to the same requirements as the bureau chief he or she is
15 succeeding.

16 SEC. 4. Section 473 of the Business and Professions Code is
17 repealed.

18 SEC. 5. Section 473 is added to the Business and Professions
19 Code, to read:

20 473. Whenever the provisions of this code refer to the Joint
21 Committee on Boards, Commissions, and Consumer Protection,
22 the reference shall be construed to be a reference to the appropriate
23 policy committees of the Legislature.

24 SEC. 6. Section 473.1 of the Business and Professions Code
25 is amended to read:

26 473.1. This chapter shall apply to all of the following:

27 (a) Every board, as defined in Section 22, that is scheduled to
28 have its membership reconstituted on a specified date as provided
29 by subdivision (a) of Section 473.12.

30 (b) Every bureau that is named in subdivision (b) of Section
31 473.12.

32 (c) Every entity that is named in subdivision (c) of Section
33 473.12.

34 SEC. 7. Section 473.12 is added to the Business and Professions
35 Code, to read:

36 473.12. (a) Notwithstanding any other provision of law, the
37 term of office of each member of the following boards in the
38 department shall terminate on the date listed, unless a later enacted
39 statute, that is enacted before the date listed for that board, deletes
40 or extends that date:

- 1 (1) The Dental Board of California: January 1, ____.
- 2 (2) The Medical Board of California: January 1, ____.
- 3 (3) The State Board of Optometry: January 1, ____.
- 4 (4) The California State Board of Pharmacy: January 1, ____.
- 5 (5) The Veterinary Medical Board: January 1, ____.
- 6 (6) The California Board of Accountancy: January 1, ____.
- 7 (7) The California Architects Board: January 1, ____.
- 8 (8) The State Board of Barbering and Cosmetology: January 1,
- 9 ____.
- 10 (9) The Board for Professional Engineers and Land Surveyors:
- 11 January 1, ____.
- 12 (10) The Contractors' State License Board: January 1, ____.
- 13 (11) The Board of Registered Nursing: January 1, ____.
- 14 (12) The Board of Behavioral Sciences: January 1, ____.
- 15 (13) The State Athletic Commission: January 1, ____.
- 16 (14) The State Board of Guide Dogs for the Blind: January 1,
- 17 ____.
- 18 (15) The Court Reporters Board of California: January 1, ____.
- 19 (16) The Board of Vocational Nursing and Psychiatric
- 20 Technicians: January 1, ____.
- 21 (17) The Landscape Architects Technical Committee: January
- 22 1, ____.
- 23 (18) The Respiratory Care Board of California: January 1, ____.
- 24 (19) The Acupuncture Board: January 1, ____.
- 25 (20) The Board of Psychology: January 1, ____.
- 26 (21) The California Board of Podiatric Medicine: January 1,
- 27 ____.
- 28 (22) The Physical Therapy Board of California: January 1, ____.
- 29 (23) The Physician Assistant Committee of the Medical Board
- 30 of California: January 1, ____.
- 31 (24) The Speech-Language Pathology and Audiology and
- 32 Hearing Aid Dispensers Board: January 1, ____.
- 33 (25) The California Board of Occupational Therapy: January
- 34 1, ____.
- 35 (26) The Dental Hygiene Committee of California: January 1,
- 36 ____.
- 37 (b) Notwithstanding any other provision of law, the term of
- 38 office for the bureau chief of each of the following bureaus shall
- 39 terminate on the date listed, unless a later enacted statute, that is

1 enacted before the date listed for that bureau, deletes or extends
2 that date:

- 3 (1) Arbitration Review Program: January 1, ____.
- 4 (2) Bureau for Private Postsecondary Education: January 1,
5 ____.
- 6 (3) Bureau of Automotive Repair: January 1, ____.
- 7 (4) Bureau of Electronic and Appliance Repair, Home
8 Furnishings and Thermal Insulation: January 1, ____.
- 9 (5) Bureau of Security and Investigative Services: January 1,
10 ____.
- 11 (6) Cemetery and Funeral Bureau: January 1, ____.
- 12 (7) Professional Fiduciaries Bureau: January 1, ____.
- 13 (8) Telephone Medical Advice Services Bureau: January 1,
14 ____.
- 15 (9) Division of Investigation: January 1, ____.

16 (c) Notwithstanding any other provision of law, the following
17 shall be subject to review under this chapter on the following dates:

- 18 (1) Interior design certification organizations: January 1, ____.
- 19 (2) State Board of Chiropractic Examiners pursuant to Section
20 473.15: January 1, ____.
- 21 (3) Osteopathic Medical Board of California pursuant to Section
22 473.15: January 1, ____.
- 23 (4) California Tax Education Council: January 1, ____.
- 24 (5) Naturopathic Medicine Committee, Osteopathic Medical
25 Board of California: January 1, ____.
- 26 (6) *Common interest development manager certification:*
27 *January 1, ____.*
- 28 (7) *Massage therapy certification law: January 1, ____.*

29 (d) Nothing in this section or in Section 101.1 shall be construed
30 to preclude, prohibit, or in any manner alter the requirement of
31 Senate confirmation of a board member, chief officer, or other
32 appointee that is subject to confirmation by the Senate as otherwise
33 required by law.

34 (e) It is not the intent of the Legislature in enacting this section
35 to amend the initiative measure that established the State Board
36 of Chiropractic Examiners or the Osteopathic Medical Board of
37 California.

38 SEC. 8. Section 473.15 of the Business and Professions Code
39 is amended to read:

1 473.15. (a) The appropriate policy committees of the
2 Legislature shall review the following boards established by
3 initiative measures, as provided in this section:

4 (1) The State Board of Chiropractic Examiners established by
5 an initiative measure approved by electors November 7, 1922.

6 (2) The Osteopathic Medical Board of California established
7 by an initiative measure approved June 2, 1913, and acts
8 amendatory thereto approved by electors November 7, 1922.

9 (b) The Osteopathic Medical Board of California shall prepare
10 an analysis and submit a report as described in subdivision (a) of
11 Section 473.2, to the appropriate policy committees of the
12 Legislature on or before September 1, 2010.

13 (c) The State Board of Chiropractic Examiners shall prepare an
14 analysis and submit a report as described in subdivision (a), of
15 Section 473.2, to the appropriate policy committees of the
16 Legislature on or before September 1, 2011.

17 (d) The appropriate policy committees of the Legislature shall,
18 during the interim recess of 2011, hold public hearings to receive
19 testimony from the Director of Consumer Affairs, the Osteopathic
20 Medical Board of California, the State Board of Chiropractic
21 Examiners, the public, and the regulated industry. In those hearings,
22 each board shall be prepared to demonstrate a compelling public
23 need for the continued existence of the board or regulatory
24 program, and that its licensing function is the least restrictive
25 regulation consistent with the public health, safety, and welfare.

26 (e) The appropriate policy committees of the Legislature shall
27 evaluate and make determinations pursuant to Section 473.4.

28 (f) In the exercise of its inherent power to make investigations
29 and ascertain facts to formulate public policy and determine the
30 necessity and expediency of contemplated legislation for the
31 protection of the public health, safety, and welfare, it is the intent
32 of the Legislature that the State Board of Chiropractic Examiners
33 and the Osteopathic Medical Board of California be reviewed
34 pursuant to this section.

35 (g) It is not the intent of the Legislature in enacting this section
36 to amend the initiative measures that established the State Board
37 of Chiropractic Examiners or the Osteopathic Medical Board of
38 California.

39 SEC. 9. Section 473.16 of the Business and Professions Code
40 is repealed.

1 SEC. 10. Section 473.2 of the Business and Professions Code
2 is amended to read:

3 473.2. (a) All boards or bureaus listed in Section 473.12 shall,
4 with the assistance of the Department of Consumer Affairs, prepare
5 an analysis and submit a report to the appropriate policy
6 committees of the Legislature no later than ~~22~~ 16 months before
7 that board's membership or the bureau chief's term shall be
8 terminated pursuant to Section 473.12. The analysis and report
9 shall include, at a minimum, all of the following:

10 (1) The number of complaints it received per year, the number
11 of complaints per year that proceeded to investigation, the number
12 of accusations filed per year, and the number and kind of
13 disciplinary actions taken, including, but not limited to, interim
14 suspension orders, revocations, probations, and suspensions.

15 (2) The average amount of time per year that elapsed between
16 receipt of a complaint and the complaint being closed or referred
17 to investigation; the average amount of time per year elapsed
18 between the commencement of an investigation and the complaint
19 either being closed or an accusation being filed; the average amount
20 of time elapsed per year between the filing of an accusation and a
21 final decision, including appeals; and the average and median costs
22 per case.

23 (3) The average amount of time per year between final
24 disposition of a complaint and notice to the complainant.

25 (4) A copy of the enforcement priorities including criteria for
26 seeking an interim suspension order.

27 (5) A brief description of the board's or bureau's fund
28 conditions, sources of revenues, and expenditure categories for
29 the last four fiscal years by program component.

30 (6) A brief description of the cost per year required to implement
31 and administer its licensing examination, ownership of the license
32 examination, the last assessment of the relevancy and validity of
33 the licensing examination, the passage rate for each of the last four
34 years, and areas of examination.

35 (7) A copy of sponsored legislation and a description of its
36 budget change proposals.

37 (8) A brief assessment as to whether its licensing fees are
38 sufficient, too high, or too low.

39 (9) A brief statement detailing how the board or bureau over
40 the prior four years has improved its enforcement, public

1 disclosure, accessibility to the public, including, but not limited
2 to, Internet Web casts of its proceedings, and fiscal condition.

3 (b) If an annual report contains information that is required by
4 this section, a board or bureau may submit the annual report to the
5 committees and shall post that report on the board's or bureau's
6 Internet Web site.

7 SEC. 11. Section 473.3 of the Business and Professions Code
8 is amended to read:

9 473.3. Prior to the termination of the terms of office of the
10 membership of any board or the chief of any bureau described in
11 Section 473.12, the appropriate policy committees of the
12 Legislature, during the interim recess preceding the date upon
13 which a board member's or bureau chief's term of office is to be
14 terminated, may hold public hearings to receive and consider
15 testimony from the Director of Consumer Affairs, the board or
16 bureau involved, the Attorney General, members of the public,
17 and representatives of the regulated industry regarding whether
18 the board's or bureau's policies and practices, including
19 enforcement, disclosure, licensing examination, and fee structure,
20 are sufficient to protect consumers and are fair to licensees and
21 prospective licensees, whether licensure of the profession is
22 required to protect the public, and whether an enforcement monitor
23 may be necessary to obtain further information on operations.

24 SEC. 12. Section 473.4 of the Business and Professions Code
25 is amended to read:

26 473.4. (a) The appropriate policy committees of the Legislature
27 may evaluate and determine whether a board or regulatory program
28 has demonstrated a public need for the continued existence of the
29 regulatory program and for the degree of regulation the board or
30 regulatory program implements based on the following factors and
31 minimum standards of performance:

32 (1) Whether regulation by the board is necessary to protect the
33 public health, safety, and welfare.

34 (2) Whether the basis or facts that necessitated the initial
35 licensing or regulation of a practice or profession have changed.

36 (3) Whether other conditions have arisen that would warrant
37 increased, decreased, or the same degree of regulation.

38 (4) If regulation of the profession or practice is necessary,
39 whether existing statutes and regulations establish the least
40 restrictive form of regulation consistent with the public interest,

1 considering other available regulatory mechanisms, and whether
2 the board rules enhance the public interest and are within the scope
3 of legislative intent.

4 (5) Whether the board operates and enforces its regulatory
5 responsibilities in the public interest and whether its regulatory
6 mission is impeded or enhanced by existing statutes, regulations,
7 policies, practices, or any other circumstances, including budgetary,
8 resource, and personnel matters.

9 (6) Whether an analysis of board operations indicates that the
10 board performs its statutory duties efficiently and effectively.

11 (7) Whether the composition of the board adequately represents
12 the public interest and whether the board encourages public
13 participation in its decisions rather than participation only by the
14 industry and individuals it regulates.

15 (8) Whether the board and its laws or regulations stimulate or
16 restrict competition, and the extent of the economic impact the
17 board's regulatory practices have on the state's business and
18 technological growth.

19 (9) Whether complaint, investigation, powers to intervene, and
20 disciplinary procedures adequately protect the public and whether
21 final dispositions of complaints, investigations, restraining orders,
22 and disciplinary actions are in the public interest; or if it is, instead,
23 self-serving to the profession, industry, or individuals being
24 regulated by the board.

25 (10) Whether the scope of practice of the regulated profession
26 or occupation contributes to the highest utilization of personnel
27 and whether entry requirements encourage affirmative action.

28 (11) Whether administrative and statutory changes are necessary
29 to improve board operations to enhance the public interest.

30 (b) Nothing in this section precludes any board from submitting
31 other appropriate information to the appropriate policy committees
32 of the Legislature.

33 SEC. 13. Section 473.5 of the Business and Professions Code
34 is repealed.

35 SEC. 14. Section 473.6 of the Business and Professions Code
36 is amended to read:

37 473.6. The chairpersons of the appropriate policy committees
38 of the Legislature may refer to interim study review of any
39 legislative issues or proposals to create new licensure or regulatory
40 categories, change licensing requirements, modify scope of

1 practice, or create a new licensing board under the provisions of
2 this code or pursuant to Chapter 1.5 (commencing with Section
3 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

4 SEC. 15. Section 473.7 is added to the Business and Professions
5 Code, to read:

6 473.7. The appropriate policy committees of the Legislature
7 may, through their oversight function, investigate the operations
8 of any entity to which this chapter applies and hold public hearings
9 on any matter subject to public hearing under Section 473.3.

10 SEC. 16. Section 9882 of the Business and Professions Code
11 is amended to read:

12 9882. (a) There is in the Department of Consumer Affairs a
13 Bureau of Automotive Repair under the supervision and control
14 of the director. The duty of enforcing and administering this chapter
15 is vested in the chief who is responsible to the director. The director
16 may adopt and enforce those rules and regulations that he or she
17 determines are reasonably necessary to carry out the purposes of
18 this chapter and declaring the policy of the bureau, including a
19 system for the issuance of citations for violations of this chapter
20 as specified in Section 125.9. These rules and regulations shall be
21 adopted pursuant to Chapter 3.5 (commencing with Section 11340)
22 of Part 1 of Division 3 of Title 2 of the Government Code.

23 (b) In 2003 and every four years thereafter, the appropriate
24 policy committees of the Legislature may hold a public hearing to
25 receive and consider testimony from the Director of Consumer
26 Affairs, the bureau, the Attorney General, members of the public,
27 and representatives of this industry regarding the bureau's policies
28 and practices as specified in Section 473.3. The appropriate policy
29 committees of the Legislature may evaluate and review the
30 effectiveness and efficiency of the bureau based on factors and
31 minimum standards of performance that are specified in Section
32 473.4. The bureau shall prepare an analysis and submit a report to
33 the appropriate policy committees of the Legislature as specified
34 in Section 473.2.

O

AMENDED IN SENATE APRIL 12, 2010

SENATE BILL

No. 1172

Introduced by Senator Negrete McLeod

February 18, 2010

~~An act to amend Sections 156, 1695, 2360, 2662, 2770, 3534, 4360, and 4860 of the Business and Professions Code, relating to regulatory boards. An act to amend Section 156.1 of, and to add Sections 315.2, 315.4, and 315.6 to, the Business and Professions Code, relating to regulatory boards.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as amended, Negrete McLeod. ~~Regulatory boards. boards:~~ *boards: diversion programs.*

Existing

(1) Existing law provides for the regulation of specified professions and vocations by various boards, as defined, within the Department of Consumer Affairs. The department is under the control of the Director of Consumer Affairs. Existing law authorizes the director to enter into contracts for and on behalf of any board within the department. Under existing law, individuals or entities contracting with the department or any board within the department for the provision of services relating to the treatment and rehabilitation of licentiates impaired by alcohol or dangerous drugs are required to retain all records and documents pertaining to those services for 3 years or until they are audited, whichever occurs first. Under existing law, those records and documents are required to be kept confidential and are not subject to discovery or subpoena.

~~This bill would make a technical, nonsubstantive change to that provision.~~

This bill would specify that those records and documents shall be kept for 3 years and are not subject to discovery or subpoena unless otherwise expressly provided by law and would prohibit the licentiate from waiving confidentiality. The bill would require the department or board contracting for those services to have an audit conducted at least once every 3 years by a specified independent reviewer or review team, would require that reviewer or review team to prepare an audit report and to submit it to the Legislature, the department, and the board by June 30 every 3 years, with the first report due in 2013, and would require the department, the contract vendor, and the board to respond to the report, as specified.

(2) Existing law provides for the licensure and regulation of various healing arts by boards within the Department of Consumer Affairs. Under existing law, these boards are authorized to issue, deny, suspend, and revoke licenses based on various grounds and to take disciplinary action against their licensees.

Existing law establishes diversion and recovery programs to identify and rehabilitate dentists, osteopathic physicians and surgeons, physical therapists, physical therapy assistants, registered nurses, physician assistants, pharmacists and intern pharmacists, veterinarians, and registered veterinary technicians whose competency may be impaired due to, among other things, alcohol and drug abuse.

~~This bill would, with respect to those programs, revise references to alcohol and drug abuse to include other substances.~~

The bill would require a healing arts board to order a licensee to cease practice if the licensee tests positive for any prohibited substance under the terms of the licensee's probation or diversion program. The bill would also authorize a board to adopt regulations authorizing it to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation, as specified. Except as provided, the bill would prohibit a healing arts board from disclosing to the public that a licensee is participating in a board diversion program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 156.1 of the Business and Professions*
2 *Code is amended to read:*

3 156.1. (a) Notwithstanding any other provision of law,
4 individuals or entities contracting with the department or any board
5 within the department for the provision of services relating to the
6 treatment and rehabilitation of licentiates impaired by alcohol or
7 dangerous drugs, shall retain all records and documents pertaining
8 to those services until such time as these records and documents
9 have been reviewed for audit ~~by the department pursuant to~~
10 *subdivision (c)*. These records and documents shall be retained for
11 ~~a maximum of three years from the date of the last treatment or~~
12 ~~service rendered to that licentiate, or until such time as the records~~
13 ~~pertaining to treatment or services rendered to that licentiate are~~
14 ~~audited, whichever occurs first, after which time the records and~~
15 documents may be purged and destroyed by the contract vendor.
16 This provision shall supersede any other provision of law relating
17 to the purging or destruction of records pertaining to those
18 treatment and rehabilitation programs.

19 (b) ~~Notwithstanding any other provision of law, all~~ *Unless*
20 ~~otherwise expressly provided by statute or regulation, all records~~
21 and documents pertaining to services for the treatment and
22 rehabilitation of licentiates impaired by alcohol or dangerous drugs
23 provided by any contract vendor to the department or to any board
24 within the department shall be kept confidential and are not subject
25 to discovery or subpoena. *A licentiate may not waive confidentiality*
26 *pursuant to this subdivision.*

27 (c) (1) *An external independent audit of an individual or entity*
28 *contracting with the department pursuant to subdivision (a) shall*
29 *be conducted at least once every three years by a qualified,*
30 *independent reviewer or review team from outside the department*
31 *with no real or apparent conflict of interest with the contractor*
32 *providing the services. The independent reviewer or review team*
33 *shall be competent in the professional practice of internal auditing*
34 *and assessment processes.*

35 (2) *The independent reviewer or review team shall prepare an*
36 *audit report that assesses the contractor's performance in adhering*
37 *to any standards established by the department or the board and*
38 *shall submit that report to the Legislature, the department, and*

1 the board by June 30 every three years, with the first report due
2 in 2013. The audit report shall make findings and identify any
3 material inadequacies, deficiencies, irregularities, or any other
4 noncompliance with the terms of the contract.

5 (3) The department, contract vendor, and the board shall
6 respond to the assessment and findings in the audit report prior
7 to submission to the Legislature.

8 (e)

9 (d) With respect to all other contracts for services with the
10 department or any board within the department other than those
11 set forth in subdivision (a), the director or chief deputy director
12 may request an examination and audit by the department's internal
13 auditor of all performance under the contract. For this purpose, all
14 documents and records of the contract vendor in connection with
15 such performance shall be retained by such vendor for a period of
16 three years after final payment under the contract. Nothing in this
17 section shall affect the authority of the State Auditor to conduct
18 any examination or audit under the terms of Section 8546.7 of the
19 Government Code.

20 SEC. 2. Section 315.2 is added to the Business and Professions
21 Code, to read:

22 315.2. (a) A board, as described in Section 315, shall order
23 a licensee of the board to cease practice if the licensee tests positive
24 for any substance that is prohibited under the terms of the
25 licensee's probation or diversion program.

26 (b) An order to cease practice under this section shall not be
27 governed by the provisions of Chapter 5 (commencing with Section
28 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

29 (c) A cease practice order under this section shall not constitute
30 disciplinary action.

31 (d) A licensee may petition to return to practice pursuant to the
32 uniform and specific standards adopted and authorized under
33 Section 315.

34 SEC. 3. Section 315.4 is added to the Business and Professions
35 Code, to read:

36 315.4. (a) A board, as described in Section 315, may adopt
37 regulations authorizing the board to order a licensee on probation
38 or in a diversion program to cease practice for major violations
39 and when the board orders a licensee to undergo a clinical

1 *diagnostic evaluation pursuant to the uniform and specific*
2 *standards adopted and authorized under Section 315.*

3 (b) *An order to cease practice under this section shall not be*
4 *governed by the provisions of Chapter 5 (commencing with Section*
5 *11500) of Part 1 of Division 3 of Title 2 of the Government Code.*

6 (c) *A cease practice order under this section shall not constitute*
7 *disciplinary action.*

8 (d) *The regulations shall also include provisions for a licensee*
9 *to petition to return to practice pursuant to the uniform and specific*
10 *standards adopted and authorized under Section 315.*

11 **SEC. 4.** *Section 315.6 is added to the Business and Professions*
12 *Code, to read:*

13 *315.6. Unless otherwise authorized by statute or regulation,*
14 *a board, as described in Section 315, shall not disclose to the*
15 *public that a licensee is participating in a board diversion program*
16 *unless participation was ordered as a term of probation. However,*
17 *a board shall disclose to the public any restrictions that are placed*
18 *on a licensee's practice as a result of the licensee's participation*
19 *in a board diversion program provided that the disclosure does*
20 *not contain information linking the restriction to the licensee's*
21 *participation in the board's diversion program.*

22 **SECTION 1.** ~~Section 156 of the Business and Professions Code~~
23 ~~is amended to read:~~

24 ~~156. (a) The director may, for the department and at the request~~
25 ~~and with the consent of a board or bureau within the department~~
26 ~~on whose behalf the contract is to be made, enter into contracts~~
27 ~~pursuant to Chapter 3 (commencing with Section 11250) of Part~~
28 ~~1 of Division 3 of Title 2 of the Government Code or Chapter 2~~
29 ~~(commencing with Section 10290) of Part 2 of Division 2 of the~~
30 ~~Public Contract Code for and on behalf of any board or bureau~~
31 ~~within the department.~~

32 ~~(b) In accordance with subdivision (a), the director may, in his~~
33 ~~or her discretion, negotiate and execute contracts for examination~~
34 ~~purposes that include provisions that hold harmless a contractor~~
35 ~~where liability resulting from a contract between a board in the~~
36 ~~department and the contractor is traceable to the state or its officers,~~
37 ~~agents, or employees.~~

38 **SEC. 2.** ~~Section 1695 of the Business and Professions Code is~~
39 ~~amended to read:~~

1 ~~1695. It is the intent of the Legislature that the Dental Board~~
2 ~~of California seek ways and means to identify and rehabilitate~~
3 ~~licensees whose competency may be impaired due to abuse of~~
4 ~~dangerous drugs or alcohol or other substances, so that licensees~~
5 ~~so afflicted may be treated and returned to the practice of dentistry~~
6 ~~in a manner that will not endanger the public health and safety. It~~
7 ~~is also the intent of the Legislature that the Dental Board of~~
8 ~~California shall implement this legislation in part by establishing~~
9 ~~a diversion program as a voluntary alternative approach to~~
10 ~~traditional disciplinary actions.~~

11 ~~SEC. 3. Section 2360 of the Business and Professions Code is~~
12 ~~amended to read:~~

13 ~~2360. It is the intent of the Legislature that the Osteopathic~~
14 ~~Medical Board of California seek ways and means to identify and~~
15 ~~rehabilitate osteopathic physicians and surgeons whose competency~~
16 ~~may be impaired due to abuse of dangerous drugs or alcohol or~~
17 ~~other substances, so that osteopathic physicians and surgeons so~~
18 ~~afflicted may be treated and returned to the practice of medicine~~
19 ~~in a manner that will not endanger the public health and safety. It~~
20 ~~is also the intent of the Legislature that the Osteopathic Medical~~
21 ~~Board of California shall implement this legislation by establishing~~
22 ~~a diversion program as a voluntary alternative approach to~~
23 ~~traditional disciplinary actions.~~

24 ~~SEC. 4. Section 2662 of the Business and Professions Code is~~
25 ~~amended to read:~~

26 ~~2662. It is the intent of the Legislature that the board shall seek~~
27 ~~ways and means to identify and rehabilitate physical therapists~~
28 ~~and physical therapist assistants whose competency is impaired~~
29 ~~due to abuse of dangerous drugs or alcohol or other substances so~~
30 ~~that they may be treated and returned to the practice of physical~~
31 ~~therapy in a manner that will not endanger the public health and~~
32 ~~safety.~~

33 ~~SEC. 5. Section 2770 of the Business and Professions Code is~~
34 ~~amended to read:~~

35 ~~2770. It is the intent of the Legislature that the Board of~~
36 ~~Registered Nursing seek ways and means to identify and~~
37 ~~rehabilitate registered nurses whose competency may be impaired~~
38 ~~due to abuse of alcohol or drugs or other substances, or due to~~
39 ~~mental illness so that registered nurses so afflicted may be~~
40 ~~rehabilitated and returned to the practice of nursing in a manner~~

1 that will not endanger the public health and safety. It is also the
2 intent of the Legislature that the Board of Registered Nursing shall
3 implement this legislation by establishing a diversion program as
4 a voluntary alternative to traditional disciplinary actions.

5 ~~SEC. 6. Section 3534 of the Business and Professions Code is~~
6 ~~amended to read:~~

7 ~~3534. (a) It is the intent of the Legislature that the examining~~
8 ~~committee shall seek ways and means to identify and rehabilitate~~
9 ~~physician assistants whose competency is impaired due to abuse~~
10 ~~of dangerous drugs or alcohol or other substances so that they may~~
11 ~~be treated and returned to the practice of medicine in a manner~~
12 ~~that will not endanger the public health and safety.~~

13 ~~SEC. 7. Section 4360 of the Business and Professions Code is~~
14 ~~amended to read:~~

15 ~~4360. The board shall operate a pharmacists recovery program~~
16 ~~to rehabilitate pharmacists and intern pharmacists whose~~
17 ~~competency may be impaired due to abuse of alcohol or other~~
18 ~~substances, drug use, or mental illness. The intent of the~~
19 ~~pharmacists recovery program is to return these pharmacists and~~
20 ~~intern pharmacists to the practice of pharmacy in a manner that~~
21 ~~will not endanger the public health and safety.~~

22 ~~SEC. 8. Section 4860 of the Business and Professions Code is~~
23 ~~amended to read:~~

24 ~~4860. It is the intent of the Legislature that the Veterinary~~
25 ~~Medical Board seek ways and means to identify and rehabilitate~~
26 ~~veterinarians and registered veterinary technicians with impairment~~
27 ~~due to abuse of dangerous drugs or alcohol or other substances,~~
28 ~~affecting competency so that veterinarians and registered veterinary~~
29 ~~technicians so afflicted may be treated and returned to the practice~~
30 ~~of veterinary medicine in a manner that will not endanger the public~~
31 ~~health and safety.~~

Feb 4, 2010 - Introduced in Senate. This is the original text of the bill as it was written by its sponsor and submitted to the Senate for consideration. This is the latest version of the bill currently available on GovTrack.

S 3002 IS

111th CONGRESS

2d Session

S. 3002

To amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers.

IN THE SENATE OF THE UNITED STATES

February 4, 2010

Mr. MCCAIN (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Dietary Supplement Safety Act of 2010'.

SEC. 2. AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) Definitions- Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

'(ss) Dietary Supplement Facility- The term 'dietary supplement facility' means any business or operation engaged in manufacturing, packaging, holding, distributing, labeling, or licensing a dietary supplement for consumption in the United States.'

(b) Registration of Dietary Supplement Facilities-

(1) ADULTERATED FOOD- Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by inserting at the end the following:

'(j) If it is a dietary supplement that is manufactured, packaged, held, distributed, labeled, or licensed by a dietary supplement facility that is not registered with the Secretary.'

(2) REGISTRATION OF FOOD FACILITIES- Section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is amended--

(A) in the section heading, by striking 'facilities' and inserting 'and dietary supplement facilities'; and

(B) in subsection (a)--

(i) in paragraph (2)--

(I) by striking 'An entity' and inserting the following:

'(A) FOOD FACILITIES- An entity'; and

(II) by adding at the end the following:

'(B) DIETARY SUPPLEMENT FACILITIES-

'(i) IN GENERAL- A dietary supplement facility (referred to in the section as a 'dietary supplement registrant') shall submit a registration under paragraph (1) to the Secretary containing information necessary to notify the Secretary of the name and address of each facility at which, and all trade names under which, the dietary supplement registrant conducts business. At the time of registration, the dietary supplement registrant shall also file with the Secretary a list of all dietary supplements manufactured, packaged, held, distributed, labeled, or licensed by the facility. Such list shall be prepared in such form and manner as the Secretary may prescribe, and shall be accompanied by a full list of the ingredients contained in each dietary supplement, and a copy of the labeling used by the facility for each dietary supplement.

'(ii) UPDATES- Each dietary supplement registrant shall update the registrant's registration annually on or before the anniversary date of the registrant's initial registration. Each dietary supplement registrant shall also update the registrant's registration to include information regarding any new dietary supplement, or reformulation of an existing dietary supplement, on or before the date such dietary supplement is marketed for consumption in the United States.'; and

(ii) in paragraph (3), by inserting 'or dietary supplement registrant' after 'notify the registrant'.

(c) New Dietary Ingredients- Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended--

(1) by striking subsection (a) and inserting the following:

'(a) In General- A dietary supplement which contains a new dietary ingredient shall be deemed adulterated under section 402(f) unless there is a history of use or other evidence of safety establishing that the dietary ingredient when used under the conditions recommended or suggested in the labeling of the dietary supplement will reasonably be expected to be safe and, at least 75 days before being introduced or delivered for introduction into interstate commerce, the manufacturer or distributor of the dietary ingredient or dietary supplement provides the Secretary with information, including any citation to published articles, which is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe. The Secretary shall keep confidential any information provided under this subsection for 90 days following its receipt. After the expiration of such 90 days, the Secretary shall place such information on public display, except matters in the information which are trade secrets or otherwise confidential, commercial information.';

(2) in subsection (c), by striking 'was not marketed in the United States before October 15, 1994 and does not include any dietary ingredient which was marketed in the United States before October 15, 1994' and inserting 'is not included on the list of 'Accepted Dietary Ingredients', to be prepared, published, and maintained by the Secretary'; and

(3) by adding at the end the following:

'(d) Maintaining Substantiation File- Any person submitting information to the Secretary under subsection (a) shall create and maintain a scientifically reasonable substantiation file relating to the claim that the dietary ingredient or dietary supplement will

reasonably be expected to be safe. The substantiation file shall be prepared and maintained in such form and manner as the Secretary may prescribe and shall be available for review and inspection by the Secretary upon request.

(e) Evidence of Compliance- A dietary supplement facility or retailer shall, prior to manufacturing, packaging, holding, distributing, labeling, or licensing the dietary supplement, obtain adequate written evidence from the preceding responsible entity in the chain of commerce that the product is registered as required by section 415 and that the requirements of subsection (a) have been met. Such facility or retailer shall maintain such evidence of compliance for review and inspection by the Secretary upon request.

(d) Civil Monetary Penalty for Non-Compliance- Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

(h) Civil Monetary Penalty for Non-Compliance- Notwithstanding the provisions of subsection (a), any person who manufactures, packages, holds, distributes, labels, or licenses a dietary supplement in violation of section 301, 402, 413, 415, 501, 502, 505, or 761, may, in addition to other penalties imposed in this section, be fined not more than twice the gross profits or other proceeds derived from the manufacture, packaging, holding, distribution, labeling, or license of such dietary supplement.

(e) Adverse Event Reporting for Dietary Supplements- Section 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa-1) is amended--

(1) in the section heading, by striking 'serious adverse' and inserting 'adverse';

(2) in subsection (a), by adding at the end the following:

(4) ADVERSE EVENT REPORT- The term 'adverse event report' means a report of non-serious adverse events that is required to be submitted to the Secretary under subsection (b).;

(3) in subsection (b)(1)--

(A) by striking 'The manufacturer' and inserting the following:

(A) SERIOUS ADVERSE EVENTS- The manufacturer'; and

(B) by adding at the end the following:

(B) NON-SERIOUS ADVERSE EVENTS- The manufacturer, packer, holder, distributor, labeler, or licensee of a dietary supplement, whose name appears on the label of a dietary supplement marketed in the United States, shall submit to the Secretary, in such form and manner as the Secretary shall determine, a compilation report of all non-serious adverse events associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.;

(4) in subsection (c)(1), by adding at the end: 'The responsible person shall annually submit to the Secretary a compilation report of all non-serious adverse events received during the preceding year.;

(5) in subsection (e)(1), by adding at the end: 'The responsible person shall maintain records related to each annually submitted adverse event report for a period of 3 years.;

(6) in subsection (f), by striking 'or an adverse event report voluntarily submitted' and inserting 'or a non-serious adverse report submitted annually'.

(f) Recall Authority for Dietary Supplements-

(1) IN GENERAL- Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

'SEC. 418. RECALL AUTHORITY FOR DIETARY SUPPLEMENTS.**'(a) Recall Authority-****'(1) CEASE DISTRIBUTION AND NOTIFICATION ORDER-**

'(A) IN GENERAL- If the Secretary finds there is a reasonable probability that a dietary supplement or a product marketed or sold as a dietary supplement would cause serious, adverse health consequences or death, or is adulterated or misbranded, the Secretary shall issue a cease distribution and notification order requiring the person named in the order to immediately--

'(i) cease distribution of such dietary supplement or a product marketed or sold as a dietary supplement;

'(ii) notify distributors, importers, retailers, and consumers of the order; and

'(iii) instruct those distributors, importers, retailers, and consumers to cease distributing, importing, selling, and using the dietary supplement.

'(B) INFORMAL HEARING- An order described in subparagraph (A) shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of the dietary supplement or the product marketed or sold as a dietary supplement. The person subject to the order shall have 5 days to notify the Secretary of the person's intent to challenge the order. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

'(2) RECALL-

'(A) IN GENERAL- If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the dietary supplement or the product marketed or sold as a dietary supplement with respect to which the order was issued, the Secretary shall, except as provided in subparagraphs (B) and (C), amend the order to require a recall. The Secretary shall specify a timetable in which the dietary supplement recall will occur and shall require periodic reports to the Secretary describing the progress of the recall. The Secretary shall have the authority to initiate the action prescribed in this subparagraph regardless of whether or not the person subject to the order elects to exercise the right to challenge the initial order as permitted under paragraph (1).

'(B) CONTENT OF AMENDED ORDER- An amended order under subparagraph (A)--

'(i) shall not include recall of the dietary supplement or the product marketed or sold as a dietary supplement from individuals; and

'(ii) shall provide for notice to individuals, at the expense of retailers and to the satisfaction of the Secretary, subject to the risks associated with the use of such dietary supplement.

'(C) NOTIFICATION- In providing the notice required by subparagraph (B)(ii), if a significant number of such individuals cannot be identified, the Secretary shall notify such individuals pursuant to section 705(b).'

State of California

**California Acupuncture Board
Board Member
Administrative Manual**

Adopted _____



**Arnold Schwarzenegger, Governor
*State of California***

Members of the Board

Robert Brewer, Chair, Public Member
Charles Kim, Public Member
Anyork Lee, L.Ac.
George Wedemeyer, Public Member
Paul Weisman, Esq, Public Member

Executive Officer

Janelle Wedge

This procedure manual is a general reference including a review of some important laws, regulations, and basic Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

This Administrative Procedure Manual, regarding Board Policy, can be amended by a majority of affirmative votes of any current or future Board.

TABLE OF CONTENTS

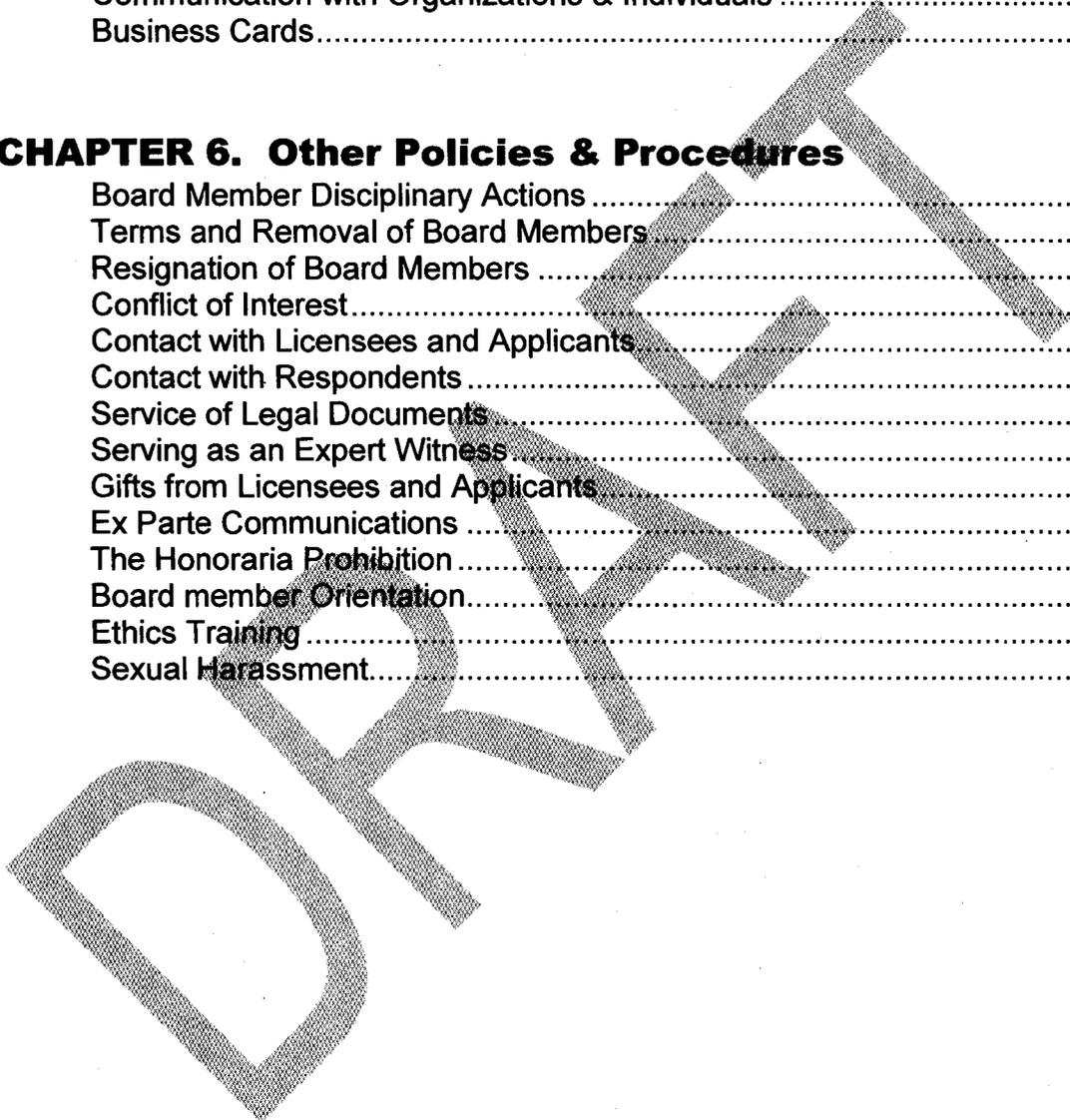
CHAPTER 1. Introduction	Page
Mission Statement	5
Brief History	5
Function of the Board.....	6
State of California Acronyms	6
General Rules of Conduct.....	6
CHAPTER 2. Board Members and Meeting Procedures	
Membership	8
Board Meetings.....	8
Quorum.....	8
Board Member Attendance at Board Meetings.....	8
Public Attendance at Board Meetings.....	9
Agenda Items.....	9
Notice of Meetings	9
Notice of Meetings Posted on the Internet.....	9
Mail Ballots	9
Holding Disciplinary Cases for Board Meetings.....	10
Record of Meetings.....	10
Tape Recording.....	10
Meeting Rules.....	11
Public Comment	11
CHAPTER 3. Travel & Salary Policies & Procedures	
Travel Approval.....	12
Travel Arrangements.....	12
Out-of-State Travel	12
Travel Claims.....	12
Salary Per Diem.....	12
CHAPTER 4. Selection of Officers and Committees	
Officers of the Board	14
Election of Officers.....	14
Officer Vacancies.....	14
Board Member Addresses	14
Board Member Written Correspondence	14
Communications: Other Organizations/Individuals/Media.....	14
Committee Appointments.....	14
Committee Meetings	15
Attendance at Committee Meetings.....	15

CHAPTER 5. Board Administration and Staff

Executive Officer..... 16
Board Administration..... 16
Executive Officer Evaluation..... 16
Board Staff..... 16
Board Budget..... 16
Communication with Organizations & Individuals..... 17
Business Cards..... 17

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions..... 18
Terms and Removal of Board Members..... 18
Resignation of Board Members..... 18
Conflict of Interest..... 19
Contact with Licensees and Applicants..... 19
Contact with Respondents..... 19
Service of Legal Documents..... 19
Serving as an Expert Witness..... 19
Gifts from Licensees and Applicants..... 20
Ex Parte Communications..... 20
The Honoraria Prohibition..... 21
Board member Orientation..... 21
Ethics Training..... 21
Sexual Harassment..... 21



CHAPTER 1. Introduction

Mission Statement

The mission of the Acupuncture Board is to benefit, educate, and protect the public through regulation of licensure; development of education standards; provision of consumer information; and enforcement of the Acupuncture Licensure Act.

Brief History

The Board of Medical Examiners (now called the Medical Board of California) began regulating acupuncture in 1972 under provisions that authorized the practice of acupuncture under the supervision of a licensed physician as part of acupuncture research in medical schools. Subsequently, the law was amended to allow acupuncture research to be conducted under the auspices of medical schools rather than just in medical schools.

In 1975, Senate Bill 86 (Chapter 267, Statutes of 1975) created the Acupuncture Advisory Committee (committee) under the Board of Medical Examiners and allowed the practice of acupuncture but only upon prior diagnosis or referral by a licensed physician, chiropractor or dentist. In 1976 California became the eighth state to license acupuncturists. Subsequent legislation in 1978 established acupuncture as a "primary health care profession" by eliminating the requirement for prior diagnosis or referral by a licensed physician, chiropractor or dentist, and Assembly Bill 2424 (Chapter 1398, Statutes of 1978) authorized Medical payments for acupuncture treatment.

In 1980 the law was amended to: abolish the Acupuncture Advisory Committee and replace it with the Acupuncture Examining Committee within the Division of Allied Health Professions with limited autonomous authority; expanded the acupuncturists' scope of practice to include electroacupuncture, cupping, and moxibustion; clarified that Asian massage, exercise and herbs for nutrition were within the acupuncturist's authorized scope of practice; and provided that fees be deposited in the Acupuncture Examining Committee Fund instead of the Medical Board's fund. Most of these statutory changes became effective on January 1, 1982.

In 1982, the Legislature designated the Acupuncture Examining Committee as an autonomous body, and effective January 1, 1990, through AB 2367 (Chapter 1249, Statutes of 1989) the name was changed to the Acupuncture Committee to better identify it as a state licensing entity for acupuncturists. On January 1, 1999, the committee's name was changed to the Acupuncture Board (SB 1980, Chapter 991, Statutes of 1998) and removed the Committee from within the jurisdiction of the Medical Board of California (SB 1981, Chapter 736, Statutes of 1998).

Function of the Board

The Acupuncture Board's (Board) legal mandate is to regulate the practice of acupuncture and Asian medicine in the State of California. The Board established and maintains entry standards of qualification and conduct within the acupuncture profession, primarily through its authority to license. The Acupuncture Licensure Act commences with Business and Professions (B&P) Code, Section 4925 et seq. The Board's regulations appear in Title 16, Division 13.7, of the California Code of Regulations (CCR).

The primary responsibility of the Acupuncture Board is to protect California consumers from incompetent, and/or fraudulent practice through the enforcement of the Acupuncture Licensure Act and the Board's regulations. The Board promotes safe practice through the improvement of educational training standards, continuing education, enforcement of the B&P Code, and public outreach.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
B & P	Business and Professions Code
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
DAG	Deputy Attorney General
DOF	Department of Finance
DOI	Division of Investigation
DPA	Department of Personnel Administration
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
SCO	State Controllers Office
SCSA	State and Consumer Services Agency
SPB	State Personnel Board

General Rules of Conduct

All Board Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- ❖ Board members shall comply with all provisions of the Bagley-Keene Open Meeting Act.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

- ❖ Board members shall not speak or act for the Board without proper authorization.
- ❖ Board members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Board.
- ❖ Board members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- ❖ Board members shall never accept gifts from applicants, licensees, or members of the profession while serving on the Board.
- ❖ Board members shall maintain the confidentiality of confidential documents and information related to board business.
- ❖ Board members shall commit the time and prepare for Board responsibilities including the reviewing of board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the board members by staff, which is related to official board business.
- ❖ Board members shall recognize the equal role and responsibilities of all Board members.
- ❖ Board members shall act fairly, be nonpartisan, impartial, and unbiased in their roles of protecting the public and enforcing the Acupuncture Licensure Act.
- ❖ Board members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.
- ❖ Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- ❖ Board members shall not use their positions on the Board for personal, familial, or financial gain. Any employment subsequent to employment as a board member shall be consistent with Executive Order 66-2.

CHAPTER 2. Board Members & Meeting Procedures

Membership

(B & P Code Section 4929)

The Board consists of seven members. Three members are licensed acupuncturists and four are public members. The Governor appoints the three licensed members and two public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. All members appointed by the Governor are subject to Senate confirmation. The members serve a four-year term for a maximum of two terms.

Board Meetings

(B & P Code Section 101.7)

(Government Code Section 11120 et seq. – Bagley-Keene Open Meeting Act)

The full board shall meet at least three times each calendar year. The Board shall meet at least once each calendar year in northern California and at least once each calendar year in southern California in order to facilitate participation by the public and its licensees.

The board, as a statement of policy, shall comply with the provisions of the Bagley-Keene Open Meeting Act, and conduct their business in accordance with Robert's Rules of Order, as long as that does not conflict with any superseding laws or regulations.

Due notice of each meeting and the time and place thereof must be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

The Board may call a special meeting at any time in the manner provided by the Bagley-Keene Open Meeting Act, Government Code Section 11125.4.

Quorum

(Business and Professions Code Section 4933)

Four members of the board, including at least one acupuncturist, shall constitute a quorum to conduct business. An affirmative vote of a majority of those present at a meeting of the board is required to carry any motion.

Board Member Attendance at Board Meetings

(Board Policy)

Being a member of the Board is a serious commitment to the governor and the people of the State of California. Board members shall attend a minimum of 75% of all scheduled board meetings. If a member is unable to attend, he or she must contact the Board Chair or the Executive Officer, and provide a written explanation of their absence.

Public Attendance at Board Meetings

(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where committee consists of more than two members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items

(Board Policy)

Board members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to the Board Chair 15 days prior to a Board meeting. To the extent possible, the Board Chair will calendar each Board member's request on a future Board meeting.

In the event of a conflict, the Board Chair shall make the final decision. The Board Chair will work with the Executive Officer to finalize the agenda.

If a Board member requests an item be placed on the agenda, and that request can not be complied with at the immediate upcoming meeting, then the requested agenda item shall be placed on the next regularly scheduled meeting and shall never be postponed more than two meetings.

Notice of Meetings

(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet

(Government Code Section 11125 et seq.,)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting

Mail Ballots

(Government Code Section 11500 et seq.,)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five calendar day deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Holding Disciplinary Cases for Board Meetings (Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If two votes are cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

Record of Meetings (Board Policy)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting.

Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The recordings of each board meeting shall be maintained and not destroyed.

Tape Recording (Government Code Section 11124.1(b))

The meeting may be audio and video tape recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

The board may place the audio recorded public board meetings on its web site at www.acupuncture.ca.gov.

Meeting Rules
(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment
(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to five minutes per person. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate its Executive Officer to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval

(Board Policy)

Board members shall receive Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board, committee, and conference meetings to which a Board member is assigned.

Travel Arrangements

(Board Policy)

Board members should attempt to make their own travel arrangements and are encouraged to coordinate with the Board liaison on lodging accommodations.

Out-of-State Travel

(SAM Section 700 et seq.)

Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims

(SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem

(B & P Code Section 103 and 4931)

Each member of the Board shall receive a per diem in the amount provided in Section 103 of the Business and Professions (B&P) Code. Board members fill non-salaried positions, but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by the B&P Code Section 103. In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Salary Per Diem
(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board member.

Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed the Executive Officer shall be notified and approval shall be obtained from the Board Chair prior to Board member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.

3. For Board-specified work, Board members will be compensated for time actually spent in performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other events, meetings, hearings, or conferences. Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.
4. Reimbursable work does not include miscellaneous reading and information gathering unrelated to board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the members duties with the Board.
5. Board members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must be submitted in writing to the Chair for approval and a copy provided to the Executive Officer. However, Board members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board.

CHAPTER 4. Selection of Officers & Committees

Officers of the Board

The Board shall elect at the first meeting of each year a Chair and Vice Chair.

Election of Officers

Elections of the officers shall occur annually at the first meeting of each year.

Officer Vacancies

If an office becomes vacant during the year, the Chair may appoint a member to fill the vacancy for the remainder of the term until the next annual election.

If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair. Elected officers shall then serve the remainder of the term.

Board Member Addresses

Board member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board member. A roster of Board members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Board Member Written Correspondence and Mailings

All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer. The Executive Officer will retain a copy in a chronological file.

Communications: Other Organizations/Individuals/Media

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board Chair, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact.

Committee Appointments

The Chair shall establish committees as he or she deems necessary.

The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Vice Chair and the Executive Officer.

Committee Meetings

Each committee will be comprised of at least two Board members. The committees are an important venue for ensuring that staff and Board members share information and perspectives in crafting and implementing strategic objectives.

The Board's committees allow Board members, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's strategic goals. They also allow the Board to consider options for implementing components for the strategic plan.

The committees are charged with coordinating Board efforts to reach Board goals and achieving positive results on its performance measures.

The Board Chair designates one member of each committee as the committee's chairperson.

The chairperson coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports as necessary at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. These meetings shall also be run in accordance with the Bagley-Keene Open Meeting Act.

Attendance at Committee Meetings

If a Board member wishes to attend a meeting of a committee of which he or she is not a member, the Board member must obtain permission from the Board Chair to attend and must notify the committee chair and staff.

Board members who are not members of the committee that is meeting cannot vote during the committee meeting.

If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

The Board's legal counsel works with the Executive Officer to assure any meeting that fits the requirements for a public meeting is appropriately noticed.

CHAPTER 5. Board Administration & Staff

Executive Officer

(B & P Code Section 4934)

The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Board Administration

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board.

Executive Officer Evaluation

On an annual basis, the Executive Officer is evaluated by the Board Chair during a closed session. Board members provide information to the Chair on the Executive Officer's performance in advance of this meeting.

Board Staff

(B & P Code Section 4934)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.

Board members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board members shall not become involved in the personnel issues of any state employee.

Board Budget

The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Communications with Other Organizations & Individuals

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, his or her designee, or the Executive Officer.

Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer's office.

Business Cards

Business cards will be provided to each Board member with the Board's name, address, telephone and fax number, and website address.

DRAFT

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions

If a board member violates any provision of the Administrative Procedure Manual, the Chair will provide in writing, notice to the member of the violation. If the member disagrees with the notice, the board member must provide a reply in writing. After giving the board member an opportunity to respond to the notice, the Chair, at his/her discretion may meet in person or discuss by telephone with the board member to discuss the violation. The Chair may ask a third person to be present during the meeting. If the matter is not resolved at the end of the meeting or it is resolved but the board member continues to violate the procedures in the manual, the Chair may agendaize at the next board meeting an item asking for censure of the board member.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter.

Terms and Removal of Board Members

(B & P Code Sections 4929 and 4930)

The Governor appoints three acupuncturist members and two public members of the Board. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. No person shall serve more than two consecutive terms on the Board

Each Governor appointee shall serve until his successor has been appointed and qualified or until 60 days has elapsed since the expiration of his term whichever first occurs. Each Senate Rules Committee and the Speaker of the Assembly appointee shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

The Governor has the power to remove any member from the Board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

Resignation of Board Members

(Government Code Section 1750(b))

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor's Office, Senate Rules Committee, or the Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Conflict of Interest

(Government Code Section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Licensees and Applicants

Board members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer.

Contact with Respondents

Board members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a respondent or his/her attorney, the Board member should refer the individual to the Executive Officer.

Service of Legal Documents

If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Serving as an Expert Witness

(Executive Order 66-2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.
2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Gifts from Licensees and Applicants

A gift of any kind to Board members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately

Ex Parte Communications

(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

Honoraria Prohibition

(Government Code Section 89503 and FPPC Regulations, Title 2, Division 6)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:

- (1) when a honorarium is returned to the donor (unused) within 30 days;
- (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and
- (3) when an honorarium is not delivered to the Board member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation

The Board member orientation session shall be given to new Board members within one year of assuming office.

Ethics Training

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

Sexual Harassment Training

(Government Code Section 12950.1)

Board members are required to undergo sexual harassment training and education once every two years.

ACUPUNCTURE BOARD

Proposed Regulatory Language Retroactive Fingerprinting

(1) Adopt section 1399.419.1 of Division 13.7 of Title 16 of the California Code of Regulations, to read as follows:

Article 2.5 Renewal of Licenses

1399.419.1 Response to Board Inquiry.

If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Sections 4933, Business and Professions Code. Reference: Sections 144, 4928.1, 4955, and 4965, Business and Professions Code; and Section 11105, Penal Code.

(2) Adopt Section 1399.419.2 of Division 13.7 of Title 16 of the California Code of Regulations, to read as follows:

1399.419.2. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after (insert date), a licensee who was initially licensed prior to January 1, 2001, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the United States.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license may not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

(f) Before a license in inactive status may be activated, the licensee shall comply with this section. A licensee who is serving in the military outside of the United States shall immediately comply with this section upon his or her return to the United States unless the return is for less than thirty days.

NOTE: Authority cited: Sections 144 and 4933, Business and Professions Code. Reference: Sections 4928.1, 4955, and 4965 Business and Professions Code; and Section 11105, Penal Code.

ACUPUNCTURE BOARD

FEBRUARY 16, 2010 EXAMINATION RESULTS (by language group)

FIRST TIME TAKERS ONLY

	<u>English</u>	<u>Chinese</u>	<u>Korean</u>	<u>TOTAL</u>
# Passed	166	42	89	297
# Failed	70	19	23	112
	—	—	—	—
TOTALS	236	61	112	409
PASS %	70%	69%	79%	73%

RE-EXAMINEES ONLY

	<u>English</u>	<u>Chinese</u>	<u>Korean</u>	<u>TOTAL</u>
# Passed	32	19	7	58
# Failed	67	26	25	118
	—	—	—	—
TOTALS	99	45	32	176
PASS %	32%	42%	22%	33%

OVERALL

	<u>English</u>	<u>Chinese</u>	<u>Korean</u>	<u>TOTAL</u>
# Passed	198	61	96	355
# Failed	137	45	48	230
	—	—	—	—
TOTALS	335	106	144	585
PASS %	59%	58%	67%	61%

FEBRUARY 16, 2010 EXAMINATION RESULTS – STATISTICS BY SCHOOL

SCHOOL	1st TIME TAKERS			OVERALL (includes re-examinees)		
	# Passed	# Failed	PASS %	# Passed	# Failed	PASS %
<i>Academy of Chinese Culture & Health Sciences</i>	9	2	82%	10	7	59%
<i>Acupuncture & Integrative Medicine College, Berkeley</i>	12	5	71%	12	9	57%
<i>Alhambra</i>	7	1	88%	8	3	73%
<i>American College of Traditional Chinese Medicine</i>	16	3	84%	17	4	81%
<i>American College of Acupuncture & Oriental Medicine</i>	1	1	50%	1	1	50%
<i>Bastyr University</i>	1	2	33%	1	2	33%
<i>California Trinity University (formerly Kyung San)</i>	0	2	0%	0	7	0%
<i>Dong-guk Royal University of America</i>	13	6	68%	14	13	52%
<i>Emperor's College of Traditional Oriental Medicine</i>	14	5	74%	21	10	68%
<i>Five Branches University</i>	22	3	88%	24	8	75%
<i>Kingston University</i>	1	1	50%	1	1	50%
<i>Life University</i>	0	0	0%	1	1	50%
<i>National College of Naturopathic Medicine</i>	1	3	25%	3	3	50%
<i>New England School of Acupuncture</i>	1	0	100%	1	1	50%
<i>New York College of Health Professions</i>	0	0	0%	1	0	100%
<i>Oregon College of Oriental Medicine</i>	3	0	100%	4	0	100%
<i>Pacific College of Oriental Medicine</i>	34	13	72%	38	20	66%
<i>Samra University</i>	17	6	74%	22	21	51%
<i>Santa Barbara College of Oriental Medicine</i>	0	0	0%	1	0	100%
<i>Seattle Institute of Oriental Medicine</i>	1	0	100%	1	0	100%
<i>South Baylo University</i>	53	23	70%	64	49	57%
<i>Southern California University of Health Sciences</i>	14	10	58%	15	14	52%
<i>Southern CA Univ. School of OM & Acupuncture</i>	16	3	84%	16	5	76%
<i>Southwest Acupuncture College</i>	4	0	100%	4	0	100%
<i>Stanton University</i>	5	3	63%	5	4	56%
<i>St. Luke University</i>	4	5	44%	4	5	44%
<i>Tutorial</i>	3	0	100%	6	4	50%

<i>University of East West Medicine</i>	17	6	74%	19	14	33%
<i>YoSan University of TCM</i>	11	0	100%	12	0	42%
<i>Foreign Equivalency</i>	17	9	74%	29	24	55%
TOTAL	297	112	73%	355	230	61%

COUNCIL OF ACUPUNCTURE AND ORIENTAL MEDICINE ASSOCIATIONS

AKOMAC
CAAM
CAMA
JAAC
VAOMAI



AARI
AOMNC
CAOM
CMAA
UCPCM

February 3, 2010

Acupuncture Board
RECEIVED

FEB 09 2010

Ms. Janelle Wedge, Executive Officer
California Acupuncture Board
444 North 3rd Street, Suite 260
Sacramento, CA 95811

RE: RESTORATION OF THE ORAL/PRACTICAL SECMENT OF THE CALIFORNIA
ACUPUNCTURE LICENSING EXAMINATION

Dear Ms. Wedge:

I am writing on behalf of the Council of Acupuncture and Oriental Medicine Associations (CAOMA). As you know, CAOMA is an umbrella organization representing ten professional associations that includes representation from a variety of ethnic backgrounds, including Chinese, Koreans, Japanese, Vietnamese as well as Caucasians.

The purpose of this letter is to express CAOMA's grave concern regarding what we see as a significant, and dangerous, void in the current California Acupuncture Licensing Examination.

The practice of Acupuncture in California was legalized in 1975 and licensing examinations have been conducted since 1976. The then Acupuncture Advisory Committee, which later became Acupuncture Examining Committee, always conducted a two part licensing examination consisting of both a written exam and an oral exam. Unfortunately, in 1999, after a strong lobbying effort by some out-of-state interest groups, the oral/practical section of the exam was eliminated.

CAOMA believes, and it can be demonstrated, that the elimination of this very essential portion of the Licensing Exam puts the public at risk and lowers the professional and ethical standards for the profession.

All other primary care health professions have within their licensing examination both written and practical/oral sections. This allows the examiner to both observe and measure the examinees professional skills, expertise, and knowledge. The competent and safe practice of Acupuncture demands a high level of skill and expertise. Such skill and expertise can only be measured through the inclusion of an oral/practical section as an integral part of the licensing examination.

In the best interests of patients' safety and welfare, as well as maintaining the integrity of this trusted and widely practiced medical protocol, we strongly urge this Board to reconsider the structure of the licensing examination and restore the oral/practical segment of the exam. Your favorable consideration of these concerns will be very much appreciated. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daisy Liu', with a long horizontal line extending to the right.

Daisy Liu, L.Ac., O.M.D.
President, CAOMA

c.c. Robert Brewer, Chair
Charles J. Kim.
Anyork Lee
George Wedemeyer.
Paul Weisman
Michelle Lau, Honorary President, CAOMA

ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



SCHOOL SITE VISITS

Board Meeting

May 6, 2010

School	Application Timeline	Current Status
Nine Star University (Sunnyvale, CA)	1 st application: 10/17/2008	<p>01/12/2009: Completed application review & requested additional information from school 04/6/2009: Reviewed new material and requested additional curriculum information from school 04/27/2009: Completed curriculum review – program does not meet CAB requirements. Letter sent to inform school of deficiencies. 07/14/2009: New curriculum reviewed and found compliant; application review complete, site visit scheduled for 10/21. 11/2/2009: Site visit conducted by Janelle Wedge & Cathy Hardin Schau 11/19/2009: Board requested review in 6 months, application pending 04/7/2010: Follow-up site visit conducted by Janelle Wedge & Cathy Hardin Schau</p>
Institute of Clinical Acupuncture and Oriental Medicine (Honolulu, HI)	1 st application: 01/15/2009	<p>04/22/2009: Completed application review & requested additional information from school 07/16/2009: Application review completed, see included report, need Board decision regarding site visit 11/19/2009: Application pending site visit</p>
Hongik International University (Los Angeles, CA)	1 st application: 02/18/2009	<p>08/24/2009: Completed application review & requested additional information from school 11/10/2009: Sent 2nd request for information 01/28/2010: Received requested information; pending review</p>
Health Medicine University (Palo Alto, CA)	1 st application: 09/8/2009	<p>12/16/2009: Completed initial review and requested additional information from school 01/29/2010: Received requested information; pending review</p>
Phoenix Institute of Herbal Medicine & Acupuncture (Phoenix, AZ)	1 st application: 09/10/2009	<p>02/16/2010: Completed initial review and requested additional information from school</p>
Golden State University (Downey, CA)	1 st application: 01/5/2010	<p>Application pending review</p>

ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015

www.acupuncture.ca.gov



MEMORANDUM

DATE	April 27, 2010
TO	Acupuncture Board members
FROM	Cathy Hardin Schau, Education Coordinator
SUBJECT	Follow-up site visit & program review: Nine Star University of Health Sciences, Master of Science in Traditional Chinese Medicine (MSTCM) Program

Previous report

Nine Star University of Health Sciences (NSUHS) submitted an application for program approval on October 17, 2008. On November 2, 2009, Janelle Wedge and Cathy Hardin Schau visited the school and met with the school's President and CEO, Philip Yang, and administrator, Carol Chen. The application and site visit review was first presented to the Board at the November 19, 2009 meeting (Attachment 1). Following the Board's review and decision, the school was sent a letter requesting additional documentation for staff to review (Attachment 2).

Syllabi Review

The curriculum submitted on March 29, 2010 includes 2,445 didactic hours and 990 clinical hours for a total of 3,435 hours of training. Despite the increased hours from the original application, there are several areas of concern regarding the syllabi submitted.

- Approved training programs are required to offer a minimum of 450 hours of instruction in Chinese herbal medicine principles and theories, including botany training. The herbal training courses in the NSUHS program total only 413 hours; of those courses two of the course syllabi (totaling 120 hours) do not have sufficient information to determine whether the courses include any herbal training. In addition, none of the courses appear to include training in botany concepts.
- There are five pairs of course syllabi in which the curriculum outlines are identical, and two additional syllabi have identical curriculum for the first six weeks of the course.
- The history of medicine course syllabus lists only eight weeks of instruction for a 15-week course.

- The syllabus for FD 561, a clinical medicine course, does not adequately describe the subject matter that will be taught in the course.
- The syllabi for the case management courses, PH 402 and 404, include case management training in the first six weeks of the course; however the remaining weeks appear to be focused on diagnosis and treatment of conditions, rather than case management skills.

Finances

The school's 2009 financial statements show a significant increase in tuition income, not proportional to the increase in student enrollment. Mr. Yang has indicated that this increase is due to the fact that students are charged tuition per unit taken, rather than a flat rate. In 2008, with a very small student population, few courses were offered and so students were paying for fewer units. As the student body grew in 2009, the school offered more course options and the increased number of students paid for more course units per trimester.

In 2009, the school operated at a loss of \$6,734 which was offset by a donation of \$24,120. This donation income represents ~15% of the school's total annual revenue. In 2008, donations accounted for ~68% of annual revenue.

Follow-up site visit

Janelle Wedge and I visited the school the second time on April 7, 2010. During the visit we observed students enrolled in the medical terminology course taking their final, and we reviewed the school's student files for a second time.

Most of the files had been updated to include official transcripts that document students' prerequisite compliance of at least 60 semester or 90 quarter units of baccalaureate level course work. There were still two students whose files did not include transcripts; one student has been enrolled and taking courses since the Spring 2009 trimester and the other since Fall 2009. Both students have been informed that their enrollment is conditional until they have documentation of the prerequisites, and Ms. Chen indicated that students will be moved from conditional to non-degree seeking status if they are unable to provide the documentation within a few trimesters of enrollment.

Currently, there are 31 students enrolled in the program. The ten students who enrolled in 2008, at the opening of the school, are now ready to begin clinical internships

Conclusion

It appears that the school has made an effort to improve the documentation of students' prerequisite education and to reduce financial reliance on donations. Overall, though, there is little improvement in the areas of concern that were noted in the original report.



Attachment 1

MEMORANDUM

DATE	November 9, 2009
TO	Acupuncture Board members
FROM	Cathy Hardin Schau, Education Coordinator
SUBJECT	School Site Visit & Application Review: Nine Star University of Health Sciences, Master of Science in Traditional Chinese Medicine (MSTCM) Program

School History

Nine Star University of Health Sciences (NSUHS), located at 441 De Guigne Drive #201, in Sunnyvale, California, was incorporated as a non-profit organization on May 25, 2007. The school began operations on September 2, 2008. Because California's Bureau of Private Postsecondary Vocational Education was no longer in existence after July 1, 2007, NSUHS has never been reviewed or approved by the bureau and has not been accredited by a national accrediting agency recognized by the US Department of Education.

The California Acupuncture Board (CAB) received NSUHS's application for program approval on October 17, 2008. On November 2, 2009, Janelle Wedge and Cathy Hardin Schau visited the school and met with the school's President and CEO, Philip Yang, and administrator, Carol Chen.

Admission Requirements & Student Population

At the time of the school's opening, 10 students were enrolled in the MSTCM program. Since September 2008, enrollment has increased to a total of 24 students.

Although the school's published admission requirements are in compliance with board regulations, a review of students' files showed that about half of the files did not contain official transcripts to verify the completion of these requirements. Ms. Chen explained that in these cases, students were waiting to receive official transcripts and education evaluations for overseas training programs, and that the students had been conditionally accepted by the school in the interim. However we were concerned to note that in several cases these students have been enrolled for more than a year without verification that they meet the minimum entry requirements.

Program Curriculum

The program's required curriculum includes 2,288 hours of didactic training and 960 hours of clinical training for a total requirement of 3,248 hours. In the initial application submitted by NSUHS, the curriculum failed to comply with both the minimum hours and subject matter requirements set forth in the CAB regulations. After being notified of these deficiencies, the school administration submitted new syllabi for all of the classes offered at NSUHS. Although these new syllabi are in compliance with the regulations, the course subject descriptions are quite generic and in many cases use direct quotes from the CAB regulations to describe what will be taught in the course.

All courses are taught in the Chinese language, and the majority of students are enrolled in this Chinese program. For the two English-speaking students, the school has hired licensed acupuncturist Adam Atman to instruct in English. Students in the Chinese language program are required to submit a TOEFL iBT score of 43 or above before they may enter the clinic internship portion of the program; based on our review of students' files, the majority of students have not yet completed this requirement.

Because the school offers classes on Saturdays, Sundays, and weekday evenings only, we were not able to observe a class in session.

Faculty

The original application listed 17 part-time instructors employed by the school. An updated list of instructors was submitted in January 2009, and showed that five of the original instructors no longer worked at the school. A list of currently contracted instructors that was provided with the instructor files during our site visit indicates that four more instructors from the original list no longer work at the school, and four new instructors have been hired; as of our site visit, NSUHS employs 12 instructors (Attachment 1).

Of these twelve instructors, 10 are licensed acupuncturists, and one is a medical doctor. Two instructors have little or no teaching experience according to their resumes, although they are both licensed acupuncturists.

During our interview, Mr. Yang and Ms. Chen indicated that once students are able to begin clinical training, Ms. Ping Wu will be hired as clinic supervisor. Ms. Wu was previously listed as an instructor at NSUHS; however she is not currently employed by the school.

Facilities

Mr. Yang is the owner of the building in which NSUHS is housed. The school's facilities take up three of the building's suites for a total of 10,921 square feet. The facilities include 10 rooms that can be used for classroom space with each room seating between 15-20 people, eight clinic rooms, an herb dispensary, a reception area, faculty and administrative offices, a computer lab, an event center that can hold up to 150 people, and a library.

The clinic rooms each have space for one or two treatment beds, and several of the rooms do not have a sink either in the room or immediately adjacent. All of the treatment rooms do contain

appropriate disposal containers for biohazard and sharps waste disposal. During our tour of the clinic, Mr. Yang indicated that he is the only acupuncturist currently in practice there, and his is the only license we saw displayed in the clinic. During my review of the instructor resumes, however, I found and verified through his website that another instructor currently sees patients two days a week at the school's clinic, but does not appear to have his license on display.

The large event center on the lower floor of the facility is currently used for continuing education classes, large school events, and weekly community tai chi classes.

The library is housed in the same section of the building, and is a small room that houses approximately 200 books and journal volumes. The majority of the texts in the library are written in Chinese. Mr. Yang and Ms. Chen have explained that there are approximately 1,000 more volumes that have been donated to the school, but are currently in storage until the library can be expanded to include the adjacent reading room.

Finances

Because the school has only been operational for one fiscal year, the only financial information we are able to review is for the year ending on December 31, 2008. During the 2008 fiscal year, the majority of funding came from an \$85,000 loan and donations to the school (Attachment 2; currently Mr. Yang is the sole supporter of the institution. Mr. Yang and Ms. Chen have said that they plan to seek out additional charitable donations to provide funding for the school, and expect that tuition and clinic income will increase if the school's MSTCM program is approved by the CAB.

Conclusions

Of particular concern is the school's apparent deficiency in verifying the prerequisite compliance of nearly half the enrolled students. This failure is particularly damaging to students who have already paid for several trimesters-worth of coursework at NSUHS, but may not be able to sit for the California Acupuncture Licensing Examination, or enroll in a board-approved training program at another institution, because they have not met the initial enrollment requirements.

It is also likely that the school is not in compliance with healthy and safety regulations, due to the lack of running water in several of the clinic treatment rooms.

Finally, the reliance on charitable giving and investment from the President, Mr. Yang, raises questions about the school's financial ability to provide this training program to students, as well as to reimburse currently enrolled students in the event of a student's withdrawal or the closure of the school.

NSUHS Faculty

- **Adam Atman** – AC 4281
 - MTCM – Five Branches Institute
- **Xiu Zhen Fan** – AC5595
 - Diploma from Traditional Chinese Medicine University of Hei Longjiang
- **Nai Wen Hu**
 - MS in Biology – National Taiwan Normal University
- **Shu Dong Li**
 - Honorary Masters in Martial Arts Education – Louyang Teacher’s University
- **Xi Bin Liang** – AC11775
 - PhD in Acupuncture and Acupuncture Analgesia - Shandong University of TCM, China
 - MS in Acupuncture – Shandong University of TCM, China
- **Li Chun Ou** – AC1246
 - DOM – South Baylo University
 - BS in Traditional Chinese Herbal Medicine and Modern Pharmacology – China Medical College, Taiwan
- **Guo Z. Wan** – AC5326
 - Diploma from University of Hei Long Jiang
- **Henry Wang** – AC10870
 - MSTCM – Academy of Chinese Culture & Health Sciences
- **Xiao Ping Wang** – AC4426
 - PhD in TCM – American Global University, Wyoming
 - MSTCM – Academy of Chinese Culture & Health Sciences
- **Andrew Wu** – AC3712
 - OMD – South Baylo University
 - BS in TCM – Tianjin University of TCM, China
- **Philip Yang** – AC8874
 - OMD – South Baylo University
 - MSTCM – Academy of Chinese Culture & Health Sciences
- **John Yeh**
 - MD – Shanghai Medical University, China

NSUHS Financial Summary for 2008

Income	2008
Tuition & Fees	\$31,310
Other Income	\$10
Donations	\$68,000
Total Income	\$99,320
Total Expenses	\$91,583
Net Surplus(Deficit)	\$7,737

ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811
Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



Attachment 2

December 21, 2009

Carol Chen, Administrator
Nine Star University of Health Sciences
441 De Guigne Dr. #301
Sunnyvale, CA 94085

Dear Carol,

As you know, at the November 19th board meeting the Acupuncture Board voted to postpone consideration of approval for the Master of Science in Traditional Chinese Medicine program offered at NSUHS. The Board's approved motion requires the school to submit the following additional documentation to our office for review, after which a new report will be presented to Board members for their consideration.

- All monthly bank statements, internal bookkeeping records, and annual financial audits from the school's inception date through the most current available records.
- Complete syllabi for all courses that make up the program's required curriculum. Syllabi should include a detailed outline of all topics that are presented during the course as well as any homework assignments and/or examinations.
- A list of all students currently enrolled in the MSTCM degree program.

Please submit these documents to our office **no later than March 30, 2010**. If you have any further questions, please contact me at (916) 445-3021 or by email at cathy_hardin@dca.ca.gov.

Sincerely,

Cathy Hardin Schau
Education Coordinator

ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015

www.acupuncture.ca.gov



MEMORANDUM

DATE	April 27, 2010
TO	Acupuncture Board members
FROM	Cathy Hardin Schau, Education Coordinator
SUBJECT	Compliance review for the approved training program offered by Acupuncture & Integrative Medicine College, Berkeley (AIMC)

Section 1399.439 requires that every training program approved by the board must submit an annual report within 60 days after the close of the school's fiscal year. In order to ensure compliance with the acupuncture regulations, board staff request that schools use the Annual Reporting Form for Approved Schools to complete their report (Attachment 1).

At the request of the board, AIMC was informed that the status of their training program's approval would be under review at the May 6, 2010 board meeting due to non-compliance with Section 1399.439 (Attachment 2). The following areas of non-compliance have been identified:

- The previous four annual reports have been submitted at least three months and as many as ten months late, and only after notices of delinquency had been sent to the school.
- In response to the third notice of delinquency for the currently due annual report (FY 2008/09), Dr. Powers has submitted a letter that identifies herself and two other new administrators (Attachment 3), as well as a financial audit for the fiscal year and a course catalog. The letter does not include the completed annual reporting form as requested, nor does it address whether there have been any additional changes to faculty or staff, or whether there have been any changes to the school's facility or the training program curriculum.
- A brief review of the course catalog as well as the course listings posted on the AIMC website identifies changes to at least 13 of the 74 courses that make up the approved training program curriculum. There are also several significant differences between the course listings in the current catalog and the course listings on the school's website.

- It is not clear when these changes to the program curriculum took effect, however Section 1399.439(d) also requires that the school notify the board of any curriculum changes within 30 days of the change taking place.
- The financial audits for the previous seven fiscal years indicate that AIMC may not have sufficient resources to capably operate the approved training program. Additionally, there appear to be several errors of calculation and reporting in the audits both within and between fiscal years.



ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811
Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



Annual Reporting Form for Approved Schools

Please complete the information below:

Name of School Web Site Address

Address

City State Zip Code

Owner's Name ()
Phone No.

School's Contact Person's Name Title ()
Phone Number

Contact Person-E-mail address

Date of Report Fiscal Year-Reporting Period

Please submit the following information to the Acupuncture Board within sixty (60) days after the close of the school's fiscal year:

1. A copy of the current course catalog.
2. Any courses added/deleted or significantly changed from the previous year's curriculum
3. Any changes in faculty, administration, or governing body
4. Any major changes in the school facilities
5. A statement regarding the school's financial condition, which will enable the board to evaluate whether the school has sufficient resources to ensure the capability of the program for enrolled students.

**ACUPUNCTURE BOARD**444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



April 14, 2010

Dr. Teri Powers, President
Acupuncture and Integrative Medicine College
2550 Shattuck Avenue
Berkeley, CA 94704

Dear Dr. Powers:

This letter is to inform you that the members of the California Acupuncture Board (CAB) have requested that a review of the status of your Master of Science in Oriental Medicine program be placed on the agenda for the next board meeting. Pursuant to Section 1399.438 of the Acupuncture Regulations, any acupuncture training program that fails to comply with these regulations or the Acupuncture Licensure Act may have its approval placed on probation, suspended, or revoked.

The requested review has been deemed necessary due to the following areas of concern identified by CAB staff:

- **Failure to submit annual reports in a timely manner**

Section 1399.439 of the Acupuncture Regulations states that all approved acupuncture training programs shall submit a report to the Board within 60 days of the close of the school's fiscal year. According to Board records, the fiscal year at AIMC is July through June, therefore the annual report must be received no later than August 29th of the following fiscal year.

The annual reports for fiscal years 2003/04, 2004/05, 2006/07, & 2007/08 have all been received between three and ten months late, and only after a notice of delinquency had been sent to the school.

The most recent annual report, for fiscal year 2008/09 was due no later than August 29, 2009 and has not yet been received. A notice of delinquency was sent to the school on October 7, 2009, with a follow-up letter sent from the CAB's executive officer on January 20, 2010, however the board has received no response to either letter to date.

- **School financial status**

Section 1399.439 also tasks the board with the duty to "evaluate whether a school has sufficient resources to ensure the capability of the program for enrolled students". The financial audits submitted with the previous

three annual reports indicate that the school has been operating at a loss for some time now, and may no longer have the fiscal ability to meet its obligations to enrolled and future students.

Please note that these issues will be discussed at the CAB meeting to be held on May 6, 2010 in Sacramento. We strongly encourage representatives from your institution to be in attendance in order to respond to the board's questions and concerns. We also strongly recommend that you submit the 2008/09 Annual Report to our office no later than April 26th so that the report may be reviewed prior to the board meeting. Enclosed for your reference is a copy of the Annual Reporting Form for Approved Schools.

If you have any further questions, please contact me at (916) 445-3021 or by email at cathy_hardin@dca.ca.gov.

Sincerely,

Cathy Hardin Schau
Education Coordinator

**ACUPUNCTURE BOARD**444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



October 7, 2009

Bruce Robinson, President
Acupuncture and Integrative Medicine College
2550 Shattuck Avenue
Berkeley, CA 94704

Dear Mr. Robinson:

A review of the file for Acupuncture and Integrative Medicine College (AIMC) indicates that the school is delinquent in filing the annual report required by the Laws and Regulations Relating to the Practice of Acupuncture in the state of California. Section 1399.439 of the Acupuncture Regulations states that all approved acupuncture schools shall submit a report to the Board within 60 days of the close of the school's fiscal year.

According to Board records, the fiscal year at AIMC is July through June, therefore the annual report must be received **no later than August 29th of the following fiscal year**. To date, AIMC has failed to submit the annual report for the fiscal year of 2008/2009; this report must be filed **no later than October 30, 2009**. Enclosed for your reference is a copy of the Annual Reporting Form for Approved Schools.

Please note that failure to comply with the Acupuncture Regulations may result in suspension or revocation of Board approval, under Section 1399.438.

If you have any further questions, please contact me at (916) 445-3021 or by email at cathy_hardin@dca.ca.gov.

Sincerely,

Cathy Hardin Schau
Education Coordinator



ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



January 20, 2010

Bruce Robinson, President
Acupuncture and Integrative Medicine College
2550 Shattuck Avenue
Berkeley, CA 94704

Dear Mr. Robinson:

On October 7, 2009, Cathy Hardin Schau sent a letter (copy enclosed) informing you that your school was delinquent in filing the annual report required by California Code of Regulations section 1399.439 and requested that you comply no later than October 30, 2009. To date, the Board has not received your annual report.

In order to resolve this matter without further action, I'm requesting that you submit the required report no later than February 1, 2010. Thank you.

Sincerely,

JANELLE WEDGE
Executive Officer

Enclosure



Cathy Schau, Education Coordinator
 Acupuncture Board
 444 North 3rd Street, #260
 Sacramento CA 95811

Acupuncture Board
RECEIVED

APR 27 2010

Acupuncture &
 Integrative Medicine
 College, Berkeley

2550 Shattuck Avenue
 Berkeley, CA 94704-2724

510-666-8248
 www.aimc.edu

Date: April 22, 2010
 Regarding: Response to letter

Dear Cathy Schau

This is a response to the letter from the Acupuncture Board dated April 14th 2010. I did not receive the letters referred to as dated October 7th or January 20th. The April 14th letter is the first letter I have received. Please be aware it is always the aim of AIMC Berkeley to report in a timely manner. I will do my best to respond to the stated concerns 1) the compliance of our College with the required submission of audited financial statements and 2) its financial viability, Below I would like to make the following comments:

Being aware of the College's situation the Board of Directors appointed me as the new President in July 2009 and charged me with the responsibility of improving the fiscal and educational performance of the College. The Board desires a financially healthy institution able to provide its students and patients with excellence in education and treatment.

I am an experienced administrator with many years of business and educational experience. I have carefully assembled a capable team to effectively oversee the College. To that end I have I hired a skilled administrator, Beau Ascarrunz who also has many years of successful administrative experience. At the end of last month, I hired a capable bookkeeper with experience in accounting and finance, Ceferino Bersamin. Together, we are establishing solid structure and controls.

The College has also been working diligently to strengthen the quality of the AIMC Berkeley education through review of faculty and curriculum.

To date I have attempted to be compliant with all reporting duties of the College but unfortunately was unaware of this of requirement and deadline. The Board can be confident that all future reporting deadlines will be met conscientiously.

The Board's strategic plan to improve the College's financial position began before my tenure. The audited financial statements for the years ending June 30, 2008 and 2009 show a net increase in assets in the fiscal year ending June 30, 2009. Our short-year Form 990 for the period July 1



to December 31, 2009 shows that the trend is continuing. (The audited financial statements for 2008/2009 and a draft of the audited supplemental audit for July 2009 through December 2009 are attached.)

The College's Board of Directors has changed the AIMC Berkeley fiscal year to coincide with the calendar year allowing for a clearer picture of the fiscal strength of the institution. Enclosed is a supplemental audit covering six months. Presently a draft is enclosed as there is still the approval by the College's Board of Directors on April 30th before it can be finalized.

The Chairman of the Board along with the Board of Directors still strongly support the financial needs and mission for the College and are actively fundraising. The Chairman has made a promise to the College to raise funds or forgive a significant amount of the present loan over the next three years to further strengthen the College.

In short, AIMC Berkeley aims to fully comply with its reporting obligations to the Acupuncture Board as well as to continue the work in become financially sustainable.

I look forward to appearing before you on May 6 to answer any further questions.

Respectfully,

A handwritten signature in cursive script that reads "Teri Powers".

Teri Powers DAOM LAc
President & CEO
AIMC Berkeley

Attachments:

Resume of Teri Powers

Resume of Ceferino Bersamin

Copy of the Audited Financial Statements for the years ending June 30
2008 and 2009

Copy of Draft of Audited Financial Statement for the supplement audit
July 2009 through December 2009

Resume
Teri Powers

EDUCATION

2006	Emperor's College of Oriental Medicine	Doctorate Acupuncture Oriental Medicine
2000	Emperor's College of Oriental Medicine	Master Traditional Oriental Medicine
1998	California State University	Bachelors Arts
	Major: Fine Art	
	Minor: Biology concentration pre-medical studies	
1994 – 96	Charles R. Drew University of Medicine and Science	
1996	Daniel Freeman Hospital: EMT Certification	

AWARDS and HONORS

Graduated DAOM, Honors
 Graduated MTOM, Summa cum Laude
 Graduated BA, Magna cum Laude
 Grant Recipient Sheng Jiang Herb Inc.
 AHCOP – Charles R. Drew University of Medicine and Science
 Achievement Award - Math
 Achievement Award - Anatomy and Physiology
 Winner of Award of Excellence – Research paper: *AIDS in the AFRICAN AMERICAN SOCIETY*
 Phi Kappa Phi Honor Society
 Golden Key Honor Society

WORK EXPERIENCE

2009 – Present	AIMC Berkeley, President
2008 – 2009	Yo San University, Director DAOM Program
2005 – 2008	Samra University, Dean of Academic & Clinical Education 3 Master's Program & DAOM
2000 – 2005	Oceanside Acupuncture, private practice
2005	Emperor's College of Oriental Medicine – Supervisor Doctoral Student Coordinator
1998 – 2002	Emperors College Of Oriental Medicine Associate Professor - Physics Assistant Supervisor – School Clinic Absentee Supervisor – School Clinic Assistant Supervisor – LA Free Clinic Science Tutor Emperors' College
1995 - 1997	Medical Administrative Consultant - Organized all procedures and polices relating to large group private medical practices. Specializing in practices with on premise operating facilities.
1995	Teaching Assistant – Chemistry - Charles R. Drew University
1988 – 1991	American Institute of Medicine - Administrative Director
1978 – 1988	Hour Gang Personnel – Owner/ Manager Administration of all aspects of the business including recruiting and training of all office staff including clerical, bookkeeping and sales personnel. Administrated all matters involving business loans, banking as well as workers compensation, state and federal agencies related to business and employment regulation.

VOLUNTEER

Heart Touch – Therapeutic Massage for non – ambulatory AIDS patients
 Watts Health Foundation – Internal Medicine
 Hope Chapel: Hope in Action – Community food and clothing bank
 Red Cross US Air Force Base, Lakenheath, England: Surgical Assistant to Oral Surgeon

Resume of
Ceferino Bersamin
 366 Euclid Avenue #101
 Oakland CA 94610
 510.409.2897
ceferino@gmail.com

Experience:

1982 – Present

Accounting and Information Technology Consultant
 Provides assistance to small-business and non-profits in accounting and computerized office applications. Accounting assistance includes application selection (Quickbooks, PeachTree); version (Basic, Pro, Premier); installation and configuration; chart of accounts; payroll; sales tax reporting; customize reports; general ledger adjustments; financial statements. Also provides training and troubleshooting assistance (corrupted data files and reclassifying entries). Also assists in cash management, planning and budgeting, and loan administration. Assistance in computer technology includes hardware and software purchases; installation and configuration; upgrades; application customization; web page design and implementation; database design and implementation; data recovery; hard-wire and wireless networking; anti-virus and malware security; troubleshooting.

1966 - 1991

Manager, Wells Fargo Bank, 22nd St and Mission Branch (1990 - 1991); Director of Finance, Pycasa/Petroflota, oil-field services subcontractor of Petroleos Mexicanos (1977 - 1982, Mexico City); Various positions in international corporate finance with Crocker National Bank (1977 in San Francisco) and Bank of America (1973 - 1977 in San Francisco and Mexico City); Macy's, Assistant Buyer (1969 - 1971, San Francisco); Firestone Tire & Rubber Company, Store Manager (1966 - 1969, Los Angeles).

Education:

1971 - 1973

Stanford University
 Graduate School of Business, MBA. Emphasis in International Economics and Finance.

1960 - 1964

University of California, Santa Barbara. B.A, History

Personal:

Fluent in Spanish. Interests include photography, hiking, music, history, international cuisines and wine.

References:

Available upon request.

School Accountability/Reporting Requirements

Discussion on retaining a consultant to conduct a statewide workforce survey of licensed acupuncturist to determine the amount of student loans owned, the range of hours graduates work weekly, what is their range of income derived from their acupuncture practice, lapsed licensees, and other matters related to acupuncture employment, under-employment and unemployment. Also to require all acupuncture schools to submit graduate placement information to the CAB on a yearly basis consistent with AB48 (Business and Professional Code).

The New York Times
Reprints

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers here or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. Order a reprint of this article now.

PRINTER FRIENDLY FORMAT
SPONSORED BY



March 13, 2010

In Hard Times, Lured Into Trade School and Debt

By PETER S. GOODMAN

One fast-growing American industry has become a conspicuous beneficiary of the recession: for-profit colleges and trade schools.

At institutions that train students for careers in areas like health care, computers and food service, enrollments are soaring as people anxious about weak job prospects borrow aggressively to pay tuition that can exceed \$30,000 a year.

But the profits have come at substantial taxpayer expense while often delivering dubious benefits to students, according to academics and advocates for greater oversight of financial aid. Critics say many schools exaggerate the value of their degree programs, selling young people on dreams of middle-class wages while setting them up for default on untenable debts, low-wage work and a struggle to avoid poverty. And the schools are harvesting growing federal student aid dollars, including Pell grants awarded to low-income students.

"If these programs keep growing, you're going to wind up with more and more students who are graduating and can't find meaningful employment," said Rafael I. Pardo, a professor at Seattle University School of Law and an expert on educational finance. "They can't generate income needed to pay back their loans, and they're going to end up in financial distress."

For-profit trade schools have long drawn accusations that they overpromise and underdeliver, but the woeful economy has added to the industry's opportunities along with the risks to students, according to education experts. They say these schools have exploited the recession as a lucrative recruiting device while tapping a larger pool of federal student aid.

"They tell people, 'If you don't have a college degree, you won't be able to get a job,'" said Amanda Wallace, who worked in the financial aid and admissions offices at the Knoxville, Tenn., branch of ITT Technical Institute, a chain of schools that charge roughly \$40,000 for two-year associate degrees in computers and electronics. "They tell them, 'You'll be making

beaucoup dollars afterward, and you'll get all your financial aid covered.' ”

Ms. Wallace left her job at ITT in 2008 after five years because she was uncomfortable with what she considered deceptive recruiting, which she said masked the likelihood that graduates would earn too little to repay their loans.

As a financial aid officer, Ms. Wallace was supposed to counsel students. But candid talk about job prospects and debt obligations risked the wrath of management, she said.

“If you said anything that went against what the recruiter said, they would threaten to fire you,” Ms. Wallace said. “The representatives would have already conned them into doing it, and you had to just keep your mouth shut.”

A spokeswoman for the school's owner, ITT Educational Services, Lauren Littlefield, said the company had no comment.

The average annual tuition for for-profit schools this year is about \$14,000, according to the College Board. The for-profit educational industry says it is fulfilling a vital social function, supplying job training that provides a way up the economic ladder.

“When the economy is rough and people are threatened with unemployment, they look to education as the way out,” said Harris N. Miller, president of the Career College Association, which represents approximately 1,400 such institutions. “We're preparing people for careers.”

Concerned about aggressive marketing practices, the Obama administration is toughening rules that restrict institutions that receive federal student aid from paying their admissions recruiters on the basis of enrollment numbers.

The administration is also tightening regulations to ensure that vocational schools that receive aid dollars prepare students for “gainful employment.” Under a proposal being floated by the Department of Education, programs would be barred from loading students with more debt than justified by the likely salaries of the jobs they would pursue.

“During a recession, with increased demand for education and more anxiety about the ability to get a job, there is a heightened level of hazard,” said Robert Shireman, a deputy under secretary of education. “There is a lot of Pell grant money out there, and we need to make sure it's being used effectively.”

The administration's push has provoked fierce lobbying from the for-profit educational industry, which is seeking to maintain flexibility in the rules.

10

A Lucrative Business

The stakes are enormous: For-profit schools have long derived the bulk of their revenue from federal loans and grants, and the percentages have been climbing sharply.

The Career Education Corporation, a publicly traded global giant, last year reported revenue of \$1.84 billion. Roughly 80 percent came from federal loans and grants, according to BMO Capital Markets, a research and trading firm. That was up from 63 percent in 2007.

The Apollo Group — which owns the for-profit University of Phoenix — derived 86 percent of its revenue from federal student aid last fiscal year, according to BMO. Two years earlier, it was 69 percent.

For-profit schools have proved adept at capturing Pell grants, which are a centerpiece of the Obama administration's efforts to make higher education more affordable. The administration increased financing for Pell grants by \$17 billion for 2009 and 2010 as part of its \$787 billion stimulus package.

Two years ago, students at for-profit trade schools received \$3.2 billion in Pell grants, according to the Department of Education, less than went to students at two-year public institutions. By the 2011-12 school year, the administration now estimates, students at for-profit schools should receive more than \$10 billion in Pell grants, more than their public counterparts. (Those anticipated increases may shrink, depending on the outcome of wrangling in Congress over health care and student lending.)

Enrollment at for-profit trade schools expanded about 20 percent a year the last two years, more than double the pace from 2001-7, according to the Career College Association.

Mr. Miller, the association's president, said for-profit schools were securing large numbers of Pell grants because their financial aid offices were diligent and because the schools served many low-income students.

But financial aid experts say the surge of federal money reaching such institutions reflects something else: their aggressive, sometimes deceitful recruiting practices.

Jeffrey West was working at a pet store near Philadelphia, earning about \$8 an hour, when he saw advertisements for training programs offered by WyoTech, a chain of trade schools owned by Corinthian Colleges Inc., a publicly traded company that last year reported revenue of \$1.3 billion.

After Mr. West called the school, an admissions representative drove to his house to sell him on

classes in auto body refinishing and upholstery technology, a nine-month program that cost about \$30,000.

Mr. West blanched at the tuition, he recalled, but the representative assured him the program amounted to an antidote to hard economic times.

“They said they had a very high placement rate, somewhere around 90 percent,” he said. “That was one of the key factors that caused me to go there. They said I would be earning \$50,000 to \$70,000 a year.”

Some 14 months after he completed the program, Mr. West, 21, has failed to find an automotive job. He is working for \$12 an hour weatherizing foreclosed houses.

With loan payments reaching \$600 a month, he is working six and seven days a week to keep up.

“I’ve got \$30,000 in student loans, and I really don’t have much to show for it,” he said. “It’s really frustrating when you’re trying to better yourself and you wind up back at Square One.”

Corinthian says it bars its recruiters from making promises about pay.

“The majority of our students graduate,” said a spokeswoman, Anna Marie Dunlap, in a written statement. “Most see a significant earnings increase.”

The increase in market opportunities for the for-profit education industry comes as governments spend less on education. In states like California, community colleges have been forced to cut classes just when demand is greatest.

“This is creating a very ripe environment for the for-profit schools to pick off more students,” said Lauren Asher, president of the Institute for College Access & Success, a nonprofit research group based in California that seeks to make higher education more affordable. “The risks of exploitation are higher, and the potential rewards of those practices are higher.”

For-profit culinary schools have long drawn criticism for leading students to rack up large debts. Now, they are enjoying striking growth. Enrollment at the 17 culinary schools of the Career Education Corporation — most of them operated under the name Le Cordon Bleu — swelled by 31 percent in the final months of last year from a year earlier.

When Andrew Newburg called the Le Cordon Bleu College of Culinary Arts in Portland, Ore., to seek information, he was feeling pressure to start a new career. It was 2008, and his Florida mortgage business was a casualty of the housing bust. An associate degree in culinary arts from

/

a school in the food-obsessed Pacific Northwest seemed like a portal to a new career.

The tuition was daunting — \$41,000 for a 15-month or 21-month program — but he said the admissions recruiter portrayed it as the entrance price to a stable life.

“The recruiter said, ‘The way the economy is, with the recession, you need to have a safe way to be sure you will always have income,’ ” Mr. Newburg said. “ ‘In today’s market, chefs will always have a job, because people will always have to eat.’ ”

According to Mr. Newburg, the recruiter promised the school would help him find a good job, most likely as a line cook, paying as much as \$38,000 a year.

Last summer, halfway through his program and already carrying debts of about \$10,000, Mr. Newburg was alarmed to see many graduates taking jobs paying as little as \$8 an hour washing dishes and busing tables, he said. He dropped out to avoid more debt.

“They have a basic money-making machine,” Mr. Newburg said.

More Bills Than Paychecks

Career Education says admissions staff are barred from making promises about jobs or salaries. The school requires students to sign disclosures stating that they understand that its programs afford no guarantees.

But promotional materials convey a sense of promise.

“Our students are given the tools needed to become the future leaders in the industry,” proclaims the Le Cordon Bleu Web site. “Many graduates have attained positions of responsibility, visibility, and entrepreneurship soon after completing their studies.”

The job placement results that the school files with accrediting agencies suggest a different outcome. From July 2007 to June 2008, students who graduated from the culinary arts associate degree program landed jobs that paid an average of \$21,000 a year, or about \$10 an hour. Oregon’s minimum wage is \$8.40 an hour.

The job placement list is cited in a class-action lawsuit filed against the Portland school — previously known as Western Culinary Institute — by graduates who allege fraud, breach of contract and unlawful trade practices. Executives at Career Education denied the allegations while asserting it would be wrong to judge the school on the basis of its graduates’ first jobs.

“You go out in the industry and work your way up,” said Brian R. Williams, the company’s senior vice president for culinary arts.

On a recent morning at the campus in Portland, hundreds of students donning chef's whites labored in demonstration kitchens stocked with stainless steel countertops and commercial gas ranges. A chef inspected plates of boeuf Bourgogne and risotto Milanese. Students melted and pulled sugar into multicolored ribbons. Others used a chainsaw to sculpture blocks of ice into decorative centerpieces.

"It's employable skills; that's what we teach people here," said the school president, Jon Alberts. "We try to give them as much of an industry experience in the classroom as possible."

But several local chefs said the program merely simulated what students could learn in entry-level jobs.

"When they graduate and come in the kitchen, I tell them, 'I'm going to treat you like you don't know anything,'" said Kenneth Giambalvo, executive chef at Bluehour, an upscale restaurant in Portland's Pearl District. "It doesn't really give them any edge."

What the school does give many students is debt, often at double-digit interest rates — debt that even bankruptcy cannot erase without a lengthy, low-odds legal proceeding.

When TJ Williams arrived in Portland from his home in Utah to enroll at Le Cordon Bleu in 2007, he was shocked by the terms of the aid package the school had arranged for him: One loan, for nearly \$14,000, carried a \$7,327 "finance charge" and a 13 percent interest rate.

"They told me that halfway through the program, I could probably refinance to a lower rate," he said.

When he tried to refinance, the school turned him down, he says.

Career Education declined to discuss Mr. Williams's case, citing privacy restrictions and saying he had not signed a waiver.

Mr. Williams has been jobless since last fall and recently returned to Utah, where he moved in with his mother.

After Graduation

The Career Education Corporation e-mailed The New York Times names and contact information for four graduates "with whom we hope you'll touch base for important perspective." One came with a wrong number. A second had graduated 15 years ago.

A third, Cherie Thompson, called the program "a really positive experience" but declined to discuss her debts or earnings. The fourth, Ericel Tan, graduated in 2003 and later earned

\$42,000 a year overseeing catering at a convention center near Seattle. He said his success reflected his seven years of kitchen experience prior to culinary school.

Career Education notes that only 5.9 percent of the federal loans to students at the Western Culinary Institute that began to come due in 2007 — the latest available data — are listed in default by the Department of Education.

But default rates have traditionally reflected only those borrowers who fail to pay in the first two years payments are due.

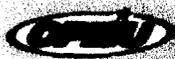
The Department of Education has begun calculating default rates for three years. By that yardstick, Western Culinary's default rate more than doubles, to 12.5 percent.

For-profit schools have ramped up their own lending to students to replace loans formerly extended by Sallie Mae, the student lending giant.

These loans are risky: Career Education and Corinthian recently told investors they had set aside roughly half the money allocated this year for private lending to cover anticipated bad debts.

Financial aid experts say such high rates of expected default prove that graduates will not earn enough to make their payments, yet the loans make sense for the for-profit school industry by enabling the flow of taxpayer funds to their coffers: they satisfy federal requirements that at least 10 percent of tuition money come from students directly or from private sources.

“They’re making so much money off their federal student loans and grants that they can afford to write off their own loans,” said Ms. Asher of the Institute for College Access & Success.



NGAOM

National Guild of Acupuncture & Oriental Therapies
OPENU Guild Local 62, AFL-CIO



Better health for the American worker, better healthcare for the nation

January 5, 2010

The Obama Healthcare Plan has a Workforce Problem

Once the 47 million uninsured become insured under the new national health care plan, the nation will still be in need of a new stratum of primary care providers to staff our national safety net clinics. Testimony before the California Assembly Select Committee on Healthcare Workforce estimated 10,000 primary care providers were needed immediately to adequately staff safety net clinics in California. These clinics are presently the point of care for 3.36 million uninsured and under-insured patients. The average wait time to be triaged is between 29 and 90 days. National studies estimate, that under the Obama Healthcare Plan, more than 40,000 primary care providers will be needed over the next few years.

Where these problems come from? Insuring the uninsured will do nothing to impact the problem of not having enough primary care providers to treat them. Experts testifying before the California Committee suggested the same old solutions that being the training more Masters level Nurse, Physician Assistants and MDs. Suppose all the PA, MD and BSN training programs increased graduates by 10%. In California this would amount to approximately 200 new providers who would not be available for three to eight years. Clinics would still be unable to hire them on more than a part time basis.

The math calls for a radical solution. Healthcare needs to look at non-traditional professions, anxious to work with sufficient training. Conventional healthcare should consider licensed acupuncturists (Lacs) to fill at least some of the mid-level primary care roles.

California legislation recognizes acupuncture as a primary healthcare profession. However, acupuncturist training generally excludes foundational training in clinical experience and medical terminology comparable to what a Physician Assistant receives. Therefore, Lacs who might fill these primary care roles in safety net clinics will need at least one year of additional training.

A one year training program that immersed LAcS in safety net clinics and require didactic training in conventional medicine would produce a new class of practitioners who could make an immediate difference. make an immediate difference.

There are approximately 6,500 LAcS in California of whom 60% work less than 30 hours a week and 70% earn less than \$60,000 a year. There are at least 700 Lacs ready to be trained in primary care who would join the staff of each safety net clinic, perform triage functions (essentially a paper task for

referring patients to the appropriate clinical service), and treat those requiring pain management within the acupuncture scope of practice. This initiative would provide immediate affordable staff support, add a pain management service, and Chinese Medicine which provides a sufficient foundation for additional training in primary care and , in California they have passed a licensing exam.

Not enough training? Consider there are Physician Assistant programs that prepare PAs to “practice medicine under the supervision of a physician” in 16 months.. These PA students often start with a bare minimum background in healthcare. By comparison, LAcS have completed a 3,000 hour program in acupuncture and Chinese Medicine which provides a sufficient foundation for additional training in primary care and in California they have passed a licensing exam.

The inclusion of acupuncturist in the Obama Healthcare Plan holds too many possibilities to help three unsolvable problems: (1) impacting the need to staff safety net clinics with a new stratum of primary care providers; (2) save clinic personnel costs since under-employed LAcS could be hired at 25% or more in savings compared to PAs, NPs and MDs; and (3) increase access to care for those patients least likely to receive prompt quality care..

Dr. Steve Stumpf, EdD
Director of Education
22201 Camay Court
Calabasas, CA 91302
sstumpf@stevenstumpf.com
(818) 571-3930

May 6, 2010

CAB NOTES PROPOSED REGULATIONS CHANGES:

Article 1

Article 16

Discussion on Primary Care, Title 16 under section 1399.403(c) Definitions as defined under California Code of Regulations Title 22, Social Security Definitions, Section 51170.5, Primary Care and the possible change to Article 16 Section 1399.434, 435 and 436 such that the didactic and clinical training is consistent with any changes emphasizing primary care and science-based language.

22 CA ADC § 51170.5

22 CCR § 51170.5

Cal. Admin. Code tit. 22, § 51170.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 22. SOCIAL SECURITY
DIVISION 3. HEALTH CARE SERVICES
SUBDIVISION 1. CALIFORNIA MEDICAL ASSISTANCE PROGRAM
CHAPTER 3. HEALTH CARE SERVICES
ARTICLE 2. DEFINITIONS

This database is current through 11/13/09 Register 2009, No. 46

§ 51170.5. Primary Care.

(a) "Primary care" means health professional services provided in a continuing relationship established with an individual or family group in order to provide:

- (1) Surveillance of health needs.
- (2) Access to comprehensive health care.
- (3) Referral to other health professionals.
- (4) Health counseling and patient education.

(b) Primary care is generally provided by those health professionals, including non physician medical practitioners, whose practice is predominantly that of general medicine, family practice, internal medicine, pediatrics, obstetrics or gynecology.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 14053, 14105, 14124.5 and 14132, Welfare and Institutions Code.
Reference: Article 12.5 of Chapter 5, Articles 2 and 2.5 of Chapter 6, and Chapter 7.7, Business and Professions Code.

HISTORY

1. New section filed 8-1-78 as an emergency; effective upon filing (Register 78, No. 31).
2. Certificate of Compliance filed 8-9-78 (Register 78, No. 31).

22 CCR § 51170.5, 22 CA ADC § 51170.5
1CAC

22 CA ADC § 51170.5

END OF DOCUMENT

© 2009 Thomson Reuters/West. No Claim to Orig. U.S. Govt. Works.
Adobe Reader is required to view PDF images.



Published on FierceHealthcare (<http://www.fiercehealthcare.com>)

Community clinics face doctor shortage

By admin

Created Jun 20 2007 - 8:01pm

While the federal government has greatly expanded funding for community health centers, it seems that its medical staff hasn't kept pace. Like their private sector counterparts, many of the country's clinics are now struggling to find the primary care physicians they need to function, despite paying reasonable salaries. Meanwhile, doctors who are on board are facing swelling caseloads, which could lead to turnover and make things worse. Health centers are coping, in part, by taking advantage of physicians participating in the National Health Service Corps, a program under which new doctors work in underserved areas in return for partial payment of their loans. The centers also use foreign-born doctors who work there in exchange for staying in the country. Still, neither of these sources are enough to fill the gap.

Federal officials note that they have increased clinic funding by \$645 million since the 2002 fiscal year, much of which is bringing physicians, nurse practitioners and midwives to the underserved. Still, the average health center has a family physician staff vacancy rate of over 13 percent, with rural areas hitting 16 percent, according to one study.

To learn more about the shortage:

- read this [piece](#) [1] from *The Washington Post*

Source URL:

<http://www.fiercehealthcare.com/story/community-clinics-face-doctor-shortage/2007-06-21>

Links:

[1] http://www.healthdecisions.org/News/default.aspx?doc_id=123148



Better health for the American worker, better healthcare for the nation

January 5, 2010

The Obama Healthcare Plan has a Workforce Problem

Once the 47 million uninsured become insured under the new national health care plan, the nation will still be in need of a new stratum of primary care providers to staff our national safety net clinics. Testimony before the California Assembly Select Committee on Healthcare Workforce estimated 10,000 primary care providers were needed immediately to adequately staff safety net clinics in California. These clinics are presently the point of care for 3.36 million uninsured and under-insured patients. The average wait time to be triaged is between 29 and 90 days. National studies estimate, that under the Obama Healthcare Plan, more than 40,000 primary care providers will be needed over the next few years.

Where these problems come from? Insuring the uninsured will do nothing to impact the problem of not having enough primary care providers to treat them. Experts testifying before the California Committee suggested the same old solutions that being the training more Masters level Nurse, Physician Assistants and MDs. Suppose all the PA, MD and BSN training programs increased graduates by 10%. In California this would amount to approximately 200 new providers who would not be available for three to eight years. Clinics would still be unable to hire them on more than a part time basis.

The math calls for a radical solution. Healthcare needs to look at non-traditional professions, anxious to work with sufficient training. Conventional healthcare should consider licensed acupuncturists (Lacs) to fill at least some of the mid-level primary care roles.

California legislation recognizes acupuncture as a primary healthcare profession. However, acupuncturist training generally excludes foundational training in clinical experience and medical terminology comparable to what a Physician Assistant receives. Therefore, Lacs who might fill these primary care roles in safety net clinics will need at least one year of additional training.

A one year training program that immersed LAcS in safety net clinics and require didactic training in conventional medicine would produce a new class of practitioners who could make an immediate difference. make an immediate difference.

There are approximately 6,500 LAcS in California of whom 60% work less than 30 hours a week and 70% earn less than \$60,000 a year. There are at least 700 Lacs ready to be trained in primary care who would join the staff of each safety net clinic, perform triage functions (essentially a paper task for

referring patients to the appropriate clinical service), and treat those requiring pain management within the acupuncture scope of practice. This initiative would provide immediate affordable staff support, add a pain management service, and Chinese Medicine which provides a sufficient foundation for additional training in primary care and , in California they have passed a licensing exam.

Not enough training? Consider there are Physician Assistant programs that prepare PAs to “practice medicine under the supervision of a physician” in 16 months.. These PA students often start with a bare minimum background in healthcare. By comparison, LAcS have completed a 3,000 hour program in acupuncture and Chinese Medicine which provides a sufficient foundation for additional training in primary care and in California they have passed a licensing exam.

The inclusion of acupuncturist in the Obama Healthcare Plan holds too many possibilities to help three unsolvable problems: (1) impacting the need to staff safety net clinics with a new stratum of primary care providers; (2) save clinic personnel costs since under-employed LAcS could be hired at 25% or more in savings compared to PAs, NPs and MDs; and (3) increase access to care for those patients least likely to receive prompt quality care..

Dr. Steve Stumpf, EdD
Director of Education
22201 Camay Court
Calabasas, CA 91302
sstumpf@stevenstumpf.com
(818) 571-3930

November 26, 2009

THE INSTITUTE OF MEDICINE ON PRIMARY CARE

DEFINITION

The Institute of Medicine definition of primary care is made specific in the 1996 National Academy Press publication by the Institute of Medicine.

Reference: Primary Care: America's Health in a New Era. Molla S. Donaldson, Karl D. Yordy, Kathleen N. Lohr, and Neal A. Vanselow, *Editors*, Committee on the Future of Primary Care, Division of Health Care Services, Institute of Medicine, National Academy Press. Washington, D.C. 1996

Brief definition (pg. 1): Primary care is the provision of integrated, accessible health care services by clinicians who are accountable for addressing a large majority of personal health care needs, developing a sustained partnership with patients, and practicing in the context of family and community.

Expanded definition (pgs. 2-3): The definition calls attention to several attributes that provide the structure within which the broad themes of this report are addressed. The critical elements include

- integrated and accessible health care services;
- services provided by primary care clinicians – generally considered to be physicians, nurse practitioners, and physician assistants – but involving a broader array of individuals in a primary care team;
- accountability of clinicians and systems for quality of care, patient satisfaction, efficient use of resources, and ethical behavior;
- the majority of personal health care needs, which include physical, mental, emotional, and social concerns;
- a sustained partnership between patients and clinicians; and
- primary care in the context of family and community.

TRAINING

The report advises on the education and training for primary care

“The committee used the broad scope of primary care to suggest that all trainees should be equipped to practice competently in the following areas: periodic assessment of asymptomatic persons; *screening and early disease detection*; evaluation and management of *acute illness*; assessment and either management or *referral of patients with more complex problems* that call for the diagnostic and therapeutic tools of medical specialists and other professionals; ongoing *management of patients with established chronic diseases*; coordination of care among specialists; and provision of acute hospital and long-term care.” (pg. 5)

Subsequent chapters detail and strengthen the definition and training recommendations.



Published on FierceHealthcare (<http://www.fiercehealthcare.com>)

Physician shortage is getting worse

By anne

Created Dec 7 2009 - 11:32am

Brace yourselves: Demand for physicians continues to outstrip supply, and the problem is likely to get worse, according to new data.

One source underscoring the problem is the Bureau of Labor Statistics, which concluded last month that the healthcare sector added 28,500 jobs in October. That included 4,800 jobs in physician offices and 10,000 in hospitals.

While the BLS report doesn't break down these jobs into specific job titles, another report by healthcare staffing firm AMN Healthcare Services offers a more-detailed picture. The firm's report, conducted in partnership with the Council on Physician and Nurse Supply, surveyed 284 hospital chief executive officers between June and August of this year.

Researchers found that about 95 percent of those CEOs reported a physician shortage, with a vacancy rate of 11 percent, potentially compromising care in almost half of those cases. This was despite the fact that 34 percent of the CEOs had increased their physician staff roster within the previous six months.

Meanwhile, physician vacancies aren't the only major headache hospital CEOs face. Ninety-one percent of CEOs said that they were seeing a nursing shortfall, though the vacancy rate was just 6 percent.

To get more statistics from these studies:

- read this *American Medical News* [piece](#) [1]

Related Articles:

[Mass. facing substantial physician shortage over next decade](#) [2]

[Emergency physician shortage settling in](#) [3]

[Congress under pressure to address MD shortage](#) [4]

Source URL:

<http://www.fiercehealthcare.com/story/physician-job-shortage-getting-worse/2009-12-07>

Links:

[1] <http://www.ama-assn.org/amednews/2009/12/07/bisc1207.htm>

[2] <http://www.fiercehealthcare.com/story/ma-facing-substantial-physician-shortage-over-next-decade/2009-04-17>

[3] <http://www.fiercehealthcare.com/story/emergency-physician-shortage-settling/2009-04-21>

[4] <http://www.fiercehealthcare.com/story/congress-under-pressure-to-address-md-shortage/2008-04-14>

San Francisco Chronicle

SFGATE.COM | Monday, March 29, 2010 | PRINTED ON RECYCLED PAPER

\$1.00 ★★★★★

More doctors needed as coverage expands

By Lauran Neergaard
ASSOCIATED PRESS

WASHINGTON — Better beat the crowd and find a doctor.

Primary care physicians already are in short supply in parts of the country, and the landmark health overhaul that will bring them millions more newly insured patients in the next few years promises extra strain.

The new law goes beyond offering coverage to the uninsured, with steps to improve the quality of care for the average person and help keep people well instead of today's seek-

care-after-you're-sick culture. To benefit, you'll need a regular health provider.

Yet recently published reports predict a shortfall of roughly 40,000 primary care doctors over the next decade, a field losing out to the better pay, better hours and higher profile of many other specialties. Provisions in the new law are designed to start reversing that tide, from bonus payments for certain physicians to expanded community health centers that will pick up some of the slack.

A growing movement to change the way primary care is practiced may do more to help

with the influx. Instead of the traditional 10-minute-with-the-doc-style office, a "medical home" would enhance access with a doctor-led team of nurses, physician assistants and disease educators working together; these teams could see more people, while giving extra attention to those who need it most.

"A lot of things can be done in the team fashion where you don't need the patient to see the physician every three months," said Dr. Sam Jones of Fairfax Family Practice Centers, a large Virginia group of 10 primary care offices outside the nation's capital that is morphing into this medical home model.

"We think it's the right thing to do. We were going to do this regardless of what happens with health care reform," added Jones. His office, in affiliation with Virginia Common-

"A lot of things can be done in the team fashion where you don't need the patient to see the physician every three months."

*Dr. Sam Jones of Fairfax, Va.,
Family Practice Centers*

wealth University, also provides hands-on residency training to beginning doctors in this kind of care.

Only 30 percent of U.S. doctors practice primary care. The government says 65 million people live in areas designated as having a shortage of primary care physicians, places already in need of more than 16,600 providers to fill the gaps. Among other steps, the new law provides a 10 percent bo-

nus from Medicare for primary care doctors serving in those areas.

Massachusetts offers a snapshot of how giving more people insurance naturally drives demand. The Massachusetts Medical Society last fall reported just over half of internists and 40 percent of family and general practitioners weren't accepting new patients, an increase in recent years as the state implemented nearly universal coverage.

Nationally, the big demand for primary care won't start until 2014, when most of the 32 million now-uninsured start getting coverage. Sooner will come some catch-up demand, as group health plans and Medicare end co-payments for important preventive care measures such as colon cancer screenings or cholesterol checks.

Newsweek

PRINT THIS

The Doctor Won't See You Now

A critical shortage of primary-care physicians is yet another symptom of our ailing health-care system.

By Mary Carmichael | NEWSWEEK

Published Feb 26, 2010

From the magazine issue dated Mar 8, 2010

After taking a month to regroup, the White House has put health care back at the top of its agenda, asking Republicans for new ideas and trying to regain momentum for old ones. But last week's summit came down mostly to the same old talking points. And even if the president does manage to get some version of health-insurance reform passed in the next few months, he and the country are still going to be dealing with the related crisis of America's doctor shortage. Primary-care physicians, family docs, general practitioners—whatever you call them, they're the country's first line of defense, the ones responsible for promoting preventive care, finding ways to keep people from getting sick in the first place, and thus bringing down costs throughout the system. If every American went to one of these doctors regularly, health-care costs might come down as much as 5.6 percent a year, saving \$67 billion, according to one estimate. Yet we don't have nearly enough doctors to make that happen, and fewer are being produced every year.

The annual number of American medical students who go into primary care has dropped by more than half since 1997. It's hard to get an appointment with the doctors who remain. In some surveys, as many as half of primary-care providers have stopped taking new patients. The other half are increasingly overworked and harried. Clearly we need to find a way to increase their ranks, and both the congressional health-care bills and President Obama's reform proposal make moves in that direction. But those efforts are somewhat limited, and a more comprehensive solution could be thwarted by the same thing that's stalled the rest of health-care reform so far: politics.

The reason behind America's doctor gap is a matter of money. The average income in primary care is somewhere in the mid-\$100,000s, which sounds like a lot but is less than half what specialists such as radiologists and dermatologists make. Given that doctors may graduate with as much as \$200,000 in med-school debt, it's easy to see why primary care started hemorrhaging recruits more than a decade ago and why radiology and other well-paid, high-tech specialties took off in popularity.

The field has since entered a vicious cycle. As fewer people have entered primary care, the doctors who are left have been forced by tight schedules to shortchange some patients, forgoing the long, meandering chats

**SPECIAL ISSUES
T-SHIRTS
COFFEE MUGS**

Gifts for everyone.

available at:
Newsweek.com/store

that used to be a big part of checkups in favor of 15-minute, checklist-style appointments. The close relationships that general practitioners once had with patients drew many idealistic students into the field. Now recruiters face an extra-tough sell: they have to convince bright young would-be docs to pursue a career that won't pay very well and won't be as emotionally fulfilling as it once was.

How can schools entice more aspiring doctors into primary care? The Tufts University School of Medicine, to take one example, offers a \$25,000-per-year scholarship for med students who agree to work in primary-care practices in rural Maine for much of their training period. Students on this Maine Track start shadowing doctors on the third day of orientation. This year's program drew 257 applicants for just 36 slots.

The problem with the Maine Track is that it doesn't actually require med students to enter primary care after they graduate. It can't, says Peter Bates, chief medical officer at Maine Medical Center, which jointly administers the program with Tufts. "If you're a bright kid with a great future, being told you have to be a family physician in rural Maine—even if that's what you want to do [now]—might strike you as confining," Bates says. "Why would you close down your opportunities?"

There are dozens of training programs like Tufts's around the country, as well as the National Health Service Corps, which pays back loans and hands out scholarships and stipends in exchange for a few years of service in rural areas, where the shortage of primary-care providers is most acute. Obama and the Senate have both called for an expansion of the program in their proposals for reform, which has already received \$200 million in stimulus funds. Several new medical schools, including some that focus on primary care, have also recently opened. But all those changes may not be enough to fill the gap. "We need more than half of doctors in this country doing primary care," says Harris Berman, interim dean of the medical school at Tufts. "It's a bigger problem than we can solve with programs like ours."

So what else can be done? Lately, some policymakers have argued that instead of having a primary-care doctor, more people—especially young, healthy patients with simple medical needs—should see a nurse or physician assistant who administers routine care and kicks more complex problems up to a doctor when they arise. "If you're just coming in to have your blood pressure checked and your pulse taken, you really don't need to see a doctor, and you might not need to see a nurse, either," says David Barrett, president and CEO of the Lahey Clinic in Burlington, Mass. "There are three-stripe military sergeants with two-year degrees who can provide excellent primary care. There's absolutely no reason to force all primary-care providers to have an M.D."

The Lahey Clinic is an "integrated group practice"—one of the teamwork-oriented organizations, like the Mayo Clinic and the Cleveland Clinic, that have been lauded for cutting costs and eliminating waste in the health system. In its primary-care service, a "team captain" physician supervises nurses, PAs, and other health-care professionals who perform tasks like checking blood pressure but don't necessarily make formal diagnoses on their own. The problem with taking this approach nationwide is that nurses and PAs are subject to the same economic forces that drive medical students. Almost half of current nurse practitioners and physician assistants work in specialty practices, where the money is. Then there's the fact that the country already has a nursing shortage. How are nurses going to replace doctors if there aren't enough nurses to begin with?

There's one more group of people, foreign medical graduates, who could theoretically fill in for the missing primary-care providers. The trouble is, they're already doing that. More than a quarter of primary-care

7

cure for primary care, it turns out, is ultimately going to be the same thing that's needed to fix the rest of the health-care system: political will.

Find this article at

<http://www.newsweek.com/id/234218>

© 2010



This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers here or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. Order a reprint of this article now.

March 13, 2010

In Hard Times, Lured Into Trade School and Debt

By **PETER S. GOODMAN**

One fast-growing American industry has become a conspicuous beneficiary of the recession: for-profit colleges and trade schools.

At institutions that train students for careers in areas like health care, computers and food service, enrollments are soaring as people anxious about weak job prospects borrow aggressively to pay tuition that can exceed \$30,000 a year.

But the profits have come at substantial taxpayer expense while often delivering dubious benefits to students, according to academics and advocates for greater oversight of financial aid. Critics say many schools exaggerate the value of their degree programs, selling young people on dreams of middle-class wages while setting them up for default on untenable debts, low-wage work and a struggle to avoid poverty. And the schools are harvesting growing federal student aid dollars, including Pell grants awarded to low-income students.

"If these programs keep growing, you're going to wind up with more and more students who are graduating and can't find meaningful employment," said Rafael I. Pardo, a professor at Seattle University School of Law and an expert on educational finance. "They can't generate income needed to pay back their loans, and they're going to end up in financial distress."

For-profit trade schools have long drawn accusations that they overpromise and underdeliver, but the woeful economy has added to the industry's opportunities along with the risks to students, according to education experts. They say these schools have exploited the recession as a lucrative recruiting device while tapping a larger pool of federal student aid.

"They tell people, 'If you don't have a college degree, you won't be able to get a job,'" said Amanda Wallace, who worked in the financial aid and admissions offices at the Knoxville, Tenn., branch of ITT Technical Institute, a chain of schools that charge roughly \$40,000 for two-year associate degrees in computers and electronics. "They tell them, 'You'll be making

beaucoup dollars afterward, and you'll get all your financial aid covered.' ”

Ms. Wallace left her job at ITT in 2008 after five years because she was uncomfortable with what she considered deceptive recruiting, which she said masked the likelihood that graduates would earn too little to repay their loans.

As a financial aid officer, Ms. Wallace was supposed to counsel students. But candid talk about job prospects and debt obligations risked the wrath of management, she said.

“If you said anything that went against what the recruiter said, they would threaten to fire you,” Ms. Wallace said. “The representatives would have already conned them into doing it, and you had to just keep your mouth shut.”

A spokeswoman for the school's owner, ITT Educational Services, Lauren Littlefield, said the company had no comment.

The average annual tuition for for-profit schools this year is about \$14,000, according to the College Board. The for-profit educational industry says it is fulfilling a vital social function, supplying job training that provides a way up the economic ladder.

“When the economy is rough and people are threatened with unemployment, they look to education as the way out,” said Harris N. Miller, president of the Career College Association, which represents approximately 1,400 such institutions. “We're preparing people for careers.”

Concerned about aggressive marketing practices, the Obama administration is toughening rules that restrict institutions that receive federal student aid from paying their admissions recruiters on the basis of enrollment numbers.

The administration is also tightening regulations to ensure that vocational schools that receive aid dollars prepare students for “gainful employment.” Under a proposal being floated by the Department of Education, programs would be barred from loading students with more debt than justified by the likely salaries of the jobs they would pursue.

“During a recession, with increased demand for education and more anxiety about the ability to get a job, there is a heightened level of hazard,” said Robert Shireman, a deputy under secretary of education. “There is a lot of Pell grant money out there, and we need to make sure it's being used effectively.”

The administration's push has provoked fierce lobbying from the for-profit educational industry, which is seeking to maintain flexibility in the rules.

A Lucrative Business

The stakes are enormous: For-profit schools have long derived the bulk of their revenue from federal loans and grants, and the percentages have been climbing sharply.

The Career Education Corporation, a publicly traded global giant, last year reported revenue of \$1.84 billion. Roughly 80 percent came from federal loans and grants, according to BMO Capital Markets, a research and trading firm. That was up from 63 percent in 2007.

The Apollo Group -- which owns the for-profit University of Phoenix -- derived 86 percent of its revenue from federal student aid last fiscal year, according to BMO. Two years earlier, it was 69 percent.

For-profit schools have proved adept at capturing Pell grants, which are a centerpiece of the Obama administration's efforts to make higher education more affordable. The administration increased financing for Pell grants by \$17 billion for 2009 and 2010 as part of its \$787 billion stimulus package.

Two years ago, students at for-profit trade schools received \$3.2 billion in Pell grants, according to the Department of Education, less than went to students at two-year public institutions. By the 2011-12 school year, the administration now estimates, students at for-profit schools should receive more than \$10 billion in Pell grants, more than their public counterparts. (Those anticipated increases may shrink, depending on the outcome of wrangling in Congress over health care and student lending.)

Enrollment at for-profit trade schools expanded about 20 percent a year the last two years, more than double the pace from 2001-7, according to the Career College Association.

Mr. Miller, the association's president, said for-profit schools were securing large numbers of Pell grants because their financial aid offices were diligent and because the schools served many low-income students.

But financial aid experts say the surge of federal money reaching such institutions reflects something else: their aggressive, sometimes deceitful recruiting practices.

Jeffrey West was working at a pet store near Philadelphia, earning about \$8 an hour, when he saw advertisements for training programs offered by WyoTech, a chain of trade schools owned by Corinthian Colleges Inc., a publicly traded company that last year reported revenue of \$1.3 billion.

After Mr. West called the school, an admissions representative drove to his house to sell him on

8

classes in auto body refinishing and upholstery technology, a nine-month program that cost about \$30,000.

Mr. West blanched at the tuition, he recalled, but the representative assured him the program amounted to an antidote to hard economic times.

“They said they had a very high placement rate, somewhere around 90 percent,” he said. “That was one of the key factors that caused me to go there. They said I would be earning \$50,000 to \$70,000 a year.”

Some 14 months after he completed the program, Mr. West, 21, has failed to find an automotive job. He is working for \$12 an hour weatherizing foreclosed houses.

With loan payments reaching \$600 a month, he is working six and seven days a week to keep up.

“I’ve got \$30,000 in student loans, and I really don’t have much to show for it,” he said. “It’s really frustrating when you’re trying to better yourself and you wind up back at Square One.”

Corinthian says it bars its recruiters from making promises about pay.

“The majority of our students graduate,” said a spokeswoman, Anna Marie Dunlap, in a written statement. “Most see a significant earnings increase.”

The increase in market opportunities for the for-profit education industry comes as governments spend less on education. In states like California, community colleges have been forced to cut classes just when demand is greatest.

“This is creating a very ripe environment for the for-profit schools to pick off more students,” said Lauren Asher, president of the Institute for College Access & Success, a nonprofit research group based in California that seeks to make higher education more affordable. “The risks of exploitation are higher, and the potential rewards of those practices are higher.”

For-profit culinary schools have long drawn criticism for leading students to rack up large debts. Now, they are enjoying striking growth. Enrollment at the 17 culinary schools of the Career Education Corporation — most of them operated under the name Le Cordon Bleu — swelled by 31 percent in the final months of last year from a year earlier.

When Andrew Newburg called the Le Cordon Bleu College of Culinary Arts in Portland, Ore., to seek information, he was feeling pressure to start a new career. It was 2008, and his Florida mortgage business was a casualty of the housing bust. An associate degree in culinary arts from

4

a school in the food-obsessed Pacific Northwest seemed like a portal to a new career.

The tuition was daunting — \$41,000 for a 15-month or 21-month program — but he said the admissions recruiter portrayed it as the entrance price to a stable life.

“The recruiter said, ‘The way the economy is, with the recession, you need to have a safe way to be sure you will always have income,’” Mr. Newburg said. “‘In today’s market, chefs will always have a job, because people will always have to eat.’”

According to Mr. Newburg, the recruiter promised the school would help him find a good job, most likely as a line cook, paying as much as \$38,000 a year.

Last summer, halfway through his program and already carrying debts of about \$10,000, Mr. Newburg was alarmed to see many graduates taking jobs paying as little as \$8 an hour washing dishes and busing tables, he said. He dropped out to avoid more debt.

“They have a basic money-making machine,” Mr. Newburg said.

More Bills Than Paychecks

Career Education says admissions staff are barred from making promises about jobs or salaries. The school requires students to sign disclosures stating that they understand that its programs afford no guarantees.

But promotional materials convey a sense of promise.

“Our students are given the tools needed to become the future leaders in the industry,” proclaims the Le Cordon Bleu Web site. “Many graduates have attained positions of responsibility, visibility, and entrepreneurship soon after completing their studies.”

The job placement results that the school files with accrediting agencies suggest a different outcome. From July 2007 to June 2008, students who graduated from the culinary arts associate degree program landed jobs that paid an average of \$21,000 a year, or about \$10 an hour. Oregon’s minimum wage is \$8.40 an hour.

The job placement list is cited in a class-action lawsuit filed against the Portland school — previously known as Western Culinary Institute — by graduates who allege fraud, breach of contract and unlawful trade practices. Executives at Career Education denied the allegations while asserting it would be wrong to judge the school on the basis of its graduates’ first jobs.

“You go out in the industry and work your way up,” said Brian R. Williams, the company’s senior vice president for culinary arts.

On a recent morning at the campus in Portland, hundreds of students donning chef's whites labored in demonstration kitchens stocked with stainless steel countertops and commercial gas ranges. A chef inspected plates of boeuf Bourgogne and risotto Milanese. Students melted and pulled sugar into multicolored ribbons. Others used a chainsaw to sculpture blocks of ice into decorative centerpieces.

"It's employable skills; that's what we teach people here," said the school president, Jon Alberts. "We try to give them as much of an industry experience in the classroom as possible."

But several local chefs said the program merely simulated what students could learn in entry-level jobs.

"When they graduate and come in the kitchen, I tell them, 'I'm going to treat you like you don't know anything,'" said Kenneth Giambalvo, executive chef at Bluehour, an upscale restaurant in Portland's Pearl District. "It doesn't really give them any edge."

What the school does give many students is debt, often at double-digit interest rates — debt that even bankruptcy cannot erase without a lengthy, low-odds legal proceeding.

When TJ Williams arrived in Portland from his home in Utah to enroll at Le Cordon Bleu in 2007, he was shocked by the terms of the aid package the school had arranged for him: One loan, for nearly \$14,000, carried a \$7,327 "finance charge" and a 13 percent interest rate.

"They told me that halfway through the program, I could probably refinance to a lower rate," he said.

When he tried to refinance, the school turned him down, he says.

Career Education declined to discuss Mr. Williams's case, citing privacy restrictions and saying he had not signed a waiver.

Mr. Williams has been jobless since last fall and recently returned to Utah, where he moved in with his mother.

After Graduation

The Career Education Corporation e-mailed The New York Times names and contact information for four graduates "with whom we hope you'll touch base for important perspective." One came with a wrong number. A second had graduated 15 years ago.

A third, Cherie Thompson, called the program "a really positive experience" but declined to discuss her debts or earnings. The fourth, Eric Tan, graduated in 2003 and later earned

\$42,000 a year overseeing catering at a convention center near Seattle. He said his success reflected his seven years of kitchen experience prior to culinary school.

Career Education notes that only 5.9 percent of the federal loans to students at the Western Culinary Institute that began to come due in 2007 — the latest available data — are listed in default by the Department of Education.

But default rates have traditionally reflected only those borrowers who fail to pay in the first two years payments are due.

The Department of Education has begun calculating default rates for three years. By that yardstick, Western Culinary's default rate more than doubles, to 12.5 percent.

For-profit schools have ramped up their own lending to students to replace loans formerly extended by Sallie Mae, the student lending giant.

These loans are risky: Career Education and Corinthian recently told investors they had set aside roughly half the money allocated this year for private lending to cover anticipated bad debts.

Financial aid experts say such high rates of expected default prove that graduates will not earn enough to make their payments, yet the loans make sense for the for-profit school industry by enabling the flow of taxpayer funds to their coffers: they satisfy federal requirements that at least 10 percent of tuition money come from students directly or from private sources.

“They’re making so much money off their federal student loans and grants that they can afford to write off their own loans,” said Ms. Asher of the Institute for College Access & Success.



1436 Carson St. #3
ngaom.org

hmorison@sbcglobal.net

Torrance CA 90501
213.220.2936

Robert Brewer, Janelle Wedge
Chair and Executive Officer,
California Acupuncture Board
444 North 3rd Street, Suite 260
Sacramento, CA 95811

January 12, 2010

Approved Continuing Education Regulatory Non-compliance

Dear Mr. Brewer, Ms Wedge and Board Members

The National Guild of Acupuncture and Oriental Medicine is concerned with the approval of several California Acupuncture Board (Board) approved category 1 continuing education courses that are grossly out of compliance with guidelines contained in the CCR Title 16, Article 8. Continuing Education section 1399.483. Approval of Continuing Education Courses.

(b) The content of all courses of continuing education submitted for board approval shall be relevant to the practice of acupuncture and Asian medicine and shall fall within the following two (2) categories

(1) Category 1 courses are those courses related to clinical matters or the actual provision of health care to patients. Examples of Category 1 courses include, but are not limited to, the following:

(A) Acupuncture and Asian Medicine

(B) Western biomedicine and biological sciences.

(C) Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine.

(D) Courses concerning law and ethics and health facility standards.

(E) Courses designed to develop a licensee's patient education skills, including, but not limited to, patient education in therapeutic exercise techniques, nutritional counseling, and biomechanical education.

(F) Courses designed to enhance a licensee's ability to communicate effectively with other medical practitioners.

(G) Courses in acupuncture's role in individual and public health, such as emergencies and disasters.

(H) Courses in the behavioral sciences, patient counseling, and patient management and motivation when such courses are specifically oriented to the improvement of patient health.

(I) Research and evidence-based medicine as related to acupuncture and Asian medicine.

In as much as approved continuing education is necessary to maintain licensure, it would necessarily stand that continuing education would be reflective of our primary care status and the scope of licensure including physiologically based practice, (B&P 4926 4927). Considering these laws it is hard to understand why the below referenced coursework in numerology, vitalism, new age mysticism, new age psychotherapy, shamanism and astrology was ever, and now remains, approved.

Upon review of the December 5, 2009 Approved Continuing Education List, I found the following examples of these topics.
(http://www.acupuncture.ca.gov/licensees/ce_course_list.pdf)



1436 Carson St. #3
ngaom.org

hmorison@sbcglobal.net

Torrance CA 90501
213.220.2936

Provider 049 Five Branches University, www.fivebranches.edu

Application of E-Ching on Acupuncture (24.00) Category 1

This is numerology offered at a Board approved school

Provider 095: Oregon College of Oriental Medicine www.ocom.edu

Implementing the Emotional Freedom Techniques to Facilitate Positive Clinical Results (7.50) Category 1

"In essence, EFT is an emotional version of acupuncture wherein we stimulate certain meridian points by tapping on them with our fingertips. This addresses a new cause for emotional issues (unbalanced energy meridians). Properly done, this frequently reduces the therapeutic process from months or years down to hours or minutes."....

"Accordingly, you can apply it to just about everything. That is one of the most astonishing things about it. You use the same basic procedure for your fear of public speaking as you do for improving your golf score. You can also use it for everything from the common cold to multiple sclerosis (consult your physician, of course). Further, we have had reported successes for nearly every emotional issue on the books...including fear, trauma, depression, grief and schizophrenia. Some consider it the missing link in the pursuit of health and happiness. "(<http://www.emofree.com/newcomer.htm#Gary>)

Grandiose and speculative claims, nonscientific, new age psychotherapy.

Provider: 117 Richard Tan O.M.D., L.Ac. www.drtanshow.com

*The Three Essentials --A series of workshops focusing on Happiness, Health and Wealth
Learn about Chinese Astrology, Feng Shui and Philosophy! Level One (21.00) Category 1
<http://www.drtanshow.com/event/3essentials.htm>*

"Dr. Tan will teach you how to lay out an astrology chart using the Ten Heavenly Stems and Twelve Earthly Branches of the Chinese calendar. Over the span of the workshop series, you will become increasingly skilled at reading an individual's chart."

This is an astrology class.

Provider 149 California University of Integrative Medicine

Gem and Stone Elixirs for Persons with Shen Disturbances (22.50) Category 1

These are not medical modalities and could be considered a basis for malpractice.

Provider 260: Chi Neil Tsang Institute www.chineitsang.com

Emotional Processing with Chi Nei Tsang (CNT) (38.00) Category 1

"CNT practitioners are trained in Chi-Kung and work mainly on the abdomen with deep, soft and gentle touches. CNT helps practitioners to deal better with their emotional life: all of our unprocessed emotional life is stored in our digestive system waiting to be addressed. Poor emotional digestion is also one of the main reasons for ill health. CNT facilitates the unfolding of emotions and the clarification of our emotional life" (www.chineitsang.com)

This is nonscientific and unsubstantiated theory of psychotherapy that is inconsistent with our scope, the CE guidelines and primary care.



1436 Carson St. #3

ngaom.org

hmorison@sbcglobal.net

Torrance CA 90501

213.220.2936

Provider 279 : Byron Katie International, Inc. www.thework.com*The School for the Work with Byron Katie (50.00) Category 1*

Byron Katie International makes the following claims :

(www.thework.com)

"teaches you to identify and question thoughts that cause all the suffering in the world. "
 "People who do The Work as an ongoing practice report"

Alleviation of depression
 Increased mental clarity

Decreased stress
 More energy

Improved relationships
 More peace

Reduced anger

These are completely unsubstantiated. This course work is for personal benefit only and should not be approved for professional development.

Provider 311: Peter Henn Fairfield, L.Ac. www.peterfairfield.com*Transformation in the Clinical setting: Awakening the Mystical Body (16.00)*

"This training ... It is based on the deeper structures of Asian medical & spiritual systems, but incorporates modern ideas of Brain and Bio science -- all with the goal of working with the underlying emotional and spiritual aspects of the innate quantum intelligence that guides illness and health in the path of transformation and awakening." (www.peterfairfield.com)

This is new age mysticism, nonscientific, unsubstantiated and not related to our scope or primary care.

Provider 566: The Radiance Technique Academy & Wellness Center www.radiant-healinghands.com

"The Radiance Technique® Authentic Reiki® TRT® is an ancient, carefully preserved and intact Cosmic science which has the vibration of Pure Light - Pure Spirit --"www.radiant-healinghands.com

*The First Degree Official Program of The Radiance Technique (15.00) Category 1**The Second Degree Official Program of The Radiance Technique Authentic Reiki (18.00) Category 1*

"Practitioners claim that they are able to act as channels for "Reiki" energy, which they allege flows from the universe through their bodies and primarily from the palms of their hands, to specific parts of their own or others' bodies in order to facilitate healing." Word IQ, <http://www.wordiq.com/definition/Reiki>

This is new age mysticism or 'channeling', nonscientific, unsubstantiated and not related to our scope or primary care.

Provider 709: Metta Associates 707-829-6893*Art of Spiritual Midwifery to the Dying: Introduction (12.00) Category 1**Art of Spiritual Midwifery to the Dying: Advanced courses (24.00) Category 1*

This course appears to be pastoral counseling, a non secular religious practice. As it is taught by religious institutions the state cannot endorse it, Pastoral counseling is not in our scope.

Provider 726: Supreme Science Qigong Foundation www.qigong.com*Qi Revolution (28.00) Category 1*

"HD Visuals Live Music Luminous audio , Amazing Healing"

NGAOM

National Guild of Acupuncture & Oriental Medicine
OPEIU Guild Local 62, AFL-CIO

1436 Carson St. #3

ngaom.org

hmorison@sbcglobal.net

Torrance CA 90501

213.220.2936

"Over 10,000 people have attended and taken all 3-Levels of our Qigong. With live music & the most powerful techniques you can't go wrong. ...We teach breathing exercises that deliver a full body vibration in 45 seconds. ...We teach qigong exercises that create a highly-tangible healing energy. This event is about **NATURAL HEALING** and positive **HI-ENERGY** living. Chicago, Atlanta, and Orlando are the next sites for Qi Revolution...For \$99 it's the deal of a lifetime and more FUN than you can imagine." <http://qigong.com/Welcome.html>

This event appears to be celebratory only. The claims are non scientific and unsubstantiated. Patient care applications are not mentioned.

Provider 737: Chi Healing Center www.chicenter.com

Wisdom Healing Qi Gong

Healer Within Workshop (12.00) Category 1

Advanced Healer Within Workshop Wisdom Healing Qigong (12.00) Category 1

<http://www.chicenter.com/documentfiles/7.pdf>

"Imagine how your life would be when your body, organs, cells, heart and spirit are all nurtured and fulfilled by the Divine pure energy which is the source of all life! "www.chicenter.com

This is vitalism.

Provider 828 HCH Institute www.hypnotherapytraining.com

*Reiki I (6.00) Category 1**Reiki II (6.00) Category 1**Reiki III/IV (6.00) Category 1**Emotional Freedom Technique I (12.00) Category 1**Emotional Freedom Technique II (12.00) Category 1**Certified Hypnotherapist Levels I-IV (200.00) Category 1*

Reiki and Emotional Freedom Technique are channeling and new age psychotherapy respectively and are not related to our scope. Hypnotherapy is not in our scope. See Reiki definition Provider 566 and Emotional Freedom Technique Provider 095.

Provider 844: Timothy M. Dunphy www.chiaura.com

Chi-Aura Integration Level One (15.00) Category 1

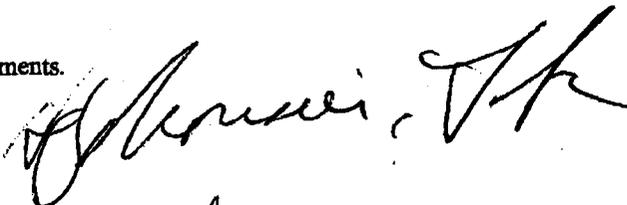
"Chiaura: Sounds, specific hand positions and techniques, and shamanic elements effect the bio-electric and bio-magnetic fields to cleanse intra-psyche blocks and resistances to personal fulfillment." www.chiaura.com

This is speculative shamanism.

I must assume that the California Acupuncture Board is the only primary care board that regularly approves non compliant CE's that are unrelated to scope of license and practice. There are issues of public safety and state endorsement of numerology, vitalism, new age mysticism, new age psychotherapy, shamanism and astrology. It is clear that a reconvening of the Education Committee along with a complete review of approved course work and committee policies and procedures is warranted. I offer the Guilds expertise in this regard. Please place this letter on the agenda for the February 23, 2010 Board meeting.

Thank you for your careful review of my comments.

Hugh Morison, L. Ac, President NGAOM



ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95811
 Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



MEMORANDUM

DATE	April 23, 2010
TO	All Board Members
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	Enforcement Update

Complaints received July 1, 2009 through April 23, 2010 by category:

<u>DCA Category</u>	<u>Number Received 07/01/09 – 04/23/10</u>
Unprofessional Conduct	52
Unlicensed/Unregistered	32
Criminal Charges/Convictions	64
Sexual Misconduct	5
Fraud	5
Non-jurisdictional	3
Incompetence/Negligence	10
Unsafe/Unsanitary Conditions	4
Other	2
Substance Abuse/Drug & Mental/Physical Impairment	0
Discipline by Another State Agency	1
TOTAL	178

Pending Cases as of April 23, 2010:

Complaint Cases In-house	47
Formal Investigations with Division of Investigation (DOI)	30
Disciplinary Cases	20
Open Probation Cases	22

Disciplinary Actions filed between July 1, 2009 and April 23, 2010:

Accusations/Statement of Issues Filed	12
Accusation and Petition to Revoke Probation Filed	1
Interim Suspension Order Filed	1
Total Effective Decisions	14
▪ Revoked	4
▪ Voluntary Surrender	2
▪ Revoked, Stayed, Placed on Probation	7
▪ Reinstatement of License Denied	1

Continuing Education (CE) Audit Statistics between July 1, 2009 and April 23, 2010:

CE Audits Referred	24
CE Audit Citations Issued	23
CE Audits Pending Review	5

**Enforcement Measures Report
(January thru March 2010)**

	2009	2010	2011	2009	2010
Complaints					
Received	6	17	13	12.0	36.0
Referred to INV	5	18	11	11.3	34.0
Pending	5	3	5	4.3	13.0

	2009	2010	2011	2009	2010
Convictions / Arrests					
CONV Closed	16	6	11	11.0	33.0
CONV Pending	8	11	2	7.0	21.0

	2009	2010	2011	2009	2010
Desk Investigations					
DESK Closed	11	18	37	22.0	66.0
DESK Pending	49	52	37	46.0	138.0

	2009	2010	2011	2009	2010
Non Sworn Investigation					
Closed	n/a	n/a	n/a	n/a	n/a
Pending	n/a	n/a	n/a	n/a	n/a

	2009	2010	2011	2009	2010
Sworn Investigation					
Closed	5	0	11	5.3	16.0
Pending	40	42	31	37.7	113.0

	2009	2010	2011	2009	2010
All Investigations					
Average days to close	247	68	249	188.0	564.0

	2009	2010	2011	2009	2010
Enforcement Actions					
Cases Referred	4	0	4	2.7	8.0
SOIs Filed	1	0	0	0.3	1.0
Proposal /Default Decisions	2	0	0	0.7	2.0

	2009	2010	2011	2009	2010
Disciplinary Orders					
Final Orders	2	1	0	1.0	3.0

	2009	2010	2011	2009	2010
Citations					
Citations Issued	0	9	6	5.0	15.0

American Association of Acupuncture and Oriental Medicine
Good Compounding & Dispensing Practice Committee



The American Association of Acupuncture and Oriental Medicine Good Compounding & dispensing Practice Committee, has the chartered purpose is to produce, provide for review, maintain, and update guidelines for the professional Acupuncture and Oriental Medicine community in safely and ethically compounding and dispensing natural medicines for specific patients; said guidelines are intended to support the needs of individual practitioners, group practices, and institutional clinics where products are dispensed to individuals and said guidelines will be made available for use without charge.

The membership of the committee is as follows: Kevin Ergil (Chair), Bill Egloff, Michael McGuffin, Al Stone, and Jason Wright. The membership of the Committee is composed of educators, TCM clinicians, and herbal product specialists (many members are all three). All of us have been actively involved in addressing compliance issues in relation to FDA's cGMP, and in conceptualizing, developing, and implementing good compounding and dispensing practices.

Originally formed as an ad hoc committee "Good TCM Compounding & Dispensing Practice" to produce a open source, transparent, and living guidance document concerning the conduct of TCM dispensaries (not manufacturing facilities). Our goal is to furnish our professional community with a public resource that will lead to a consistent standard of practice in TCM compounding and dispensing.

Consistent with that goal we plan a wiki model with an open comment and editorial process that provides for professional and community review, comment, and input. In addition a stable, current version will be released after each review cycle in .pdf format for free downloading. The integrity of the document will be protected by registration and licensing according to the Creative Commons attribution-share alike 3.0 license as specified according to the standards and policies stated at <http://creativecommons.org/licenses/by-sa/3.0/>.

National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) Board of Commissioners agreed to support the Good Compounding and Dispensing Practice Committee project of standards development and anticipates utilizing the GCDP Committee's Guidelines in the development of examination content. The CCAOM President Lixin Huang expressly stated that the Council should support the work of the committee. Both NCCAOM and CCAOM have agreed to provide early content review and feedback to the Committee.

The committee members thank these organizations: AAAOM, NCCAOM, & CCAOM for their ongoing support.



California Acupuncture Board



Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

(Revised 04/28/2010)

Table of Contents

	Page No.
Introduction and Uniform Standards Related to Substance Abuse	1
Considerations	6
Situations in which Revocation is the Recommended Penalty	7
Recommended Action by Violation	8
Probationary Terms and Conditions	17
Language for Probation Orders	18
List of Probation Conditions	19
Standard Probation Conditions	20
Additional Probation Conditions	24
Accusations and Decisions	33
Recommended Language for Cost Recovery for Revocations and Surrenders	34
Denial of Licensure	35
Demonstrations of Rehabilitation	36
Evidence of Mitigation	37
Petition for Penalty Relief and Reinstatements	38
Index of Violations	40

Introduction

The Acupuncture Board (Board) is a consumer protection agency with the primary mission of protecting consumers of acupuncture services from potentially harmful licensees. In keeping with its obligation to protect the consumer, the Board has adopted the following recommended guidelines for disciplinary orders and conditions of probation for violations of the Acupuncture Licensure Act.

The Board carefully considers all facts and circumstances associated with each case in its efforts to protect the consumer. Subsequently, the Board requests that the Administrative Law Judge detail the basis of his or her decision in the "Findings of Fact" when there is a deviation from the recommended guidelines. Justification for the deviation should be clearly outlined in the decision to enable the Board to understand the reasons to evaluate the suitability of the decision.

If at the time of hearing, the Administrative Law Judge finds that the respondent, for any reason, is not capable of safe practice, the Board expects outright revocation of the license. This is particularly true in cases of patient sexual abuse or bodily harm. In less egregious cases, a stayed revocation with probation is recommended.

Suspension of a license may also be appropriate where the public may be better protected if the practice of the acupuncturist is suspended in order to correct deficiencies in skills, education or rehabilitation.

UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE

The following standards shall be adhered to in all cases in which a licensee's license is placed on probation due to a substance abuse problem. These standards are not guidelines and shall be followed in all instances, except that the Board may impose more restrictive conditions if necessary to protect the public.

Clinical Diagnostic Evaluations:

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has three (3) years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse clinical diagnostic evaluations.

Clinical Diagnostic Evaluation Report:

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, or business relationship with the licensee within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself or herself or others, the evaluator shall notify the board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 days.

The Board shall review the clinical diagnostic evaluation to determine whether or not the licensee is safe to return to either part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee based on the application of the following criteria:

License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.

Work Site Monitor Requirements:

If a Board determines that a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the Board:

The worksite monitor shall not have any current or former financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this

requirement may be waived by the Board. However, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee at least once per week in the work environment or more frequently if required by the Board.
- b) Interview other staff in the office regarding the licensee's behavior, if applicable.
- c) Review the licensee's work attendance.

Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be orally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the board. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

If a licensee tests positive for a banned substance, the Board shall immediately order the licensee to cease practice, immediately contact the licensee and inform him or her that their license has been suspended and he or she may not work until the suspension is lifted. The Board shall also immediately notify the licensee's employer that the licensee has been ordered to cease practice.

Major and Minor Violations

Major Violations include, but are not limited to, the following:

1. Failure to complete a board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiply minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee commits a major violation, the Board shall immediately order the licensee to cease practice and refer the matter for disciplinary action or other action as determined by the Board.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation in a timely manner;
2. Unexcused attendance at required meetings;
3. Failure to contact a monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or to the public.

If a licensee commits a minor violation, the Board shall determine what action is appropriate.

Drug Testing Standards:

The following drug testing standards shall apply to each licensee subject to drug testing:

1. Licensees shall be randomly drug tested at least 104 times per year for the first year and at any time as directed by the board. After the first year, licensees, shall be randomly drug tested at least 50 times per year, and at any time as directed by the board.
2. Drug testing may be required on any day, including weekends and holidays.
3. The scheduling of drug tests shall be done on a random basis, preferably by a computer program.
4. Licensees shall be required to make daily contact to determine if drug testing is required.

5. Licensees shall be drug tested on the date of notification as directed by the board.
6. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation.
7. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines.
8. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered.
9. Collection of specimens shall be observed.
10. Prior to vacation or absence, alternative drug testing location(s) must be approved by the board.
11. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one (1) business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within seven (7) days of receipt of the specimen. The appropriate board will be notified of non-negative test results within one (1) business day and will be notified of negative test results within seven (7) business days.

Considerations

In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offenses, or crime(s) under consideration.
2. Actual or potential harm to the public.
3. Actual or potential harm to any patient.
4. Prior disciplinary record.
5. Number and/or variety of current violations.
6. Mitigation evidence.
7. Rehabilitation evidence.
8. In case of a criminal conviction, compliance with conditions of sentence and/or court-ordered probation.
9. Overall criminal record.
10. Time passed since the act(s) or offense(s) occurred.
11. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.

Situations in which Revocation is the Recommended Penalty

In addition to violation of the Acupuncture Licensure Act, there are other circumstances that necessitate revocation as the recommended penalty.

1. Failure to file a notice of defense or to appear at a disciplinary hearing, where the Board has requested revocation.
2. Violation of the conditions of a respondent's probation order.
3. Substantiated evidence or convictions of physical abuse and/or sexual offenses.
4. Patient neglect by failure to provide standard of care as an acupuncturist.
5. Second offenses, unless the respondent can demonstrate that he or she has been rehabilitated.

Recommended Action by Violation

The Acupuncture Licensure Act (Business and Professions Code, Division 2, Chapter 12) and general provision sections of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. Below are the code sections with the recommended disciplinary actions listed by the degree of the offense.

When filing an Accusation, the Office of the Attorney General may also cite additional related statutes and regulations.

*Note: Under conditions of probation you will find the applicable numbered conditions to include in a decision and order.

Acupuncture Licensure Act

Unprofessional Conduct

Section 4955 (a) Using or Possessing Any Controlled Substance

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3- 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Alcohol and Drug Abuse Treatment (21)*
3. *Abstain from Drugs and Alcohol and Submit to Tests and Samples (22)*

Section 4955 (b) Conviction of a Crime

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 - 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*

** In conjunction with Section 4956*

Section 4955 (c) False or Misleading Advertising

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

Section 4955 (d) Aiding or Abetting, or Violating Terms of this Chapter or Any Board Regulation

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

Section 4955 (e) Failing to Follow Infection Control Guidelines

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Practice Monitoring (17)*
4. *Ethics Course (23)*
5. *Coursework (26)*

Section 4955 (f) The Use of Threats or Harassment Against a Licensee/Patient

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 4955 (g) Discharging an Employee for Complying with this Chapter

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 4955 (h) Disciplinary Action Taken by Any Public Agency

- Maximum Penalty: *Revocation*

- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

Section 4955 (i) Action or Conduct that Warrants a Denial of License

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Any additional conditions warranted by nature and severity of action or conduct.*

Section 4955 (j) Violation of Any Law or Local Ordinance on Business Premises

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 4955 (k) Abandonment of Patient without Written Notice

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 4955 (l) Failure to Notify Board of False/Assumed/Fictitious Name

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

Fraud

Section 4955.1 (a) Securing a License by Fraud or Deceit

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*

3. *Practice Monitoring (17)*
4. *Ethics Course (23)*

Section 4955.1 (b) Committing a Fraudulent or Dishonest Act as an Acupuncturist

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 - 5 yrs probation*
1. *Standard Conditions 1-13*
 2. *Actual Suspension (14)*
 3. *Monitoring – Practice/Billing (17)*
 4. *Ethics Course (23)*

Section 4955.1 (c) Any Act Involving Dishonesty or Corruption

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*
1. *Standard Conditions 1-13*
 2. *Actual Suspension (14)*
 3. *Monitoring – Practice/Billing (17)*
 4. *Ethics Course (23)*

Section 4955.1 (d) Altering/Modifying a Medical Record or Creating a False Medical Record

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*
1. *Standard Conditions 1-13*
 2. *Monitoring – Practice/Billing (17)*
 3. *Ethics Course (23)*
 4. *Coursework (26)*

Section 4955.1 (e) Failing to Maintain Adequate and Accurate Records

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 yrs probation*
1. *Standard Conditions 1-13*
 2. *Monitoring – Practice/Billing (17)*
 3. *Ethics Course (23)*
 4. *Coursework (26)*

Negligence

Section 4955.2 (a) Gross Negligence

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Monitoring – Practice/Billing (17)*
4. *Coursework (26)*
5. *Prohibited Practice (27)*
6. *Clinical Training Program at Approved School (28)*

Section 4955.2 (b) Repeated Negligent Acts

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Monitoring – Practice/Billing (17)*
4. *Coursework (26)*
5. *Prohibited Practice (27)*
6. *Clinical Training Program at Approved School (28)*

Section 4955.2 (c) Incompetence

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Monitoring – Practice/Billing (17)*
4. *Examination (20)*
5. *Coursework (26)*
6. *Prohibited Practice (27)*
7. *Clinical Training Program at Approved School (28)*

Section 4961 (a) Failure to Register Place of Practice

- *Refer to Section 4955 (d)*

Unprofessional Conduct

Section 4976 Violating the Terms of this Chapter, Regulations, or Moscone-Knox Professional Corporation Act

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

General Business and Professions Code Provisions

Section 125 Misdemeanor Offenses by Licensees

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 yrs probation*
1. *Standard Conditions 1-13*
 2. *Actual Suspension (14)*

Section 125.6 Refusal to Treat Patient

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 yrs probation*
1. *Standard Conditions 1-13*
 2. *Ethics Course (23)*

Section 125.9 Failure to Comply with Citation

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 yrs probation*
1. *Standard Conditions 1-13*
 2. *Compliance with citation, if applicable*

Section 480 Denial of a License

- Maximum Penalty: *Denial of license*
 - Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation
depending on nature and severity of violation*
1. *Standard Conditions 1-13*

Section 492 Effect of Completion of Drug Diversion Program on Disciplinary Action or Denial of License

Section 493 Evidentiary Effect of Record of Conviction of Crime Substantially Related to Licensee's Qualifications, Functions, and Duties

Section 496

Subversion of Licensing Examinations

- Maximum Penalty: *Denial of license or Suspension*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*

Section 498

Securing License by Fraud, Deceit, or Misrepresentation

- Maximum Penalty: *Denial of license, Suspension, or Revocation*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*

Section 650

Accepting or Receiving Rebates

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 651

False, Misleading or Deceptive Public Communications

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*

Section 654.2

Prohibits Charges, Billings, Solicitations or Referrals without Disclosure of Beneficial Interest

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 yrs probation*

1. *Standard Conditions 1-13*
2. *Ethics Course (23)*

Section 726

Commission of Act of Sexual Abuse or Misconduct with Patient

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation*

Section 810

Insurance Fraud

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 5 yrs probation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Billing Monitor (17)*
4. *Ethics Course (23)*
5. *Coursework (26)*

Section 822

Psychological or Physical Illness

- Maximum Penalty: *Revocation or Suspension*
- Minimum Penalty: *Revocation stayed with 3 – 5 yrs probation depending on nature and severity of violation*

1. *Standard Conditions 1-13*
2. *Actual Suspension (14)*
3. *Psychological Evaluation (15)*
4. *Physical Examination (16)*
5. *Practice Monitor (17)*
6. *No Solo Practice (19)*

Probationary Terms and Conditions

As part of the Board's mission to protect the consumer, any disciplinary order in which probation is imposed should include conditions that ensure the rehabilitation of a probationer. The following conditions the Board has established function as a method to monitor the progress of a probationer's rehabilitation.

To enhance the clarity of a proposed decision or stipulation, the Board requests that all *additional* conditions that are being imposed be listed first in sequence followed immediately by all of the *standard* conditions.

For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Acupuncture Board.

Probationary Term

The Board generally recommends a minimum probation term of three (3) years. The term may be increased depending upon the severity of the violation(s) and time in which rehabilitation can be achieved. In some instances five years may be appropriate depending on nature and severity of violation.

Probationary Conditions

Conditions of probation are divided into two categories:

1. ***Standard*** conditions that are included in all probation orders; and
2. ***Additional*** conditions that are applicable to the nature of the violation(s) which will allow the probationer to rehabilitate.

Language for Probation Orders

When a stipulated settlement or proposed decision orders probationary terms and conditions, the Board recommends the following language be included:

- Licensees: Acupuncture license no. AC- _____, issued to respondent _____, is hereby revoked; however, the revocation is stayed and respondent's license is placed on probation for _____ years on the following terms and conditions.
- Applicants: The application of respondent _____ for licensure is hereby granted, however the license shall be immediately revoked, the order of revocation stayed, and respondent's license placed on probation for a period of _____ years on the following conditions:
- Reinstatements: The petition of _____ for reinstatement of his or her acupuncture license is hereby GRANTED, as follows.

Acupuncture license number AC- _____ is reinstated. The license will then be immediately revoked; however, the revocation is stayed for _____ years on the following terms and conditions:

In cases in which petitioners for reinstatement have not practiced acupuncture in the state of California for an extended amount of time, they must retake the licensing exam before reinstatement. This information must be provided to the Administrative Law Judge so that he or she can include: "Upon successful completion of the licensure examination, a license shall be issued to respondent."

NOTE: If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery on a payment plan must be included in the reinstatement and decision.

List of Probation Conditions

STANDARD PROBATION CONDITIONS

Introductory Language and Conditions 1-13 are required as follows:

- | | |
|---|---|
| 1) Severability Clause | 8) Employment and Supervision of Trainees |
| 2) Obey all Laws | 9) Cost Recovery (Does not apply to Applicants) |
| 3) Quarterly Reports | 10) Probation Monitoring Costs |
| 4) Surveillance Program | 11) Violation of Probation |
| 5) Interview with the Board or its Designee | 12) License Surrender |
| 6) Notification to Employer and Changes of Employment | 13) Completion of Probation |
| 7) Status of Residency, Practice, or Licensure Outside of State | |

ADDITIONAL PROBATION CONDITIONS

In addition to the standard conditions (1-13), conditions 14-30 are required if the offense involves one of the following: sexual misconduct, alcohol/drug abuse, mental/physical disabilities, fraudulent conduct, or lack of knowledge or skills. Any of these additional conditions may be included if relevant to the violation.

- | | |
|---------------------------------------|--|
| 14) Actual Suspension | 22) Abstain from Drugs and Alcohol and Submit to Tests and Samples |
| 15) Psychological Evaluation | 23) Ethics Course |
| 16) Physical Examination | 24) Professional Boundaries Program |
| 17) Monitoring – Practice/Billing | 25) Third Party Chaperone |
| 18) Restriction of Patient Population | 26) Coursework |
| 19) No Solo Practice | 27) Prohibited Practice |
| 20) Examination | 28) Clinical Training Program at Approved School |
| 21) Alcohol and Drug Abuse Treatment | 29) Clinical Diagnostic Evaluation |
| 30) Worksite Monitor | |

Standard Probation Conditions

1. Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

***Rationale:** The severability clause is required for all decisions and orders and stipulated agreements where there are conditions of probation, to avoid the possibility of all probation conditions being invalidated upon a successful appeal.*

2. Obey All Laws

Respondent shall obey all federal, state and local laws and all regulations governing the practice of acupuncture in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence.

***Rationale:** If there has been a violation of any law or regulation that is substantially related to the qualifications, functions, or duties of an acupuncturist, this would constitute a violation of respondent's probation and allow the Board to carry out the disciplinary order.*

3. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

***Rationale:** By the respondent making declarations under penalty of perjury, this assures the Board that the respondent is making true statements to the Board. Receiving these reports quarterly allows the Board to track the respondent's compliance, and offers a process for review in determining whether or not his or her license should be restored at the completion of his or her probation.*

4. Surveillance Program

Respondent shall comply with the Board's probation surveillance program and shall, upon reasonable notice, report to the Board's staff. Respondent shall contact enforcement staff regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with victims or complainants associated with the case or persons serving the Board as expert consultants.

Rationale: It is in the best interest for all parties involved to allow for the respondent to contact the Board's staff in case he or she has a question regarding his or her probation order.

5. Interview with the Board or its Designee

Respondent shall appear in person or be available by telephone for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

Rationale: This condition allows the Board to schedule in-person interviews or inspections of respondent's place of practice to monitor his or her compliance with the probation order to ensure rehabilitation.

6. Notification to Employer and Changes of Employment

If Respondent is currently employed, in the process of applying for employment, or contracted to provide services as an acupuncturist, he or she shall provide a copy of the Board's Decision to his or her employer, supervisor or contractor no later than the effective date of the Board's Decision. The respondent shall notify any future employers, supervisors or contractors of his or her probationary status with the Board prior to accepting such employment. The respondent shall provide to the Board the names, physical addresses, and telephone numbers of all employers, supervisors and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor or contractor.

Respondent shall cause each employer and supervisor or contractor to submit quarterly written declarations to the Board. These declarations shall include a performance evaluation.

Respondent shall notify the Board, in writing, of any change in his or her employment status, within ten (10) days of such change.

Rationale: Respondent's license being placed on probation shows the Board that his or her conduct is in need of rehabilitation, subsequently, respondent's deficiencies should be noted to the employer as to protect the health and welfare of the public. This condition allows the Board to be informed of respondent's current employment information, including his or her business address, phone number, and employer (if applicable) in the event the Board needs to locate the respondent or communicate with his or her employer..

7. Status of Residency, Practice, or Licensure Outside of State

In the event respondent should leave California to reside or practice outside the state, respondent must provide written notification to the Board of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when he or she ceases practicing in California. Period of practice outside of California will not apply to the reduction

of the probationary period.

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as an acupuncturist or held any health-care related professional license or certificate. Respondent shall further provide information regarding the status of each license and certificate and any changes in the license or certificate status during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a license outside of California during the term of probation

For purposes of this condition, non-practice due to Board ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Rationale: Ensures that respondents may not complete probation without being fully monitored for his or her period of probation in California. This further ensures that the Board is aware of all licensure outside of California as an acupuncturist or in any health care related capacity.

8. Employment and Supervision of Trainees

Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees during the course of this probation. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this probation.

Rationale: Respondent's license being placed on probation shows the Board that his or her conduct is in need of rehabilitation, subsequently, respondent's deficiencies do not demonstrate a professional with mentoring capabilities at the time of probation.

9. Cost Recovery

Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

Rationale: The Board incurs costs associated with the investigation and disciplinary process; this condition requires the respondent to reimburse the Board for those expenditures.

10. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Acupuncture Board and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Rationale: Periodically, the Board incurs expenditures associated with the necessary travel to meet with respondent to monitor his or her probation compliance; this condition requires the respondent to reimburse the

11. Violation of Probation

If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against respondent.

Rationale: *This condition allows the Board to carry out the disciplinary order stated in the decision when a respondent fails to comply with any of his or her probation conditions.*

12. License Surrender

During respondent's term of probation, if he or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. An acupuncturist whose license has been surrendered may petition the Board for reinstatement no sooner than three years.

Rationale: *If respondent feels he or she cannot follow any one of the conditions of the probation order due to a discontinuance of practice, this condition gives him or her the option to voluntarily forfeit his or her license.*

13. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

Rationale: *When the respondent has completed his or her term of probation by successfully fulfilling all of the conditions, he or she has demonstrated his or her ability to practice unrestricted.*

Additional Probation Conditions

14. Actual Suspension

As part of the probation, respondent is suspended from the practice of acupuncture for ____ days beginning with the effective date of this decision.

Rationale: Restricting respondent's practice of acupuncture for a limited amount of time offers an additional penalty and an opportunity for respondent to satisfy other conditions that are primary.

15. Psychological Evaluation

Within 90 days of the effective date of this decision and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board appointed California licensed psychologist. The Board shall receive a current DSM diagnosis and a written report regarding the respondent's judgment and/or ability to function independently as an acupuncturist with safety to the public, and whatever other information the Board deems relevant to the case. Respondent shall execute a release authorizing the evaluator to release all information to the Board. The completed evaluation is the sole property of the Board.

If the Board concludes from the results of the evaluation that respondent is unable to practice independently and safely, he/she shall immediately cease practice and shall not resume practice until notified by the Board. If the Board concludes from the results of the evaluation that respondent would benefit from ongoing psychotherapy, respondent shall comply with the Board's directives in that regard.

Respondent shall pay all costs associated with the psychological evaluation. Failure to pay costs will be considered a violation of the probation order.

Rationale: Psychological evaluations shall be utilized when an offense calls into question the judgment and/or emotional and/or mental condition of the respondent or where there has been a history of abuse or dependency of alcohol or controlled substances. When appropriate, respondent shall be barred from rendering acupuncture services under the terms of probation until he or she has undergone an evaluation, the evaluator has recommended resumption of practice, and the Board has accepted and approved the evaluation.

16. Physical Examination

Within 90 days of the effective date of this decision, respondent shall undergo a physical examination by a licensed physician and surgeon approved by the Board. Respondent shall bear all costs of such an examination. The Board shall receive the physician's report which shall provide an assessment of respondent's physical condition and capability to safely

provide acupuncture services. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written progress reports to the Board on a quarterly basis or as otherwise determined by the Board.

It shall be the respondent's responsibility to assure that the required progress reports are filed in a timely manner.

Rationale: This condition permits the Board to require the probationer to obtain appropriate treatment for physical problems/disabilities which could affect safe practice of acupuncture. The physical examination can also be conducted to ensure that there is no physical evidence of alcohol/drug abuse.

17. Monitoring – Practice/Billing

Within 30 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval as a _____ (i.e., practice, billing, or practice and billing) monitor(s), the name and qualifications of one or more licensed acupuncturists whose license is valid and in good standing. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, respondent's _____ (i.e., practice, billing, or practice and billing) shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within the standards of practice of acupuncture or billing, or both, and whether respondent is practicing acupuncture safely, billing appropriately or both. It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Board quarterly.

If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the

name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be suspended from the practice of acupuncture until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of acupuncture within 3 calendar days after being so notified by the Board of designee.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

Rationale: *Monitoring shall be utilized when respondent's ability to function independently is in doubt, as a result of a deficiency in knowledge or skills, or as a result of questionable judgment.*

18. Restriction of Patient Population

During probation respondent is prohibited from practicing acupuncture and any other modality cited in Business and Professions Code Section 4937 on (a specific population group).

Rationale: *In cases wherein some factor of the patient population at large (e.g. age, gender) may put a patient at risk if in treatment with the respondent, this condition should be utilized. Additional language can be added for clarification.*

19. No Solo Practice

Respondent is prohibited from engaging in the solo practice of acupuncture. If respondent is currently in solo practice, he or she must hire another acupuncturist as an employee or form a joint practice with another licensee permitted pursuant to Business and Professions Code Section 4935 (b). Respondent must cease his or her practice until the employer/employee or joint practice has commenced. Once the additional licensee has been obtained, respondent must submit the name(s) and qualifications to the Board within 15 calendar days of his or her start date.

Rationale: *In cases where respondent's ability to function independently is in doubt as a result of a deficiency in knowledge or skills, or as a result of questionable judgment, this condition should be included.*

20. Examination

Respondent shall take and pass the California Acupuncture Licensing Exam (CALE) prior to the termination of probation. The examinations shall be taken on regularly scheduled exam dates. Respondent shall pay the established examination fee.

If respondent fails the examination three times, his/her license to practice acupuncture is suspended until the examination is successfully passed.

Rationale: *In cases involving evidence of severe deficiencies in the body of knowledge required to be minimally competent to practice independently, it may be appropriate to require the respondent to take and pass CALE during the course of the probation period. In some instances, it may be appropriate for practice to be suspended until the examination is passed (condition precedent).*

21. Alcohol and Drug Abuse Treatment

Effective 30 days from the date of this Decision, respondent shall enter an inpatient or outpatient alcohol or other drug abuse recovery program (a minimum of six (6) months duration) or an equivalent program as approved by the Board.

Quitting the program without permission or being expelled for cause shall constitute a violation of probation by respondent. Subsequent to the program, respondent shall participate in on-going treatment such as receiving individual and/or group therapy from a psychologist trained in alcohol and drug abuse treatment; and/or attend Twelve Step meetings or the equivalent as approved by the Board at least three times a week during the first year of probation; and/or other substance abuse recovery programs approved by the Board. Respondent shall pay all costs of treatment and therapy, and provide documentation of attendance at Twelve Step meetings or the equivalent as approved by the Board. The psychologist shall confirm that respondent has complied with the requirements of this Decision and shall notify the Board immediately if he or she believes the respondent cannot safely render acupuncture services. Respondent shall execute a release authorizing the psychologist to divulge the aforementioned information to the Board.

Rationale: *Alcohol and other drug abuse treatment shall be required in addition to other terms of probation in cases where the use of alcohol or other drugs by respondent has impaired respondent's ability to safely provide acupuncture services to patients. This condition must be accompanied by condition #22.*

22. Abstain from Drugs and Alcohol and Submit to Tests and Samples

Respondent shall completely abstain from the personal use or possession of alcohol and controlled substances as defined in the California Uniform Controlled Substances Act and dangerous drugs as defined in Section 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

Respondent shall immediately submit to random and directed biological fluid testing paid for by Respondent, at the request of the Board or its designee. The Respondent shall be subject to a minimum of one-hundred and four (104) random tests per year within the first year of probation and at minimum of fifty (50) random tests per year thereafter for the duration of the probationary term. If Respondent tests positive for a banned substance, Respondent shall immediately cease practicing. Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he

or she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

Rationale: This condition provides documentation that the probationer is substance or chemical free. It also provides the Board with a mechanism through which to require additional laboratory analyses for the presence of narcotics, alcohol and/or dangerous drugs when the probationer appears to be in violation of the terms of probation or appears to be under the influence of mood altering substances.

23. Ethics Course

Respondent shall take and successfully complete not less than twenty (20) semester units or thirty (30) quarter units equivalent to 300 hours of coursework in Ethics. The course shall be taken at the graduate level at a school approved by the Board. Classroom attendance is specifically required. The course must be completed within the first year of probation. The required coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 60 days of the effective date of this decision, respondent shall submit a plan for the Board's prior approval for meeting the educational requirements. All costs of the coursework shall be borne by the respondent.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course.

Rationale: In cases of fraudulent behavior, improper record keeping, or a deficiency of knowledge or skills, this condition should be included.

24. Professional Boundaries Program

Within 60 calendar days of the effective date of this decision, respondent shall enroll in a professional boundaries program, at respondent's expense, equivalent to the Professional Boundaries Program at the University of California, San Diego School of Medicine. Any equivalent should be taken in a classroom setting. Respondent, at the Program's discretion, shall undergo and complete the Program's assessment of respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The Program shall evaluate respondent at the end of the training and the Program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire Program not later than six months after respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on respondent's performance in and evaluations from the assessment, education, and training, the Program shall advise the Board or its designee

of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that respondent can practice acupuncture safely. Respondent shall comply with Program recommendations. At the completion of the Program, respondent shall submit to a final evaluation. The Program shall provide the results of the evaluation to the Board or its designee.

The Program's determination whether or not respondent successfully completed the Program shall be binding.

Failure to participate in and complete successfully all phases of the Program, as outlined above, is a violation of probation.

Rationale: *In cases of sexual misconduct or boundary issues, this condition will aid the respondent's rehabilitation through a means of education and therapy program.*

25. Third Party Chaperone

During probation, respondent shall have a third party chaperone present while consulting, examining or treating female patients. Respondent shall, within 30 calendar days of the effective date of the Decision, submit to the Board or its designee for prior approval name(s) of persons who will act as the third party chaperone.

Respondent shall maintain a log of all patients seen for whom a third party chaperone is required. The log shall contain: patient's name, address and telephone number and date of service(s). Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation. Failure to maintain a log of all patients requiring a third party chaperone, or to make the log available for immediate inspection and copying on the premises, is a violation of probation.

Respondent shall provide written notification to his or her female patients that a third party chaperone shall be present during all consultations, examinations, or treatment. Respondent shall maintain in the patient's file a copy of the written notification, shall make the notification available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the notification for the entire term of probation.

Rationale: *In cases of sexual misconduct or boundary issues this condition should be included so respondent's appointments with female patients can be chaperoned and monitored.*

26. Coursework

Respondent shall take and successfully complete not less than twenty (20) semester units or thirty (30) quarter units equivalent to 300 hours of coursework in the following area(s)

_____. All coursework shall be taken at the graduate level at a school approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all coursework must be completed within the first 3 years of probation. The required coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 90 days of the effective date of this decision, respondent shall submit a plan for the Board's prior approval for meeting the educational requirements. All costs of the coursework shall be borne by the respondent.

Rationale: *In cases of a deficiency of knowledge or skills, this condition should be included.*

27. Prohibited Practice

Respondent is prohibited from _____ (e.g., practicing, performing, or prescribing) _____ (e.g., a specific modality or treatment method) for a period of no less than 12 months from the effective date of this Decision. After the effective date of this Decision, the first time that a patient seeking the prohibited services makes an appointment, orally notify the patient that respondent does not _____ (e.g., practicing, performing, or prescribing) _____ (e.g., a specific modality or treatment method). Respondent shall maintain a log of all patients to whom the required oral notification was made. The log shall contain: 1) patient's name, address and phone number; 2) the full name of the person or staff member making the notification; the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation. Failure to maintain a log as defined in the section, or to make the log available for immediate inspection and copying on the premises during business hours is a violation of probation.

Respondent must complete a minimum of ____ (number of) hours of a Board approved continuing education course during the 12 months in which the content covers _____ (e.g., a specific modality or treatment method). The course cannot be completed by distance learning. Respondent must submit a certificate of completion within 15 calendar days following the end of the course.

Rationale: *In cases of negligence involving a specific modality or treatment method, this condition bars the respondent from utilizing this method. By requiring a course to be completed on the subject matter, respondent can learn proper technique and risks associated with the modality or method.*

28. Clinical Training Program

Within 60 days of the effective date of this Decision, respondent shall enroll in a clinical training or educational program offered at an approved school with the Board's prior approval. The

program shall consist of a comprehensive assessment comprised of a two-day assessment of respondent's basic clinical and communication skills common to all acupuncturists; and acupuncture knowledge, skill and judgment pertaining to practice standards, and at a minimum, a 40 hour program of clinical education in the area of practice for which respondent was alleged to be deficient and that takes into account data obtained from the assessment, administrative decisions and accusations, and any other information that the Board deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on respondent's performance and test results in the assessment and clinical education, the program will advise the Board of its recommendations for the scope and length of any additional education or clinical training or anything else affecting respondent's practice of acupuncture.

At the completion of any additional education or training, respondent shall submit to and pass an examination. The program's determination whether or not respondent passed the examination or successfully completed the program shall be binding.

Respondent shall complete the program no later than six months after respondent's initial enrollment, unless the Board agrees in writing to a later time for completion.

Failure to participate in and complete successfully all phases of the clinical training program as outlined above is a violation of probation.

Option #1: Condition Precedent

Respondent shall not practice acupuncture until he or she has successfully completed the program and has been so notified by the Board in writing, except that respondent may practice in a clinical training program approved by the Board. Respondent's practice of acupuncture shall be restricted to that which is required by the program.

Option #2: Condition Subsequent

If respondent fails to complete the clinical training program within the designated time period, respondent shall cease the practice of acupuncture within 72 hours after being notified by the Board that respondent failed to successfully complete the program.

Rationale: *In those instances where a licensee has demonstrated negligence or incompetence, or has been found to have performed work or attempting treatment beyond the scope of training or experience, the Board will impose a clinical training program. This program shall specify the areas and hours of clinical training required, and may also dictate the institution(s) where the education will be received. A clinical training program is usually required prior to allowing the licensee to return to the identified deficient area of practice, and requires prior approval by the Board. Continuing education courses used for renewal of licensure will not fulfill this requirement. This program is for acupuncturists who have demonstrated deficiencies in skill but do not constitute a present danger to patients in other areas of practice.*

29. Clinical Diagnostic Evaluation

Within twenty (20) days of the effective date of the Decision and at any time upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, he or she shall immediately cease practice for minimum of one month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least two (2) times per week.

Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. Cost of such evaluation shall be paid by the Respondent.

Respondent shall continue to cease practice until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least one-month of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Rationale: Respondent must undergo a clinical diagnostic evaluation to determine his or her fitness for practice.

30. Worksite Monitor

Respondent shall submit the name of the proposed worksite monitor within 20 days of the effective date of the Decision. Respondent shall complete any required consent forms and sign an agreement with the worksite monitor and the Board regarding the Respondent and the worksite monitor's requirements and reporting responsibilities. Once a worksite monitor is approved, Respondent may not practice unless the monitor is present at the worksite. If the worksite monitor terminates the agreement with the Board and the Respondent, the Respondent shall not resume practice until another worksite monitor is approved by the Board.

Rationale: Requiring a worksite monitor allows the Board to be informed of respondent's behavior and performance while on the job.

Accusations and Decisions

To provide a foundation for consistency and clarity in each disciplinary action, the Board asks that the below guidelines be followed.

ACCUSATIONS

The Board has the authority, pursuant to Section 125.3 of the Business and Professions Code, to recover costs of investigation and prosecution of its cases. The Board requests that this fact be included in the pleading and made part of the Accusation.

STIPULATED SETTLEMENTS & PROPOSED DECISIONS

The Board will consider agreeing to stipulated settlements to promote consumer protection and to expedite disciplinary decisions. All stipulations must be accompanied by a memo from the Deputy Attorney General addressed to Board members explaining the background of the case, defining the allegations, mitigating circumstances, admissions and proposed penalty along with a recommendation.

Proposed Decisions should include, at a minimum, the following:

1. Names and addresses of all parties to the action.
2. Specific code section violated with the definition of the code in the Determination of Issues.
3. Clear description of the acts or omissions which caused the violation.
4. Respondent's explanation of the violation if he/she is present at the hearing in the findings of fact.
5. Explanation of deviation from Board's Disciplinary Guidelines.

Respondents should be informed that the Board will only accept stipulations containing admissions.

Recommended Language for Cost Recovery for Revocations and Surrenders

When the Decision and Order results in revocation or surrender of the license, cost recovery should be included as follows:

“If and when respondent’s license is reinstated, he or she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

Denial of Licensure

Pursuant to Business and Professions Code 480, the Acupuncture Board has authority to protect the public in denying licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of an acupuncturist.

The Board may deny licensure on the basis of:

- Conviction of crime substantially related to the practice of acupuncture.
- Any act involving dishonesty, fraud, or deceit with intent to substantially benefit self or another or to substantially injure another.
- Any act which is grounds for revocation of a license.
- Making a false statement on the application

Any person whose application for a license has been denied by the Board, may reapply to the Board for a license only after a period of three years has elapsed from the date of the denial.

Demonstrations of Rehabilitation

When the Board receives information that an applicant or licensee has a criminal conviction, there is a set of criteria the Board considers when determining a denial of license or revocation, or suspension of license is appropriate.

- In evaluating the rehabilitation of an applicant/licensee and to determine if action is necessary, the Board considers the following:
 1. The nature and severity of the crime(s) under consideration.
 2. Evidence of any acts committed subsequent to the crime(s) under consideration as grounds for disciplinary action or denial of license.
 3. The time that has elapsed since the commission of the crime(s).
 4. The extent to which the applicant/licensee has complied with any terms of probation or any other sanctions lawfully imposed against the applicant/licensee.
 5. Evidence, if any, of rehabilitation by the applicant/licensee.
- The following is a list of items the Board will consider in determining whether or not the applicant or licensee has been rehabilitated.
 1. Copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanction.
 2. Letter from applicant or licensee describing underlying circumstances of arrest and conviction record as well as any rehabilitation efforts or changes in life since that time to prevent future problems.
 3. Letters of reference from professors or colleagues within the field of acupuncture.
 4. Letters of reference from past and/or current employers.
 5. Letters from recognized recovery programs attesting to current sobriety and length of time of sobriety if there has been a history of alcohol or drug abuse.
 6. A current mental status examination by a clinical psychologist or psychiatrist. The evaluation should address the likelihood of similar acts or convictions in the future, and should speak to the suitability of the registered nursing profession for the applicant.
 7. Letters of reference from other knowledgeable professionals, such as probation or parole officers.
 8. Copy of Certificate of Rehabilitation or evidence of expungement proceedings.
 9. Evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions.

Evidence of Mitigation

The respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the respondent may submit to demonstrate his or her rehabilitative efforts and competency in acupuncture:

1. Recent, dated letters from counselors regarding respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the respondent has attended, the counselor's diagnosis of respondent's condition and current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor.
2. Recent letters describing respondent's participation in support groups, e.g., Alcoholics Anonymous, Narcotics Anonymous, etc., where appropriate, and sobriety date.
3. Recent, dated laboratory analyses or drug screen reports, where appropriate.
4. Recent, dated physical examination or assessment report by a licensed physician, nurse practitioner, or physician assistant.
5. Certificates or transcripts of courses related to acupuncture which respondent may have completed since the date of the violation.

Petition for Penalty Relief and Reinstatements

Pursuant to Business and Professions Code Section 4960.5 (a), an individual whose license has been revoked, suspended, or surrendered, or whose license has been placed on probation must wait a specified minimum amount of time before petitioning the Board for penalty relief or reinstatement.

- A person with a revoked or surrendered license must wait at least three years from the effective date of his or her decision to petition for reinstatement.
- A person with a term of probation of three years or more must wait at least two years from the effective date of his or her decision to petition for early termination.
- A person with whose license is placed on probation must wait at least two years from the effective date of his or her decision to petition for modification of a condition.
- A person with a term of probation of less than three years must wait at least one year from the effective date of his or her decision to petition for early termination.

PETITION HEARINGS

The primary concerns of the Board at reinstatement or penalty relief hearings are that the evidence presented by the petitioner of his/her rehabilitation.

The Board will consider the following criteria of rehabilitation:

1. Nature and severity of the act(s) or offense(s)
2. Total criminal record
3. The time that has elapsed since commission of the act(s) or offense(s)
4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person
5. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code
6. Evidence, if any, of rehabilitation submitted by the licensee or registration holder.

In the Petition Decision, the Board would appreciate a summary of the offense and the specific codes violated which resulted in the revocation, surrender or probation of the license.

The Board requests that comprehensive information be elicited from the petitioner regarding his/her rehabilitation. The petitioner should provide details which include:

- A. Continuing education pertaining to the offense and its effect on the practice of acupuncture.
- B. Specifics of rehabilitative efforts and results which should include programs, psychotherapy, medical treatment, etc., and the duration of such efforts.
- C. If applicable, copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanctions.
- D. If applicable, copy of Certificate of Rehabilitation or evidence of expungement proceedings.
- E. If applicable, evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions.
- F. A culpability or non-culpability statement.

If the Board should deny a request for reinstatement of licensure or penalty relief, the Board requests that the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial. Such language would include methodologies or approaches which would demonstrate rehabilitation.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such action shall result in a default decision to deny reinstatement of the license or reduction of penalty.

Index of Violations

<u>Business and Professions Code</u>	<u>Page No.</u>
Section 4955 (a) – Using or Possessing Any Controlled Substance	8
Section 4955 (b) – Conviction of a Crime	8
Section 4955 (c) – False or Misleading Advertising	9
Section 4955 (d) – Aiding or Abetting, or Violating Terms of this Chapter of Any Board Regulation	9
Section 4955 (e) – Failing to Follow Infection Control Guidelines	9
Section 4955 (f) – The Use of Threats or Harassment Against a Licensee/Patient	9
Section 4955 (g) – Discharging an Employee for Complying with this Chapter	9
Section 4955 (h) – Disciplinary Action Taken by Any Public Agency	9
Section 4955 (i) – Action or Conduct that Warrants a Denial of License	10
Section 4955 (j) – Violation of Any Law or Local Ordinance on Business Premises	10
Section 4955 (k) – Abandonment of Patient without Written Notice	10
Section 4955 (l) – Failure to Notify Board of False/Assumed/Fictitious Name	10
Section 4955.1 (a) – Securing a License by Fraud or Deceit	10
Section 4955.1 (b) – Committing a Fraudulent or Dishonest Act as an Acupuncturist	11
Section 4955.1 (c) – Any Act Involving Dishonesty or Corruption	11
Section 4955.1 (d) – Altering/Modifying a Medical Record or Creating a False Medical Record	11
Section 4955.1 (e) – Failing to Maintain Adequate and Accurate Records	11
Section 4955.2 (a) – Gross Negligence	12

Section 4955.2 (b) – Repeated Negligent Acts	12
Section 4955.2 (c) – Incompetence	12
Section 4961 (a) – Failure to Register Place of Practice	13
Section 4976 – Violating the Terms of this Chapter, Regulations, or Moscone- Knox Professional Corporation Act	13
Section 125 – Misdemeanor Offenses by Licensees	14
Section 125 .6 – Refusal to Treat Patient	14
Section 125 .9 – Failure to Comply with Citation	14
Section 480 – Denial of a License	14
Section 492 – Effect of Completion of Drug Diversion Program on Disciplinary Action or Denial of License	14
Section 493 – Evidentiary Effect of Record of Conviction of Crime Substantially Related to Licensee’s Qualifications, Functions, and Duties	14
Section 496 – Subversion of Licensing Examinations	15
Section 498 – Securing License by Fraud, Deceit, or Misrepresentation	15
Section 650 – Accepting or Receiving Rebates	15
Section 651 – False, Misleading or Deceptive Public Communications	15
Section 654.2 – Prohibits Charges, Billings, Solicitations or Referrals without Disclosure of Beneficial Interest	15
Section 726 – Commission of Act of Sexual Abuse or Misconduct with Patient	15
Section 810 – Insurance Fraud	16
Section 822 – Psychological or Physical Illness	16

To: Acupuncture Board Members (Robert Brewer, Charles Kim,
AnYork Le, L.Ac., George Wedemeryer, Paul Weisman)
Janelle Wedge, Executive Officer, Acupuncture Board

From: Valerie Vetter Tate

Date: February 23, 2010

Subject: Jun Wang (License Number: AC7594)

I am writing this letter on behalf of Jun Wang (License Number: AC7594). I am a former investigator and supervising investigator for the Medical Board of California (26 years) and supervising investigator for the Division of Investigation (two years). I retired from State service on October 1, 2009. I have known Jun Wang and her husband, Gary Jian Chen (License Number: AC3251) for several years. Dr. Chen assisted me when I was investigating acupuncturists several years ago for the Medical Board of California. I have known both Jun Wang and Dr. Chen on a personal and professional basis.

In reviewing documents, speaking with employees of the Acupuncture Board, and with Jun Wang and Dr. Chen, it appears that Jun Wang's Acupuncture License may have been cancelled in error. The following information will hopefully assist you in determining facts and hopefully reinstating Jun Wang's Acupuncture license:

Jun Wang graduated from Shanghai Traditional Medicine University in 1986. She also worked in a hospital in China for nine (9) years as an Acupuncturist. She met and married Dr. Chen, who she met in medical school. In 2000, Jun Wang applied for her Acupuncture License with the Acupuncture Board in California, and her license was subsequently granted. She then began practicing acupuncture in her husband's office. In 2002, she renewed her Acupuncture License and paid her fees.

In April 2004, Jun Wang contacted the Acupuncture Board to ask them to put her license on "inactive status." (Jun Wang sought to inactive her license because she had a newborn baby and a toddler and needed to devote her time to taking care of her

children.) She was sent an application for the inactive status. Jun Wang recalls that the form was pink, and she completed the form and returned it to the Board along with her renewal fee in the amount of \$325.00 **(see copy of check as Exhibit 1)**. Jun Wang has been unable to find a copy of the application for inactive license status, and both she and I, on different occasions, called the Acupuncture Board and were told that there was no copy of the Application for Inactive Licensure. However, Jun Wang DID send the Acupuncture License Renewal Notice along with her check, and she marked the box on the form which reads "*I am on inactive status*" **(see copy of Acupuncture License Renewal Notice as Exhibit 2)**. Further, Jun Wang sent her Application for Inactive License, the Acupuncture License Renewal Notice, and her check for renewal fees to the Acupuncture Board via certified mail. She subsequently received a signed return receipt from the Post Office showing that the certified mail described above was received by "Robertta L. Saenz" on April 26, 2004 **(see copy of Post Office return receipt as Exhibit 3)**.

Jun Wang told me that she mistakenly thought that she did not need to pay her biennial fee because her license was inactive, and she never received a renewal notice or bill from the Board. She is adamant that she never received any further correspondence from the Board, such as license renewal notices, letters placing a hold on her license, etc. In approximately November or December, 2009, Jun Wang spoke to Kristine Brothers, Enforcement Analyst, Acupuncture Board, who explained to Jun that her license was "put on hold" and not "inactive" then subsequently cancelled. Ms. Brothers suggested that Jun Wang write to the Board to explain the situation and that she complete 50 units of CEU credits and also try to come to a Board meeting in person to explain the situation and ask the Board to approve her license reinstatement.

Jun Wang sent a certified letter to the Board dated January 26, 2010, explaining this matter, and requesting a chance to appear before the Board on February 23, 2010 to discuss the facts and request consideration that her license be reinstated **(see copy of Jun Wang's letter dated January 26, 2010 attached as Exhibit 4)**.

On February 8, 2010, I spoke to Kristine Brothers, who explained to me that pursuant to a legal decision, the Board may no longer put this type of matter on the Board's agenda, but rather may form a committee to review such matters. She said that the Board received Jun Wang's license renewal check/fees in May, 2004, before her license expiration date of June 30, 2004.

[Note: It is our contention that Jun Wang would not have sent in her license renewal fees two months prior to her license expiration date if she did not also intend to request that her license be placed in an inactive status. We believe that the Application was lost or destroyed once the accounting/financial office processed her license renewal fees.]

Ms. Brothers explained that Jun Wang's license was placed on "hold" due to "education holds" because the Board did not receive any Continuing Education Unit (CEU) certificates required for the renewal.

Ms. Brothers further advised me that the Board's computer entries show that in 2007 a code was entered which would automatically send out a letter to Jun Wang advising her that she must provide the Board with copies of her CEU certificates (for 50 CEU credits) or risk cancellation of her license. Ms. Brothers checked Jun Wang's licensing file and said that she did not find a copy of the computer generated letter to Jun Wang, BUT because a code entry (Code 11) was in the computer, that meant that the letter was sent out, nor was the letter returned by the Post Office, and the address of record was still a valid address for Jun Wang. **[Note: Why would a computer code entry be made in 2007 to generate a letter to Jun Wang to advise her that she failed to provide her CEU credits, when such a letter should have been sent back in 2004 when Jun Wang submitted her license renewal fee (AND Application to Inactivate License), especially since the Board claims that she did not apply for an inactive license in 2004? Why wasn't a letter sent to Jun Wan in 2006 when her license renewal would again be due? Jun Wang did not receive any letter in 2004, 2005, 2006, 2007, or 2008 to advise her of her license status, any requirements that she needed to fulfill, or any action taken by the Board (such as her license cancellation).]**

Ms. Brothers said that Jun Wang's license was "manually cancelled in October, 2008."

On February 8, 2010, Jun Wang spoke to "Benjamin" at the Acupuncture Board regarding this issue, and he told her, "Because both the form [Application for Inactive License] and the payment were sent to the finance office, people there sometimes don't forward documents."

On February 9, 2010, I received a telephone call from Ms. Brothers, who said that she spoke to Janelle Wedge, Acupuncture Board Executive Officer, that morning, and she just received Jun Wang's letter the day prior (February 8, 2010) and that Jun Wang's case would not be put on the Board's upcoming Agenda. She said that the Board would be discussing setting up committees to hear these matters. I expressed concern that setting up such committees could take an inordinately long period of time thus depriving the appellant a speedy resolution or decision. I also told her that I would accompany Jun Wang to the upcoming Board meeting to hopefully discuss this matter.

On the Board's web site, the definition of a "cancelled license" is "License was in a delinquent status for more than three (3) years." **We do not believe that such a delinquency is the deliberate fault of Jun Wang, but rather an unfortunate error by the Board.** The most plausible error is that Jun Wang's Application for Inactive License" was lost or destroyed and the Board inadvertently failed to send her letters advising her of her "education hold" status. Had such a letter been sent to Jun Wang, she would have appropriately advised the Board that an "inactive license" status does not require her to provide her CEU certificates until she applies for activation of her license. **As you can see from Exhibit 2, copy of Acupuncture License Renewal Notice, Jun Wang marked the box on the form which reads, "I am on inactive status," and this is the action/status that she sought from the Board in April, 2004.**

Jun Wang has completed 50 Continuing Education Units as required for re-licensure (**see copies of certificates attached as Exhibits 5**). Further, Jun Wang subscribes to and regularly reads acupuncture journals and updates regarding Chinese medicine, such as Acupuncture Today, and she and her husband

regularly discuss acupuncture as it relates to the care of Dr. Chen's patients.

We are aware that there is another Acupuncturist named "Jun Wang" licensed by the Acupuncture Board. Her license number is: AC5094. Is it possible that information/documents for our Jun Wang may have been mistakenly placed in the other "Jun Wang's" licensing file and thus the cause of this licensing error? This may be worth checking.

We respectfully request that the Board review this matter and reinstate Jun Wang's Acupuncture License. She will gladly pay her licensing fees, and if appropriate, any delinquent fees that the Board deems appropriate. I believe that the Board will find Jun Wang to be an asset to the Acupuncture profession, Board, and to the patients that she will serve.

If you have any questions, please feel free to contact me at (909) 731-8200 or Jun Wang at (760) 579-1672, or write to her at her address of record: 1304 Cassins Street, Carlsbad, California 92009.

Respectfully submitted,

A handwritten signature in cursive script that reads "Valerie A. Vetter Tate". The signature is written in black ink and is positioned above the typed name.

Valerie A. Vetter Tate

NATURAL MEDICINE INSTITUTE, INC.
(760) 634-1440
317 N. EL CAMINO REAL, SUITE 106
ENCINITAS, CA 92024

113841

5241

DATE 4/24/04

90-7162/3222

**PAY
TO THE
ORDER OF**

Acupuncture Board

\$ 325.00

Three hundred twenty five

DOLLARS  SECURITY FEATURES INCLUDED

WASHINGTON MUTUAL
105 N. EL CAMINO REAL
ENCINITAS, CA 92024
FOR MERCHANT VERIFICATION CALL (800) 947-5980

FOR _____

[Signature]

MP

ENCLOSURE

PAY TO THE ORDER OF
BANK OF AMERICA 148
FOR DEPOSIT ONLY
ACCOUNT 171
CAL STATE TREASURER
DEPARTMENT OF CONSUMER AFFAIRS
ABSENCE OF PRIOR ENDORSEMENT GUARANTEED

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE
FOR FINANCIAL INSTITUTION USE ONLY

1500 200000

1210003584
E0202 358 SF CA 14
05/17/04 0000000000 CASH

010000100

APR 17 2004

32091077
SF PROCESSED 003
05182004



Check this box if you are depositing a check from another bank. If you are depositing a check from another bank, you must also provide the name and address of the bank from which the check was drawn.

Check this box if you are depositing a check from a business, organization, or government agency. If you are depositing a check from a business, organization, or government agency, you must also provide the name and address of the business, organization, or government agency from which the check was drawn.

Check this box if you are depositing a check from a government agency. If you are depositing a check from a government agency, you must also provide the name and address of the government agency from which the check was drawn.

Check this box if you are depositing a check from a government agency. If you are depositing a check from a government agency, you must also provide the name and address of the government agency from which the check was drawn.

Check this box if you are depositing a check from a government agency. If you are depositing a check from a government agency, you must also provide the name and address of the government agency from which the check was drawn.

ACUPUNCTURE BOARD

444 N. THIRD STREET, SUITE 260
SACRAMENTO, CA 95814
916 445-3021



ACUPUNCTURE LICENSE RENEWAL NOTICE

PART
1

FILL IN THE FOLLOWING INFORMATION & RETAIN TOP PORTION FOR YOUR RECORDS. COMPLETE AND RETURN BOTTOM PORTION IN ENCLOSED ENVELOPE.
VERY IMPORTANT
DO NOT SEND CASH. SEND A CHECK OR MONEY ORDER MADE PAYABLE TO: ACUPUNCTURE BOARD

RACAC
11/30/03

TYPE	LICENSE NO	LICENSE EXPIRES	RENEWAL FEE PAID	DATE RENEWAL MAILED	YOUR CHECK NUMBER
AC	7594	06/30/04	\$325	9/12/04	5241

AN ACUPUNCTURIST MAY NOT PRACTICE IN CALIFORNIA WITHOUT A CURRENT, VALID AND ACTIVE LICENSE ISSUED BY THE ACUPUNCTURE BOARD.

THE LICENSE RENEWAL FEE IS \$325 every two (2) years. In order to continue to practice acupuncture, you must submit your renewal fee with this application before the expiration date which is printed in Part 3 below. IT IS ILLEGAL TO PRACTICE WITH AN EXPIRED LICENSE. Licensees found to be practicing with an expired license are subject to disciplinary action. Additionally, a delinquent fee of \$25 will be added to your renewal fee if not paid prior to its expiration date.

CONTINUING EDUCATION (CE): All licensed acupuncturists renewing their license will be required to show completion of thirty (30) hours of continuing education (CE). All CE courses must be approved by the Board (C.C.R. Title 16, Section 1399.489). In Part 2 below, you are to list the CE courses you completed during the last renewal period. In addition, please enter your signature and date in the space provided in Part 3 of this form.

AUDIT OF RECORDS: DO NOT submit your original CE certificates. You are required to retain these for a period of four (4) years. If you are audited, you will be required to submit copies of CE certificates as proof of completion (Section 1399.489).

INACTIVE STATUS: If you are not currently practicing in California and wish to place your license on "Inactive Status", you must contact the Board. Inactive licenses are required to submit the same renewal fee amount as 'active' licensees (\$325 for a 2-year renewal period); however, 'inactive' licensees are not required to complete the CE requirement (Section 1399.489.1). If you wish to reactivate your license, you must contact the Board in order to determine the number of CE Unit hours and the fee that you will be required to submit before your license can become active.

LAPSED LICENSE: A license (active or inactive) which is not renewed within three (3) years of its expiration date WILL NOT BE RENEWED. A new license will not be issued until the licensee has retaken the examination and paid all necessary fees.

RETAIN TOP PORTION & RETURN BOTTOM PORTION FOR YOUR RECORDS. ALLOW 6-8 WEEKS FOR PROCESSING YOUR RENEWAL

LICENSE RENEWAL APPLICATION ACUPUNCTURIST

SSN=

PART 3
14/03/04
14/05/04

State of California Department of Consumer Affairs

CONTINUING EDUCATION CERTIFICATION I HAVE COMPLETED C. _____ HOURS OF CONTINUING EDUCATION

I AM ON INACTIVE STATUS.

CONVICTIONS - SINCE YOU LAST RENEWED YOUR LICENSE, HAVE YOU BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO ANY VIOLATION OF ANY LAW OF ANY STATE, THE UNITED STATES, OR A FOREIGN COUNTRY OR HAD ANY CONVICTION WHICH HAS BEEN DISMISSED UNDER SECTION 1203.4 OF THE PENAL CODE (EXCEPT FOR MINOR TRAFFIC VIOLATIONS), OR HAD ANY DISCIPLINARY ACTION (EXCLUDING CITATIONS AND FINES) TAKEN AGAINST YOU BY ANY LICENSING/REGULATORY AGENCY IN THIS OR ANY OTHER STATE? F. () YES G. (X) NO ; DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. D. SIGNATURE _____ DATE 4/20/04

ACUPUNCTURE BOARD

LICENSE NO	LICENSE EXPIRES	AMOUNT DUE NOW	DELINQUENT FEE IF POSTMARKED AFTER 06/30/04
AC 7594	06/30/04	\$325.00	\$350.00

ACTIVE JUN WANG
1304 CASSINS STREET
CARLSBAD CA 92009

E. ONLY FILL IN IF A CHANGE IN ADDRESS HAS OCCURRED. PRINT ANY CHANGES BELOW

FULL NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

ENTER YOUR PHONE NUMBER FOR REFERENCE
PHONE NUMBER 760 603 8400

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Acupuncture Board
 1424 Howe Avenue, Suite 31
 Sacramento, CA 95825-3233

2. Article Number (Copy from service label)

70993220 8004 33548830

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **Robertta L Saenz** B. Date of Delivery

C. Signature **Robertta L Saenz**
 Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

JUN WANG

1304 CASSINS ST.

CARLSBAD, CA 92009

January 26, 2010

FR: Jun Wang
1304 Cassins Street,
Carlsbad, CA92011
Cell 760-579-1672, Fax 760-634-3682

TO: California Acupuncture Board
444 North 3rd Street, Suite 260
Sacramento, CA 95811
Phone 916-445-3021, Fax 916-445-3015

RE: License Renewal (AC7594)

My name is Jun Wang. I graduated from Shanghai Traditional Medicine University in 1986 and worked at a hospital in the Chinese Medicine field for 9 years. I came to the States in 1995 through marriage. My husband, Gary Chen, whom I met in medical school is also a licensed acupuncturist. He has been practicing Chinese Medicine in Encinitas, California since 1989.

In 2000, I passed the state board exam and became a licensed acupuncturist. I did my first renewal in June 2002. At that time I just had a new born and a toddler, I had to devote most of my time at home to take care of them. In April of 2004, when I received renewal notice again, I called and wrote to the Board asking to put my license at "inactive" status. Meantime I paid my renewal fee in the amount of \$325. My request was granted and I was told that when I need to re-activate my license I have to complete my CEU courses.

Since I had never received any renewal notice in 2006 and afterwards, I mistakenly thought that I didn't have to pay the biennial fee because my license was inactive. Until a month ago, I called and spoke to Kristine to clarify the procedure of re-activating my license and then I was in a total shock and disbelief. She told me that my license was expired in 2004. She explained to me that my license was "put on hold" at the time instead of "inactive", and then was automatically canceled by the computer in 2004.

Yet, until today I still don't understand why my license was canceled in 2004 which leads to no more renewal notices sent to me in 2006, regardless that I did pay for the biennial due in 2004.

After heard my story, Kristine suggested I write to the board to explain the situation,

complete the 50 units of CEU credits and try to come to the board meeting in person to explain the situation and ask for board's special approval for my case.

For the past years, I have been helping my husband to take care of the office duties including appointment, insurance billings and supply keeping from time to time. I have been working in the field and am fully aware of HIPPA laws and insurance procedures.

Now my daughters are going to schools everyday and my husband has to make frequent trips to Shanghai to take care of his sick parents. I have decided to join his practice as a medical staff.

I am here, very sincerely apologize for not following through the "inactive" status in terms of continuing to pay the biennial license fees despite the fact that I never received renewal notice. I adjure the board to consider the fact that the canceling of my license was an error due to miscommunication, not my willingness or misconduct. I am asking for a special approval from the board to restate my license.

I have already completed 50 CEU credits in the past three months. I will pay any of my missing biennial dues plus any penalties decided by the board.

I am also asking the board to give me a chance to appear in person at the coming board meeting on February 23 in case you need to meet me to verify the facts stated above. Please let me know the time and location.

I am looking forward to the good news from you. Thank you!

Sincerely yours,

Jun Wang

YUAN HONG

130 N ELECTRIC AVE, ALHAMBRA, CA 91801

Web site: WWW.OMCEU.COM

TEL: (310)893-4466 EMAIL: HONGOMD@GMAIL.COM

Certificate of Completion

This is to certify that Jun Wang AC# 7594
has successfully completed 10 hours of approved continuing education.

Provider Name: YUAN HONG, L. Ac.

Provider number: CEP 767

Course Title: *Clinical application of single-point (1)*

Completion Date: *Oct/10th-11th/2009*

Course Location: 130 N ELECTRIC AVE, ALHAMBRA, CA 91801

Instructor's Signature: *[Signature]* Date: *Oct/10th-11th/2009*

Provider's Authorized Signature: *[Signature]* Date: *Oct/10th-11th/2009*

California licensed acupuncturists are required to retain this certificate

for at least four years from the date of completion of this course

YUAN HONG

400 N MARGUERITA AVE,#B, ALHAMBRA, CA 91801

Web site: HYPERLINK "<http://WWW.OMCEU.COM>" WWW.OMCEU.COM

TEL: (310)893-4466 EMAIL: HONG.OMD@GMAIL.COM

Certificate of Completion(Distant)

This is to certify that Jun Wang AC# 7594
has successfully completed 25 hours of approved continuing education.
Provider Name: YUAN HONG, L. Ac.
Provider number: CEP 767
Course Title: **ACUPUNCTURE TREATMENT FOR DEPRESSION**

Completion Date: 01.23.2010

Course Location: **Distant**

Instructor's Name: YUAN HONG Date: 01.23.2010

Provider's Name: YUAN HONG Date: 01.23.2010

California licensed acupuncturists are required to retain this certificate for at least four years from the date of completion of this course

YUAN HONG

400 N. MARGUENITA AVE, ALHAMBRA, CA 91801

Web site: WWW.OMCEU.COM

TEL: (310)893-4466 EMAIL: HONGOMD@GMAIL.COM

Certificate of Completion

This is to certify that Jun Wang AC# 7594
has successfully completed 15 hours of approved continuing education.

Provider Name: YUAN HONG, L. Ac.

Provider number: CEP 767

Course Title: *Clinical application of single-point (2)*

Completion Date: *Nov/7th-8th/2009*

Course Location: 400 N. MARGUENITA AVE, ALHAMBRA, CA 91801

Instructor's Signature:  Date: *Nov/7th-8th/2009*

Provider's Authorized Signature:  Date: *Nov/7th-8th/2009*

California licensed acupuncturists are required to retain this certificate

for at least four years from the date of completion of this course

April 6, 2010

Acupuncture Board
RECEIVED

APR 12 2010

CA Board of Acupuncture
ATTN: Janelle Wedge – Executive Officer
444 N. Third Street, Suite 260
Sacramento, CA 95811

Wonchung Michelle Ryu
521 N. Wilton Place
Los Angeles, CA 90004

RE: Petition for Reinstatement of California Acupuncture License
Wonchung M. Ryu (L,AC 3671)

Dear CA Board of Acupuncture,

My name is Wonchung Michelle Ryu, State of California Acupuncture License L, AC 3671. I am writing to you today to PETITION for REINSTATEMENT of my California Acupuncture License that expired in 2000.

I was educated in the Southern California and received a BA, MS, OMD, and Ph.D. (in progress) in Acupuncture & Oriental Medicine from South Baylo University and Yuin University. I became a CA licensed acupuncturist in 1989 and opened my first practice in Torrance, CA (Los Angeles County) from 1989 to 1998. In 1998 my family moved to the Washington DC and surrounding areas, where I was both licensed and practiced in both the States of Maryland and Virginia from 1998 to 2008. Soon after my arrival to the DC area, my CA licensed lapsed, and because I was both shortsighted and too busy to take the time to keep my CA license renewed and active, it expired.

In 2008, I began making extensive trips overseas for business and personal reasons (primarily missionary work). Then in late 2008 – early 2009, my husband (who resides in Korea) became gravely ill and I had to rush by his bedside to care

for him. What began as frequent visits turned into "extensive" and lengthy stays abroad. I soon closed my Virginia office and was "practically" living in Korea. My husband has now recovered and as of mid/late 2009 both my husband and I have permanently moved back to the Los Angeles area and as such, CA has again become my permanent state of residence (CA DL # N9942968).

Earlier last year (2009), I began to inquire regarding possibly "re-acquiring" my California Acupuncture License. I eventually got in touch with the CA Board of Acupuncture and was advised by very helpful staff on the process of being "considered" for reinstatement by the California Acupuncture Committee Board. As such I would like to formally petition and ask your board for consideration of reinstatement of my CA acupuncture license. I have been continually practicing acupuncture for over 20 years and have periodically attended numerous continuing education courses in the Washington DC area, California (Los Angeles, San Francisco), and Nevada (Las Vegas).

For your review, I have included copies of all my old licenses, transcripts, resume, and certificates of completion for continuing education (please see enclosed documents). More importantly, I am more than willing to pay any processing fee, back payments, and/or penalties that may be imposed.

If you have any additional questions, concerns and/or need additional documentation, please feel free to contact me or my son, David Ryu at (213) 926-1779.

Sincerely,

A handwritten signature in black ink that reads "Wonchung M. Ryu". The signature is written in a cursive style with a large, stylized 'W' and 'R'.

Wonchung M. Ryu
(213) 842-5840

WONCHUNG MICHELLE RYU

521 N. WILTON PLACE, LOS ANGELES, CA 90004

TELEPHONE: 213.842.5840 / EMAIL: drwryu@gmail.com

EDUCATION

- In progress **Professor of Oriental Medicine**
Yuin University – Los Angeles, California
- 1988-89 **Oriental Medicine Doctor**
South Baylo University – Anaheim, California
- 1987-89 **Master of Science (Acupuncture & Oriental Medicine)**
South Baylo University – Anaheim, California
- 1985-87 **Bachelors of Science (Acupuncture & Oriental Medicine)**
South Baylo University – Anaheim, California
- 1968-72 **Bachelor of Nursing School**
Korea University – Seoul, Korea
- 1962-68 **Sangmoung Middle & High School**
Seoul, Korea
- 2007 **Master of Religious Education**
Reformed Presbyterian Theological Seminary of Washington

CERTIFICATES & LICENSES

Licensed Acupuncturist (No. 0121000174), 2001

Department of Health Professions, State of Virginia

Licensed Acupuncturist (U00757), 1998

Department of Health & Mental Hygiene, State of Maryland

Licensed Acupuncturist (L. AC 3671), 1989

State of California

Licensed NCCAOM Acupuncturist (No. 003562), 2001

National Certification Commission for Acupuncture & Oriental Medicine (NCCAOM)

HIV/AIDS & Chinese Medicine- Certificate, 1993

San Francisco State University- Chinese Medicinal Science Research Institute

Licensed Board of Vocational Nurse & Psychiatric Technicians (A100332), 1987

State of California

Licensed Registered Nurse, 1972

Seoul, South Korea

PROFESSIONAL EXPERIENCE

Michelle Acupuncture & Herbal Clinic, 2001 – 2008

6934 Little River Turnpike, Suite A, Annandale, VA 22003

Lanham Acupuncture & Herbal Clinic, 1998 – 2001

9310 Lanham Severn Road, Lanham, MD 20706

Torrance Acupuncture Clinic, 1989 – 1998

2326 Redondo Beach Blvd., Torrance, CA

Research & Practice Fellow/Associate, 1987 – 1988

Jay H. Yoon Acupuncture Clinic

Los Angeles, CA

Private Nursing Care, 1982 – 1987

Personal Care Service

Los Angeles, CA

Licensed Vocational Nurse, 1980 – 1982

Western Park Hospital Medical Center

Los Angeles, CA

Permit Registered Nurse, 1977 – 1980

Lakeshore Convalescent Hospital

Chicago, IL

Registered Nurse, 1972 – 1976

National Police Hospital

Seoul, Korea

Board Of Acupuncture

4201 Patterson Avenue, Baltimore MD 21215

Phone: (410) 764-4766 Fax: (410) 358-7258

This site may be used to verify licensee's status

Verify Licensee Home Page	Full Name	WONCHUNG M. RYU
	License Number	U00757
	Status	Inactive
	License Expiration Date	5/31/2003
	Original Lic Date	5/12/1998

DISCIPLINARY ACTIONS:

For Information concerning Disicplinary Actions, please send in a written request to Penny Heisler: Executive Director.

DISCLAIMER

The information contained in this web site is being made available as a public service by the Maryland Board of Board of Acupuncture (the Board). No posted information or materials provided is intended to constitute legal or medical advice. The information contained in this web site was supplied from license applications and other sources such schools and other states. The Board makes no representations or warranties, either express or implied, as to the accuracy of any posted information and assumes no responsibility for any errors or omissions contained therein. Furthermore, no warranty, express or implied, is created by providing information through this web site, and the presence of an individual licensee on the web site does not in any way constitute an endorsement by the Board. No one shall be entitled to claim detrimental reliance on any views or information, whether provided by or accessed through this web site, or to claim any duty on the Board's part to update posted information or to protect the interest of those accessing this web site. In no event shall the Board, its contractors, or its staff be liable to you or anyone else for any decision made or action taken in reliance on such information or views. For more information regarding this web site, or if you have any questions about information provided therein, please contact the Board directly.

The data is derived directly from the Board license database and is updated on a daily basis. The Board's website at <http://www.dhnh.state.md.us/bacc/> is considered a primary source for this data, which is the same information the Board provides through other means, such as phone, fax, or mail, and is true and complete to the best of the Board's knowledge.

Copyright 2007©Maryland Board of Board of Acupuncture. All Rights Reserved.

 **VIRGINIA Department of Health Professions****Public Information System**[\(Download licensee information | DHP Home Page\)](#)

Last updated on 04/26/2010

License Information

License Number	0121000174
Occupation	Licensed Acupuncturist
Name	WONCHUNG M RYU
Address of Record	Annandale, VA 22003
Initial License	08/06/2001
Expire Date	12/31/2007
License Status	Expired
Additional Public Information*	No

This serves as primary source verification of the credential issued by the Commonwealth of Virginia.

* "Yes" means that there is information the Department must make available to the public pursuant to §54.1-2400.2.F of the Code of Virginia. For additional information click on the "Yes" link above. "No" means no documents are available.

[Back to License Lookup](#)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS

Current Active - Licensed Acupuncturist
Number: 0121000174
Issue Date: 08/06/2001
Expires 12/31/2007

Wonchung M. Ryu
6934 Little River Turnpike, Suite A
Annandale VA 22003

Written Notification of Change of
Address Required Within 30 Days of
Change

*Name Change Request Must be
Accompanied by a Photocopy of
Marriage License or Court Order

For Name*/Address Changes, Mail to:
Department of Health Professions
c/o Board of Medicine
6603 West Broad Street, 5th Floor
Richmond, VA 23230-1712

RYU, WONCHUNG M.

My New Name* is:
5310 SAMMIE KAY Lane

My New Address is:
Centreville VA 20120

City, State Zip Code

Signature (0121000174)

FOLD, CREASE AND TEAR ALONG PERFORATION

*VA practice from
8/6/2001 ~ 12/31/2007*

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS

Robert A. Nebiker, Director

William L. Harp, M.D.
Executive Director
(804) 662-9908

BOARD OF MEDICINE

6603 West Broad Street, 5th Floor
Richmond, VA 23230-1712
www.dhp.virginia.gov/medicine

**License to Practice As A
Licensed Acupuncturist**

Wonchung M. Ryu

Issued
08/06/2001

Expires
12/31/2007

Number
0121000174

To Provide Information or File a
Complaint About a Licensee, Call: 1-800-533-1560

LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY.

Board of ACUPUNCTURE
4201 Patterson Avenue
Baltimore, MD 21215

WONCHUNG M. RYU
9319 Lanham Severn Road
Lanham, MD 20706

STATE OF MARYLAND 801233

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL
THE MARYLAND STATE BOARD OF
ACUPUNCTURE

CERTIFICATES THAT
WONCHUNG M. RYU

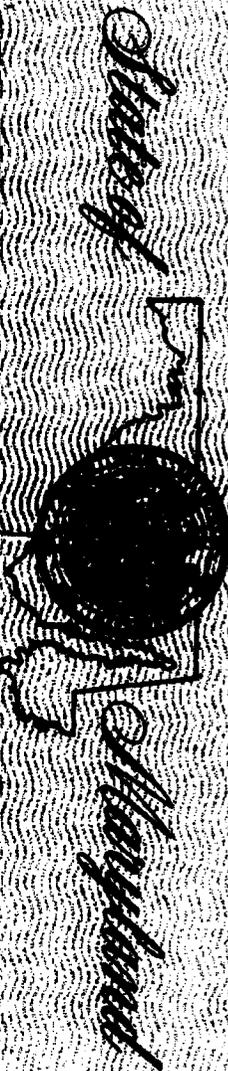
IS AN AUTHORIZED
LICENSED ACUPUNCTURIST

In accordance with the Health Occupations Article of the Annotated Code of Maryland

LIC. REG. CERT. NO. 000757
EXPIRATION DATE 05/31/2001

SIGNATURE OF BEARER

W. M. Ryu
SECRETARY GENERAL



DEPARTMENT OF HEALTH AND MENTAL HYGIENE

THE MARYLAND STATE BOARD OF ACUPUNCTURE
CERTIFICATES THAT WONCHUNG M. RYU
IS AN AUTHORIZED LICENSED ACUPUNCTURIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

LIC. REG. CERT. NO. 000757
EXPIRATION DATE 05/31/99

WHERE REQUIRED BY LAW, THIS MUST BE DISSEMINATED TO THE OFFICE TO WHICH APPLICABLE

80099318

Maryland practice. Acc.
From '98 ~ 5/31/2001

State of Maryland
The Board of Acupuncture

This Certifies that

WONCHUNG M. RYU

*Has fulfilled the standards and qualifications
established by the Board of Acupuncture
and is hereby licensed to practice*

ACUPUNCTURE

in the State of Maryland

U00757

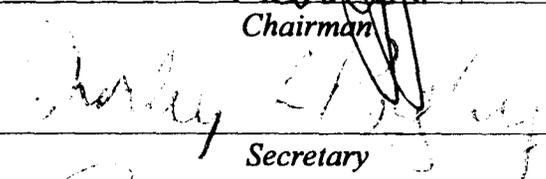
Official License Number

May 12, 1998

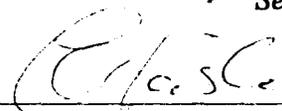
Date Issued



Chairman



Secretary



Executive Director



State of California

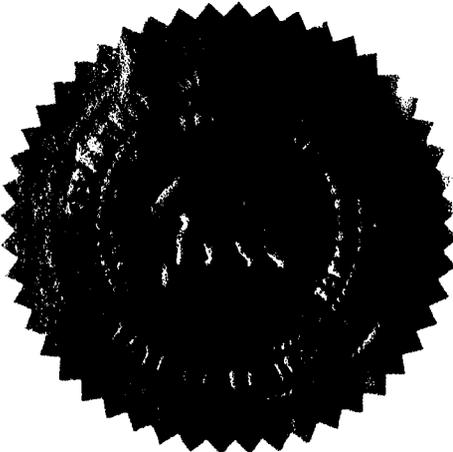


BOARD OF MEDICAL QUALITY ASSURANCE ACUPUNCTURE EXAMINING COMMITTEE

Acting upon authority granted by the Legislature, the State of California certifies that

Wonchung M. Ryu

has fulfilled the requirements as prescribed by the Acupuncture Licensure Act, and is hereby licensed to practice ACUPUNCTURE in this State in compliance with the applicable provisions of law.



AC3671

License Number

September 6, 1989

Date Issued

Frederick L. Davidson
Committee Chairperson

National Certification Commission for Acupuncture and Oriental Medicine

Wonchung Michelle Ryu

HAVING SATISFIED ALL REQUIREMENTS OF THE EXAMINATION BOARD,
IS HEREBY DECLARED NATIONALLY CERTIFIED AND DESIGNATED A

Diplomate in Acupuncture



KABBA ANAND
CHAIR, NCCAOM
DIPL. AC. (NCCAOM)



DANIEL JIAO
PROGRAM DIRECTOR
DIPL. AC. & C.H. (NCCAOM)

Washington, D.C.
Issue Date: Friday, March 09, 2001

Certification #: 003562
Expiration Date: 03/31/05

Certificate of Completion

This is to certify that Ryu, Won Chung (AC 3671)
has successfully completed 30 hours of approved
Continuing Education

Provider Name : Byung Hong Cho
Provider No: 749

Course Title : Diagnosis without any question -category 2
Course Date: Nov 21,22,28,29, Dec 5,6,12,13,19,20, 2009



Instructor's Signature



Provider's Signature

Certificate of Completion

This is to certify that Ryu, Won Chung (AC 3671)
has successfully completed 40 hours of approved
Continuing Education

Provider Name : Suck Chul Hong

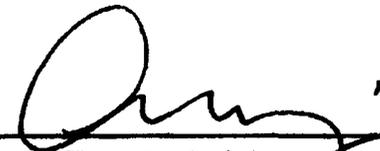
Provider No: 749

Course Title : Sasang

Course Date: Jan 10, 2009 - March 14, 2009



Instructor's Signature



Provider's Signature

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

Ryu, WONHUNG Michelle

AC# 3671,

**HAS SUCCESSFULLY COMPLETED 8 HOURS OF CALIFORNIA ACUPUNCTURE BOARD
APPROVED CONTINUING EDUCATION.**

Sa-am Acupuncture

Course Title

Sunday, June 7, 2009

Completion Date

3680 Wilshire Blvd. #501, Los Angeles, CA 90010

Course Location

Provider Name: Tae Cheong Choo

Provider No.: CEP 673

Taecheongchoo

Instructor's Signature

06/07/2009

Date

Taecheongchoo

Provider's Authorized Signature

06/07/2009

Date

California licensed acupuncturists are required to retain this certificate for at least four (4) years from the date of completion of the course.

(CCR Section 1399.489(f))

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

Ryu, WONCHUNG, Michelle

AC # 3671,

HAS SUCCESSFULLY COMPLETED 8 HOURS OF CALIFORNIA ACUPUNCTURE BOARD APPROVED CONTINUING EDUCATION.

Sa-am Acupuncture
Course Title

Sunday, May 31, 2009
Completion Date

3680 Wilshire Blvd. #501, Los Angeles, CA 90010
Course Location

Provider Name: Tae Cheong Choo

Provider No.: CEP 673

Taecheongchoo
Instructor's Signature

Taecheongchoo
Provider's Authorized Signature

05/31/2009

05/31/2009

Date

Date

California licensed acupuncturists are required to retain this certificate for at least four (4) years from the date of completion of the course.
(CCR Section 1399.489(f))

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

Ryu, WONCHUNG, Michelle

AC # 3671,

HAS SUCCESSFULLY COMPLETED 8 HOURS OF CALIFORNIA ACUPUNCTURE BOARD APPROVED CONTINUING EDUCATION.

Sa-am Acupuncture

Course Title

Sunday, May 10, 2009

Completion Date

690 Wilshire Place, Los Angeles, CA 90005

Course Location

Provider Name: Tae Cheong Choo **Provider No.:** CEP 673

Taecheongchoo
Instructor's Signature

05/10/2009

Date

Taecheongchoo
Provider's Authorized Signature

05/10/2009

Date

California licensed acupuncturists are required to retain records of all continuing education program attended which indicate the provider's name, title of the course, date(s) and location of course, and number of continuing education credits awarded. (CCR Section 1399.489(f))

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

Ryu, WONCHUNG Michelle

AC # 3671

HAS SUCCESSFULLY COMPLETED 8 HOURS OF CALIFORNIA ACUPUNCTURE BOARD APPROVED CONTINUING EDUCATION.

Sa-am Acupuncture

Course Title

Sunday, May 3, 2009

Completion Date

690 Wilshire Place, Los Angeles, CA 90005

Course Location

Provider Name: Tae Cheong Choo

Provider No.: CEP 673

Taecheongchoo
Instructor's Signature

05/03/2009

Date

Taecheong choo
Provider's Authorized Signature

05/03/2009

Date

California licensed acupuncturists are required to retain records of all continuing education program attended which indicate the provider's name, title of the course, date(s) and location of course, and number of continuing education credits awarded. (CCR Section 1399.489(f))

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT Ryu, Won Chung M. AC # ³⁶⁷¹012100017, **HAS SUCCESSFULLY COMPLETED**
10 **HOURS OF APPROVED CONTINUING EDUCATION.**

PROVIDER NAME: A.K.A.M.A.C.

PROVIDER NO.: 077

Asian Medicine's beauty/obesity treatment using
Hong-Chim methodology

COURSE TITLE

Jan. 19, 2008

COMPLETION DATE

Hebron Education Center

COURSE LOCATION

Hong

INSTRUCTOR'S SIGNATURE

1-19-2008

DATE

Hop King

PROVIDER'S AUTHORIZED SIGNATURE

1-19-2008

DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR (4) YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT Ryu, Won Chong **AC #** 367 **, HAS SUCCESSFULLY COMPLETED**
10 **HOURS OF APPROVED CONTINUING EDUCATION.**

PROVIDER NAME: A. K. A. M. A. C.

PROVIDER NO.: 077

Clinical application Cervical Vertebrae of and TMJ
COURSE TITLE

Jan. 17, 2009
COMPLETION DATE

AKAMAC Education Center
COURSE LOCATION



INSTRUCTOR'S SIGNATURE

Jan. 17, 2009
DATE



PROVIDER'S AUTHORIZED SIGNATURE

Jan. 17, 2009
DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR (4) YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

CERTIFICATE OF COMPLETION

0121000174
THIS IS TO CERTIFY THAT Ryu, Won Chung **AC #** 3671, **HAS SUCCESSFULLY COMPLETED** 18 **HOURS**
OF APPROVED CONTINUING EDUCATION.

PROVIDER NAME: A. K. A. M. A. C.

PROVIDER NO.: 077

Human Health to Asian Medicine
COURSE TITLE

August 11-13, 2006
COMPLETION DATE

Imperial palace Hotel, Las Vegas
COURSE LOCATION

Jae Hun Song Lee Jong Dea
INSTRUCTOR'S SIGNATURE

August 11-13, 2006
DATE

[Signature]
PROVIDER'S AUTHORIZED SIGNATURE

August 11-13, 2006
DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR (4) YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

Certificate of Completion

This is to certify that Ryu, M Wonchung, 0121000144 has successfully completed 25 hours of approved Continuing Education.

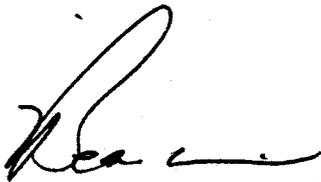
Provider Name: VCAOM

Provider No: ACHB 147

Yellow Emperor's Classic
Course Title

May 18, 2006 – May 20, 2006
Course Date

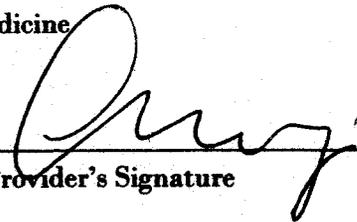
Virginia College of Acupuncture and Oriental Medicine
Fairfax, VA



Instructor's Signature

5.20.06

Date



Provider's Signature

5/20/06

Date

CERTIFICATE OF COMPLETION

This is certify that Wonchung Michelle, VA0121-000174 ,has successfully completed Thirty(30) hours of approved continuing education

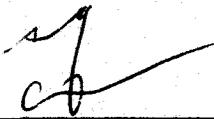
Provider Name:Yuin University

Provider no:431

The Theory of Prevention Health
Course Title

Jan.12,2004 to Mar 15.2004
Completion Date

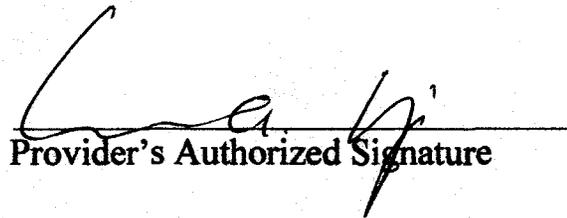
YUIN UNIVERSITY CAMPUS



Instructor'Signature

3-15-04

Date



Provider's Authorized Signature

Date

Califonia Licensed Acupuncturists are required to retain this certificate for at least four(4) years from the date of completion of this course

Kyung San University U. S. A.

CERTIFICATE OF COMPLETION

PROVIDER NAME: Kyung San University; Kwee Ja Ohm

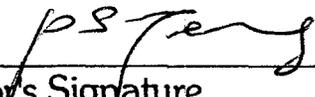
PROVIDER NUMBER: ACP 135

THIS IS TO CERTIFY THAT Ryu, Won Chung AC # 3671
HAS SUCCESSFULLY COMPLETED 8 HOURS OF
APPROVED CONTINUING EDUCATION.

COURSE TITLE : Gynecology in Oriental Medicine/Modern P-T/E-Ching

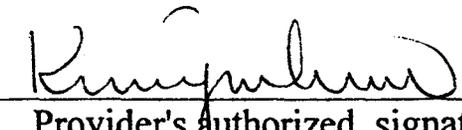
8/9/1997
DATE OF COURSE /

8322 Garden Grove Blvd. Garden Grove, CA. 92644
LOCATION OF COURSE


Instructor's Signature

8/9/1997

DATE


Provider's authorized signature

8/9/1997

DATE

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT RYU. WON CHUNG AC # 3671, HAS SUCCESSFULLY COMPLETED 4 HOURS OF APPROVED CONTINUING EDUCATION.

PROVIDER NAME: KOREAN ACUPUNCTURE & ORIENTAL MEDICINE ASSOCIATION IN CA

PROVIDER NUMBER: 077

LAB TEST INTERPRETATION

COURSE TITLE

1/26/97

COMPLETION DATE

KEIMYUNG BAYLO UNIVERSITY

COURSE LOCATION

L. G. G.
INSTRUCTOR'S SIGNATURE

1/26/97
DATE

[Signature]
PROVIDER'S AUTHORIZED SIGNATURE

1-26-97
DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT Ryu, Won Chung AC # 3672, HAS SUCCESSFULLY COMPLETED 14 HOURS OF APPROVED CONTINUING EDUCATION.

PROVIDER NAME: KAOMAC

PROVIDER NUMBER: 077

THE 6TH INTERNATIONAL CONFERENCE OF ORIENTAL MEDICINE
COURSE TITLE

AUGUST 09 - 11, 1996 (Total 14 hours)
COMPLETION DATE

HACIENDA HOTEL, LAS VEGAS
COURSE LOCATION

Won Chung, Ko B.H.
Ryu Suk Ahn
INSTRUCTOR'S SIGNATURE

08-11-96
DATE

[Signature]
PROVIDER'S AUTHORIZED SIGNATURE

08-11-96
DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT RYU, WON CHUNG AC # 3691, HAS SUCCESSFULLY COMPLETED 8 HOURS OF APPROVED CONTINUING EDUCATION.

PROVIDER NAME: K.A.O.M.A.C.

PROVIDER NUMBER: 077

CLINICAL HERBOLOGY

COURSE TITLE

6-8, 6-9-96

COMPLETION DATE

HARVARD GRAND HOTEL

COURSE LOCATION


INSTRUCTOR'S SIGNATURE

6-9-96
DATE


PROVIDER'S AUTHORIZED SIGNATURE

6-9-96
DATE

CALIFORNIA LICENSED ACUPUNCTURISTS ARE REQUIRED TO RETAIN THIS CERTIFICATE FOR AT LEAST FOUR YEARS FROM THE DATE OF COMPLETION OF THIS COURSE.

April 14, 2010

Acupuncture Board
RECEIVED

APR 19 2010

California Acupuncture Board
Attn: Janelle Wedge, Executive Officer
444 N. Third Street
Suite 260
Sacramento, CA 95811

RE: Lapsed License Number: AC 6332

Dear Ms. Janelle Wedge:

I would like to submit a petition to request for a hearing to receive a new license without having to re-take the examination. My license has been expired and lapsed due to inactivity: it was not renewed before a given time. I fully understand that it is my responsibility to keep my license current and update. However, due to different circumstances and situation I was in back then, I was not able to renew my license before the expiration date. I have been actively practiced acupuncture and engaged in full-time practice while I have been out of California.

I enclosed a copy of e-mail sent to your office today and other documents related to this petition. Please review them, and notify me if you need any additional document for this matter.

Once again, thank you for your consideration, cooperation and understanding.

Sincerely yours,


Sung Soo Kim



MS Kim <drkimomd@gmail.com>

Petition to Receive a New License without Having to Re-take the Exam

2 messages

MS Kim <drkimomd@gmail.com>

Wed, Apr 14, 2010 at 2:03 PM

To: acupuncture@dca.ca.gov

California Acupuncture Board
Attn: Janelle Wedge, Executive Officer & Board Members
444 N. Third Street
Suite 260
Sacramento, CA 95811

RE: Lapsed License Number: AC 6332

Dear Ms. Janelle Wedge & Board Members:

I would like to submit a petition to request for a hearing to receive a new license without having to re-take the examination. My license has been expired and lapsed due to inactivity. I fully understand that it is my responsibility to keep my license current and updated. However, due to different circumstances and situation I was in back then, I was not able to renew my license before the expiration date. I have been actively practiced acupuncture and engaged in full-time practice while I have been out of California.

I am putting the formal request and supporting documents in the mail. I will send them out in timely manner so the documents can be delivered for board review.

Thank you for your consideration, cooperation and understanding in this matter.

Sincerely yours,

Mike S. Kim (Sungsoo Kim)

The reasons and explanations for this petition are listed below for your information and review.

- I had been out of state and/or country due to personal, family and/or job-related reasons. I had no permanent address here in the United States for a period of a year or two that time. In fact, I had to receive a copy of my CALE examination result by fax since I was back in Korea. I had to utilize relatives' addresses to receive all mails. If I remember correctly, I believe I utilized my wife's uncle's address to receive my original license. I tried to contact California Acupuncture Board several times by telephone back then, but I was not able to communicate with the office that time. Regardless of the situations I was in, I understand that it is my responsibility to keep everything updated, but please consider the situation I was in that time.
- Once again, it was my fault for not having enough understanding about the regulations. I did not realize that I had 3 years before my original license was cancelled. My understanding back then was that my license becomes cancelled if I can't renew before the expiration date. I believe that it was in 1999 when my license was expired.
- I was doing my postgraduate training at various places in Korea and China while I was out of country. Then, I came back to United States in late 1998, and I got a job offer as a faculty member from International Institute of Chinese Medicine, Denver, Colorado. I started my acupuncture career in the state of Colorado. I served as their clinic supervisor and taught classes for about a year or two. The school ended up closing due to unknown reasons. Then, I started to have my part-time practice, and to work as clinic supervisor and associate professor at Southwest Acupuncture College in Boulder, Colorado. It was about 1 year later when I began to have my full-time acupuncture practice. Since then, I have been a full-time acupuncturist running my own private practice until I came back to California.
- Through out all these years since I graduate from the acupuncture school, I have been in either acupuncture training or practicing acupuncture. I have been committed myself in the field of acupuncture for past 10 or more years. I never had worked in other field. In fact, the only thing I know how to do, the only thing I want to do, and the only thing I want to make a commitment is acupuncture.

As I stated previously, I understand it is my responsibility to keep my license current. It was my ignorance and fault for not renewing my license before the time. However, considering the situations I was in and the experiences I have had as an acupuncturist in other places past 10 plus years, please review the documents, and consider my petition to request for a hearing to receive a new license without having to re-take the examination.

Once again, thank you for your consideration.

Congratulations,

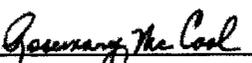
The wallet card provided below is your official authorization to practice. Photocopies are not considered official documents, but may be used to verify a license for credentialing or insurance purposes. You may now order a professionally designed wall certificate! To place an order, go to www.dora.state.co.us/registrations/wallcert or 1-888-925-5237.

As a condition of licensure, you have a continuing obligation to comply with the statutes, rules and regulations governing your license in Colorado. Our website is a good source for this information. It is your responsibility to keep our office advised of your current address. You are responsible for keeping your license current and renewing before the expiration date.

To Remove Document Fold and Tear Along This Perforation

Mike Sungsoo Kim

BRD 6 TYPE ACU NUMBER 490

STATE OF COLORADO Department of Regulatory Agencies Division of Registrations		
ACTIVE ACUPUNCTURIST		PRINTED ON SECURE PAPER
490 Number	01/01/2010 Issue Date	12/31/2011 Expires
Mike Sungsoo Kim Anaheim, CA 92801 United States		
 Director		 Signature

MAIL CORRESPONDENCE TO <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS	
HOME PHONE	BUSINESS PHONE
AREA — —	AREA — —
Name Change	
Home Address - Include City State .Zip Code	
Business Name / Address - Include City State .Zip Code	

▲ Use the area above for any ADDRESS or NAME CHANGE ▲
◀ THIS IS YOUR WALLET CARD

Colorado The Official State Web Portal

Division of Registrations



Individual Information Acupuncture

[Back to your search results](#)
[New Search](#)

Mike Sungsoo Kim

Irvine, CA 92620

License Number ACU-490
License Type Acupuncturist
License Status Active
License Method Original

License First Issued August 11, 1998
Last Renewal Date January 01, 2010
Last Expiration Date December 31, 2011

Board or Program Actions

Board	Action	Description	Action Issued	Action Ended
Acupuncture	Stipulation		11/03/2006	

To view image files for board or program actions before 2/10/2005, search [Registrations Online Documents](#).

[\(Definition of Board or Program Actions\)](#)

Board Action Image Files

Document Link	Date Imaged
View Document - 27911	01/10/2007

-  [Return to Colorado Division of Registrations - Main Search Page](#)
-  [Search for Company - All Licensing Types](#)
-  [Search for Individuals - All Licensing Types](#)
-  [View Registrations Online Documents](#)

To: Acupuncture State Board

From: Patricia Bedrosian

Date: 4/15/2010

Pages: 25 (including cover)

Patricia L. Bedrosian
15699 Greenleaf Springs Road
Frazier Park, CA 93225
(818) 667-3569 cell/messages - (661) 245-4308 (evenings)

By fax: 916-445-3015

April 15, 2010

Messrs. Robert Brewer, Charles Kim, Anyork Lee,
George Wedemeyer, and Paul Weisman,
Board Members
Department of Consumer Affairs Acupuncture Board
444 North 3rd Street, Suite 260
Sacramento, CA 95811

Re: Letter of Petition for a new Acupuncture License
Patricia L. Bedrosian – cancelled license AC 5491

I am hereby writing to request a new acupuncture license without having to re-take the California Acupuncture State Board Exam and to let you know that I will appear at the May 6, 2010 board meeting.

I did send an Appeal letter to Ms. Wedge in May, 2009 and she informed me in August that I needed a Petition letter not an Appeal. I then wrote another letter of what I thought a Petition was in August but never heard back. I would have petitioned again much sooner, however, after a few months of unsuccessful phone attempts to the Acupuncture Board office to ask for clarity on the petition process, I hired an attorney in December, 2009 to contact the Acupuncture Board office for me. He was given some information of what I needed to do to petition, i.e., write a letter and include references, testimonials, continuing education proof, etc., and appear in person at one of the regularly scheduled board meetings.

I have included the following along with my Petition letter as follows:

- Copies of recent (2009-2010) CEU certificates totaling 44 CEU's plus registration for 7.5 CEU's from Emperors College on April 24, 2010 which will bring me to a total of 51.5
- Seven letters of reference from Dr.'s and medical practioners or their representatives whom I have had a professional relationship or known personally
- Eight testimonials from former patients (please note some were sent as an email attachment and therefore not signed)
- Copies of past business cards for Health Tree and Acupuncture West Medical Group clinics
- Schedule of yoga instruction attendance

To sum up my original Petition: In 2005, I telephoned the California Acupuncture Board Office to obtain information about putting my license into inactive status as I was not going to be practicing for awhile. I was told by a female employee that my license would remain in inactive status until I took the required CEU's and paid the required fee. I even called back to double check this information to make sure it was correct as I was surprised to hear this. I might have even called three times as I remember apologizing for "bugging" her so much. She was very nice but assured me that what she had told me was correct. At the time I was living in the mountains and had given up the slow internet access and, therefore, called instead of checking requirements via the State Board website.

In May 2009, I called the Acupuncture Board office again because I was ready to renew my license and get an update on required CEU's. I was told that it had cancelled and that I had to retake the exam. I was flabbergasted and upset that I was given the wrong information in 2005.

At the time I called in 2005, my husband was very ill and I was looking for full time work. For the next few years things were very hectic with my husband's illness, and I had to find a full time job to support us. This year my husband has retired with his union, and I can now afford to again pursue my acupuncture practice. I have taken 44 CEU's and on April 24, 2010 will take another 7.5 at Emperor's College which will total 51.5. I have kept up with medical advances, refer herbal formulas to friends and acquaintances, and meet with other practitioners. I was able to get a job as a grant writer and grants researcher at Tarzana Treatment Centers (Medical clinic and addiction detoxification) where I had to be up to date with the medical field. I was constantly updated via email alerts by NIH and other government websites about the latest medical updates. Tarzana had an excellent reputation receiving millions of dollars in government funding. I currently work as a prospect researcher at a University. I have been committed to yoga classes for the past 11 months learning breathing and relaxing techniques to help future patients and it is also a constant anatomy/physiology review.

I attended Samra University full time while working full time and was fortunate to obtain a great education in a school that had a very busy clinic. I have over ten years experience treating patients and look forward to being able to help people through acupuncture and herbs. I would have never knowingly given up a license for something I loved so much and worked so hard for.

I realize that keeping my license up to date is my responsibility; however, I did my part by going to the source of information, the California Acupuncture Board, in 2005. Actually, calling more than once to verify that the information I was given, i.e., that when I was ready to renew my license I needed to take the required CEU's and pay the required fee, was in fact correct. I have made every effort since May of 2009 to find out the proper Petition process and hopefully this meets with your approval.

I am very grateful for the opportunity to Petition to obtain a new license and truly appreciate your consideration.

Sincerely,


Patricia Bedrosian

Certificate of Completion

THIS IS TO CERTIFY THAT



Patricia Bedrosian, LAc CAAC549I

HAS SUCCESSFULLY COMPLETED 16 HOURS, 14 CEU
OF CALIFORNIA ACUPUNCTURE BOARD APPROVED CONTINUING EDUCATION

The Basics of Tonic Herbalism – Course I
September 20, 2009

Ron Teegarden's Dragon Herbs, 315 Wilshire Blvd., Santa Monica, CA 90401

COURSE LOCATION

PROVIDER NAME: RON TEEGUARDEN'S DRAGON HERBS

PROVIDER NO.: CEP 806

INSTRUCTOR'S SIGNATURE

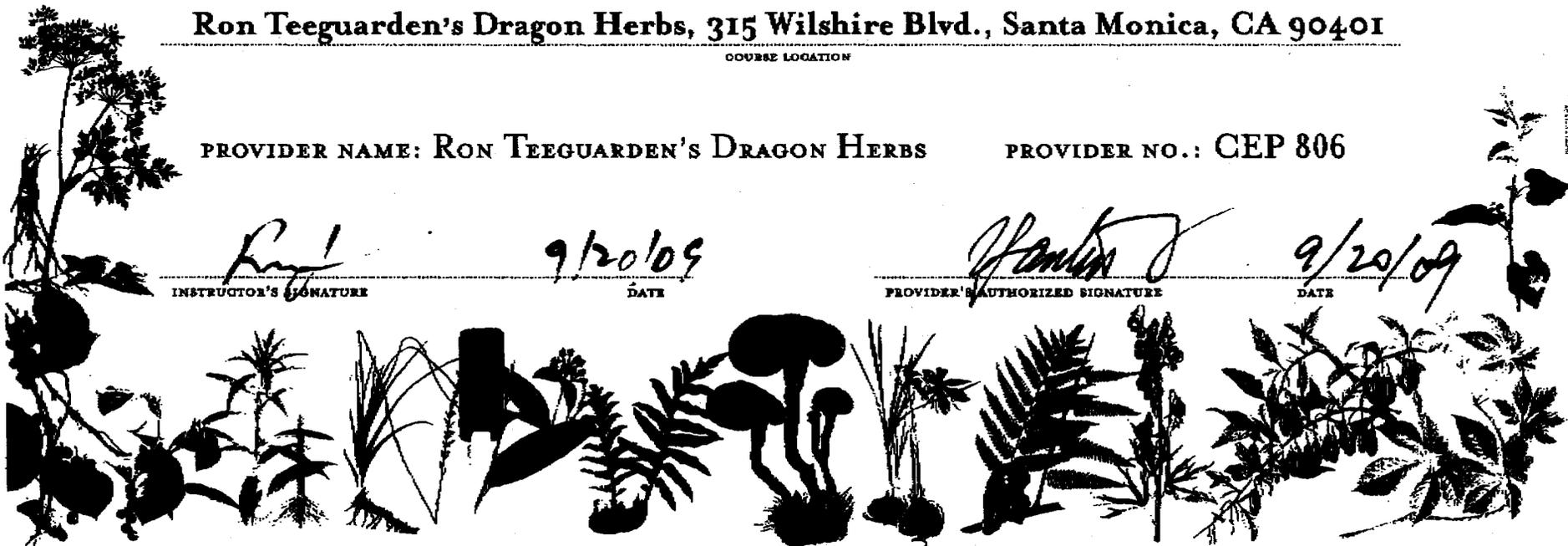
DATE

9/20/09

PROVIDER'S AUTHORIZED SIGNATURE

DATE

9/20/09



Emperor's College of Traditional Oriental Medicine

Certificate of Completion

This is to certify that

Patricia Lynn Bedrosian

Acupuncturist license #**AC5491** has successfully completed
15 hours of approved continuing education.

Facial Acu-Sculpt Seminar

Course Title

Dulce Maria Corrales, LMT, AP

Course Instructor

Provider Name : Emperor's College of Traditional Oriental Medicine
Provider Number : CEP-047
Completion Date : January 30 & 31, 2010
Course Location : 1807 Wilshire Boulevard Suite 200, Santa Monica, Ca 90403

Authorized Provider Signature: [Signature]

Instructor's Signature [Signature]

Date: 1/31/2010

Date: 1/31/10

California Licensed Acupuncturists are required to retain this certificate for a minimum of four years from the date of completion of this course.

CERTIFICATE OF COMPLETION

PATRICIA BEDROSIAN

Has completed a training program in

ETHICS 101

Earning 1 CEUS
COURSE ID: CEP475

诊疗学院
风水吉祥



Instructor 04/09/2010

CEU Registration

Page 1 of 1

From: Farida Lugembe <farida@emperors.edu>
To: patilong@aol.com
Subject: CEU Registration
Date: Wed, Apr 14, 2010 2:21 pm

Hi Patricia,

You are registered for Detox Therapy (7.5 CEUs) on April 24, 2010. You should be receiving a receipt in the mail shortly.

Thanks,

Farida Lugembe
Emperor's College
CEU Coordinator
Phone: 310-453-8300 ext. 123
Fax: 310-829-3838
Email: farida@emperors.edu

Kaiser Permanente

Page 1 of 1

KAISER PERMANENTE. thrive**RIZKALLAH, ADEL B. (D.O.)****Patient Name: Bedrosian-Long, Patricia**
Encounter Date & Time: 4/12/2010 1:20 PM

Please see below for this health care provider's directives and information relating to this encounter.

Work Status Report**Date onset of condition: 4/12/2010**
Next Appointment Date:**Off Work****This patient is placed off work from 4/12/2010 through 4/12/2010****Comments:****To whom it may concern/California State Acupuncture Board,**

I have known Patricia Bedrosian as a patient for many years. I referred Patricia to two local colleagues who are M.D.'s, however, have also studied acupuncture, Dr. Kip Tulin and Dr. Krikor Bouldoukian. In 2004, Dr. Tulin who recently retired from Kaiser and moved away was in contact with Patricia and Kaiser personnel about hiring an in-house acupuncturist, however, much time and research needed to go into this as acupuncturists were outsourced.

It would be wonderful to see Patricia practicing acupuncture in the Bakersfield area again. I whole heartedly hope that her California State license will be reinstated right away through the appeals process as I would not hesitate to refer patients seeking acupuncture to Patricia.

Sincerely,**ADEL B. RIZKALLAH DO**
4/12/2010 1:56 PM**This form has been electronically signed and authorized by RIZKALLAH, ADEL B. (D.O.)**

This form contains your private health information that you may choose to release to another party, therefore please review for accuracy.

James A. Vanyek, D.C.
4940 Van Nuys Boulevard, Suite 305
Sherman Oaks, California 91403
Telephone (818)783-7720

California State Acupuncture Board

To whom it may concern,

I have known Patti Bedrosian for over 25 years as she was one of my first chiropractic patients after I took over a practice in Sherman Oaks.

After she obtained her acupuncture license, I referred many of my patients to Patti. That was in the 1990's. Over ten years later, my patients are still asking about Patti and wanting to know if she will be practicing again. It is not easy for some patients to be open to needles, but Patti has a professionalism and caring demeanor about her that people trust.

I can't conceive having to re-study and sit through a State Board exam again and knowing Patti and her knowledge, experience, professionalism and integrity, I am positive that would not be necessary.

I truly hope that the Acupuncture State Board will re-instate Patti Bedrosian's license as it would be a shame to lose someone of her ability and competence in the health care field.

James Vanyek, DC

Maximus III Company

April 6, 2010

RE: Letter of Reference for Patricia (Patti) Bedrosian

To Whom it May Concern,

I would first like to introduce myself, my name is Sheila Sosebee. I am currently working for Maximus III Company in Bakersfield, CA. I have been working here the last 3 years. Maximus III Company is a commercial land development/project consultant firm here in Bakersfield. We provide services throughout California but base most of our projects in the Central Valley.

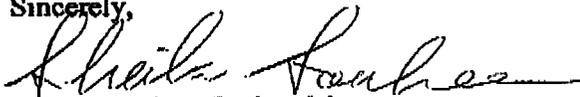
I am writing this letter on behalf of Patricia (Patti) Bedrosian. Patti and I worked together at Acupuncture West Medical Group from February 2004 to July 2004. This center was a test location for Dr. Glenn Drobot's Los Angeles based company. Patti was the Acupuncturist and I was the Front Office Coordinator/Office Manager. We shared the clinic with another Doctors office.

Patti was very professional, friendly and very well liked by our patients and successful in her treatments. I noticed how well Patti got along with the medical doctors at the clinic even one in particular who were unhappy sharing treatment rooms with an acupuncturist. Most of the patients spoke Spanish and an interpreter was used. Even with the language barrier, Patti managed to have a wonderful rapport with the patients, i.e., one of trust and respect.

With the short time Patti and I worked together we bonded a good friendship. With Patti living out of town we have kept in touch through emails and short phone calls from time to time. She is a wonderful person and truly puts her heart into her work.

If you should need any additional information, please do not hesitate to contact me at (661) 331-3087 or by email at yoshiluv@yahoo.com.

Sincerely,



Sheila Sosebee, Project Manager
Maximus III Company

(no subject)

Page 1 of 1

From: Angie Sarratt <meebeehappy@sbcglobal.net>

To: patilong@aol.com

Subject: (no subject)

Date: Tue, Apr 13, 2010 11:43 am

THIS LETTER IS TO CONFIRM THAT PATRICIA BEDROSIAN WAS AN ACUPUNCTURIST IN OUR FACILITY, HEALTHTREE CHIROPRACTIC IN 2004. SHE WAS AN INDEPENDENT CONTRACTOR AND WAS WELL LIKE BY THE PATIENTS. SHE WAS ALSO CONSIDERED FOR OUR CANYON COUNTRY LOCATION BUT SHE WAS UNABLE TO AT THE TIME. IF THERE ARE ANY OTHER QUESTIONS PLEASE FEEL FREE TO CONTACT US DIRECTLY AT:

HEALTHTREE CHIROPRACTIC
42544 10TH STREET WEST, SUITE G
LANCASTER, CA 93534
(661)940-7171
(661)940-9080 FAX

SINCERELY,

ANGIE SARRATT

OFFICE MANAGER

East Winds Clinic**8 Campbell Street, Frankton, Hamilton, New Zealand****Tel ++64-7-847-8898 Fax ++64-7-847-8891 Email gpearse@callplus.net.nz****26 January 2010****California Acupuncture Committee****Sacramento, California, USA****To whom it may concern**

I have known Patricia (Patti) Bedrosian since 1990 when we attended Samra University together. We became friends when creating a study group with a few other students as well as time spent together in classes and clinic. After graduation in 1994, I moved to The People's Republic of China, where I continued my study in TCM, mainly as a student intern in the clinic of the Guangzhou University of TCM. After four years in China, I returned back to my home country of New Zealand. I am a Registered Acupuncturist with the New Zealand Register of Acupuncturists with a busy practice in Hamilton. Since going on-line, for the past few years, Patti and I have been in continuous contact by email where we discuss case studies, relevant herbal formulae, and acupuncture point prescriptions.

Patti Bedrosian informed me that she did contact the California State Acupuncture Board in 2005 and was given the incorrect information regarding the renewal of her license which resulted in her license lapsing. I know Patti to be an honest person of integrity and also that she would never knowingly let go of something she has worked so hard for. I was aware that in 2005 she was under a tremendous amount of stress with her husband being ill and she had to seek full time employment resulting in temporarily putting her acupuncture practice on hold.

As an acupuncturist, I firmly believe, that it would be a tremendous waste of time and resources for Patti to re-take the California State Board exam since she was only one year past the deadline, and is a very competent practitioner of TCM. Also, I believe Patti to be an asset to the profession of Traditional Chinese Medicine in California because of her skill base, commitment

to natural health care, and her professional bedside manner. It would be a loss to the profession if she were to leave the field of TCM.

If Patti Bedrosian wanted to work in my clinic today without retaking the California State Board exam, I would trust her implicitly with my patients. In the past I have employed acupuncturists in my clinic who have only a fraction of the skill that Patti has accumulated through her studies and her clinical practice.

I hope you will seriously consider her petition to renew her California License so that she can get on with the business of helping people on their pathway to better health and better lives.

Respectfully

Grant L. Pearse, BA, MSc. TCM

NZRA Reg. Acupuncturist APC#

Accident Compensation Provider G96537

Gerardo Cudich, M.S., L.Ac.
San Fernando Acupuncture Clinic
820 San Fernando Road, Suite E
San Fernando, CA 91340
818/837-4435

March 31, 2010

California State Acupuncture Board
444 North Third Street, Suite 260
Sacramento, CA 95811

To whom it may concern,

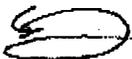
I have known Patricia Bedrosian since 1990 when we first attended Samra University together. We formed a study group and have been friends and colleagues since. Patti was a serious student both academically and in the clinic.

I have had my own practice for over 10 years in San Fernando and also until recently treated patients two days a week in the City of Bakersfield. I left due to the long commute from Pasadena and to concentrate more on my own practice in San Fernando. I wanted Patti to take over my Bakersfield patients as of all of the acupuncturists I've met over the years, she is the one I trust the most with my patients. She has a high degree of professionalism which is required by the medical doctors I worked with in Bakersfield.

Patti has substituted for me over the years and my patients have nothing to say but wonderful things about her. I know there was a family illness and she had to leave her practice to work a 9-5 job until she was in a financial situation to go back to acupuncture.

I truly believe that it would be counter-productive for Patti Bedrosian to retake the State Board exam since she was only a year past the expiration when she realized that the license she believed was inactive was actually cancelled.

Sincerely,

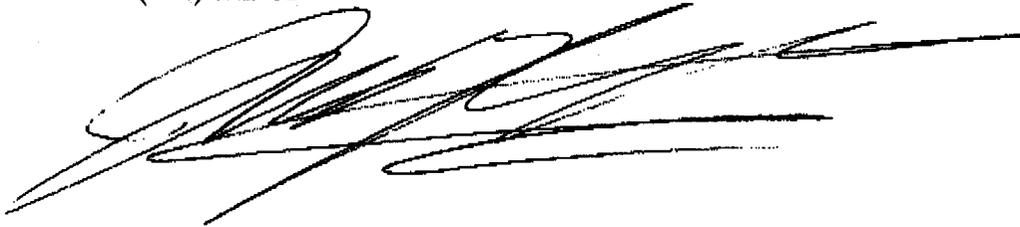


Gerardo Cudich

April 14, 2010

Patricia Bedrosian has been an acupuncture patient of mine for several months. Since getting to know Patricia Bedrosian, I am certain that if I needed an acupuncturist to fill in for me today, I have complete confidence in her ability to treat my patients. I am hoping that her license gets reinstated through her appeal in May.

Dr. Joseph Zen, L.Ac., NCCAOM
2020 17th Street
Bakersfield, CA 93301
(661) 322-0240

A handwritten signature in black ink, appearing to read 'Dr. Joseph Zen', is written over a horizontal line. The signature is stylized and somewhat cursive.

California State Acupuncture Board
Sacramento, CA

Re: Patricia Bedrosian

To Whom It May Concern:

For years I have suffered from uterine fibroids. It had become so bad that I had a hysterectomy scheduled for December 2009. Because I started a new job in late November, I was unable to have the surgery as scheduled. I asked Patricia about herb options and she recommended two formulas for me to take. I have been taking the herbs as she directed for two months and I cannot tell you the difference! I have much less pain during my cycles, lighter periods and feel that overall, the treatment she recommended has improved my life 100%! I find this amazing since I was really not a believer in the process. Patricia's insightful thinking really helped me change my life for the better.

Sincerely,

Michele Newell
10604 Merham Hill Drive
Bakersfield, CA 3311

PATRICIA LEPPA
2208 Sully Court
Bakersfield, CA 93311
(661) 496-8111

January 28, 2010

California Acupuncture Board
444 North 3rd Street, Suite 260
Sacramento, CA 95811

Re: Patricia Bedrosian

To Whom It May Concern:

I went to Patricia Bedrosian to be treated for sinus congestion with acupuncture. It was the first time I have ever had an acupuncture treatment. I was astounded at the results after just one session. I am now sold on acupuncture and the benefits.

I don't like just anyone putting needles in me, but I trust Patricia Bedrosian implicitly and hope to have future acupuncture treatments by her.

In addition, several years ago I had a friend who was terminally ill and unable to leave her home. Patricia would come to her home to give her acupuncture treatments. I observed that prior to treating my friend, Patricia would take the time to find out which Western medicines she was taking under the supervision of a doctor and knew all about the disease she was diagnosed with. I wasn't aware that acupuncturists also took the time and studied western medicine too. My friend often commented to me how much better she felt after the acupuncture treatments, and also how comfortable she felt with Patricia because of her caring demeanor.

Sincerely,

Patricia Leppo

letter of recommendation

Page 1 of 1

From: Steven Carter <otiselectric@ymail.com>**To:** patilong@aol.com**Subject:** letter of recommendation**Date:** Tue, Apr 13, 2010 6:52 pm

To whom it may
concern,

p; &nbs
It's
ccome to my attention recently that Patti Bedrosian is looking to reinstating her accupuncture license, and to this end Iwrite this letter. Patti treated me for severe back pain in 2004 and tough I was sceptical at the time she convinced me to give this unorthodox approach to pain management a try. Though relief was not immediate a significant reduction in discomfort was experienced by me over the next two weeks. Patti continued to treat me, off and on, for approximately six months. Circumstances changed and I discontinued treatment. I contacted Patti recently and asked her about resuming my committment to accupuncture therapy only to be told that she was in the process of having her license reinstated. She offered no explanation but stated that a letter from a former client might help. I hope this correspondence helps her to achieve her goal of practising again. She happens to be good at it. Thank you for your time.

Steve

Carter

CHRISTINE BOUTWELL, 28626 Greenwood Place, Castaic, Ca. 91384...661-257-9220

April 14, 2010

I am Christine Boutwell. I have known Patricia Bedrosian for many years. We went to school together, and as such things go, we went our separate ways. I got married, had children and a career going on, I would on occasion talk to her.

In the early 1990's I was diagnosed with Lupus (SLE), and went through a mind-bending number of tests, lab results, doctors, and money. As the years passed, Patricia started talking about acupuncture, nutrition and diet, plus supplemental herbal benefits that helped me. She has excellent communication skills, plus a caring attitude that soothed me, much more than any doctor has.

When Patricia was working for her acupuncture license, I would keenly listen to how she has helped so many people get through their daily pain, and she helped me tremendously with mine. I have been a lot better since the early 2000's, that I now take herbal supplements that she recommends for me, and I'm feeling much better. The one thing about Patricia is that she is a conscientious worker and has an excellent work ethic on everything she does. She follows through on whatever my health concerns are and keeps up to date with me. She is resourceful, creative, and solution-oriented person who should be able to treat as many patients who seek her out.

In closing, as detailed above, based on my experience of being treated by her, I can unreservedly recommend Patricia Bedrosian to anyone who needs her services as an acupuncture technician, nutrition, diet, or herbal benefits, etc.

If you need any further elaboration, feel free to call me at (661) 257-9220.

Sincerely,

Christine Boutwell

Insomnia Treatment 2

Page 1 of 2

From: Suzanne L. Gonzalez <SLG544@interact.ccsd.net>

To: patlong@aol.com

Subject: Insomnia Treatment 2

Date: Wed, Apr 14, 2010 1:56 pm

To Whom It May Concern:

Patti Bedrosian previously treated me for chronic insomnia while I was in California. After suffering for many months with very little sleep, I was very happily surprised that after one treatment, I slept like a baby that night, and also for the next several months! I am very grateful for Ms. Bedrosian for getting my sleep patterns back to normal.

If you need any additional information, please feel free to call me at work (below) or my cell @ 702-303-1945.

Suzanne Gonzalez

Suzanne Gonzalez
Administrative Secretary
Lawrence JHS 544
4410 S. Juliano
Las Vegas NV 89147
(702) 799-2540 ext. 4100
Fax: (702) 799-2563

Confidentiality Notice: This email transmission may contain confidential or legally privileged information that is intended only for the individual or entity in the email address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this email is strictly prohibited. If you have received this email transmission in error, please reply to sender, so that we can arrange for proper delivery, and then please delete the message from your inbox and destroy any hard copies thereof.

— Original Message —

To Whom It May Concern:

Patti Bedrosian Long previously treated me for chronic insomnia while I was in California.

After suffering for many months with very little sleep, I was very happily surprised that after one treatment, I slept like a baby that night, and also for the next several months! I am very grateful for Ms. Long for getting my sleep patterns back to normal.

If you need any additional information, please feel free to call me at work (below) or my cell @ 702-303-1945.

Suzanne Gonzalez
Administrative Secretary
Lawrence JHS 544

Dawn Ulrey
3555 Meridale Drive, Unit 2144
Las Vegas NV 89147

April 12, 2010

To whom it may concern:

I am a woman in my 40's and have suffered from chronic kidney stones for a couple of years. The persistent pain associated with the passing process caused me debilitating pain. There wasn't much western medicine could do for me. I took an herbal formula at the suggestion of Patricia Bedrosian and have now been kidney stone free since November. I can't express what a blessing this has been for me as I was at my wits end dealing with the excruciating pain that came with the stones.

Sincerely,
Dawn Ulrey

Letter

Page 1 of 1

From: NANCY WESTOVER <westovers04@sbcglobal.net>

To: patilong@aol.com

Subject: Letter

Date: Sat, Apr 10, 2010 10:21 pm

To whom it may concern,

I am writing this letter to say that I have received acupuncture treatments from Patti on many occasions, for symptoms ranging from dry eyes and thyroid problems to back pain. On all these occasions she was very professional, and knowledgeable. She was very concerned with cleanliness and put me at ease thru the process. I would not hesitate to call on her for treatment again.

Thank you,
Nancy Kleider

Re: acupuncture letter

Page 1 of 1

From: Kate Donahue <trading2@sbcglobal.net>

To: patilong@aol.com

Subject: Re: acupuncture letter

Date: Tue, Apr 13, 2010 6:39 pm

To whom it may concern

I had been treated by Pati long in 2004 numerous times and my pain was relieved by cupping and acupuncture. Pati was professional and efficient.

Kate Donahue

-- On Tue, 4/13/10, patilong@aol.com <patilong@aol.com> wrote:

From: patilong@aol.com <patilong@aol.com>

Subject: acupuncture letter

To: trading2@sbcglobal.net

Date: Tuesday, April 13, 2010, 8:32 AM

Kate, thanks so much for writing this. It can be short and sweet. Just that you had a treatment, I think it was in 2004? and that you loved the cupping, if it worked, etc. I was professional.

Thanks so much!!!!

By the way that burrito was really yummy. It beats fast food and good to hear about the spelt tortillas.



HealthTree
PATRICIA BEDROSIAN, L.A.C.
Acupuncturist

Walk-ins Welcome
Tuesdays and Thursdays only

42544 10th Street West, Suite G
Lancaster, California 93534
(661) 940-7171 • (661) 940-9080 fax

**ACUPUNCTURE WEST
MEDICAL GROUP**

Patricia Bedrosian, L.Ac.

1830 28th Street
Bakersfield, CA 93301

Office: 661-846-5015
Fax: 661-323-6319

Visits -
Patti Bedrosian

Date Range: All Date Range: Start Date: 4/7/2009 End D:

[Visits]

Date	Time	Description	Teacher	Status	Payment Info
1/6/2010	Wednesday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Renata	Signed-In	<u>Drop-In for yoga class on 1/6/2010</u>
1/5/2010	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Heather	Signed-In	<u>Drop-In for yoga class on 1/5/2010</u>
12/23/2009	Wednesday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Michael	Signed-In	<u>Drop-In for yoga class on 12/23/2009</u>
12/17/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kira	Signed-In	<u>Drop-In for yoga class on 12/17/2009</u>
12/15/2009	Tuesday 5:30 PM - 7:00 PM	<u>Flow 2-3</u>	Nancy	Signed-In	<u>Drop-In for yoga class on 12/15/2009</u>
12/14/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Tara	Signed-In	<u>Drop-In for yoga class on 12/14/2009</u>
12/10/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kira	Signed-In	<u>Drop-In for yoga class on 12/10/2009</u>
12/2/2009	Wednesday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Michael	Signed-In	<u>Drop-In for yoga class on 12/2/2009</u>
11/30/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Renata	Signed-In	<u>Drop-In for yoga class on 11/30/2009</u>
11/23/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>Drop-In for yoga class on 11/23/2009</u>
11/16/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Tara	Signed-In	<u>Drop-In for yoga class on 11/16/2009</u>
11/12/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Renata	Signed-In	<u>10-class pass on 10/12/2009</u>
11/9/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>10-class pass on 10/12/2009</u>
11/3/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Heather	Signed-In	<u>10-class pass on 10/12/2009</u>
11/2/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Tara	Signed-In	<u>10-class pass on 10/12/2009</u>
10/29/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Renata	Signed-In	<u>10-class pass on 10/12/2009</u>
10/28/2009	Wednesday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Michael	Signed-In	<u>10-class pass on 10/12/2009</u>
10/20/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Heather	Signed-In	<u>10-class pass on 10/12/2009</u>
10/19/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>10-class pass on 10/12/2009</u>
10/14/2009	Wednesday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Michael	Signed-In	<u>10-class pass on 10/12/2009</u>
10/12/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>10-class pass on 10/12/2009</u>
8/25/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Heather	Signed-In	<u>Drop-In for yoga class on 8/25/2009</u>
8/17/2009	Monday 5:45 PM - 7:15 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>Drop-In for yoga class on 8/17/2009</u>
8/5/2009	Wednesday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Tara	Signed-In	<u>Drop-In for yoga class on 8/5/2009</u>
8/3/2009	Monday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>Free Class on 8/3/2009</u>
7/20/2009	Monday 7:00 PM - 8:30 PM	<u>Ashtanga Yoga</u>	Alyssa	Signed-In	<u>10-class pass on 6/16/2009</u>
7/19/2009	Sunday 5:30 PM - 7:30 PM	<u>Intro to Yoga Workshop</u>	Tara	Absent	<u>intro to yoga workshop on 6/25/2009</u>
7/14/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Kate	Signed-In	<u>10-class pass on 6/16/2009</u>
7/9/2009	Thursday 5:30 PM - 7:00 PM	<u>Flow 2-3</u>	Tara	Signed-In	<u>10-class pass on 6/16/2009</u>
7/6/2009	Monday 7:00 PM - 8:30 PM	<u>Ashtanga Yoga</u>	Michael	Signed-In	<u>10-class pass on 6/16/2009</u>
7/1/2009	Wednesday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Kira	Signed-In	<u>10-class pass on 6/16/2009</u>
6/30/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Kate	Signed-In	<u>10-class pass on 6/16/2009</u>
6/29/2009	Monday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>10-class pass on 6/16/2009</u>
6/25/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kate	Signed-In	<u>10-class pass on 6/16/2009</u>
6/22/2009	Monday 7:00 PM - 8:30 PM	<u>Ashtanga Yoga</u>	Alyssa	Signed-In	<u>10-class pass on 6/16/2009</u>
6/18/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Kate	Signed-In	<u>10-class pass on 6/16/2009</u>
6/11/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kate	Signed-In	<u>Drop-In for yoga class on 6/11/2009</u>
6/8/2009	Monday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>Drop-In for yoga class on 6/8/2009</u>
6/4/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Shelly	Signed-In	<u>Drop-In for yoga class on 6/4/2009</u>
6/1/2009	Monday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>Drop-In for yoga class on 6/1/2009</u>
5/29/2009	Friday 7:00 PM - 8:30 PM	<u>Chakra Cleansing Workshop</u>	Kate	Signed-In	<u>Chakra Cleansing Workshop on 5/22/2009</u>
5/28/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kate	Signed-In	<u>Drop-In for yoga class on 5/28/2009</u>
5/26/2009	Tuesday 7:00 PM - 8:30 PM	<u>Flow 1-2</u>	Kate	Signed-In	<u>3-class pass One time introductory offer on 5/18/2009</u>
5/21/2009	Thursday 7:00 PM - 8:30 PM	<u>Flow All Levels</u>	Kate	Signed-In	<u>3-class pass One time introductory offer on 5/18/2009</u>
5/18/2009	Monday 5:30 PM - 7:00 PM	<u>Flow 1-2</u>	Nancy	Signed-In	<u>3-class pass One time introductory offer on 5/18/2009</u>