STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
ACUPUNCTURE BOARD
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Draft

ACUPUNCTURE BOARD MEETING MINUTES

DCA Headquarters, Sacramento

FULL BOARD MEETING

August 25, 2011

Members Present
Robert Brewer, Public Member, Chair
Charles Kim, Public Member
Anyork Lee, L.Ac,
Paul Weisman, Public Member
Nancy Carroll, L.Ac.
Frank He, L.Ac

Staff Present
Janelle Wedge, Executive Officer
Spencer Walker, Staff Counsel
Kristine Brothers, Enforcement Coordinator
Benjamin Bodea, Education Coordinator

Guest List on File

1. **Call the Meeting to Order**

   Quorum Established. George Wedemeyer is not present. Meeting called to order at 8:52 AM

2. **Board Heard Hearing for Petition for Early Termination of Probation**
   Petitioner: Ching Hua Cheng

3. **Board Heard Hearing for Petition for Reinstatement of Surrendered License**
   Petitioner: Dong Hyun Chang

4. **Board Heard Hearing for Petition for Reinstatement of Revoked License**
   Petitioner: Je Wan Whon

5. **C LOSED SESSION**

6. **Approval of February 24, 2011 Meeting Minutes**

   ANYORK LEE MOTIONS TO APPROVE THE FEBRUARY 24, 2011 MEETING MINUTES. PAUL WEISMAN SECONDS.
   6 – 0 – 0. MOTION PASSES.

7. Chair's Report

Chair Brewer shared that the Department has asked the Acupuncture Board to initiate another 5% cut in operating costs. The Department has asked that the Board focus on it's Enforcement cases. This has taken more of the Board's time especially since the Board has been operating at 66% staff occupancy.

Chair Brewer noted that the Blue Ribbon Panel has not met as they must meet the same requirements as Board Meetings but with the current budgetary requirements prevent the Board from moving forward. The Department has informed the office that they are looking for ways for the Board to conduct these meeting as well as to hire additional staff in light of the hiring freeze.

Chair Brewer thanked LaVonne Powell for her service with not only the Board but with the Department. She has retired from state service and she will be missed.

8. Executive Officer's Report

Janelle Wedge gave the Executive Officer's Report to the Board.

9. Sunset Review

Executive Officer, Janelle Wedge, asked the Board how they would like to approach the completion of the Sunset Review. Spencer Walker stated that other Boards have formed committees. Janelle Wedge noted that the report is due November 1st. Robert Brewer and Nancy Carroll volunteered to be a part of the Committee. Hugh Morrison asked if the Sunset Review will be available for public Review. Legal Counsel Spencer Walker responded that it will be viewable after it has been submitted.

10. Enforcement Business

a. Enforcement Case Report

Kristine Brothers gave the Board the Enforcement Case Report.

11. Education Business

a. Golden State University

Education Coordinator Benjamin Bodea presented the material requested by the Board at the previous meeting of Golden State University. Robert Brewer asked Benjamin if the numbers are within the Board's requirements. Benjamin replied that they have met the Board's requirements and are ready eligible to be voted on by the Board for approval. AnYork Lee noted that the school looks good now but that as schools grow they loose their ability to have quality education. Robert Brewer remarked that Golden State University has met all the requirements for approval and that their viability years from now is not the question. He continued noting that although this is a challenge of schools as they grow, it is a separate issue that should be addressed at a different time.

PAUL WEISMAN MOTIONS TO APPROVE GOLDEN STATE UNIVERSITY.
ROBERT BREWER SECONDS. 4 – 0 – 2.
CHARLES KIM AND ANYORK LEE ABSTAIN.
MOTION PASSES.

12. Examination Business

a. August 16, 2011 Examination

Janelle Wedge read to the Board the report on the recent Examination. The passing score workshop is being carried out on this day and results will be in shortly.

b. Educators as Subject Matter Experts

Janelle Wedge mentioned that several members of the public have requested that this topic be placed on the Agenda. To clarify the position of the Board on this issue Janelle Wedge noted the Department's policy on not allowing Educators as Subject Matter Experts. As such, the Acupuncture Board will adhere with the same policy.

c. Discussion on Continuing Multi-Language Exam

Spencer Walker addressed the Board with the State's position and thus the Board's is that as officials of the State of California the Board shall take all steps necessary to insure that the role of English as the Common language of California shall be preserved and enhanced. He also noted a report addressing bilingual proficiencies among CA health care professionals prepared for by the Center of Health Professions at the University of California, San Francisco. He noted that on Page seven of the report, that most US healthcare workers are trained and or tested in English with one exception, all healthcare professionals licensed in California are required to take their licensing test in English. The one exception is Acupuncture. Spencer Walker was alarmed at that fact and raised the question of why the Acupuncture Board's Licensing Exam is not inline with the California constitution. Spencer Walker wants to begin discussion to repeal California Code Regulations section 1399.441, the section that authorizes the Board to offer the exam in other languages. Once that is done, all California Boards will be offering their licensing their exams in English. The regulatory process will take one year. If the Board would like to offer more time the Board can add a subsection affording the schools more time by specifying a date of adoption. Robert Brewer added that he would like to also see a time limit and an English proficiency requirement for all current licensees. Spencer Walker noted that the proficiency requirement for already licensed practitioners could be added through CE. Bill Mosca, of CSOMA, urges the Board to separate the multi-lingual exam issue from the continuing education issue. Jacques MoraMarco of Emperor's College agreed with Bill Mosca. Sunny Kim of Golden State University stated that Korean or Chinese language should be allowed for the tests as those languages are the cultures in which this medicine developed but the Board should require an English proficiency exam. Several members of the public voiced that removal of the multi-language exam will severely limit the student pool, thus reducing school income. The number of practitioners schooled overseas that are now teaching in these languages at California schools would severely drop thus limiting the knowledge pool in this state. Robert Brewer addressed the public that this is being brought up to start the process and discussion will ensue once the Board has motioned for its approval.

NANCY CARROLL MOTIONS TO BEGIN THE REGULATORY PROCESS TO REPEAL CR16.D13.7.S1399.441. FRANK HE SECONDS. 5 – 1 – 0. MOTION PASSES.

13. Future Agenda Items

Chair Brewer would like to see staff come back with language for English Proficiency as a CE requirement. Member Weisman asked to have Ethics as a CE requirement on the next agenda as well as ethics class required for licensees that have been disciplined. Member Lee would like the Board to re-evaluate the Criteria for School Approval. Member Kim would like the Board to re-evaluate the criteria for schools keeping their approval, including clinical tests. Bill Mosca would like to see SB 628 on Traumatology discussed at the next meeting. Jacques MoraMarco would like the Board to address no longer publishing the Booklist as well as the process of how books are selected.

14, Public Comments

AKAMAK introduced themselves as well as their new president to the Board. The organization urged the Board to consider switching to a laminated or plastic license as the paper one falls apart to easily. Ron Zaidman of Five Branches University asked about the publishing of the February Exam Statistics. Janelle Wedge noted that due to the challenge with the Korean Exam in February Board & OPES Staff looking at how to present the information without being misleading. Jacques MoraMarco stated that the statistics for the other languages should be able to be released. Hugh Morrison of NGAOM asked for the Board to define the term Curriculum as used in section 1399.434 & 1399.439 as it applies to the Acupuncture Board approving programs. Several candidates from of the Korean Exam in February gave the Board a packet of information regarding the exam along with unanswered questions from that exam.

15. Adjournment

Chair Brewer called the meeting adjourned at 4:19pm.

ACUPUNCTURE BOARD
Executive Officer's Report

Agenda Item: 6.0
Date: November 2011

- **Board Updates**

  The Board recently lost two board members, Nancy Carroll and Frank He, in that their appointments were not sent for Senate confirmation. It is my understanding that the Governor's Office is actively working to fill those two vacancies.

  The Board will be relocating to our new office on Monday, November 21st. Staff has been extremely busy cleaning out and packing. This has all been in addition to attempting to stay current with daily activities and filling in on the vacant desks.

  The Board continues to have three vacancies. The Department's Operational Efficiency Plan (otherwise known as the reduction plan) has been approved by the Department of Finance (DOF). This approval still requires Boards to submit Hiring Freeze Exemption Requests to fill only our most critical positions. However, final approval of Hiring Freeze Exemption Request rests with the Agency Secretary, so the approval process will be shortened. Hopefully the process will be shortened as our most recent exemption request has been with the DCA since August 10, 2011

- **DCA Update**

  On 9/13/11 and 10/11/11, DCA Director Brian Stiger conducted monthly telephone conference calls with all of the Board Presidents/Chairs to provide an update of DCA activities. Chair Robert Brewer and/or the Executive Officer Janelle Wedge has participated in these monthly conference calls. Discussion topics focused on the state hiring freeze, board member appointments, budget change proposals, Breeze, legislation and expert consultant contract requirements.

- **Budget Update**

  DCA is submitting a departmental BCP for Budget Year 2012/13 to obtain the required funds to implement Breeze and the credit card processing of payments. The Board is tentatively scheduled to implement Breeze in March 2013.

The Board has received approval for two out of state trips this fiscal year. Both trips are identified for on-site reviews of two new schools, one in Arizona and the other in New York.

- **Sunset Review**

  The Board filed our Sunset Review Report with the Senate Committee on Business, Professions and Economic Development on November 1, 2011. A hearing date has not been scheduled, however, It is anticipated that it will be in early 2012.

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL No. 628

Introduced by Senator Yee

February 18, 2011

An act to amend Sections 4935, 4955, 4955.1, 4955.2, 4956, 4960.2, 4961, 4965, 4966, 4967, and 4969 of, to add ~~Section~~ *Sections 4936 and* 4964.5 to, and to add Article 3 (commencing with Section 4950) to Chapter 12 of Division 2 of, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Yee. Acupuncture: regulation.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture *and any other violation of the act* is a crime.

This bill would, commencing May 1, 2012, require the board to issue a certificate to practice as a traditional Chinese Medicine traumatologist to an applicant who meets certain training and clinical experience requirements and pays a specified fee. The bill would limit the submittal

of applications to the period between January 1, 2012, and December 15, 2012, and would prohibit the board from issuing a certificate after December 15, 2012. The bill would require the board to establish the Traumatology Committee within the board with specified duties, including determination of certification standards and evaluation of whether an applicant meets those standards. The bill would set forth procedures for the renewal of an unexpired or expired certificate to perform traditional Chinese Medicine traumatology and would establish specified fees in that regard. The bill would make it a crime to use the title of "certified traditional Chinese Medicine traumatologist" without meeting these certification requirements and to fraudulently buy or sell a certificate for traditional Chinese Medicine traumatology, thereby imposing a state-mandated local program.

The bill would authorize a person with a current and valid license to practice acupuncture to use the title of Doctor of Acupuncture only if he or she has met certain educational requirements, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 4935 of the Business and Professions Code is amended to read:

4935. (a) (1) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) and not more than two thousand five hundred dollars ($2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who does not hold a current and valid license to practice acupuncture under this chapter to hold himself or herself out as practicing or engaging in the practice of acupuncture, or to hold himself or herself out as a certified traditional Chinese Medicine traumatologist or use the title of "certified traditional Chinese Medicine traumatologist" without meeting the requirements of this chapter.

(2) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) and not more than two thousand five hundred dollars ($2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person to fraudulently buy, sell, or obtain a license to practice acupuncture or a certificate for traditional Chinese Medicine traumatology, or to violate the provisions of this chapter.

(b) Notwithstanding any other provision of law, any person, other than a physician and surgeon, a dentist, or a podiatrist, who is not licensed under this article but is licensed under Division 2 (commencing with Section 500), who practices acupuncture involving the application of a needle to the human body, performs any acupuncture technique or method involving the application of a needle to the human body, or directs, manages, or supervises another person in performing acupuncture involving the application of a needle to the human body is guilty of a misdemeanor.

(c) A person holds himself or herself out as engaging in the practice of acupuncture by the use of any title or description of services incorporating the words "acupuncture," "acupuncturist," "certified acupuncturist," "licensed acupuncturist," "Asian medicine," "oriental medicine," "Traditional Chinese Medicine," or any combination of those words, phrases, or abbreviations of those words or phrases, by representing that he or she is trained, experienced, or an expert in the field of acupuncture, Asian medicine, or Chinese medicine, or by representing that he or she is trained, experienced, or an expert in the field of traditional Chinese Medicine traumatology.

(d) Subdivision (a) shall not prohibit a person from administering acupuncture treatment as part of his or her educational training if he or she:

(1) Is engaged in a course or tutorial program in acupuncture, as provided in this chapter; or

(2) Is a graduate of a school of acupuncture approved by the board and participating in a postgraduate review course that does not exceed one year in duration at a school approved by the board.

SEC. 2. Section 4936 is added to the Business and Professions Code, to read:

4936. Notwithstanding any other provision of law, a person with a current and valid license to practice acupuncture under this chapter may use the title Doctor of Acupuncture only if he or

she who has received a Doctorate of Acupuncture and Oriental Medicine Degree, a Doctorate of Acupuncture Degree, or a Doctorate of Oriental Medicine.

~~SEC. 2.~~

SEC. 3. Article 3 (commencing with Section 4950) is added to Chapter 12 of Division 2 of the Business and Professions Code, to read:

Article 3. Traumatologists

4950. (a) On or before March 1, 2012, the board shall establish a Traumatology Committee within the board.

(b) The committee shall consist of six members composed of two representatives each from the clinical settings of traumatology and the California Orthopaedic Association and one representative each from the Medical Board of California and the California Medical Association.

(c) (1) Subject to subdivision (d), the committee shall meet and confer to determine the certification standards, including the level of experience and training needed for an individual to qualify for traditional Chinese Medicine traumatology certification.

(2) The committee shall advise the board in developing the application form for certification.

(d) Commencing May 1, 2012, until December 15, 2012, the board shall issue a certificate for certified traditional Chinese Medicine traumatology to any person who makes an application and meets all of the following requirements, as determined by the committee pursuant to subdivision (e):

(1) Is at least 18 years of age.

(2) Furnishes satisfactory evidence of training and clinical experience that meets the standards established by the committee and confirmed by the board.

(3) Is not subject to denial pursuant to Division 1.5 (commencing with Section 475).

(e) The committee shall evaluate whether an applicant meets the certification standards, including the level of experience and training to sufficiently qualify for the traumatology certification.

(f) An applicant for traditional Chinese Medicine traumatology certification shall, commencing January 1, 2012, until December 15, 2012, file an application for a certificate for traditional Chinese

Medicine traumatology in this state. On and after December 15, 2012, the board shall not issue an initial certificate to any applicant. On and after December 15, 2012, the board may issue only a renewal of a certificate under this section. An individual who is not qualified to receive a certificate under this section, or who fails to apply for certification under this section by December 15, 2012, shall not hold himself or herself out as a certified traditional Chinese Medicine traumatologist pursuant to this section.

(g) A certified traditional Chinese Medicine traumatologist, when engaging in manipulation techniques to realign the musculoskeletal and ligamentous relationships, shall be supervised by a physician and surgeon who has completed an orthopaedic residency program. The extent of the relationship between a traditional Chinese Medicine traumatologist and orthopedic surgeon regarding those manipulation techniques shall be determined by the advisory committee after the qualifications necessary for certification are defined by the committee and adopted by the board.

(h) An applicant for certification as a traditional Chinese Medicine traumatologist shall pay an application fee in the amount of two hundred dollars ($200) when submitting his or her application to the board.

(i) A certified traditional Chinese Medicine traumatologist shall renew his or her certificate every five years.

(j) An expired certificate may be renewed at any time within three years after its expiration. The holder of the certificate shall pay all accrued and unpaid renewal fees, plus a delinquency fee.

(1) The annual renewal fee shall be one hundred dollars ($100).

(2) The delinquency fee shall be twenty-five dollars ($25).

(3) The fee for a duplicate or replacement engraved wall certificate shall be fifteen dollars ($15).

(4) The fee for a duplicate or replacement renewal receipt/pocket certificate shall be ten dollars ($10).

(k) Moneys received under this section shall be deposited in the Acupuncture Fund for purposes of this chapter.

(*l*) It is an unfair business practice for any person to hold himself or herself out as a certified traditional Chinese Medicine traumatologist or use the title of "certified traditional Chinese Medicine traumatologist" without meeting the requirements of this chapter.

~~SEC. 3.~~

SEC. 4. Section 4955 of the Business and Professions Code is amended to read:

4955. The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist or certificate of any traditional Chinese Medicine traumatologist if he or she is guilty of unprofessional conduct.

Unprofessional conduct shall include, but not be limited to, the following:

(a) Using or possessing any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and to an extent that the use impairs his or her ability to engage in the practice of acupuncture or traumatology with safety to the public.

(b) Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist or certified traditional Chinese Medicine traumatologist, the record of conviction being conclusive evidence thereof.

(c) False or misleading advertising.

(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation of the terms of this chapter or any regulation adopted by the board pursuant to this chapter.

(e) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric

Technicians, to encourage appropriate consistency in the implementation of this subdivision.

The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

(f) The use of threats or harassment against any patient or licensee for providing evidence in a disciplinary action, other legal action, or in an investigation contemplating a disciplinary action or other legal action.

(g) Discharging an employee primarily for attempting to comply with the terms of this chapter.

(h) Disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties of an acupuncturist, certified traditional Chinese Medicine traumatologist, or any professional health care licensee.

(i) Any action or conduct that would have warranted the denial of the acupuncture license or the traumatology certificate.

(j) The violation of any law or local ordinance on an acupuncturist's or certified traditional Chinese Medicine traumatologist's business premises by an acupuncturist's or certified traditional Chinese Medicine traumatologist's employee or a person who is working under the acupuncturist's or certified traditional Chinese Medicine traumatologist's professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist or certified traditional Chinese Medicine traumatologist. These violations shall subject the acupuncturist or certified traditional Chinese Medicine traumatologist who employed the individuals, or under whose acupuncture license or traumatology certificate the employee is working, to disciplinary action.

(k) The abandonment of a patient by the licensee or certified traditional Chinese Medicine traumatologist without written notice to the patient that treatment is to be discontinued and before the patient has had a reasonable opportunity to secure the services of another practitioner.

(*l*) The failure to notify the board of the use of any false, assumed, or fictitious name other than the name under which he

or she is licensed as an individual to practice acupuncture or as an individual certified in traditional Chinese Medicine traumatology.

~~SEC. 4.~~

SEC. 5. Section 4955.1 of the Business and Professions Code is amended to read:

4955.1. The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist or certified traditional Chinese Medicine traumatologist if he or she is guilty of committing a fraudulent act, including, but not limited to, any of the following:

(a) Securing a license by fraud or deceit.

(b) Committing a fraudulent or dishonest act as an acupuncturist or certified traditional Chinese Medicine traumatologist.

(c) Committing any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist or certified traditional Chinese Medicine traumatologist.

(d) Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record.

(e) Failing to maintain adequate and accurate records relating to the provision of services to his or her patients.

~~SEC. 5.~~

SEC. 6. Section 4955.2 of the Business and Professions Code is amended to read:

4955.2. The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist or certified traditional Chinese Medicine traumatologist if he or she is guilty of committing any one of the following:

(a) Gross negligence.

(b) Repeated negligent acts.

(c) Incompetence.

~~SEC. 6.~~

SEC. 7. Section 4956 of the Business and Professions Code is amended to read:

4956. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge that is substantially related to the qualifications, functions, or duties of an acupuncturist or certified traditional Chinese Medicine traumatologist is deemed to be a conviction within the meaning of this chapter.

The board may order a license suspended or revoked, or may deny a license, or may impose probationary conditions upon a

license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

~~SEC. 7.~~

SEC. 8. Section 4960.2 of the Business and Professions Code is amended to read:

4960.2. The board in all cases of revocation shall certify the fact of the revocation, under the seal of the board, to the business licensing entity of the cities or counties in which the license of the acupuncturist or certificate of the traditional Chinese Medicine traumatologist has been revoked. The record of the revocation made by the county or city clerk shall be sufficient evidence of the revocation, and of the regularity of all proceedings of the board in the matter of the revocation.

~~SEC. 8.~~

SEC. 9. Section 4961 of the Business and Professions Code is amended to read:

4961. (a) Every person who is now or hereafter licensed to practice acupuncture or certified in traditional Chinese Medicine traumatology in this state shall register, on forms prescribed by the board, his or her place of practice, or, if he or she has more than one place of practice, all of the places of practice. If the licensee or certificate holder has no place of practice, he or she shall notify the board of that fact. A person licensed or certified by the board shall register within 30 days after the date of his or her licensure or certification.

(b) A licensee or certificate holder shall post his or her license or certificate in a conspicuous location in his or her place of practice at all times. If an acupuncturist or certified traditional Chinese Medicine traumatologist has more than one place of practice, he or she shall obtain from the board a duplicate license or certificate for each additional location and post the duplicate license or certificate at each location.

(c) Any licensee or certificate holder that changes the location of his or her place of practice shall register each change within 30

days of making that change. In the event a licensee or certificate holder fails to notify the board of any change in the address of a place of practice within the time prescribed by this section, the board may deny renewal of licensure or certification. An applicant for renewal of licensure or certification shall specify in his or her application whether or not there has been a change in the location of his or her place of practice and, if so, the date of that change. The board may accept that statement as evidence of the change of address.

~~SEC. 9.~~

SEC. 10. Section 4964.5 is added to the Business and Professions Code, to read:

4964.5. The provisions of this article apply to both acupuncture and certified traditional Chinese Medicine traumatologists.

~~SEC. 10.~~

SEC. 11. Section 4965 of the Business and Professions Code is amended to read:

4965. (a) (1) A license to practice acupuncture issued pursuant to this chapter shall expire on the last day of the birth month of the licensee during the second year of a two-year term, if not renewed.

(2) The board shall establish and administer a birth date renewal program for purposes of this subdivision.

(3) To renew an unexpired license, the holder shall apply for renewal on a form provided by the board and pay the renewal fee fixed by the board.

(b) A certificate for traditional Chinese Medicine traumatology issued pursuant to this chapter shall expire five years after the date of issuance, if not renewed. To renew an unexpired certificate, the holder shall apply for renewal on a form provided by the board and pay the renewal fee set forth in Section 4950.

~~SEC. 11.~~

SEC. 12. Section 4966 of the Business and Professions Code is amended to read:

4966. (a) Except as provided in Section 4969, a license to practice acupuncture that has expired may be renewed at any time within three years after its expiration by filing an application for renewal on a form provided by the board, paying all accrued and unpaid renewal fees, and providing proof of completing continuing education requirements. If the license is not renewed prior to its

expiration, the acupuncturist, as a condition precedent to renewal, shall also pay the prescribed delinquency fee.

(b) Except as provided in Section 4969, a certificate for traditional Chinese Medicine traumatology that has expired may be renewed at any time within three years after its expiration by filing an application for renewal on a form provided by the board, and paying all accrued and unpaid renewal fees. If the certificate is not renewed prior to its expiration, the traditional Chinese Medicine traumatologist, as a condition precedent to renewal, shall also pay a delinquency fee, to be set in accordance with Section 163.5.

(c) Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date the delinquency fee is paid, whichever occurs last. If so renewed, the license or certificate shall continue in effect through the expiration date provided in Section 4965, after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

~~SEC. 12.~~

SEC. 13. Section 4967 of the Business and Professions Code is amended to read:

4967. A person who fails to renew his or her license or certificate within three years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license or certificate if he or she meets all of the following requirements:

(a) Has not committed any acts or crimes constituting grounds for denial of licensure or certification under Division 1.5 (commencing with Section 475).

(b) If an acupuncturist; takes and passes the examination, if any, which would be required of him or her if an initial application for licensure was being made, or, if an acupuncturist or certified traditional Chinese Medicine traumatologist, otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to practice as an acupuncturist or certified traditional Chinese Medicine traumatologist.

(c) Pays all of the fees that would be required if an initial application for licensure or certification was being made.

(d) The board may provide for the waiver or refund of all or any part of an examination fee in those cases in which a license

to practice acupuncture is issued without an examination pursuant to this section.

~~SEC. 13.~~

SEC. 14. Section 4969 of the Business and Professions Code is amended to read:

4969. (a) A suspended license or certificate is subject to expiration and shall be renewed as provided in this article, but the renewal does not entitle the acupuncturist or certified traditional Chinese Medicine traumatologist, while the license or certificate remains suspended, and until it is reinstated, to engage in the practice of acupuncture or traditional Chinese Medicine traumatology, or in any other activity or conduct in violation of the order or judgment by which the license or certificate was suspended.

(b) A revoked license or certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the former licensee or certificate holder, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license or certificate was reinstated, plus the delinquency fee, if any, accrued at the time of its expiration.

~~SEC. 14.~~

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

OPPOSE SB 628 (YEE)

SB 628 - Chinese Traumatology
Author: Senator Leland Yee
(District 8 – San Francisco, San Mateo County)

SB 628 is dangerous for California

SB 628 would require the California Acupuncture Board (CAB) to issue certificates to practice as "Chinese traumatologists." By requiring certification of potentially substandard health care providers, the bill poses a significant danger to California consumers.

Proponents of SB 628 have argued that this bill is a "title bill" that simply establishes a professional title without addressing details such as standards and scope of practice. However, the bill goes far beyond establishing a professional title. It abdicates the California State Legislature's authority to define and control standards and scope by endowing a subcommittee of the California Acupuncture Board with *carte blanche* authority to make these critical decisions.

Fails to establish sustained, long-term health care option for California consumers. Benefits of SB 628 are transient and primarily accrue to those who would apply for certification. Given that the brief and transient period during which individuals may apply for certification as a Chinese traumatologist (Jan 1, 2012 - Dec 15, 2012), the bill appears to be focused upon satisfying the needs of a special interest group that is unable or unwilling to obtain licensing or certification through existing means.

No educational or certification standards. However, the bill presupposes that such standards can be appropriately established. Given the complete absence of educational and certification standards for Chinese traumatology as a stand-alone field in the United States, it is not yet know if a sufficiently safe and protective certification standard can be set.

No certification examination—written or practical. No other health care field licensed or certified by the State of California is exempt from an examination to objectively measure essential knowledge, skills, and abilities required of entry-level practitioners. The absence of a certification examination poses a significant danger to consumer health and safety.

No defined scope of practice. This bill gives a subcommittee of the Acupuncture Board a blank check with respect to the scope of practice for traumatologists. The ultimate scope of traumatologist certificate holders will be left to this subcommittee and could be broader than those of acupuncturists, physical therapists, or chiropractors, but Chinese traumatology as a stand-alone field lacks the educational standards, programmatic accreditation, and rigorous examinations that undergird the respective scopes of practice for these well-established professions.

No continuing education. Traumatologists would become the first professional health care provider regulated by the State of California that is exempt from continuing

education as a condition of license or certification renewal. Continuing education is the accepted mechanism used by regulators to encourage health care practitioners to expand their knowledge base and abreast new developments in the field.

No jurisdiction over clinical supervisors. Licensed physicians and surgeons would directly supervise traumatologists in clinical practice. However, the California Acupuncture Board has no jurisdictional authority over physicians and surgeons and does not count any physicians or surgeons among its members.

May harm licensed acupuncturists. SB 628 proponents have stated that this bill will have no impact on the existing licensed acupuncture profession. However, unethical or negligent practice by Chinese traumatologists may harm the reputation of existing California Acupuncture Board licentiates if the California consumer is unable to distinguish between two fields under the jurisdiction of the same regulatory board. This is of particular concern given the utter absence of any established standards and practices in the field.

Certification fees won't cover expenses. According to estimates provided by the bill's author and, revenue received pursuant to Chinese traumatologist certification may not be sufficient to cover expenses. The existing Acupuncture Fund reserves, funded by fees from licensed acupuncturists, would be used to cover this revenue shortfall. Licensed acupuncturists will be forced to underwrite the fiscal impacts of this certification.

Acupuncturists oppose SB 628:

American Association of Acupuncture and Oriental Medicine
Association of Korean Asian Medicine & Acupuncture of California
California Certified Acupuncturists Association
California State Oriental Medical Association
Japanese Acupuncture Association of California
National Alliance of Korean Asian Medicine & Acupuncture of U.S.A.
National Certification Commission for Acupuncture and Oriental Medicine
National Federation of Chinese TCM Organizations
National Guild of Acupuncture & Oriental Medicine
United California Practitioners of Chinese Medicine

Acupuncture educators oppose SB 628:

Academy of Chinese Culture and Health Sciences
Council of Colleges of Acupuncture and Oriental Medicine
Five Branches University
Nine Star University
Southern California University of Health Sciences

Other health care professionals oppose SB 628:

American Institute of Finger Surgery
California Chiropractic Association

ACUPUNCTURE BOARD

Proposed Regulatory Change

Repeal section 1399.441

~~**1399.441. Languages.**~~
~~Examinations shall be administered in English, Chinese, and Korean. An applicant shall notify the board of the desired language where provided for in the Application for Examination/Licensure. Translations and translators, when necessary for other languages, shall be provided in any language for which a translation is formally requested as provided above by a minimum of five percent (5) of the total number of approved applications. Otherwise, such applicants shall take the examination in one of the languages listed above.~~

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Sections 4938, 4939, 4940, 4941 and 4944 Business and Professions Code

Acupuncture Board

Proposed Regulations

Article 7.

Sponsored Free Health Care Events—Requirements for Exemption.

§1399.480. Definitions.

For the purposes of section 901 of the code:

(a) "Community-based organization" means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

(b) "Out-of-state practitioner" means a person who is not licensed in California to engage in the practice of acupuncture but who holds a current valid license or certificate in good standing in another state, district, or territory of the United States to practice acupuncture.

NOTE: Authority cited: Sections 901 and 4933, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1400.1. Sponsoring Entity Registration and Recordkeeping Requirements.

(a) Registration. A sponsoring entity that wishes to provide, or arrange for the provision of, health care services at a sponsored event under section 901 of the code shall register with the board not later than 90 calendar days prior to the date on which the sponsored event is scheduled to begin. A sponsoring entity shall register with the board by submitting to the board a completed Form 901-A (01/2011), which is hereby incorporated by reference.

(b) Determination of Completeness of Form. The board may, by resolution, delegate to the Department of Consumer Affairs the authority to receive and process Form 901-A on behalf of the board. The board or its delegatee shall inform the sponsoring entity within 15 calendar days of receipt of Form 901-A in writing that the form is either complete and the sponsoring entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The board or its delegatee shall reject the registration if all of the identified deficiencies have

not been corrected at least 30 days prior to the commencement of the sponsored event.

(c) Recordkeeping Requirements. Regardless of where it is located, a sponsoring entity shall maintain at a physical location in California a copy of all records required by section 901 as well as a copy of the authorization for participation issued by the board to an out-of-state practitioner. The sponsoring entity shall maintain these records for a period of at least five years after the date on which a sponsored event ended. The records may be maintained in either paper or electronic form. The sponsoring entity shall notify the board at the time of registration as to the form in which it will maintain the records. In addition, the sponsoring entity shall keep a copy of all records required by section 901(g) of the code at the physical location of the sponsored event until that event has ended. These records shall be available for inspection and copying during the operating hours of the sponsored event upon request of any representative of the board.

(d) Requirement for Prior Board Approval of Out-of-State Practitioner. A sponsoring entity shall not permit an out-of-state practitioner to participate in a sponsored event unless and until the sponsoring entity has received written approval from the board.

(e) Report. Within 15 calendar days after a sponsored event has concluded, the sponsoring entity shall file a report with the board summarizing the details of the sponsored event. This report may be in a form of the sponsoring entity's choosing, but shall include, at a minimum, the following information:

(1) The date(s) of the sponsored event;

(2) The location(s) of the sponsored event;

(3) The type(s) and general description of all health care services provided at the sponsored event; and

(4) A list of each out-of-state practitioner granted authorization pursuant to this article who participated in the sponsored event, along with the license number of that practitioner.

NOTE: Authority cited: Sections 901 and 4933, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1400.2. Out-of-State Practitioner Authorization to Participate in Sponsored Event

(a) Request for Authorization to Participate. An out-of-state practitioner ("applicant") may request authorization from the board to participate in a sponsored event and provide such health care services at the sponsored event as would be permitted if the applicant were licensed by the board to provide those services. An applicant shall request authorization by submitting to the board a completed Form 901-B (01/2011), which is hereby incorporated by reference, accompanied by a non-refundable processing fee of $[redacted]. The applicant shall also furnish either a full set of fingerprints or submit a Live Scan inquiry to establish the identity of the applicant and to permit the board to conduct a criminal history record check.

(b) Response to Request for Authorization to Participate. Within 20 calendar days of receiving a completed request for authorization, the board shall notify the sponsoring entity whether that request is approved or denied.

(c) Denial of Request for Authorization to Participate.

(1) The board shall deny a request for authorization to participate if:

(A) The submitted Form 901-B is incomplete and the applicant has not responded within 7 calendar days to the board's request for additional information.

[(B) The applicant has not met the following educational and experience requirements:

(i) [redacted]

[redacted]

(D) The applicant has failed to comply with a requirement of this article or has committed any act that would constitute grounds for denial of an application for licensure by the board.

(E) The applicant does not possess a current valid license in good standing. The term "good standing" means the applicant:

(i) Has not been charged with an offense for any act substantially related to the practice for which the applicant is licensed by any public agency;

(ii) Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed upon the applicant's professional conduct or practice, including any voluntary surrender of license;

(iii) Has not been the subject of an adverse judgment resulting from the practice for which the applicant is licensed that

the board determines constitutes evidence of a pattern or negligence or incompetence.

(2) The board may deny a request for authorization to participate if:

(A) The request is received less than 20 calendars days before the date on which the sponsored event will begin.

(B) The applicant has been previously denied a request for authorization by the board to participate in a sponsored event.

(C) The applicant has previously had an authorization to participate in a sponsored event terminated by the board.

(D) The applicant has participated in [redacted] or more sponsored events during the 12 month period immediately preceding the current application.

[redacted]

(d) Appeal of Denial. An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in section 4.

NOTE: Authority cited: Sections 144, 901 and 4933, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1400.3. Termination of Authorization and Appeal.

(a) Grounds for Termination. The Board may terminate an out-of-state practitioner's authorization to participate in a sponsored event for any of the following reasons:

(1) The out-of-state practitioner has failed to comply with any applicable provision of this article, or any applicable practice requirement or regulation of the board.

(2) The out-of-state practitioner has committed an act that would constitute grounds for discipline if done by a licensee of the board.

(3) The board has received a credible complaint indicating that the out-of-state practitioner is unfit to practice at the sponsored event or has otherwise endangered consumers of the practitioner's services.

(b) Notice of Termination. The board shall provide both the sponsoring entity and the out-of-state practitioner with a written notice of the termination,

including the basis for the termination. If the written notice is provided during a sponsored event, the board may provide the notice to any representative of the sponsored event on the premises of the event.

(c) Consequences of Termination. An out-of-state practitioner shall immediately cease his or her participation in a sponsored event upon receipt of the written notice of termination.

Termination of authority to participate in a sponsored event shall be deemed a disciplinary measure reportable to the national practitioner data banks. In addition, the board shall provide a copy of the written notice of termination to the licensing authority of each jurisdiction in which the out-of-state practitioner is licensed.

(d) Appeal of Termination. An out-of-state practitioner may appeal the board's decision to terminate an authorization in the manner provided by section 901(j)(2) of the code. The request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act.

(e) Informal Conference Option. In addition to requesting a hearing, the out-of-state practitioner may request an informal conference with the executive officer regarding the reasons for the termination of authorization to participate. The executive officer shall, within 30 days from receipt of the request, hold an informal conference with the out-of-state practitioner. At the conclusion of the informal conference, the executive officer may affirm or dismiss the termination of authorization to participate. The executive officer shall state in writing the reasons for his or her action and mail a copy of his or her findings and decision to the out-of-state practitioner within ten days from the date of the informal conference. The out-of-state practitioner does not waive his or her request for a hearing to contest a termination of authorization by requesting an informal conference. If the termination is dismissed after the informal conference, the request for a hearing shall be deemed to be withdrawn.

NOTE: Authority cited: Sections 901 and 4933, Business and Professions Code. Reference: Section 901, Business and Professions Code.

REQUEST FOR AUTHORIZATION TO PRACTICE WITHOUT A LICENSE AT A REGISTERED FREE HEALTH CARE EVENT

In accordance with California Business and Professions Code Section 901 any acupuncturist who is licensed/certified and in good standing in another state, district, or territory in the United States may request authorization from the Acupuncture Board (Board) to participate in a free health care event offered by a sponsoring entity, registered with the Board pursuant to Section 901, for a period not to exceed ten (10) days.

PART 1 - APPLICATION INSTRUCTIONS

An application must be complete and must be accompanied by all of the following:

- A processing fee of $[redacted], made payable to the board.
- A copy of each valid and current license and/or certificate authorizing the applicant to engage in the practice of [profession] issued by any state, district, or territory of the United States.
- A copy of a valid photo identification of the applicant issued by one of the jurisdictions in which the applicant holds a license or certificate to practice.

[redacted]

The board will not grant authorization until this form has been completed in its entirety, all required enclosures have been received by the board, and any additional information requested by the Board has been provided by the applicant and reviewed by the board, and a determination made to grant authorization.

The board shall process this request and notify the sponsoring entity listed in this form if the request is approved or denied within 20 calendar days of receipt. If the board requires additional or clarifying information, the board will contact you directly, but **written approval or denial of requests will be provided directly to the sponsoring entity**. It is the applicant's responsibility to maintain contact with the sponsoring entity.

PART 2 – NAME AND CONTACT INFORMATION

1. Applicant Name: _____
   First Middle Last

2. Social Security Number: ____ - ___ - _____ Date of Birth: _____

3. Applicant's Contact Information:

Address Line 1

Address Line 2

City, State, Zip

Phone

Alternate Phone

E-mail address

4. Applicant's Employer : _____

Employer's Contact Information:

Address Line 1

Address Line 2

City, State, Zip

Phone

Facsimile

E-mail address (if available)

PART 3 – LICENSURE INFORMATION

1. Do you hold a current license, certification, or registration issued by a state, district, or territory of the United States authorizing the unrestricted practice of acupuncture in your jurisdiction(s)?

No ☐ If no, you are <u>not</u> eligible to participate as an out-of-state practitioner in the sponsored event.

Yes ☐ If yes, list every license, certificate, and registration authorizing you to engage in the practice of acupuncture in the following table. If there are not enough boxes to include all the relevant information please attach an addendum to this form. Please also attach a copy of each of your current licenses, certificates, and registrations.

State/ Jurisdiction	Issuing Agency/Authority	License Number	Expiration Date

2. Have you ever had a license or certification to practice acupuncture revoked or suspended?
___ Yes ___ No

3. Have you ever been subject to any disciplinary action or proceeding by a licensing body?
___ Yes ___ No

4. Have you ever allowed any license or certification to practice acupuncture to cancel or to remain in expired status without renewal?
___ Yes ___ No

5. If you answered "Yes" to any of questions 2-3, please explain (*attach additional page(s) if necessary*): _____

PART 4 – SPONSORED EVENT

1. Name of non-profit or community-based organization hosting the free healthcare event (the "sponsoring entity"): _____

2. Name of event: _____

3. Date(s) & location(s) of the event: _____

4. Date(s) & location(s) applicant will be performing healthcare services (if different): _____

5. Please specify the healthcare services you intend to provide: _____

6. Name and phone number of contact person with sponsoring entity: _____

PART 5 – ACKNOWLEDGMENT/CERTIFICATION

I, the undersigned, declare under penalty of perjury under the laws of the State of California and acknowledge that:

- I have not committed any act or been convicted of a crime constituting grounds for denial of licensure by the board.
- I am in good standing with the licensing authority or authorities of all jurisdictions in which I hold licensure and/or certification to practice [profession].
- I will comply with all applicable practice requirements required of licensed [profession]s and all regulations of the Board.
- In accordance with Business and Professions Code Section 901(i), I will only practice within the scope of my licensure and/or certification and within the scope of practice for California-licensed [profession]s.
- I will provide the services authorized by this request and Business and Professions Code Section 901 to uninsured and underinsured persons only and shall receive no compensation for such services.
- I will provide the services authorized by this request and Business and Professions Code Section 901 only in association with the sponsoring entity listed herein and only on the dates and at the locations listed herein for a period not to exceed 10 calendar days.
- I am responsible for knowing and complying with California law and practice standards while participating in a sponsored event located in California.
- Practice of a regulated profession in California without proper licensure and/or authorization may subject me to potential administrative, civil and/or criminal penalties.
- The Board may notify the licensing authority of my home jurisdiction and/or other appropriate law enforcement authorities of any potential grounds for discipline associated with my participation in the sponsored event.
- All information provided by me in this application is true and complete to the best of my knowledge. By submitting this application and signing below, I am granting permission to the Board to verify the information provided and to perform any investigation pertaining to the information I have provided as the board deems necessary.

_____ _____

Signature Date

Name Printed: _____

REGISTRATION OF SPONSORING ENTITY UNDER BUSINESS & PROFESSIONS CODE SECTION 901

In accordance with California Business and Professions Code Section 901(d), a non-government organization administering an event to provide health care services to uninsured and underinsured individuals at no cost may include participation by certain health care practitioners licensed outside of California if the organization registers with the California licensing authorities having jurisdiction over those professions. This form shall be completed and submitted by the sponsoring organization **at least 60 calendar days prior to the sponsored event**. *Note that the information required by Business and Professions Code Section 901(d) must also be provided to the county health department having jurisdiction in each county in which the sponsored event will take place..*

[Only one form (per event) should be completed and submitted to the board/Department of Consumer Affairs. The Department of Consumer Affairs will forward a copy of the completed registration form to each of the licensing authorities indicated on this form.]

PART 1 – ORGANIZATIONAL INFORMATION

1. Organization Name: _____

2. Organization Contact Information (*use principal office address*):

_____ Address Line 1

_____ Address Line 2

_____ City, State, Zip

_____ County

_____ Phone Number of Principal Office

_____ Alternate Phone

_____ Website

Organization Contact Information in California (*if different*):

_____ Address Line 1

_____ Address Line 2

_____ City, State, Zip

_____ County

_____ Phone Number

_____ Alternate Phone

3. Type of Organization:

Is the organization operating pursuant to Section 501(c)(3) of the Internal Revenue Code? ____ Yes ____ No

If not, is the organization a community-based organization*?
____ Yes ____ No

Organization's Tax Identification Number _____

If a community-based organization, please describe the mission, goals and activities of the organization (*attach separate sheet(s) if necessary*): _____

* A "community based organization" means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

PART 2 – RESPONSIBLE ORGANIZATION OFFICIALS

Please list the following information for each of the principal individual(s) who are the officers or officials of the organization responsible for operation of the sponsoring entity.

Individual 1:

Name _____ Title _____

Address Line 1 _____ Phone _____

Address Line 2 _____ Alternate Phone _____

City, State, Zip _____ E-mail address _____

County _____

Individual 2:

Name _____ Title _____

Address Line 1 _____ Phone _____

Address Line 2 _____ Alternate Phone _____

City, State, Zip _____ E-mail address _____

County _____

Individual 3:

Name

Title

Address Line 1

Phone

Address Line 2

Alternate Phone

City, State, Zip

E-mail address

County

(Attach additional sheets if needed to list additional principal organizational individuals)

PART 3 – EVENT DETAILS

1. Name of event, if any: _____

2. Date(s) of event (not to exceed ten calendar days): _____

3. Location(s) of the event (be as specific as possible, including address):

_____

_____

_____

_____

4. Describe the intended event, including a list of all types of healthcare services intended to be provided (*attach additional sheet(s) if necessary*): _____

_____

_____

_____

_____

_____

_____

5. Attach a list of all out-of-state health care practitioners who you currently believe intend to apply for authorization to participate in the event. The list should include the name, profession, and state of licensure of each identified individual.

___ *Check here to indicate that list is attached.*

6. Please check each licensing authority that will have jurisdiction over an out-of-state licensed health practitioner who intends to participate in the event:

___ Acupuncture Board
___ Board of Behavioral Sciences
___ Board of Chiropractic Examiners
___ Dental Board
___ Physician Assistant Committee
___ Physical Therapy Board
___ Board of Podiatric Medicine
___ Board of Psychology

___ Dental Hygiene Committee
___ Medical Board
___ Naturopathic Medicine Committee
___ Board of Occupational Therapy
___ Board of Optometry
___ Osteopathic Medical Board
___ Board of Pharmacy
___ Board of Registered Nursing
___ Respiratory Care Board
___ Speech-Language Pathology, Audiology & Hearing Aid Dispensers Board
___ Veterinary Medical Board
___ Board of Vocational Nursing & Psychiatric Technicians

Note:

- Each individual out-of-state practitioner must request authorization to participate in the event by submitting an application (Form 901-B) to the applicable licensing Board/Committee.
- The organization will be notified in writing whether authorization for an individual out-of-state practitioner has been granted.
- I understand the recordkeeping requirements imposed by California Business and Professions Code Section 901 and Title 16, California Code of Regulations Section 1399.453 to maintain records both at the sponsored event and for five (5) years in California
- I understand that our organization must file a report with each applicable board/committee within fifteen (15) calendar days of the completion of the event.

This form, and any attachments, shall be submitted to:

Department of Consumer Affairs
Attn: Executive Office
1625 North Market Blvd.
Sacramento, CA 95834

Questions regarding the completion of this form should be directed to:

*****
Phone: *****
E-mail: *****

I certify under penalty of perjury that the information provided on this form and any attachments is true and current and that I am authorized to sign this form on behalf of the organization:

_____ Name Printed

_____ Title

_____ Signature

_____ Date

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
ACUPUNCTURE BOARD
444 N. 3rd Street, Suite 260, Sacramento, CA 95811
P (916) 445-3021 F (916) 445-3015 www.acupuncture.ca.gov

DATE	November 9, 2011
TO	All Board Members
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	**Enforcement Update for July 1, 2011 to October 31, 2011**

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category	Received	Closed/Referred to Investigation
Unprofessional Conduct	11	13
Unlicensed/Unregistered	4	4
Criminal Charges/Convictions	24	25
Sexual Misconduct	0	0
Fraud	5	5
Non-jurisdictional	6	1
Incompetence/Negligence	4	4
Unsafe/Unsanitary Conditions	0	0
Other	0	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0
Discipline by Another State Agency	2	1
Total	**56**	**53**
Average Intake Time: 7 days		

*INVESTIGATIONS

DCA Category	Initiated	Pending	Closed
Unprofessional Conduct	13	17	15
Unlicensed/Unregistered	4	12	8
Criminal Charges/Convictions	23	23	28
Sexual Misconduct	0	5	2
Fraud	5	8	6
Non-jurisdictional	1	1	1
Incompetence/Negligence	4	12	6
Unsafe/Unsanitary Conditions	0	2	0
Other	0	1	1
Substance Abuse/Drug & Mental/Physical Impairment	0	0	1
Discipline by Another State Agency	1	1	0
Total	**51**	**82**	**68**

*Includes formal investigations conducted by DOI and desk investigations conducted by staff

DISCIPLINARY ACTIONS

Requested	**15**
Pending	**34**
Accusation/SOI Filed	**15**
Closed	**5**
Revoked	3
Voluntary Surrender	1
Probation	1
License Denied	0
Avg. Overall Process Time	**801 days**
Open Probation Cases	**23**

CPEI Monthly Report to DCA
July 2011 thru September 2011

	July	Aug	Sep	Average (to-date)	Total (to-date)
Complaints					
Received	8	6	4	6	18
Closed	2	0	1	1	3
Referred to INV	6	8	3	6	17
Avg Time to Close	9	8	5	7	22
Pending	3	1	0	1	4
Convictions / Arrests					
CONV Received	7	6	3	5	16
CONV Closed	11	6	2	6	19
Avg Time to Close	9	6	9	8	24
CONV Pending	0	0	1	0	1
Desk Investigations					
DESK Opened	16	13	5	11	34
DESK Closed	9	7	26	14	42
DESK Avg days to close	136	149	99	128	384
DESK Pending	47	53	32	44	132
Sworn Investigation					
Opened	5	2	3	3	10
Closed	4	2	9	5	15
Avg days to close	337	616	316	423	1269
Pending	51	52	46	50	149
All Investigations					
Closed	13	9	35	19	57
Avg days to close	198	253	155	202	606
Pending	98	105	78	94	281
Enforcement Actions					
Cases Referred	7	1	6	5	14
Cases Pending	34	32	35	34	101
SOIs Filed	1	0	0	0	1
Accusations Filed	4	4	2	3	10
Proposed/Default Decisions	1	1	1	1	3
Stipulations	1	0	0	0	1
Disciplinary Orders					
Final Orders	2	1	1	1	4
Avg Days to Complete	1043	749	863	885	2655
Citations					
Citations Issued	0	4	4	3	8
Avg Days to Complete	0	25	120	48	145

Department of Consumer Affairs

State of California Acupuncture Board

Performance Measures

Q1 Report *(July - September 2011)*

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

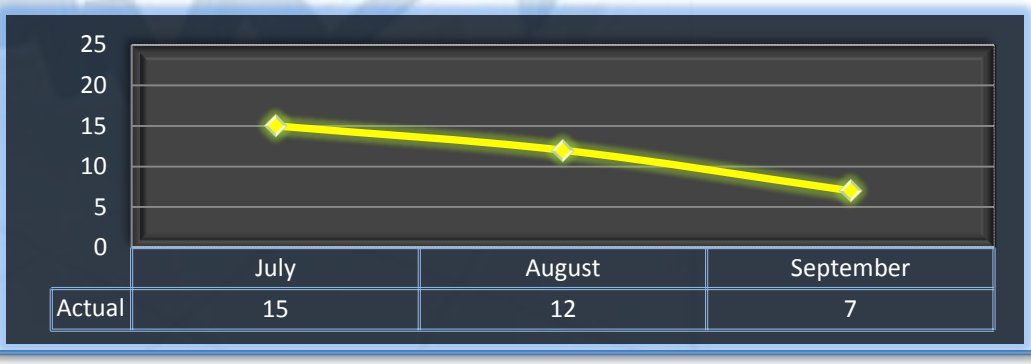
Volume

Number of complaints and convictions received.

Q1 Total: 34

Complaints: 18 Convictions: 16

Q1 Monthly Average: 11



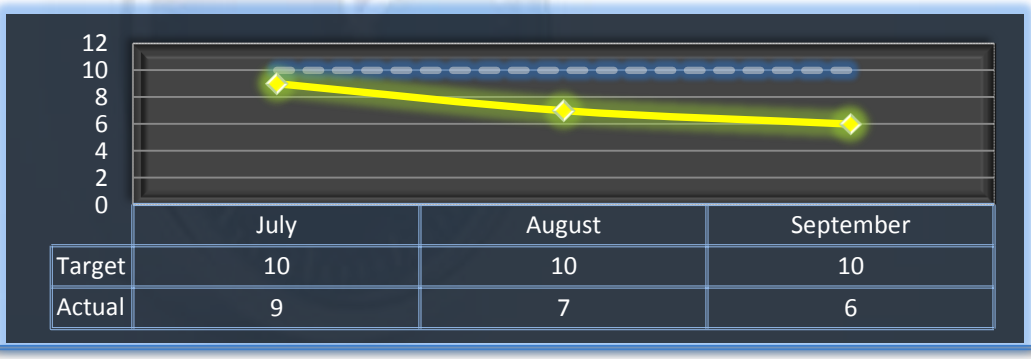
	July	August	September
Actual	15	12	7

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 8 Days



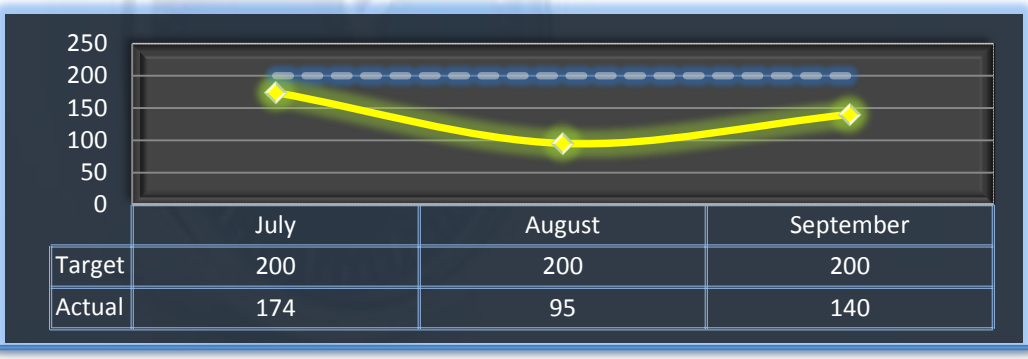
	July	August	September
Target	10	10	10
Actual	9	7	6

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does <u>not</u> include cases sent to the Attorney General or other forms of formal discipline.

Target: 200 Days

Q1 Average: 139 Days



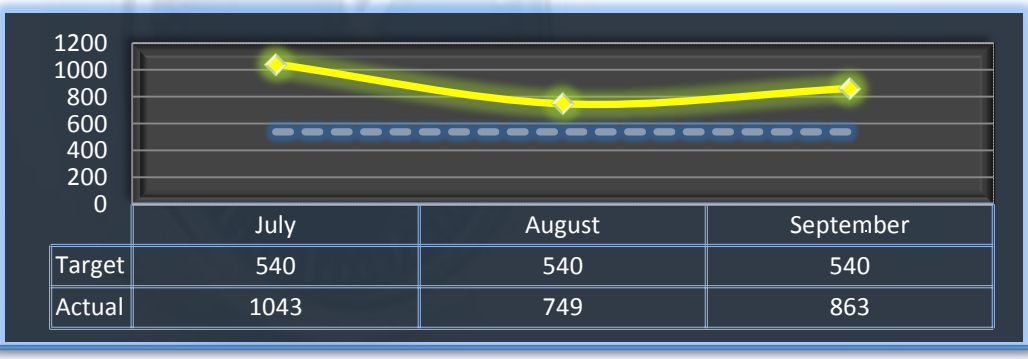
	July	August	September
Target	200	200	200
Actual	174	95	140

Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q1 Average: 925 Days



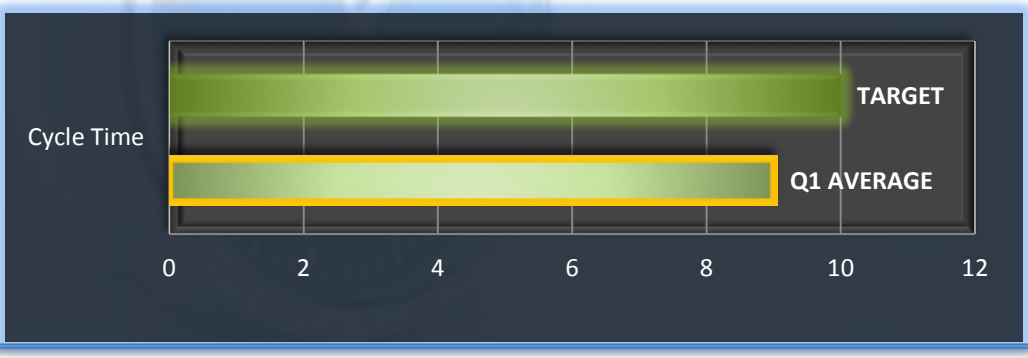
	July	August	September
Target	540	540	540
Actual	1043	749	863

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 9 Days

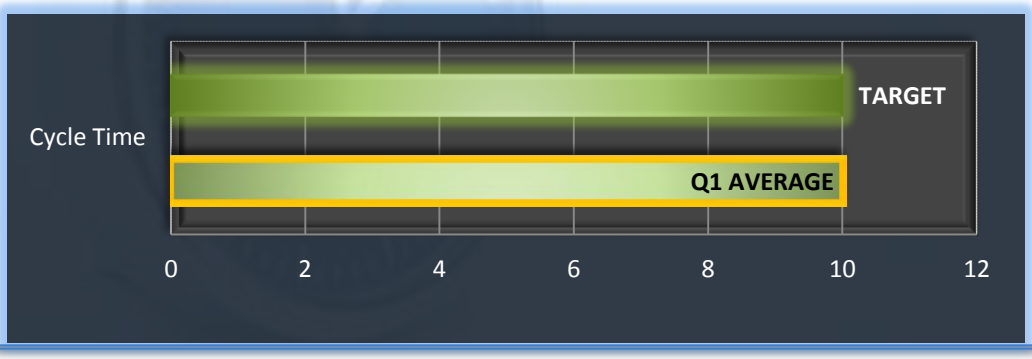


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q1 Average: 10 Days



Wedge, Janelle@DCA

From: Patty Alessi [alessip@pacific.net]
Sent: Wednesday, October 05, 2011 5:33 PM
To: Wedge, Janelle@DCA
Subject: California Acupuncture Board.doc

September 25, 2011

California Acupuncture Board
Sacramento, CA

Dear Ms. Wedge:

My name is Patty Alessi and I am a licensed acupuncturist in the state of California. I am writing to you because I would like to bring two things to your attention in hopes that some changes can be made in the requirements for continuing education for California acupuncturists. Number one is that I would like to see the requirements for the number of CEU's for acupuncturists be returned to the previous level of 30 CEU's every two years. Requiring 50 CEU's for acupuncturists puts a large burden on us. One of the most concerning aspects of this is the substantial financial cost associated with it. I live in a small, rural, Northern California town, which is more than two hours away from San Francisco where most of the CEU classes are held. Those who live in San Francisco can just drop in for the day and receive their units. I must drive for more than two hours, book a hotel and eat several meals in restaurants. Number two is that I believe all of the CEU's should be able to be done online. This would eliminate the travel requirements associated with CEU's and would significantly reduce the course costs. Many other medical professionals are now able to fulfill CEU requirements through online classes and I would ask that you consider providing the same privilege to Acupuncturists.

Thank you for your consideration.

Sincerely,

Patty Alessi, L.Ac., M.S.

ACUPUNCTURE BOARD

AUGUST 2011 EXAMINATION RESULTS

(by language group)

FIRST TIME TAKERS ONLY

	English	Chinese	Korean	TOTAL
# Passed	105	39	40	184
# Failed	53	23	18	94
TOTALS	158	62	58	278
PASS %	66%	63%	69%	66%

RE-EXAMINEES ONLY

	English	Chinese	Korean	TOTAL
# Passed	6	3	31	40
# Failed	67	34	48	149
TOTALS	73	37	79	189
PASS %	8%	8%	39%	21%

OVERALL

	English	Chinese	Korean	TOTAL
# Passed	111	42	71	224
# Failed	120	57	66	243
TOTALS	231	99	137	467
PASS %	48%	42%	52%	48%

AUGUST 2011 EXAMINATION RESULTS - STATISTICS BY SCHOOL

SCHOOL	1st TIME TAKERS			OVERALL (includes re-examinees)		
	# Passed	# Failed	PASS %	# Passed	# Failed	PASS %
Academy of Chinese Culture & Health Sciences	4	3	57%	4	12	25%
Academy of Oriental Medicine at Austin	0	1	100%	0	1	0%
Acupuncture & Integrative Medicine College, Berkeley	11	7	61%	12	10	55%
Alhambra Medical University	2	2	50%	2	4	33%
American College of Traditional Chinese Medicine	13	0	100%	13	2	87%
Bastyr University	2	1	67%	2	3	67%
California Trinity University (formerly Kyung San)	1	1	50%	1	8	1%
Dong-guk University, California	9	8	53%	13	19	41%
Emperor's College of Traditional Oriental Medicine	12	4	75%	12	6	67%
Five Branches University	18	5	78%	18	6	75%
Kingston University	0	0	0%	0	2	0%
Life University	3	1	75%	6	2	75%
National College of Naturopathic Medicine	0	0	0%	0	1	0%
Nine Star University of Health Sciences	1	0	100%	1	0	100%
Northwest Institute of Acup. & Oriental Medicine	0	1	0%	0	1	0%
Oregon College of Oriental Medicine	0	3	0%	0	3	0%
Pacific College of Oriental Medicine	19	5	73%	20	12	63%
Samra University	3	1	75%	6	12	33%
Santa Barbara College of Oriental Medicine	1	0	100%	1	3	25%
Seattle Institute of Oriental Medicine	0	1	0%	0	1	0%
South Baylo University	35	17	67%	50	51	50%
Southern California University of Health Sciences	9	5	64%	11	12	48%
Southern CA Univ. School of OM & Acupuncture	3	4	43%	8	11	42%
Southwest Acupuncture College	2	1	67%	2	1	67%
Stanton University	0	0	0%	2	3	4%
St. Luke University	0	0	0%	0	2	0%
University of East West Medicine	15	1	94%	17	9	65%
YoSan University of TCM	4	2	67%	4	2	67%

Tutorials	2	1	67%	2	5	29%
Foreign Equivalency	15	19	44%	17	39	30%
GRAND TOTAL	184	94	66%	224	243	48%

SungSoo Kim
AC 6332

License was issued on June 23, 1998. License was never renewed and was subsequently cancelled effective December 1, 2002 for failure to renew within three years of its expiration date (November 30, 1999).

November 2, 2011

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 gain, thank you for your consideration.

Mike Sungsoo Kim

Curriculum Vitae
(Experience & History)

Timeline	Description
▪ January – November 1997	Lecturer South Baylo University Seoul, Korea Studied and trained at various acupuncture clinics, Seoul, Korea
▪ January – June 1998	Study and training Beijing International Acupuncture & Moxibustion Training Center Beijing, China
▪ June 23, 1998	Initial acupuncture license (wall license) issued by State of California
▪ August 11, 1998	Initial acupuncture license issued by State of Colorado (State of Colorado does not require continuing education credits to renew the license)
▪ July 1998 – June 2000	Clinic Director / Professor International Institute of Chinese Medicine Denver, Colorado
▪ July 2000 – March 2002	Clinic Supervisor / Associate Professor Southwest Acupuncture College Boulder, Colorado
▪ September 1999 – May 2009	Full-time Private Practitioner Colorado
▪ June – December 2009	Well Healthcare One South Baylo University Anaheim, California
▪ November 2010 – April 2011	English Program Director Dongguk University Los Angeles Los Angeles, California

Colorado The Official State Web Portal

Division of Registrations

Registrations Online Services - Individual

Change Password | View Online Payments | Logout

Welcome **Mike Sungsoo Kim**

Your Licenses

For license details (i.e., authorities, license relationships, etc.), please click on the license number below.

Throughout the Registration Online Services, *"license"* is used as a general term. While most of the professions and occupations are *licensed*, others may be *registered, certified*, or *listed*. For precise terminology and requirements related to a profession or occupation, please consult the website of the appropriate board or program.

Lic #	Type	Status	Expires	Printed
490	Acupuncturist	Active	12/31/2011	11/10/2009

Personal Profile

Date of Birth: 11/11/1967

You cannot change your date of birth online. For instructions on correcting your date of birth, please visit our Frequently Asked Questions.

Email Address: mikeandjin@gmail.com

Mailing Address: 128 Monroe
Irvine, CA 92620

Update Contact Information

Give us your feedback
FAQs
Who to contact

Federal Home Page || State Home Page || Department Home Page

Privacy Statement | Disclaimer

Technical Assistance:
E-Mail System Support Unit
Version 3.08 November 04, 2011

Contact the Division of Registrations
1560 Broadway, Suite 1350
Denver, CO 80202
(303) 894-7800 - Phone
(303) 894-7693 - Fax
Relay Colorado
(TTY (English & Spanish), Voice, VCO, ASCII, STS Assistance Numbers)

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

STATE OF COLORADO
Department of Regulatory Agencies
Division of Registrations

ACTIVE
ACUPUNCTURIST

PRINTED ON SECURE PAPER

490	01/01/2010	12/31/2011
Number	Issue Date	Expires

Mike Sungsoo Kim
Anaheim, CA 92801
United States

Rosemary McCool
Director

Signature

Mike Sungsoo Kim

BRD 6 TYPE ACU NUMBER 490

MAIL CORRESPONDENCE TO ☐ HOME ☐ 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

SungSoo Kim
AC 6332

License was issued on June 23, 1998. License was never renewed and was subsequently cancelled effective December 1, 2002 for failure to renew within three years of its expiration date (November 30, 1999).

Gou Chen Cheng
AC 97

License was issued on October 28, 1976. Mr. Cheng's license was cancelled effective February 1, 2011 for failure to renew within three years of its expiration date (January 31, 2008).

Gou Chen Cheng, OMD
AC00097
Cheng Centro de Acupunctura y Homeopatia
Salazar No. 58, Col. Magdalena
Uruapan, Michocan
Mexico
Telephone: 011-524-525-191213

CA Acupuncture Board
444 North 3rd Street, Ste 260
Sacramento, CA 95811
Ph: (916) 445-3021
Fx: (916) 445-3015

Re: Petition for License renewal

February 28, 2011

Dear Members of the Board:

My name is Gou Chen Cheng and I am currently practicing Acupuncture and Chinese Herbology in the state of Michoacan, Mexico. Prior to this I had been continually licensed by the state of California between the years of 1976 and 2008. I have recently discovered that my license status is listed as cancelled and I am in emergent need to return to CA. I write to you under extenuating circumstances with a request that I be granted permission to return my license to active status by completing continuing education in lieu of retaking the Board Exam. It was not my intention to allow my license to lapse, however, due to poor mail delivery services here, and the fact that I am not familiar with the use of the internet services, I regrettably did not maintain my CA license.

Most recently, my wife and I were abducted by force after leaving our office. We were violently overcome, forced into our car and taken to our home where our personal belongings were ransacked and stolen. Although we were spared our lives, we have been under continual threat by these men who continue demanding money. Unfortunately, this is happening more frequently and those who have gone to the authorities have not received much help. Some have fared worse for their pleas of help. I fear for the safety of my family and must flee our home here in Mexico. I would depart immediately, but I cannot leave my wife and her two young children here alone. Because of my emergent need to return I've only just discovered the status of my license. I have initiated the necessary paperwork to seek asylum for my family through the US Dept. of Justice, but I am concerned that I will not be able to continue my practice and livelihood upon return to California.

While I have not accrued any CEUs or PDAs while in Mexico, 2004 to present, I did maintain a very busy practice six days a week with a patient load of approximately 25 to 30 patients a day.

More recently, the patient numbers are about 8 to 10 per day. I have renewed my Mexican license annually. Prior to moving to Mexico, I maintained two separate offices in Covina and Costa Mesa, California. I have never had any complaints filed in either California or Mexico and I have always maintained busy, productive practices. It is my hope that the Board will take these extenuating circumstances into account and grant my request for reinstatement of my license by means of continuing education.

I understand that the Board will meet next on May 18, 2011 and I would like to request that my petition be included on the agenda for that meeting.

If you have any further questions regarding my petition, I can be reached at my office telephone number listed above;I am two hours ahead of Pacific Time. My contact in the USA is my niece, Chia Chia Cheng, L.Ac. (OR), 503-885-7600, chiachia1@mac.com.

I thank you in advance for the prompt attention given to my petition and request.

Sincerely,

Gou Chen Cheng, OMD

Enclosures: copies of his Mexican license to practice acupuncture, utility bills
(to be included with the signed copy of this letter, mailed by my uncle)

CC: Janelle Wedge

Jaehee Kim
AC 8719

License was issued on October 3, 2002. Mr. Kim's license was cancelled effective August 1, 2009 for failure to renew within three years of its expiration date (July 31, 2006).

Acupuncture Board
RECEIVED
MAR 14 2011

Petition for the reinstatement of the revoked acupuncture license

Name: Jaehee Kim

Address : 175 South Oxford Ave. #3, Los Angeles, CA 90004

License No.: AC 8719

Mar. 10th, 2011

Dear ladies and gentlemen:

I have received my license in August, 2002. To be an acupuncturist was my years-long life goal to start over my life in U.S. But the reality was a little harder than I had thought. After receiving the license I could not find the job place to work as a foreigner, which might give a chance to settle down in U.S. Almost 4 years long I practiced individually and attended the advanced course school to maintain the visa status. As the time flew my financial difficulties had become worse.

In 2006 I had managed to find a job in a different field to support my family and I entered the clothing retail company in the east coast, New Jersey. I had to be separated with my family, and had stayed in the east coast for the job. While I worked I could get the chance to change my visa status, the permanent resident status with the help of the company. The company had had the difficulties with economic crisis and gone to chapter 11 and restructuring. I was laid off with the lack of work last year October. I could come back to California to reunite the family. I thought that Laying-off might be a crisis, but for me it also meant a chance to realize my dream.

While I came back to home, driving from New Jersey to California, I was excited with the thought that I now could practice acupuncture, the life-long dream that I have dreamt every night while I worked for that company. I could not take my hand off the needles and medicine books, especially the books about the Constitutional medicine. But when I found that my license was canceled due to the negligence of mine, I was frustrated and I could not find how to work out the problem. And, at last, I decided to write this letter to make straight what is bent.

I feel sure you will understand my explanation, which is given in all good faith and without exaggeration. I appreciate you for your attention about my story. It will be highly appreciated if you grant me to re-instate my license with the conditions you think necessary.

Sincerely Yours,

Jaehee Kim

Roy Dittmann
AC 1493

License was issued on August 30, 1983. Mr. Dittmann's license was cancelled effective November 1, 2001 for failure to renew within five years of its expiration date (October 31, 1996).

Acupuncture Board
RECEIVED
NOV 05 2010

Roy Dittman, OMD
211 S. State College Blvd., #218
Anaheim, CA 92806
949.302.9007
roydittman@gmail.com

October 18, 2010

The Acupuncture Board of California
444 3rd Street, Suite 260
Sacramento, CA 95814
Reference: Expired California Acupuncture License #CK-1493

Dear Members of the Acupuncture Board:

I would like to issue a formal apology to the California Acupuncture Board for my refusal to comply with your regulatory requirements for licensure renewal. Your board may recall that in 1997, I refrained from including my SSN# on my application for renewal as a means of peacefully protesting what I believed to be the inappropriate use of an SSN#.

As a humble servant of the acupuncture community in California for 20 years, I am ready to begin serving the community once again - both as an educator and a practitioner.

I have included the following excerpt from my recent letter to Governor Arnold Schwarzenegger, requesting a formal pardon and the reinstatement of my license either in full or for educational purposes only as consideration for the extenuating circumstances inside of which my license lapsed for non-compliance:

"LICENSURE REINSTATEMENT PROPOSAL

1. I will provide the Board with a formal apology letter acknowledging the importance of complying with the Board's SSN policy. (See attached fully executed letter)
2. I will complete an apprenticeship program with an acupuncturist qualified by the Board.

3. I will provide the Board with a payment to cover all required License Renewal Fees.
4. I will continue to give free lectures on prevention of childhood obesity and hygiene throughout the Orange County school system.
5. I will continue to give public lectures and write papers on the philosophy of Chinese medicine and will make myself available to write editorials for the Board at their request.

I have attached a copy of my complete C.V., BioSketch, and Personal Background for your reference. References and professional Letters of Recommendation are also available upon request from the following individuals:

A. Jodi Evans – Founder of the first California Acupuncture Board while head of Governor Jerry Brown's cabinet in 1974 (Santa Monica, CA).

B. Roger C. Hirsh, OMD, L.Ac. – Former Acupuncture Examining Committee Member (Beverly Hills, CA). (recently deceased)

C. Christina Choi, OMD, L.Ac. – Examiner for my OMD degree and thesis in 1985 (Santa Monica, CA).

D. Dennis Kessler, OMD, L.Ac. – Acupuncture Examining Committee Examiner responsible for passing my clinical exam in 1983 (Westwood, CA).

E. Daniel Kenner, OMD, L.Ac. – Prominent international author and speaker on herbal pharmacology and essential oils (Forestville, CA).

I am requesting to renew my license, because I have taken on a commitment which is greater than me. The stand I am taking is for Chinese medicine to act as a bridge of communication between China and the United States. I have put together a working clinical model of communication that bridges this communication gap.

By maintaining an active license in California, I will be able to once again collaborate and represent my fellow colleagues in implementing this vision. In addition, I am a father of four great kids who need a financial base too.

In conclusion, I apologize for my ignorance of the regulatory code that governs our profession. I am now ready to begin serving the world acupuncture community once again. Thank you in advance for accepting my formal apology.

Sincerely,

Roy Dittman, OMD

Roy Dittmann, OMD, MH, DM
211 S. State College Blvd., #218
Anaheim, CA 92806
949.302.9007
roydittman@gmail.com

October 18, 2010 BACKGROUND LETTER

Acupuncture Board
RECEIVED
NOV 05 2010

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

With a Copy Sent to:
Los Angeles Office
300 South Spring Street
Suite 16701
Los Angeles, CA 90013

Re: Request for Pardon & Reinstatement of Expired California Acupuncture License #CK-1493

Dear Governor Schwarzenegger:

Thank you for giving me the opportunity to petition you to consider issuing a pardon to reinstate my acupuncture license. I received my license in 1983 upon graduating from SAMRA University in Los Angeles. I served the Los Angeles acupuncture community from 1983 to 1996 without any formal complaints or disciplinary incidences. (see attached complete C.V./Bio)

In the early 1990s, I was given poor legal advice to withhold my SSN number from inclusion on my annual renewal application with the California Acupuncture Board. My SSN number was well known to the State of California, since I first obtained the number as child actor at the age of 10. However, despite these facts, I was denied license renewal in 1997.

I subsequently went into early retirement to pursue research at the University of Illinois at Chicago and allowed my legal advisors to contest the California Acupuncture Committee's conclusion regarding licensure renewal. I never attended any of the subsequent court sessions. I had simply forgotten about it until I was informed in 1999 that my license was not going to be renewed in California, because too much time had elapsed while the case was pending in the courts.

The legal case and therefore reinstatement was denied due to a little known statute that states that an SSN number is required to track child support payments. This denial has damaged my ability to support my family. I am the proud father of four. My family convened the first California State Constitution and founded the Santa Barbara Mission. In addition, I was one of the founding members of the California Acupuncture Association.

I am requesting a formal pardon so that I may once again contribute to the Acupuncture Community. I would like to request a pardon based on the special circumstances of my lapse in licensure, to excuse my absence under special circumstances, and give me the opportunity to reinstate my license under the following proposal:

LICENSURE REINSTATEMENT PROPOSAL

1. I will provide the Board with a formal apology letter acknowledging the importance of complying with the Board's SSN policy. (See attached fully executed letter)

2. I will complete an apprenticeship program with an acupuncturist qualified by the Board.

3. I will provide the Board with a payment to cover all required License Renewal Fees.

4. I will continue to give free lectures on prevention of childhood obesity and hygiene throughout the Orange County school system.

5. I will continue to give public lectures and write papers on the philosophy of Chinese medicine and will make myself available to write editorials for the Board at their request.

I have attached a copy of my complete C.V., BioSketch, and Personal Background for your reference. Detailed spiritual, philosophical, and humanitarian background is available upon request.

REFERENCES & PROFESSIONAL LETTERS OF RECOMMENDATION

References and professional Letters of Recommendation are also available upon request from the following individuals[1]:

A. Jodi Evans – Founder of the first California Acupuncture Board while head of Governor Jerry Brown's cabinet in 1974 (Santa Monica, CA).

B. Roger C. Hirsh, OMD, L.Ac. – Former Acupuncture Examining Committee Member (Beverly Hills, CA) (recently deceased)

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E. Daniel Kenner, OMD, L.Ac. – Prominent international author and speaker on herbal pharmacology and essential oils (Forestville, CA).

If a complete reinstatement of my license is not possible without extension re-education, then I would request a permanent teaching license, to allow me to teach the full scope of oriental medicine within the State of California.

In conclusion, I apologize for my ignorance of the regulatory code that governs our profession. I am now ready to begin serving the world acupuncture community once again. Once again, thank you for your consideration.

Sincerely,

Roy Bittmann, OMD

cc: Katharina Magdalena Rettenwander; Cary Nosler
attachments: Supplemental Letter; Complete C.V., BioSketch; Copy of Apology Letter to the Acupuncture Board

---

[1] In the 1990s, I was close friends with Rhonda Columb before she passed away. I met with her in your office in Santa Monica on Main Street.

Calendar for 2012

JANUARY 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2012
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

MARCH 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL 2012
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER 2012
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER 2012
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					