California Acupuncture Board
Board Meeting
September 12, 2014
The Concourse Hotel as Los Angeles Airport
Los Angeles, CA

Board Members

Michael Shi, L.Ac – Chair
Kitman Chan – Vice-Chair
Hildegarde Aguinaldo, J.D.
Francisco Hsieh – Public Member
Jeannie Kang, L.Ac
Jamie Zamora – Public Member

Legal Counsel

Spencer Walker

Staff

Terri Thorfinnson, J.D. - Executive Officer
Tammy Graver – Board Liaison
Terry Sinkovich – Examination Coordinator
Kristine Brothers – Enforcement Coordinator
Ben Bodea – Education Coordinator
Marc Johnson – Policy Coordinator

AGENDA

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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

NOTICE OF ACUPUNCTURE BOARD MEETING

September 12, 2014

THE CONCOURSE HOTEL AT LOS ANGELES AIRPORT
6225 WEST CENTURY BOULEVARD
LOS ANGELES, CA 90045

Acupuncture Board Members
Michael Shi, L.Ac, Chair, Licensed Member
Kitman Chan, Vice Chair, Public Member
Hildegarde Aguinaldo, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member
Vacant, Licensed Member

AGENDA

FULL BOARD MEETING - 9:00 a.m.

1. **Call to Order and Establishment of a Quorum.**
2. **Opening Remarks.**
3. **Approval of Board Meeting Minutes for:**

   May 23, 2014
   June 13, 2014
   June 27, 2014

4. **Chair's Report.**
5. **Executive Officer's Report.**
   - **Staff Update**
   - **Budget Update**
   - **Exam: Occupational Analysis update**
   - **Enforcement: Data Report**

CLOSED SESSION.

6. **Pursuant to Government Code Section 827, the Board will meet in closed session to consider a petition for an order compelling a psychiatric evaluation and physical examination.**

OPEN SESSION – Announcement Regarding Closed Session.

7. **Western Association of Schools and Colleges, Senior College and University Commission (WASC) accreditation presentation by Melanie Booth, Vice President.**

8. **Accrediting Council for Independent Colleges and Schools (ACICS) accreditation presentation by Joseph E. Gurubatham, Ed.D., Senior Vice President.**

9. **Proposed regulatory change pursuant to Business and Professions Code Section 138.**

10. **Strategic Plan Action Plan Update.**

11. **Legislative Update.**
    SB 1246

12. **Regulatory Update.**

    - **Acupuncture Advertising Guidelines.**
    - **Continuing Education Ethics Requirement.**
    - **Consumer Protection Enforcement Initiative (CPEI).**
    - **Sponsored Free Health Care Events.**
    - **Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation.**
    - **Hygiene guidelines.**
    - **Prostitution Prevention regulation.**

13. **Future Agenda Items.**

14. **Public Comment on Items Not on the Agenda.**

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THE AGENDA, AS WELL AS BOARD MEETING MINUTES, CAN BE FOUND ON THE ACUPUNCTURE BOARD'S WEBSITE AT
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MEETING MINUTES

MAY 23, 2014

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

ACUPUNCTURE BOARD
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Draft

California Acupuncture Board Meeting Minutes May 23, 2014

Hotel Whitcomb
Whitcomb Ballroom
1231 Market Street, San Francisco, CA 94103

Board Members Present

Michael Shi, L.Ac, Chair, Licensed Member
Kitman Chan, Vice Chair, Public Member
Hildegarde Aguinaldo, J.D., Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member

Board Legal Counsel Present

Spencer Walker

Staff Members Present

Terri Thorfinnson, Executive Officer
Tammy Graver, Board Liaison
Kristine Brothers, Enforcement Coordinator
Marc Johnson, Policy and Regulatory Coordinator

FULL BOARD MEETING - 9:00 a.m.

1. **Call to Order and Quorum established.**

2. **Opening Remarks.** Michael Shi welcomed and thanked everyone for attending.

3. **Approval of Board Meeting Minutes for February 14, 2014.** Jamie Zamora requested that for Item 12 on the agenda, "Assignments of strategic goals and objectives to board committees" list the specific goals assigned to committees. It was decided that approval of the February 14, 2014 meeting minutes would be tabled for approval until the next Board meeting.

4. **Chair's Report.**

5. **Executive Officer's Report.**

Staff Update – Three new positions are in the process of being posted. The enforcement position is top priority since Kristine Brothers will be going on maternity leave.

Budget Update – Terri Thorfinnson reported that there is very little change since February board meeting to report. She stated that the board is under spending about $321,000 so the Board is in good standing for all categories.

Exam: Occupational Analysis update – Phase one - general input is complete and now we are in phase two – conducting subject matter expert workshops. In July, surveys will be sent out to the licensed population, which is phase three. The projected release of the report is set for February 2015.

Enforcement: Data Report – Kristine reviewed the enforcement update report from July 1, 2013 to April 30, 2014 regarding number of complaints and number of closed or referred to investigation-with average intake time of nine days. Other information covered was the number of initiated, pending and closed investigations. Performance measures from DCA for quarter one and two were also shared. There was also a lengthy discussion regarding the backlog and target days to close cases. The Chair suggested that further detailed discussion should be reserved for the enforcement committee.

CLOSED SESSION.

The Chair decided there was no need for this item to be a closed session. This item was moved after item 8.

6. **Pursuant to Government Code Section 11126(c) (1), the Board Will Meet in Closed Session to Discuss the California Acupuncture Licensing Examination (CALE) with the Office of Professional Exam Services (OPES) staff.**

OPEN SESSION – Announcement Regarding Closed Session.

7. Exam Development Presentation by Office of Professional Examination Services (OPES), Chief, Heidi Lincer-Hill – a presentation by Heidi Lincer-Hill and Raul Villanueva regarding the occupational analysis survey development, exam development, determining passing scores and the roll the subject matter experts have. Exam costs were also discussed. There were many questions/issues raised by the public regarding exam translation, security of the exam and what percentage of previous questions appear on the current exam, and how educators and people who work with applicants are not allowed to be involved in the development of exam questions. Computer based testing was also brought up, as well as exam question bank and who oversees OPES.

8. **Review of National Exams Presentation by OPES staff**

Heidi talked about the statistics of the February 14, 2014 exam. Raul Villanueva gave an overview of the basis for what the national review consists of including three steps: Psychometric, Technical evaluation and Linkage study and if there was a need to have a California-specific exam. He also explained identifying the relationship between California and

the nation exam organization. The Chair told the Board that after the occupational analysis is done, they will be reviewing the California exam versus the national exam. The Chair stated that Raul will be presenting his report to the Board approximately in the summer of 2015.

9. **Proposed regulatory change pursuant to Business and Professions Code section 138.** Tabled due to lack of time.

10. **Accreditation Commission for Acupuncture & Oriental Medicine (ACAOM) Presentation By Executive Director Mark McKenzie, L.Ac, MsOM, DiplOM**

Terry Courtney, Assistant Director of ACAOM presented the role of ACAOM accreditation in higher education and the work of the Commission. She reviewed the different types of accreditation and stated that role is protecting students by ensuring a quality educational program in appropriately resourced schools and universities. Another part of their responsibility is to ensure that teaching clinics are safe, effective and in legal compliance. They are also the gatekeeper for Title IV, federal financial aid to help students with their professional education. Site visits and school analysis reports were also discussed. ACAOM is a United States Department of Education recognized professional accreditation agency.

11. **SB 1246 (Lieu) Acupuncture Sunrise Bill.**

Terri gave an overview of each section of the memo titled SB 1246 CAB Sunrise Legislation version as amended on April 23, 2014 which changes the statutes and any regulations that are attached to a section that's being repealed will also be impacted and essentially repealed. Public concerns and comments were heard regarding the collaboration of CAB and ACAOM and amendments to the bill that restored the board authority and removing the E.O. provision. Accreditation was also discussed. Jamie made a motion for the Board to take a watch-and-concern position. Jeannie requested an amended motion to also include scheduling a conference call to discuss or conduct a performance evaluation of the EO. Motion was amended. Jeannie seconded the motion. The vote was unanimous in favor of the motion. It was also discussed that Terri is responsible for making the Board aware of any amendments to the bill.

12. **Committees Updates.**

Education Committee – a meeting was held April 18, 2014 in Sacramento. All members of the committee were present except for Francisco. Discussion included reviewing school approval procedures and gaps in our regulation. This comes directly from the strategic plan, which directed the Education Committee to review and improve our existing processes for the basic functions of the Board. Michael reiterated that these are our committed functions and the need to continue to carry them through. This discussion will continue at the next committee meeting. Also a collection of input from stakeholder meeting held in S.F. and L.A. were presented.

Enforcement Committee – Hilde served as chair and two other board members were in attendance. The discussion was about Article 5 which deals with the Standards of Practice. Other topics discussed were consistency in the statutes as far as the way acupuncture is practiced today. Statutes regarding single-use needles and reusable, non-disposable needles were also discussed. Also discussion on sterility of office area and how needles are transported

to ensure sterility and patient safety during the process was also done. Not all discussions were completed but the committee made good progress.

Examination Committee – Kitman said that there is little variation of the passing rate of exams. Limiting the number of times a candidate can take the exam was also discussed.

Executive Committee – Tabled due to lack of time.

13. Regulatory Update.

1. **Acupuncture Advertising Guidelines** – display an acupuncturist's actual license number.

2. **Continuing Education Ethics Requirement** – this would require 4 CEUs every two years.

3. **Consumer Protection Enforcement Initiative (CPEI)** – Marc Johnson reported that it has been filed. This was the highest priority as designated by Spencer and the Board.

4. **Sponsored Free Health Care Events** –This regulatory packet is ready for review.

5. **Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation** – Marc Johnson said it is about 75% complete.

6. **Hygiene guidelines** – It is under development right now.

7. **Prostitution Prevention regulation** – this was passed by the Board back in February and staff will be modeling the language after the Chiropractic Board's to write our own guidelines.

14. Requests Pursuant to B & P Code Section 4967.

Poongwon Peter Lee (license cancelled 9/26/13) – Mr. Lee talked about the work he has been involved in to give the Board a background.

15. Future Agenda Items – Michael said that the closed session regarding the E.O. provision on bill 1246 is one future agenda item. Jamie would like to have an update of our strategic plan and if the Board is meeting the completion dates. He also would like to have a review process of the sunset review process and the recommendations that the committee proposed in terms of what they've asked. Thirdly, Jamie suggested that a presentation be done by NCCAOM.

16. Public Comment on Items Not on the Agenda.

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MEETING MINUTES

JUNE 13, 2014

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR

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

Draft
California Acupuncture Board
Meeting Minutes
June 13, 2014

First Floor Hearing Room
1625 North Market Street
Sacramento, CA 95834

Teleconference Location:
Junipero Serra State Building
320 West Fourth Street
8th Floor Conference Room
Los Angeles, CA 90013

Board Members Present

Michael Shi, L.Ac, Chair
Kitman Chan, Vice Chair, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac
Jamie Zamora, Public Member
Hildegarde Aguinaldo, Public Member

Board Legal Counsel

Spencer Walker

Staff Members Present

Terri Thorfinnson, Executive Officer
Tammy Graver, Board Liaison
Kristine Brothers, Enforcement Coordinator
Marc Johnson, Policy and Regulatory Coordinator

1. **Call to Order and Quorum established.**

2. **CLOSED SESSION**
   Pursuant to Government Code Section 11126(a) (1) the Board met in closed session to evaluate the Executive Officer's Performance.

3. **OPEN SESSION**
   Announcement Regarding Closed Session – Michael Shi announced that it was decided in closed session that all discussion will be held in open session. The Executive Officer's evaluation was completed back in the spring and the next evaluation will be in November.

4. **Discussion and Possible Action Regarding SB 1246 (Lieu)** – Michael stated that board members were given a memorandum from the B&P Committee this morning. Michael asked Terri to give an analysis of the bill. Amendments were as follows: 1) Repeals the 2015 date and gave the Board two years until January 1, 2017 2) Reconstitutes the Executive Officer position and specifically prohibits the appointment of an E.O. that has served prior to January 1, 2015 and 3) Eliminates the board's authority to approve, monitor, enforce standards for acupuncture training, including its curriculum requirements. This would go into effect as of January 1, 2017. A loss of this authority would impact and repeal all of the education curriculum standards and regulations that were created under this authority. It would also eliminate the board's authority to charge fees and receive reimbursement for direct costs of inspections and evaluations of training programs.

   Kitman Chan made the following motion regarding the SB 1246 and Michael clarified: Section 1 - Support the Sunrise bill if amended to four years until another Sunrise Review; Section 2 – Retain the language "Board approved"; Section 3 – extends the sunset review date to January 2019; Section 4 – Restore the Board's authority to employ necessary personnel; Section 5 – Oppose this section; Section 6 & 7 – Restore board approved schools and training programs instead of eliminating the board approval; Section 8 – Restore the board's authority through its original intent, which would include both U.S. and Canada, as well as outside of the country; Section 9 – Oppose this amendment. Section 10 – Oppose; Section 11 – Oppose; Section 12 – Oppose in order to retain current authority for fees; Section 13 – Oppose so training program continue to reimburse the board for the direct costs of inspection and evaluation. There was a request to amend the motion to "support if amended" based on April 23rd version, not the memo. The amendment was accepted by Kitman and seconded by Francisco.

   Public comments and concerns were raised to return the board's authority to approve training program and eliminate language that removes the board authority. Also, language regarding the E.O. provision should be removed. Finally, the date for the next Sunrise Review should be extended beyond the two years. Development of educational regulations is an extensive process. Two years is not enough time. Concern was raised as to how much time the Board members have spent with the committee consultants regarding this bill.

   LeOndra Clark, representing the Senate Business, Professions and Economic Development Committee addressed the comment and concerns of both the Board Members and the public regarding the bill. She apologized for the memo being late and provided clarification about the memo and proposed amendments that are not printed yet. She stated:

   > "The view of the legislature and the committee is that the board has not met the minimum requirements and duties to ensure public protection but, instead, have invested time and resources on, for instance, school approval. I also understand that there were some comments about, "Well, this is a new board, there's new members." But what you all should know is that across all boards, members turn over all the time, and that's not justification for the legislature to not encourage the board to move forward quickly to address the minimum basic duties that they are mandated to do. This is not the first time that this board has not been extended. This is nothing new."
   >
   > "This board, across that last 20 years, has had several Sunset Review cycles where they've been extended for less than four years. So this is not something that's coming out of the blue at all. This has happened before. This is not setting precedence. And this is not the only board that its been extended for a limited time. We've had boards that were extended for one year. So based on the progress of the board and the activities of the board, the legislature makes a decision on how long to extend them. There's no way that the legislature is going to

extend this board four years, considering a lot of the issues that many of you have discussed, that you all have had."

"So if you can admit, as a board, that you've had ongoing, longstanding issues that you've grappled with, we as a legislature also observe that. And so, when there's a limited extension, we're saying come back to us, show us that you've made progress. It's not a punishment. It's our duty as a legislature to check in with you and to make sure you're all meeting your basic mandates. "

"I want to clarify the language on the bill and the amendments because there seems to be a lot of confusion, which I understand. This has been quite a process. So I just want to provide that for you so everyone is clear. But before I do that on Sunset Review, Jamie, you had a question about, "Well, does the board still have authority with the new amendments?" Yes. Your authority is restored, which means your amendments – because there's been a lot of talk about, "Well, if you change the language and the regulations are going to go away". No. We are restoring the prior language, which means the prior regulations attached to that language and attached to that authority are back in effect. So we can – I mean you can all continue to want to discuss that, but I just want to make it clear. You also asked about the two years, and do we have enough time, and is there a time frame. Let me also clarify. The two years is a check-in for specific issues outlined in the report, which include promulgating regulations which I understand you all are well on your way with and pretty much done with those."

"The other two issues were the exam, which you all have already -- per your last meeting; I remember hearing you were getting some type of budget change proposal to look at the exam. And then the third issue was accreditation. And you all are already looking at that as well. So the argument that two years isn't enough doesn't necessarily fly with us. In addition, please note-- and this might not have been clear -- when you come back in two years, we are not having the board do a full sunset review report. We understand that that takes time and resources and we are sensitive to that. But for us to all let you go for four years and not check in with you and to see how things are going, that would be irresponsible on the part of the legislature. So what we are asking is that in two years, you come back and give a status check. Not that you've completed all these items. Because, again, we're not unreasonable and we realize that that's not fair, that you don't have enough time to do all of that in a thoughtful manner. We want to see that you all are moving towards completing these tasks in a thoughtful manner in the next two years. So two years, we're hoping you'll be able to come back and say, "This is where we're at with this. We've done an audit. These are the results," or, "We're still in the process of doing an audit, but we're showing movement towards the goal". So I hope that clarifies. Because I've heard a lot of back and forth and concerns about that, which I understand. But I hope that's clear now."

"The 30 days was brought up in regards to reviewing curriculum. We're not talking about 30 days going through your school approval process as it currently exists. We're talking about 30 days to look at a list of curriculum and match it up to the standards that you've already established. You're not establishing new curriculum standards. You already have those in place. You're merely saying, "School X has this curriculum they're submitting to us. Doesn't meet the standards that we've had in place for 20 some years." That is not something that takes more than 30 days. That's not something that takes probably more than a week. And if we really want to be realistic about it, 30 of the 35 acupuncture schools in this state are already accredited. They're already approved by the board, which means you're not looking at that application again. That's done. There are only five remaining schools that do not have ACAOM accreditation, but they've already been board-approved. So that curriculum review has happened. This applies to new schools that might pop up. And if you look across the last

20, 30 years, there hasn't been a huge influx of schools. You're not having 20 schools apply for approval or getting established every year. So this is if there is a new school, the process that they would have to go through is submitting their curriculum to the board to ensure that California's high standards are met."

"We have heard you all in your meetings. We have heard different organizations say, "We are concerned that the 3,000 hours, the regulations, all that California has worked very hard to establish in the state will go away with this bill." That is why we have amended – after hearing that, we have amended the bill so that those standards are retained. So please know that we've come from a stance of collaboration, we've been listening, and this is the proof of it. With that said, you all don't have schools knocking down your door trying to open up, but if they do, you still have your standards to ensure that those standards are met. When you look at the ACAOM standards that currently exist, there are two areas in which they differ from the California Acupuncture Board school approval process. That is an area of direct clinical supervision and the number of hours needed, clinical and training hours. This bill ensures that those standards are a prerequisite before anyone goes and gets ACAOM accreditation. So, in essence, what's changing here is that the board now does not need its staff or board members to fly all over the country and to approve schools. You aren't having schools apply to you and submit a check. We're letting ACAOM take care of that. They already have those standards in place. But we also raise that California has additional curriculum standards that exceed those of ACAOM. And so we're saying, "Board, work with ACAOM. Board, you get that application first. You determine if the curriculum is appropriate". If not, they don't move on to accreditation. But if you determine that their curriculum standards are high and meet California standards, they move on to accreditation. ACAOM and BPPE will also review their application at that time. So there are several steps, safeguards in place, but you all now don't have to spend your resources and time on this vast school approval process. You can turn that over to ACAOM. They have subject matter experts that can go."

"There was also a question about how long it takes for ACAOM candidacy. I heard the figure "six years" thrown out there. That's not accurate. ACAOM candidacy happens after the school has been in existence for a year, and it takes about six months for them to go into candidacy status. After that, it takes another two and a half years, approximately, before they are accredited. So accreditation is typically a three-year process with ACAOM. And what we've done to ensure that students are protected, per the request of the BPPE, is, we have ensured that any students that graduate from a program who are in candidacy status with ACAOM – those first two classes will be protected. They will be able to sit for licensure. So that's another attempt to work with an association or an organization to make sure that students are protected. I've heard a lot of talk about, "We're going to lose the specificity within our current regs. We're going to repeal our current regs." This bill will allow you to preserve current regs, and it doesn't take two years, even if the regs needed to be promulgated again, because you already have the language, you already have the standards. If, in fact, you had to promulgate again, it would be as simple as resubmitting what you already have. I don't suspect that you will have to do that, anyway, because this bill restores the authority that you already have. So the only thing that would be gone, in a sense, would be your ability to charge the fee and go on a site visit."

"When the legislature looks at the history of this board and we look at your mandate of basic duties, we feel that you all have unfortunately had some trouble in the areas of enforcement, consumer protection, etc. And if your focus is taken off of going on site visits and all of that, we hope that it will help you focus on those basic duties that you're mandated to do. That is your charge as board members. So, though we would like to have control over everything on the record – go on site visits and do all of these other duties – if you're not meeting your basic

duties, none of that matters. And if there is an association that can handle those duties and you can work together and you can preserve California's high standards at the same time, we as a legislature feel that that's highly reasonable. There were some comments made about, you know, the committee being biased. I heard last meeting I was mean-spirited. I want you to know of the committee is not biased. We're incredibly concerned with public protection and bringing the CAB in line with their mandates."

"Also, be very careful when you consider – I know it can be very confusing. There are lots of different associations. Most of the other healing arts boards that we work with have one or two associations. You guys have 8 million. And so that makes it very difficult. But I ask that you be very careful. I was just looking at a list that was passed out, and it was represented as, "All these people," you know, "are going to not support the bill". But, I must say, I just have to be correct, that several of these organizations have already written support letters for this bill. Some of these organizations are actual acupuncture offices. So you as board members, you know, it's your job to protect the public and let us in the legislature figure out who represents who, who doesn't, what their opinion is, what not, because it can get very confusing. And I believe this is just a list of people who attended at dinner. I don't know that this is an official opposition support. I mean, I see South Baylo University; they support. I see the Korean Acupuncture Association. We have a support letter from them. So in the analysis that comes from assembly B & P, you will see who truly supports and doesn't support this bill by their registering a letter with the committee, with the legislature. So that's always one place you can look for the truth."

There was a lot of discussion regarding clarification of the motion. The amended motion passed 5-0-1.

Spencer reminded the board that there most likely will be another Board meeting once the B&P committee publishes the amendments.

5. **Public Comments on Items not on the Agenda –** Dr. James Han, PhD in oriental medicine and California certified acupuncturist talked about a petition he submitted to the board on April 26, 2014 asking that herbal medicine be added to the scope and practice of acupuncturists.
Jamie asked what the legislative process is for SB 1246 from here. Terri answered that once the amendments are in print, she will share it with Michael and Spencer and send it to the board members. Another board meeting will then be scheduled to go over the amendments.

6. **Adjournment**

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

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MEETING MINUTES

JUNE 27, 2014

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

ACUPUNCTURE BOARD
1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
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Draft
California Acupuncture Board
Meeting Minutes
June 27, 2014

Sacramento Location:

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room
Sacramento, CA 95834

Los Angeles Teleconference Location:

Junipero Serra State Building
8th Floor Conference Room 8A
320 West Fourth Street
Los Angeles, CA 90013

Board Members Present

Michael Shi, L.Ac, Chair
Kitman Chan, Vice Chair, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac (in L.A.)
Jamie Zamora, Public Member (in L.A.)
Hildegarde Aguinaldo, Pubic Member (in L.A.)

Board Legal Counsel

Spencer Walker

Staff Members Present

Terri Thorfinnson, Executive Officer
Terry Sinkovich, Exam Coordinator
Marc Johnson, Policy Coordinator
Katie Le, Office Technician

1. Call to Order and Quorum established

2. Discussion and Possible Action Regarding SB 1246 (Lieu) as Amended on June 15, 2014

Michael started by reminding the board that their business is conducted according to Robert's Rules and that Robert's Rules merely is the framework from which the board arrives at any decisions that they make. Michael also told everyone that he attended the assembly hearing where the Acupuncture Sunrise bill was heard. Michael made a motion to support if amended the

current version of SB 1246, dated June 15, 2014. Then Terri was called upon to review the Acupuncture Board analysis that she had prepared and also review the June 15th version with the amendments. Terri reviews the Sunrise bill section by section, in terms of the amendments so that everyone would be informed what was amended and what wasn't as compared to the last version.

- The first summary point repeals the 2015 sunset extensive work to January 1, 2017.
- It terminates the current executive officer and specifically prohibits appointment of an executive officer that has served prior to January 1, 2015;
- Eliminates the board's current approval process and I emphasize "current" – specifically elimination the follow: The board's inspection authority that is critical to clinical training requirements compliance, application fee to reimburse the board for staff time, and reimbursement for schools for direct costs, monitoring, annual reports from schools and ongoing enforcement authority to ensure compliance with board curriculum;
- Eliminates the board's authority for training program, inspection, direct class reimbursement – I mentioned that in the last point;
- Restores the board's authority to set curriculum standards and clinical standards;
- Adds as a condition of licensure that all licensee graduates from an accredited and BPPE approved school. Also adds that the board's required to review and notify the Accreditation commission For Acupuncture and Oriental Medicine (ACAOM) and the Bureau of Private and Postsecondary Education (BPPE) if the school meets curriculum requirements;
- Defines what approved training program is after January 1, 2017 that includes the board conducting a paper review and determining whether schools meet curriculum standards. However, review does not include an inspection and it is unknown whether the review will be approved by staff or the board. There was some clarification on that point in the memo that you also got from LeOndra yesterday, so let me go through section by section.

Section 1 – This section amends a newly created section in the Business and Professions Code, 4927.5, which is a code section of definitions. This new section, point 4927.5(a) creates a new section 4939. This new section is repealed as of January 1, 2017. After January 1, 2017, a new school approval provision is created that is set forth in the section below. This section was unchanged from the June 15th amendments, so it's the same as the April 23rd version.

Section 2 – This is also in the "Definition" section of 4927.5. This section amends the new school approval section that becomes operative after January 1, 2017. It defines what constitutes an approved training program. The first change that this amendment makes is to replace the word "both" with "all". The provisions related to the board are added in addition to ACAOM and the Bureau of Private and Postsecondary Education in the April 23rd version. ACAOM and BPPE were mentioned with the addition of the board so the wording needs to be "all".

The second change is to add the provision that requires a curriculum standard of 3,000 hours, requiring that at least 2050 hours must be didactic and laboratory training and at least 950 hours of supervised clinical instruction. This provision is intended to restore the board's authority to set curriculum standards. The provision also includes that schools must submit a curriculum standard to the board and receive board approval of this curriculum. This provision restores a modified school approval authority to the board. This modified authority does not include any inspection, authority fee, cost reimbursement, or enforcement authority. Does the June 15th amendments restore the board's authority to set curriculum standards for training programs? The answer is yes. The new language is in the "Definition" section, so the section

that currently gives the boards authority is still repealed. And so the new language is in a different section. But it's still restored. This modified authority does not include any inspection authority, fee or cost, reimbursement, or enforcement authority. So is it just the assumption that ACAOM would do the inspection?" Answer: I guess.

The third change relates to specifically defining ACAOM status. The provision requires schools to be accredited or have been granted candidacy status by ACAOM. Under this accreditation section, a subsection was added to require the board to review the curriculum based on the board's standards, and determine within 30 days whether the curriculum satisfies the board's curriculum standards, and then notify ACAOM and BPPE of that determination.
The location of this review and approval of the curriculum suggests that when schools in California apply for accreditation, it will include a board compliance review as part of their accreditation process. The board wouldn't have the ability to go out and do the inspection that we would do under our current law. And then there is this, that states that schools that are getting newly accredited, the process is for ACAOM to direct the school to have the board determine whether their curriculum is compliant with the board's curriculum as the first step. And that review has to be done in 30 days. From the memo that Le Ondra sent you, her suggestion is that that would be a board – I mean, a board staff approval. So, you know, given the board's discussion through several meetings about whether staff could do that kind of approval or what our process is, that would be a point to think about because that's a significant change.

Doesn't staff currently do the approval? No, staff does the initial review and then refers the recommendation to the Education Committee and who then makes a recommendation to the Board. The Board has decided that it does not want to delegate final decision-making authority to staff. For pending applications we have created two categories: incomplete and deficient. All schools have been given 60-day notice to either address the incomplete application and/or the deficiency, and the results will go to the Education Committee and they will make the decision about the application, but will then go to the board. Spencer clarified that: "The board has never been tasked with just approving curriculum. So that issue has never come up. What the board has been tasked with, and it's their responsibility at this time to determine whether or not a school will be approved. And of course, curriculum is part of it."

The use of the word "school" versus "training program" may be a word usage that is misleading because we have always, sort of as a shortcut, used the word "school approval." When the Board approves the school, it is really approving the curriculum and the training program. And the training program includes the didactic and the curriculum in the clinical program. In California, clinics/schools are not allowed to have their clinics operate without board approval of the clinic. So they would then have to wait for the final approval, and then the board would then have to go out and approve – look at their clinic as a re-inspection to see that the newly opened clinic is actually operating in compliance. So it's really approval of a training program, which is what I think is intended by the legislative change. We don't really look at the institution because we rely already on ACAOM and BPPE for that kind of review. So what we're really verifying is the curriculum, the curriculum and the clinical training standards. That's what we're doing now.

What is the current review of ACAOM and BPPE? They review the schools, institutions, their processes, how they do governance, how they keep records, how they keep given grades. All the things that you would expect an institution to do. So our checklist includes looking at records and how grades are determined and whether there's a firewall for security to protect those, whether there's an ability of professors to be changing grades or unauthorized change in grades. But the basis of our recommendation is the training program: Do the classes meet our

curriculum, and are the clinic and the clinical training in compliance with our standards? That's the basis of our recommendation, that's the basis of our approval. So that's really not a school approval. That is really a training program approval. As for inspection it appears to be the intention of the legislature to relieve the board of the burden of inspection because that's what we have been unable to do up until now with staffing shortages. But the reality is we need that in order to complete the curriculum approval.

Michael Shi commented, "I think given that we do have curriculum standards to enforce, I think we do need the authority to probably enforce them. And I think I appreciate the Sunset Review, certainly, of incorporating ACAOM to the process. I think that's very valuable to strengthen what we do. But I think as part of my motion, I would like to say that we want to enable and to restore the powers of the inspection as well as fee collection for that inspection process. I think that's very important. I think it's always wise to err on the side of having – double checking, if that is what it comes down to. Certainly, over time, as we go down this path and if there is obvious overlap of the function, at that point the board and future boards can take up this discussion and we can seek further efficiency. But I think right off the bat, it may be wise for us to err on the side of or repeat double inspection, for example".

Hilde asked about the practical effects of the inspection authority for the curriculum or training program approval. Why is this not something that we would be able to simply do by just a paper evaluation? The curriculum standards have very specific requirements that require verification. Our major concern is with respect to clinical training and supervision. We have specific clinical supervision requirements. The first 150 hours our students can observe only; the next 275 hours they are allowed to do assessment and evaluation and treatment, but with a clinical supervisor with five years of experience in the room and present. The third 275 hours is the requirement for needling that, if that's the treatment, and what is done for needling in that treatment, the supervisor must also be in the room. That's what we look for in terms of compliance. We do that through observation for the clinic. We do it through interviewing the clinic director and all of the clinic supervisors. We look at the medical records to see whether it has all of the requisite training, information for diagnosis and assessment that would facilitate both documentation for medical records of traditional Chinese medicine, but also to document an understanding of what would be a basic assessment and of a patient, and then recommendations for treatment that would be documented, because part of the training is that students not only learn how to assess a treated patient, but also to document it in a medical record. We look at the medical records to see that they include both acupuncture and western terminology. What does it have that would allow someone with western medicine training to look at the record and know what else is happening with the patient. So that dual detailed documentation demonstrates to the board that that's a good clinical training program. That is something – because it's medical records, it's an on-site; we have to sign confidentiality agreements. It's not something that we do in the regular desk audit. The interview with all of the faculty, administrators and students is not something we do in a regular desk audit.

Bill analysis continued.

Section 3 – This just amends or extends the board's Sunrise Review date to January 1, 2017.

Section 4 – There's no change from the April 23rd version. This is the section that creates and adds the firing authority to the new section for hiring staff.

Section 5 – No change from the April 23rd version. This is the provision that terminates the current E.O. and prohibits the board from appointing an E.O. who has worked for the board prior to January 1, 2015. And this provision would be repealed as of January 1, 2017.

Section 6 – This section remains unchanged from the April 23rd version. This is the section that amends B & P Code 4935 to eliminate the board's authority to charge a fee for school approval after January 1, 2011. Currently, the board has authority to charge up to $3,000 per application, but right now only charges $1,500.

Section 7 – Section 7 amends B & P Code 4938, the licensing provision of the Acupuncture Act. This provision further defines that as a condition of licensure, all applicants must have graduated from a school accredited by ACAOM. A new amendment is added to define eligible students who are ones who are in the first or second graduating class of a school that has been granted candidacy status by ACAOM. Otherwise, if they didn't have this definition, it would allow all graduates from accredited schools to be eligible for licensure without the requirement they graduate from a school whose training program has been approved by the board. This is a section that actually needs clarity that I would recommend, potentially, the board thinking about approving a recommended amendment, which is to clarify this section to include Board approval. It is possible, from looking at the interpretation; a graduate of the first and second class of an accreditation agency could not be approved by the board and still graduate. So having the simple clarification of like an "and" and its curriculum be approved by the board, would clarify this issue. I think it's kind of a minor change, but it would just add clarity, so that you would get the best of both worlds. You'd get the definition of which students can apply and ensure that there are no students that would be graduating from schools that didn't have board approval of their curriculum. While there is good value in defining, there is still a little bit of ambiguity about whether, at what point could you have students that would qualify technically with the letter of the law of being in a first or second graduating class that would be from a school that, at that time, hadn't had the curriculum approved. Now, the reason this is an issue is when we evaluate applicants for sitting for the exam, we want applicants to have 100% of their program complies with our curriculum standards. Some of the transcript course work isn't really from either a BPPE approved or board approved or accredited school. And for that period of time, then those courses, a fraction of those courses and transcript, wouldn't comply with the board's curriculum requirements for the purposes of sitting for the exam. So having a very tight definition of whose eligible is really important for the purposes of reviewing our exam applicants. This section could be tightened up with the addition of "and receive school approval" in the section.

Section 8 – This section amends 4939 to repeal the board's authority to set standards and approve training programs after January 1, 2017 unless it's extended. The board retains its current authority to approve training programs up until January 1 of 2017.

Section 9 – This section amends the post January 1, 2017 4939, board authority to establish "acceptance." The word "approval" was changed to "acceptance" of education training programs that clinical experience received outside US and Canada. This is the new version of section 4939 that takes effect upon repeal of the current board authority to establish training standards for the school approval. The shift from "approval" to "acceptance" suggests a lesser standard, but "acceptance" is still some kind of a decision, some kind of a positive or negative decision. So technically, I guess it's still in the ballpark of "approval." There's another issue--the current wording exclude Canadians from being either considered US approved or foreign approved. So it creates an island that anybody that graduated from an accredited school in Canada under the current version and under this version wouldn't be eligible to be considered

for sitting for the exam. I don't know what the origin of having the US and Canada be grouped together, but the net effect that staff has been dealing with is that Canadian programs, we have no ability to approve them. So what the people that graduated from Canadian programs have to do is complete tutorials. So I just raise that as potentially an area we can work with committee staff on.

Section 10 – This keeps the April 23rd amendments to 4944 to repeal the Subsection B that provides the board's current authority to inspect schools. So the board's inspection authority is repealed after January 1, 2017.

Section 11 – This section repeals the word "board" from "board approved" from approved training programs in the guest acupuncture provision. This is unchanged from the April 23rd version.

Section 12 – This section repeals the board's authority to change a school approval application fee that is intended to cover all the costs related to school approval and enforcement. This section is unchanged from the 23rd version. This is the provision that financially funded inspection and that is needed to evaluate clinical training compliance and ongoing enforcement compliance with board curriculum standards.

Section 13 – This section repeals that board's authority to charge schools as reimbursement for direct costs for inspection and evaluation. This is also unchanged from the April 23rd version. This provision financially funded inspections, which is needed to evaluate clinical training compliance and ongoing enforcement.

The impact of the June 15th, 2015 section restores some authority, but the majority of the board's authority for school oversight and enforcement are still repealed. Amendments restore the board's authority to set standards and verify curriculum compliance with those standards for new schools seeking board authority approval status, however, it does not allow for approval of clinical standards because the inspection authority for schools is repealed. Without inspection authority, the board is unable to evaluate clinics and clinical training compliance with the board's standards. In addition, without inspection authority, the board is unable to monitor and enforce ongoing compliance with clinical training standards. The inspection authority for both school approval and enforcement is needed to protect public safety and ensure competency of licensees. The school approval workload remains, but without any reimbursement for the workload because the fee is repealed. So the board will retain a significant workload approval without revenue to pay for the workload. The E.O. provision terminates the current E.O., prohibits the board from hiring the current E.O. or anyone who's worked for the board in 2015. Here are some of the current E.O. achievements:

- Successful in obtaining three additional staff to address workload proficiencies in education, enforcement and licensing. This restored the board's staffing levels to the 2001 staffing levels, even though the workload has tripled.

- Applied for additional staff and facilitate expansion to house addition staff, even beyond those three.

- Applied for additional staff to bring staffing levels to meet its current ongoing workload of the board.

- Addressed regulatory backload by creating a dedicated, full-time regulatory staff position. Resulted in the Consumer Protective Enforcement initiative (CPEI) being submitted for implementation.

- SB 1441 is going through regulatory process.

- Sponsor-Free Health Events is going through the regulatory process.

- Addressed deficiencies in the board's governance structure by arranging for board meetings to be webcast. All agenda items have a policy memo so the board members are informed to make informed decisions.

- Training, enforcement, education, and exams, staff and regulatory staff to write memos and bill analysis to support board member decision-making.

- Increased administrative support staff to address board meeting and travel logistics and general board administration.

- Addressed overwhelming calls workload by shifting calls to DCA call center. This resulted in both increased staff productivity and increased customer service.

- Redesign the board's website with staff.

- Increased the board's enforcement efforts, increased continued education audits to 5% and next year to 8%.

- With an additional staff requested, the board will be able to audit courses and CE providers.

- Instituted creation of staff-training manuals for each of the positions to facilitate training of new staff and strengthens succession planning.

- Oversaw creation of new five-year strategic plan.

- Created nurturing team environment that has resulted in 100% staff retention.

- Work with staff to learn ATS in past database systems to create training materials for them. There are no training materials for either of these complex date systems that existed prior to our training materials.

- Created a project team in charge of training, Monitoring and updating DCA call center on acupuncture issues.

- Worked with staff to create training manual for the DCA call center.

- Updated California licensing exam occupational analysis.

- Wrote BCP to fund the formal review of the national certification pursuant to Business and Professions Code 139 and made arrangements with the office of professional exam services to conduct a review of the national exam.

- Worked with CPS, HR and OPES to increase exam security and follow up on potential cheating allegations.

- Reengineered school approval and enforcement site visits to include subject matter expert onsite visit team, and an exit report that is used as the basis to report decision on applications and enforcement visits.

- Increased the number of subject matter experts for education and enforcement.

- Updated hand hygiene standards for proposing update to the board, which resulted in board approval of regulatory packages.

- Addressed rampant prostitution within acupuncture professional by creating a prostitution-prevention regulatory package that gives board authority to discipline licensees who allow prostitution or sexual relations in their offices.

- Secured board approval of regulatory packaged increased ethics course for continuing education.

- Secured board approval of regulatory package to prevent illegal use of acupuncture licensees by requiring licensees to include their license number on all advertising.

- Created a project team to update regulations and forms.

- Created protocol for use of E.O. and chair electronic signature.

- Updated Board Administrative Manual.

- Prepared Sunset Review report in 2013 and 2013 Annual Report.

- Replaced all old office equipment, including copiers, faxes, computers, printers, monitors, recorders, conference phones, and this resulted in increased staff productivity.

- Created project team to work with OIS by creating a drop box capacity to facilitate document sharing with the board members with an eye to cutting down on copying and mailing costs of board packet materials.

- Conducted overall evaluation assessment of workload and resources that resulted in BCP's and reclassification of staff in the creation of two permanent intermittent staff for administrative support.

- Seeking special investigator position; approved the board's enforcement. With this position, the board can go into the field and investigate unlicensed activity.

Michael asked if Terri or LeOndra could provide clarification on the differences between the analysis from the committee and Terri's analysis. There seems to be agreement that the language has restored the board's authority to set curriculum standards and to approve curriculum and to repeal the inspection authority and the fees and reimbursement of costs. The process going forward is not clear with respect to the Board's involvement in school oversight.

I guess that would just go to ACAOM and BPPE and that would be the end of the board's involvement. So that part is still unclear on my part, but she's indicating that that would probably just be taken over by BPPE and ACAOM.

The other part that I was concerned with in terms of the defining in the licensure, of our licensure section of the graduating classes of who would be eligible to sit for the exam, I think it's worth putting in "and board approved" language to clarify that. But other than that, I think we're in agreement.

Hilde asked the following question: "The point that Terri just brought up regarding the possible clarity on the graduating class that you just brought up and a couple of the other points, does Dr. Clark have a comment to that?"

Dr. Clark: "I have to say that I am confused by, Terri, your analysis of Section 7. It didn't make a lot of sense to me. So let me try to clarify what Section 7 does".

Section 7. There seemed to be some confusion about, you know, why there was the first two graduating classes and what that really meant and what the intent was. So I'll clarify the intent of the author. When we worked with BPPE and DCA to figure out how to protect students, it was clear that this language needed to be added because if the school is in candidacy status, they are not yet fully accredited. And it is possible that, when their first class of students graduates, then they may have not achieved accreditation status yet. And so to protect those students, it was a request from the Bureau of Private and Postsecondary Education that there would be language to allow them to sit for licensure. Now, a statement was made earlier that this means that these students are going to come from schools that curriculum won't be approved, and that's just not accurate. Every school first has to go to this body, the Acupuncture Board, for approval of curriculum. If that curriculum is not approved, they do not advance. So I hope that that clarifies. I did try to put that in a memo to clarify. But you all are, in essence, the gatekeepers in terms of curriculum. Not only do you set the standards, but you enforce the standards. The standards in a sense that if you look at those standards and that school's curriculum are not in concert with the standards that this body has laid out, then you will not approve them. You will deny them. And that means that they will not be allowed to be fit for accreditation, they will not be allowed to move forward to BPP & E. So BPPE and ACAOM look to you to give them first authority to even review those applications. And so this has been an amendment that has been done in the spirit of collaboration because we've heard a lot about how you all want to work with ACAOM, and so we've created this to allow you to work with ACAOM and BPPE. So they are in agreement with us. We would hope that you all would be. I hope that clarifies.

Terri – "The language specifically that we're recommending clarification -- if you look at the bill language in Section 7 and Sub 1, the new amendment language reads: "An individual who graduates in the first or second graduating class of a school or college that has been granted candidacy status by the Accreditation Agency For Acupuncture and Oriental Medicine shall be deemed to -- shall be deemed to have had a completed approved education training program."

Dr. Clark: "Yes"

Terri: "Okay. So we would add before "shall" -- so we would say:
"the individual who graduates in the first or second graduating class of a school or college who's been granted candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine and its curriculum has been approved by the board

shall be deemed to have completed an approved education and training program."

Dr. Clark: "So let me clarify: That in order to even be mentioned in this section, in order for someone to have been granted candidacy status, that insinuates that they have already met board approval. So there is no need to spell it out further here, if that makes sense. So you're not even going to be able to graduate from a school or college that's been granted ACAOM candidacy status until the board has already approved them. So this is step 2".
Terri: Is that really true, though? That they can -- this law wouldn't affect whether a student could graduate. That's what she's saying, is that they couldn't graduate. But they can. What we get is a lot of graduation ..."

Spencer: "What she's saying is that a school will not be granted candidacy status –"

Dr. Clark: "No, that's not what I'm saying".

Spencer: "No, what she's saying is that a school will not be granted candidacy status."

Dr. Clark: "Until"

Terri: "Unless"

Spencer: -- "it's approved its curriculum –"

Terri: I see. So that is where you're saying is the inclusiveness? "

Dr. Clark: "Right".

Terri: We thought that that was true, but we thought it would be also adding strength to that because we would tie back to the "approve" to the definition. You can also interpret it that way.

Dr. Clark: "So the approved educational training program, if you go back, is defined as a school that has curriculum standards that have been approved by the board, as well as the other requirements as well. So if you look at the definition of "approved training and education program", Education training program that includes the fact that the board has already done the curriculum review and approved it. So I appreciate the concern. I think it's important to look at these things and make sure that the board is really going to be able to maintain that first look at that authority and so I want to assure you that that's the spirit of it, and that's what that means.

Terri: The other clarification was that, given the timing of when the accreditation can happen for a school, that first and second graduating classes could have some of the time period be during a time when the school hasn't been granted the candidacy or the board approved it, because you begin a class and this statute comes into play for the graduating class. So one of the things we see is that for a two-year process, let's say, for one and two years, is at the end of the year part of their school year, if they receive the accreditation during the school year, the first part of the school year technically wasn't approved.

Dr. Clark: "That's why we've added language and believe you me, I ask that you all trust us on this. We have talked to BPPE, folks here at the DCA and ACAOM. And so this language is intentional to provide all of those protections. BPPE, your sister board, are really the experts in this. And so we got the signal from them and they understand that the language has been

crafted in a way to protect students. We ask that you understand that. I'm more than willing to explain, but your concern is what now? Your concern is that –".

Terri: Well, our concern is this is our licensing statute. So this is a condition of licensure. We interpret these conditions of licensure for people to allow or deny them to sit in for the exam in terms of eligibility. Currently, we expect that a student, 100 percent of their credits be from an accredited, BPPE approved school. So if accreditation comes some time during that time period, there are some credits that were not taken and completed during an accredited time period for either BPPE, we have seen, and an accreditation. We have seen on a daily basis and it's a problem.

Dr. Clark: What this bill does is it allows students that are attending a university or a school or training program that is accredited by ACAOM or in candidacy status by ACAOM to be able to sit for licensure".

Terri: Right. I understand that. Look, what I'm trying to convey in the spirit of collaboration and explaining what our concerns are, since this is the first time we're having this conversation on this particular section, is that when we interpret the courses, we look at: Do they have BPPE approval, are they accredited, and what period of time in their whole transcript did that happen? Because students transfer from schools that are unapproved, that's subject to transfer credit rules. And so this is something that we have expertise in that I'm just signaling to you might need some further conversation. That's all.

Dr. Clark: "And so what I would say to that is because of recognition for your expertise in setting those curriculum standards, that's why students cannot even get to this point unless you all have first approved the curriculum standards for that university".

"So if you're talking about a student that comes from a school that's not quite accredited, that means they are in candidacy status. If they are in candidacy status, that means that you've already approved their curriculum". So you're looking at it as step two and three and saying, "Well, there's stuff missing". But what I'm trying to let you know is that in step one, you all are the gatekeepers. You set that curriculum. They can't even get to step two and three until you've approved step one".

Terri: "Okay. So if I understand, then when they are granted the status, that is retroactive because – let's say the first graduating class or the second, they graduate with accreditation, which would include the board curriculum approval. But if they get that – let's say they graduate in April and get that in March, how do you characterize the first year or year and a half for the second year graduates? Is that curriculum that is from an approved curriculum program and accreditation? Because accreditation is after that.

Dr. Clark: "Terri, that's why we've included candidacy. So that covers the school up until they're approved. And again, this is the same curriculum that you all would have already approved.

Terri: "Right. So then the candidacy has a start date when they apply for candidacy, but you have the word "granted". "Because they don't get granted because ACAOM has to do something, some action to grant that, right?"

Dr. Clark: "ACAOM grants candidacy status. That's why that language says "granted".

Terri: "And so my point is when they are granted accreditation it in the middle of those two years, how does this—"

Dr. Clark: "ACAOM candidacy status, per our conversations, can be granted within the first six months. And I'll review my notes. But it's not a two-year until they grant. Granting – the actual process of granting is not a long process. And before you even can grant a candidacy status, again, you have already approved their curriculum. So it's not as though they just go straight to ACAOM, get granted a candidacy status, and then you all are in the position, which you're concerned about, I hear, the position where it's like "Oh goodness. They have candidacy status. They're accredited. They are on their way. Yeah. We didn't look at the curriculum".

Terri: There's a real solution that would clarify from us, is usually, there's a date for decisions. Like accreditation granted, board approval granted. And if the start, rather than the graduation, if students that start after that date are considered approved, there is no question. That's my main concern with the wording.

Dr. Clark: "I am not clear where that's concerning. We're protecting students. We allow the first two graduating classes. And to be quite honest, I think the first two was to make sure that there was extra protection because acupuncture and schools are – what? Three or four years long – the programs? So if candidacy status takes about six months and we've been told that the accreditation process takes another two years, two and a half years, then the likelihood that there would be more than one graduating class during candidacy status is incredibly low. But in order to make sure, just in case there was some crazy fluke and some program took five years to get accredited, those two classes would be protected. So number one, it's unlikely that that first graduating class is going to graduate from a program that has not already been accredited. But in case they do, we've added language per conversations with BPPE and ACAOM to allow programs that are still in candidacy – candidacy status to produce students that have already taken curriculum that's been approved by the board to be able to sit for licensure. So we have done our homework in making sure that students are protected enough. I hear your concern. I think it's important. But I don't think that it's valid based on the language in the bill".

Terri: So just to clarify, so you wouldn't be willing to entertain any kind of clarification?

Dr. Clark: "I think what you're asking for is already done. I think that's the issue that we're having here. There's a lack of understanding. The students are protected and covered and the curriculum has already been set by the board and approved by the board. So I don't see the loophole where students are being left out or the board is not having the ability to approve curriculum that the students had to take. I just don't see that in the language. I hear your concern, but I just don't see that here".

Terri: So the other universe in question would be the schools that don't have board approval but are accredited and are out-of-state. Nationwide, there are about 60 accredited schools. So 33 of those would be board-approved schools. So the difference between 33 and 60 would be this other universe of schools and graduates that would be applying for approval that are already accredited. So there wouldn't be that it wouldn't be the application trigger, nor would there be the accreditation process because they're already accredited. So then the board would just say yes, get the approval, right?

Dr. Clark: "I don't think that's accurate. So if someone's coming from out of the state, from a school that's out of state, and they are coming and they want to sit for licensure, you must have come from an approved educational and training program. That is defined in the bill as well".

Terri: Right. But they could conceivably under that not have been board approved because they are not a board-approved school and there's no trigger unless they specifically applied for approval of the board for them as a condition of licensure, but also being board-approved for the curriculum.

Dr. Clark: "There is no board approval. Second, that's part of the problem here. We're mixing your current process – you're talking from your current process and current concerns of things you run into and you're mixing that with what the bill will do. "I want to be very strict and say let's talk about the hypotheticals based on the bill".

Terri: The thing that what I want to point out to the board is that this amends both the school approval process and the licensure, the condition of licensure. And so the condition of licensure brings in the idea of how the board would look at for determining eligibility to sit for an exam, we would use this criterion to determine who is eligible for the exam. And I'm looking at this and interpreting that there would be all of the unapproved board-approved schools that are out of state that are accredited would be – not have an opportunity in this new scenario to be able for the board to say, hey, they need the curriculum standard. So we'd be getting a flood of applications that we would look at and say, "Well they're not board approved, the curriculum doesn't meet the standard, they already are accredited, they are already in these one or two graduating classes from a school that received BPPE-like approval and accreditation. But the part that's missing is they won't have necessarily met our curriculum.

Dr. Clark: "And I will say that that's just factually not correct. If you look at the bill, in order to be licensed in California, you have to come from an approved educational and training program. That is defined as a program that offers curriculum that includes at least 3,000 hours, of which 2,050 are didactic and laboratory training, and 950 are supervised clinical instruction. That 3,000 hours, the didactic piece of it is your curriculum standards. So they cannot come here and sit for licensure unless they can demonstrate that the program that they came from includes the curriculum standards. So it would be incumbent upon the schools out of state, if they want their graduates to be able to be licensed in California, then they probably need to look at California's high curriculum training standards. But that's nothing the board – you all don't have to do anything about that. You set your standards and the rest of the country can follow if they want to or not. But if they choose not to, they cannot practice in this state".

Terri: "That's clear now".

Michael: "I want to thank both of you because I know that in my conversations with Terri, In terms of how things are going on the board, she often talked to me about transcripts. Do we accept that or don't we, when students transfer and they go from unapproved schools to approved schools and there are all of these deadlines that could happen. And it is – for the staff a concern.

Jamie: "Just to clarify for people down here in L.A. if there's an example, and just like Le Ondra had mentioned, if you're a student going into junior college, there are two tracks you can do. You can do the UC track or the CSU track and you have to decide which schools you want to go to. So then you go and take those classes. That's pretty much the same example. It's up to you as a student to do that".

Dr. Clark: "Right. It's incumbent upon the student or the program, if they want to offer that extra curriculum".

Terri: "What about the Canadian issue?"

Dr. Clark: "I'm glad you brought that up, and we're more than willing to work with you on that. I'm not sure what the background or what the issue is with that. It sounds like you all already have some restrictions or inability to license. I mean, if you could talk a little bit more about that".

Terri: The way that our licensure act is written is it makes this inclusion. It says, when referring to out-of-country programs that we would review and would be eligible, it specifically excludes Canada because it says "program training outside the United States and Canada", which means that that puts Canada as not a foreign country training program, but we don't go into Canada to do any kind of approval because it's a foreign country. And so I don't know why that ended up being like that, but the net result is that people that graduate from Canadian schools have no eligibility to take the licensure exam. And I think that could be – I'm not sure why it was like that initially drafted, but it would help create access for Canadian programs if we just removed the word – if we define "outside" as "training received outside the United States" and delete "Canada". Then everybody, including Canada, outside the United States would be then applying based on these new training standards that we'll set.

Dr. Clark: "So it sounds like this was a preexisting issue that the board had, and that you're asking us, well, we have this bill, to go ahead and make the change to help you all clarify and it will help you with your process. We have no issue with that. If you would send me language as you think it should be appropriate. If it makes sense to the board, it makes sense to us. We don't want to hinder you and if we could help expedite your process, we're more than happy to do so.

Terri: "Okay. Great".

Hilde: "You mentioned earlier that there are some things that you can't do with curriculum standards. You would need to do it in person. You would need to interview students, interview faculty, look at complete medical records that have actually been populated and signed confidentiality agreements on the spot. LeOndra, can you address that, please?"

Dr Clark: "Sure. So there is a difference – it's I think this is also a byproduct of your current process. And so your current process, you do a lot. You do curriculum standard review, you set the standards, you also do the clinical standards, the faculty interviews and all the different things that Terri mentioned earlier. This bill will allow the board to continue setting the high curriculum standards and reviewing and approving those. There will no longer – the task of interviewing faculty and going to see the clinic and all of that, those will be tasks that will then be taken over by ACAOM. They too, have the ability, standards, to do that. In fact, when we compared their standards and their process to that of the CAB, it's pretty similar".

Hilde: "What I understood from Terri's answer, though, is that those things, the faculty interviews, the document interview, etc. that that was part of the curriculum standard reviews, separate and apart from where it may be elsewhere in the accreditation process".

Dr. Clark: "So if you look at your regulations in regards to curriculum standards, that doesn't include the clinical piece. You also have regulations regarding what you do as part of your ensuring compliance with your clinical regulations. You all will not need to ensure compliance with your clinical regulations because there is a body that is prepared to do so. So you all will

continue – the CAB will continue to do the curriculum review and approval. And the other pieces of it, traveling to the schools to do the site reviews, the faculty, all of those other duties would now be assumed by a national body that does those processes as well. And so what we compared what this national body does in terms of site review, looking at the clinical standards, and compared it to what the board does, there were not significant differences. And so what we compared what this national body does in terms of sight review, looking at the clinical standards and compared it to what the board does, there were not significant differences".

Hilde: "So if I'm understanding both of you correctly, in a review of faculty, review of completed medical records, interviewing students to see if they're in compliance with the curriculum standards, treated like it's in person, those are separate and apart from any evaluation of the curriculum standards themselves?"

Dr. Clark: "Yes".

Terri: Under the setting "curriculum standards", 950 of that are clinical hours".

Dr. Clark: "Right. So I've put in the statute, just to be clear, because we've got to be clear about this. I took language from your regulations that talks about the 3,000 hours and the 2,050 and the 950. That is not to grant the board authority to review and to monitor that 950. It's just saying that a student that graduates from a program must meet those same clinical educational standards to be California recognized, if that makes sense. So if I'm coming from out of state, I want it to be clear, when I look up California statute, that not only do I need to come from an approved program and that program must have 3,000 hours – 2,050 of which are didactic instruction, and then 950 which are clinical, this does not mean that the board then still goes on the clinical visits and takes care of that process, if that makes sense".

Hilde: "I think the overarching concern here is that we have a relationship between ACAOM and the board".

Dr. Clark: "Right".

Hilde: "That is collaborative, and I think the intent behind the new construction of the statutes is that we're trying to improve upon the process and make sure that there is ways to utilize the strength of both organizations".

Dr. Clark: "Well said".

Hilde: "So, also, as far as the exchange of the work product between CAB and ACAOM, I think there was a concern raised by another board member that there is not as much transparency on ACAOM's side. Is that something that we'll have to kind of work through with ACAOM and figure out exactly what kind of finding they made and what are the facts supporting that finding in a report of some sort?"

Dr. Clark: "When you're talking about findings, you're talking about their decision to accredit or not accredit? Is that what you mean?"

Hilde: "Yes".

Dr. Clark: "Yes, that information would be provided to you. That is public information, as I understand it, based only conversations with the ACAOM. And that's a part of their process.

They operate just like any other national accrediting agency that is approved by the US Department of Education".

Hilde: "So just to clarify, there is a report that would be issued out of ACAOM. It's an ultimate decision. There would be facts supporting that decision and all of that is public information".

Dr. Clark: "According to my understanding, that is public information. I can double-check with ACAOM just to make sure. But if, in fact, the goal of this is to work in collaboration, then it would seem to me to make common sense that the ACAOM would be willing to share with the CAB if they accredited a school or not, and for which reasons. It would also make sense if that school, in my opinion, would be able to share that with the CAB as well".

Hilde: "Okay. And ultimately, if this relationship between ACAOM and CAB doesn't work out, given the Sunset time frame we're looking at in this bill, this would be an opportunity for us to revisit this in a couple years to refine the relationship".

Dr. Clark: "So you had two years to talk and collaborate. And to Terri's credit, I know that she has been in contact with ACAOM. We've been in contact with ACAOM. BPPE has talked to ACAOM. So there have been a lot of conversations about processes, some which need to be reflected in statute and some, which can be done via, you know, MOUs and administrative processes. So there is very much the spirit of collaboration included in this bill. That is the goal here. And you have two years to figure that out".

Hilde: "And the MOU would theoretically include information like how much is paid to ACAOM by the CAB to execute this type of accreditation or is that coming from the school themselves?"

Dr. Clark: "The CAB does not owe any money to ACAOM. I don't think that that would be appropriate, my personal opinion".

Hilde: "And the school themselves doesn't pay any money to CAB for its evaluation of the curriculum standards?"

Dr. Clark: "No, and this is a simple desk audit. That's why it's very simple. It's not overly time consuming and cumbersome. You all already have your curriculum standards laid out. So it's not as though you're going to have to spend a lot of time coming up with those. One thing I do know from interacting with this board is that you are very proud of your curriculum standards. So those are already set in stone and it's basically a checklist and a review. Does the school meet the curriculum standards? If not, you all can disapprove, you know, then moving forward to being accredited. You have that power and that authority".

Michael: "I know that we, over the last year we've gone through a couple of approval processes. So schools can actually – one single issue that came up that I think you're well aware of and I know that at least one of the schools that we denied actually was ACAOM approved. So in the event that we actually have the standards in terms of clinical supervision, how will that be enforced, in your vision?"

Dr. Clark: "That's an excellent question, and that's exactly why we put it here in statute that they have to have 950 face-to-face, so to prevent that issue. If this wasn't spelled out in statute, the 950 face-to-face, that means that the scenario that you are talking about could hypothetically happen where we can say – you all would say, "Oh, they have the curriculum standards. But then they go to ACAOM because ACAOM has and I think this is what we're

getting at. ACAOM has a minimum in terms of their clinical supervision. And so to make sure that anyone that's coming from a school that is going to produce students that come and sit for licensure in California, they have to basically respect the 950 hours face-to-face supervision requirement that California has set. So that's exactly why we put that here".

Michael: "So our language for clinical supervision will stay. And ACAOM will have to enforce that?"

Dr. Clark: "Yes, they have to and we've talked to them about that. That was one of the first things that I brought up, that this board feels strongly about their high clinical standards and their curriculum standards".

Michael: "So I'm curious. For example, that New York school that we denied Board approval, so what's their accreditation? I guess ACAOM would have different tiers of accreditation?" "New York versus California versus – is that how it's going to happen? I'm just curious because, for example, that school's already accredited". "But it's denied based on our standards".

Dr. Clark: "Yes, exactly".

Michael: "So now they have ACAOM approval?"

Dr. Clark: "Right. So they have ACAOM approval in their state. But if their graduates wanted to sit for licensure here, the board would step in and say, "Have you met the 950 face-to-face direct" – "you know what it says – the clinical standards here. A student could not sit for licensure if they come from a school that does not meet your clinical and your curriculum standards. Because in Section 1, subsection 1, and Section 2, it is required that the students have – that the program offer 3,000 hours. Of those, 950 have to be supervised clinical instruction. Does that make sense?"

Terri: "Yeah. So then, I guess, we would have to work with ACAOM to create another, maybe, hybrid notification before – to be clear that while that school in the state still continues to be accredited, they're not approved for California licensure. So they could add that to their accreditation, you know".

Dr. Clark: "Yeah. They already know that this is going to be a requirement for California, that this is going to stand and that that will not change. And licensees would know when they applied to your board that they have to meet California standards.

Spencer: "Also, keep in mind that even if they are ACAOM approved, if the board has not approved its curriculum.

Dr. Clark: "Right. It doesn't matter actually".

Spencer: "It doesn't matter?"

Dr. Clark: "Right. And that will happen at the point where the licensee is coming to you. You all won't necessary be involved in telling the schools. You don't have even to get into that. You are dealing with a person that's coming from a different state that wants to sit and be licensed in California. At that point, you can say, "One, was your university accredited by ACAOM? They would say "yes". Did your training program offer 3,000 hours? If they say

"no", they're not eligible to sit for licensure. Just like now, you know. So nothing changes in that respect".

Michael: "Is there a process of thought to think about collaboration in a way that somehow we have some notification from site visit teams or site visit individuals to report back to us about that process? Because I think it would benefit the board to know a little bit more information beyond just the curriculum".

Dr. Clark: "So I don't know all the ins and outs in terms of if ACAOM reports the results of the site visit, if they'd be willing to share that with you. Personally, based on my conversations with them, they seem very open and collaborative. So I think that that's something that you all can talk about over these next two years. If you want to report back, I don't know the privacy issues, the confidentiality issues around that, so I don't want to speak to that in terms of their working with the schools that are going through their process. But I think that that's something that you could speak with them about".

Michael: I want to ensure that we are doing our due diligence, just to make sure that we have as much information about programs as you can, given what our roles are".

Jamie: "Right. And that all could be done through an MOU, correct?"

Dr. Clark: "Exactly. So you all can use these next two years to say, "Hey, ACAOM. We understand that you all are taking over the clinical site vision, you know, portion of this. Would you mind checking in with us or letting us know, you know, the results of that, or what are the limits around that?" "I think that that sound like a conversation that could happen between you and ACAOM, your executive officer and the folks at ACAOM.

Michael: "Terri, would you take up that thought process and get that line and maybe report back to us as to what your suggestion is?"

Terri: "Okay. I have had preliminary conversations raising this exact issue, how did ACAOM deal with taking over, you know, taking over the process of the approval, and particularly the clinical approval and our concerns about the clinical noncompliance in – I haven't gotten an answer. Mark McKenzie indicated that they were looking at that and trying to formulate how they would address that particular issue. Initially, he had indicated that they would look at our clinical compliance and curriculum standard would fall under their legal evaluation, not necessarily their program evaluation criteria. And so I suggested that there probably needs to be a specific revision of their current process and evaluation to accommodate this new responsibility. What would that would mean in their process is that a program would be looked at and if the clinical standards are not compliance with California standards, they have two years to remedy that, to become in compliance.

Dr. Clark: "No, that makes sense and I'm glad you guys had that conversation. I've also talked with them. So again, what makes sense to me, just hearing that, based on your conversation, is that a school does go out of compliance with California standards, I would think – it seems logical that there should be some notice sent to you all – and again, this is all technical stuff that can be worked out. But since we're here, I would think that it makes sense that a notice be sent to California to say, "There is a school that you all have to approve curriculum for, and we have accredited, but we are aware, based on our site visit, that they are not in compliance with your standards. That would be important for you all to know and to, you know, make decisions based on".

Michael: "I do have one more questions. I know, LeOndra, we talked about this briefly. And that is the profession's ability to have input into standard setting. And I think, traditionally, our profession has always prided itself in talking and discussing what our standards are. And in the event that California comes up with a whole discussion of where we want to go in terms of training and come up with a suggestion to produce standards, how will that then play out with respect to ACAOM?"

Dr. Clark: "So I appreciate that. Respectfully, I have to say that our concern, meaning the Business and Professions Committee and the Joint Sunset Review Committee, is that you all really focus on public protection and consumer protection versus the profession and standard setting. I understand that that's important. You set standards as a part of your school-approval process. You ought to know we'll no longer be approving the schools, per se. You're setting curriculum standards".

Michael: "There's a new suggestion coming out of this profession that suggests let's go to 4,000 hours, whatever the suggestion is.

Dr. Clark: "Oh, or your curriculum standards".

Michael: "Right. And so the board can still take on that discussion. And we can still implement it".

Dr. Clark: "So the board has the ability to set the standards and approve or deny, based on those standards. That gives you loose and broad authority. So if you want to go 4,000 to make it comparable to western medicine programs, you can do that. That means that ACAOM will have to abide by. And any person that comes – any licensee or potential licensee applicant that comes here has to have met those hours. So, you, you all have the ability to change the standards, if you want to".

"So what I've heard, just in my own notes, just to make sure I'm clear, is that this board is, of course, concerned about all the hypotheticals. It sounds like we're been able to talk through many of those, which is great and wonderful. The ability to change standards, amend them, which is authorized by this legislation, the ability to maintain the current clinical standards, which is also authorized in this legislation. And then it sounds like you all have the intention within the next two years, to work with ACAOM to, for instance, get a notice if a school falls out of compliance with your standards, or a memo if, you know, the clinical standards aren't met or the report or the site visit results. So it sounds like the type of technical things that you all are looking at having continuing conversation with ACAOM about figuring out what that process might look like. Is that accurate?"

Terri: "Yes. I'm in agreement with LeOndra on our understanding of the bill. What we're not in agreement on is just – I mean, we are in agreement on what the bill changes. So I just wanted to say agreement-wise, we're good. What the bill does is more at issue at this point. So this was to try to clarify our disagreements, which I think we're in agreement between your memo and mine and how the bill affects the board.

Public Comments:

Removing the board's approval authority and imposing ACAOM accreditation as the main training program approval will create something of an education free-for-all. Removing

California from the oversight process does not protect Californians.

The amendment does have problems because there is no ability to really look at clinical education. This does not protect public safety. The 3,000 hours is not enough practice and experience at the school.

Section 6 – Board's authority to charge a fee for school approval.

Jamie: "Maybe just clarification, but considering we wouldn't be involved in the process of approving schools anymore, we wouldn't have to worry about charging a fee".

Spencer: "That's correct, Jamie".

Terri: I'm going to comment on workload. The perception that there's no workload involved in a review or desk audit is untrue. And so to not have any kind of a fee or revenue source for workload that doesn't go away will strain the Board's finances and staffing. The inspection goes away, but the actual review of the workload and the review of the curriculum doesn't go away. And it is a substantial workload. It's very detailed. The binders are very large. It's a lot of documentation that we have to go through. I would not characterize it as no workload. And so the concern, in terms of our fiscal stability, is that we are continuing in a lesser capacity to still do a significant workload. And minus any revenues that would go about it. And the approval process could generate through our regulatory process a more detailed approval follow-up, whatever. So it's not just a one-time review of an application. And I would be concerned about losing revenue for still what would be significant workload.

Michael mentioned that we charge $1,500 and maybe it could be raised to $3,000 and instead of calling it school approval fee maybe reword it to call it curriculum-approval fee.

Then Kitman mentioned if we need something to increase, we have to have the revenue to increase. So the board should restore the authority to charge the fee for the application.

Michael asked who pays for the annual monitoring.

Terri commented: So let me clarify. In terms of revenues, anything that is not fee-generated specifically, like this for education, our education unit has just increased to an additional person. And the only thing that right now supports that would be either this fee or general renewal licensure fee. So one of the things from a fiscal perspective is that most of the board's operation that doesn't take in any revenue, like enforcement is all paid for by the renewal fees and general fees. It puts pressure on that general funding source when potentially an opportunity to bring in a revenue to offset a new staff. We will have shortly two staff – double the staff that we have currently in that position. And quite frankly, even the fees don't cover the workload. So that will go towards our general revenue stream, which is where everything comes from. So I just am raising the issue of losing an authority to get revenue. We'll put everything back and put pressure on the renewal fees as a source of revenue. And we're at the point that with new staff that we will be soon or in the near future, we'll be in a position where our budget will be around what our revenue is. So at this point, thinking about increasing staff to meet workload needs, enforcement workload needs in particular, where there's no revenue stream, it becomes, really, kind of a holistic view of finances to think in terms of fees. We need to start thinking about other ways in subject areas to maximize and bring in some revenue".

Michael added "I see our concern about revenue. I think we all have to keep our eye on that as well, members – make sure financially we're sound. I think we have to figure out allocation".

Michael asked if any further discussion was needed for Section 7, which everyone said they understood that section.

Section 8 – This section is repealed after 2017, the current approval of the wording and the 3,000 hours of curriculum requirements. And then it sets forth after 2017 a new authority that is just limited to setting new standards, curriculum training program standards for training programs outside the USA and Canada. And remember, we talked a little bit about the Canada one.

A board member asked whether their authority only lasts until 2017? Yes. And then it's taken over by the new provision that we talked about earlier in the "definition" section, which is in Section 2 of the bill, which lays out in the "definition" section – it eliminates the section, eliminates our current authority to set standards, and what those standards are in after 2017. And then at that same point at 2017, this new provision in the definition section 4927.5 is where it ends in that new authority to set curriculum standards and approve curriculums. There are amendments to make it streamlined, the authorities".

Section 9 – Terri: "This is the one that creates that new authority, not approval, but acceptance of educational training and clinical experience received outside United States and Canada".

Section 10 – Terri: "this one is the board repealing the board's authority for inspection. I think this would be of the schools. And this remains in Sub B, Subsection B:

> "The board shall investigate and evaluate each school or college applying for approval under 4939 and may utilize contract consultants – contracted consultants to evaluate these training programs".

This authority to do the inspections and enforcement will be inoperative as of January 1, 2017. And there's no other amendment that restores that beyond 2017. Before 2017, the Board retains the current authority.

Section 11 – This makes minor changes regarding our guest acupuncture. It just removed the word "Board" from "approved.

Section 12 – This is related to the fee charged for applications in Subsection (f):

> "Application fee for approval of school or college under 4939 shall be $3,000".

This subdivision will become inoperative as of January 1, 2017".

Section 13 is a fee for inspection or re-inspection of school by the board. This is a reimbursement authority for inspecting schools. Schools reimburse the Board for direct costs incurred for inspection. This reimbursement comes into play with out-of-state travel. The way that out-of-state travel is restricted is that we have to apply for all of the visits for authority and it has to be specifically under a criterion of audit or inspection. And it makes a difference for receiving that approval whether the costs are covered. So removing or losing these costs,

which we currently have authority for would mean that we would be up against probably no approval for any kind of travel out of state.

Michael then opened the floor to public comments:

Comments were made regarding the provisions to terminate the E.O. without cause in 2015. Terri has resurrected the board into a functioning board that is on plan, on mandate and on mission. This criticism of the Board's past is the past, new Board and EO are on message and doing what needs to be done. Clarification was given about that there are more than one accreditation agency approved by the Federal Department of Education. Several groups supported E.O. Opposition to defunding the board with respect to not permitting on-site inspections was expressed. Many of the public think that the next Sunset Review should be in four years, not two years. ACAOM and CAB should work together under the leadership of CAB. Two of Terri's staff read letters of support from 8 staff members in support of the E.O. retaining her current position with the Acupuncture Board.

Comment from Dr. Clark: "This is Le Ondra, representing the Senate Business, Professions and Economic Committee and Senator Lieu, the author of this bill. So thank you, everyone, for sharing but I would really want us at this point to stick to the bill and not the conjecture that's been shared. There's been a lot of mud thrown in the water. There have been personal attacks from the public. But today, you have heard many appeals to emotion and statements of fear. I'm not going to personalize some of these baseless attacks because I deliver the message. I do not solely create it, and I need to board and the public and the staff to know that. I, nor the senate committee, are the enemy here. We very much want to collaborate with you. I am doing a job that requires me to sometimes deliver news, based on our oversight of this board, and that news is not always comfortable. It's not always pleasant, but that is my job. So here are the simple facts. The board has an undisputed history of poor performance. There was an eight-year lag in which there was no Sunset Review done of this board. And I believe that this contributed to the dysfunction of the board. And as soon as the Sunset Review finally happened in 2012, you'll notice that the deficiencies were exposed and that led to the executive officer retiring. This –we have clearly listened to the concerns of this board and stakeholders on every side of this issue – of these issues, and as evidenced in our amendments to the bill. You heard the staff comments about their personal relationships with Terri, which are very touching and sound very nice, but I have to say that many of the comments are not fully informed. For the first time in two years, you witnessed today the working-through process that we have been longing for and lacking and so desiring. We would not be at this point if the collaboration that you witnessed today had been happening all along. There would be no reason for certain things to be in the bill. Putting something like this in legislation is highly unusual, but it is not unprecedented. Mr. Herdt, the intern of the board, was correct. He said that this is something that – it must have come as a result of a number of issues. I want you all to also notice that no legislator to date on the policy committees or on the Senate floor has questioned this provision. There must be a reason why. Contrary to popular belief, this is not the first time a decision about an E.O. has been put in legislation. Just last year, there was a provision put in a bill about the medical Board E.O. This committee has met with the E.O., Senator Lieu has met with the E.O., we have met with the board members about the performance. Yes, it is up to you to decide what to do today. In terms of accreditation, it's not just for law schools. I heard that thrown out there earlier. The majority of health care boards and other boards have accreditation. In terms of the two-year Sunset Review, this is due directly to the history of problems that this board has had and outright refusal to address outstanding issues. So it would be irresponsible at this point to give the board four years if there's been outright refusal for the last 20 years to address any of the concerns that have

been brought up. However, on my break, I did call my boss and consult, and we are willing, similar to what we recently did for another board, to revisit the Sunset date next year. What this means is we will sit down with the board and, hopefully, we will have, going forward, constant communication between the E.O. and our committee. And if at that time, it is determined that you all are well on your way to achieving the three – only three issues that we've highlighted, we would be willing to negotiate another year. But for you to ask the committee and the legislature to say, "Yes, there's been bad behavior, bad acting, and that's okay. We're just going to give you another four years", that would be irresponsible on our part". But that does not mean that we are not willing to come back next year and work with you. We are fully willing to do that. Thank you".

Motions

Michael asked that the motion on the floor be repeated. Katie Le repeated the motion as follows: "Michael Shi made a motion to support, if amended, the June 15th, 2014 version of Senate Bill 1246. Kitman Chan seconded it. A vote was taken and the motion passed unanimously. 6-0-0.

Michael identified three big issues: 1) school oversight; 2) Sunset Review process timeframe; 3) The executive officer provision. He characterized the school oversight issue as multifaceted.

Michael made a motion to retain inspection authority, Kitman seconded. Motion passed 5-1.

Michael made a motion to amend the bill to delete "Canada" so Canadian training programs can be considered outside the U.S. Hildy seconded. Motion passed 6-0.

Jamie made motion to accept 2-year sunset process timeframe in the bill, seconded by Hildy. Motion failed 3-3.

Kitman made a motion to amend the bill to extend the board for 4 years for the next sunset review process, seconded by Francisco. Motion failed 3-3.

Kitman made a motion to amend the bill to extend the board for 3 years, seconded by Francisco. Motion failed 3-3.

No position on sunset time frame.

Kitman made a motion to retain current E.O and strike the EO termination provision from the bill, seconded by Francisco. Motion passed 4-0-2.

Michael committed to communications with all levels of government.

Public Comment. Concerns about a loophole created by the licensure amendments related to accreditation were expressed. Since each state varies in its laws, accreditation across states varies in terms of curriculum and licensure standards.

3. Public Comments on Items not on the Agenda

Concerns were expressed about Jeannie Kang's meeting with Senator Lieu.

4. Adjournment

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THE AGENDA, AS WELL AS BOARD MEETING MINUTES, CAN BE FOUND ON THE ACUPUNCTURE BOARD'S WEBSITE AT: *www.acupuncture.ca.gov*

Please Note: Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you need additional reasonable accommodations, please make your request no later than five (5) business days before this meeting. Please direct any questions regarding this meeting to the Board Liaison, Tammy Graver at (916) 515-5204; FAX (916) 928-2204

#5 – Executive Officer's Report

Budget Update

ACUPUNCTURE BOARD - 0108
BUDGET REPORT
FY 2013-14 EXPENDITURE PROJECTION
Jun-2014

FISCAL MONTH 12

OBJECT DESCRIPTION	FY 2012-13 ACTUAL EXPENDITURES (MONTH 13)	FY 2012-13 PRIOR YEAR EXPENDITURES 6/30/2013	FY 2013-14 BUDGET ACT 2013-14	FY 2013-14 CURRENT YEAR EXPENDITURES 6/30/2014	FY 2013-14 PERCENT SPENT	FY 2013-14 PROJECTIONS TO YEAR END	FY 2013-14 UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	245,935	222,732	**333,963**	319,354	96%	**319,354**	14,609
Statutory Exempt (EO)	71,972	65,582	**80,400**	81,975	102%	**81,975**	(1,575)
Temp Help Reg (Seasonals)	19,113	14,486	**19,000**	55,862		**55,862**	(36,862)
BI 12-03 Blanket							
Temp Help (Exam Proctors)							0
Board Member Per Diem	3,900	2,500	**7,463**	7,300	98%	**7,680**	(217)
Committee Members (DEC)							0
Overtime	210	210	**5,000**	396		**500**	4,500
Staff Benefits	119,403	107,642	**226,020**	170,913	76%	**170,913**	55,107
TOTALS, PERSONNEL SVC	460,533	413,152	**671,846**	635,800	95%	**636,284**	35,562
OPERATING EXPENSE AND EQUIPMENT							
General Expense	15,776	9,775	**55,757**	45,556	82%	**48,000**	7,757
Fingerprint Reports	4,170	2,678	**20,045**	2,374	12%	**2,849**	17,196
Minor Equipment	10,635	10,331	**20,750**	19,599	94%	**20,750**	0
Printing	4,207	2,233	**15,331**	9,746	64%	**10,632**	4,699
Communication	1,702	1,030	**16,212**	2,176	13%	**2,374**	13,838
Postage	25,015	20,152	**28,773**	24,411	85%	**26,630**	2,143
Insurance							0
Travel In State	29,076	24,631	**30,141**	41,432	137%	**41,500**	(11,359)
Travel, Out-of-State	224	224	**0**		0%	**0**	0
Training			**1,129**	307	27%	**500**	629
Facilities Operations	115,660	115,156	**65,195**	120,750	185%	**121,500**	(56,305)
Utilities			**0**			**0**	0
C & P Services - Interdept.			**11,264**		0%	**0**	11,264
C & P Services - External	440	440	**965**	0	0%	**0**	965
DEPARTMENTAL SERVICES:							0
Departmental Pro Rata	100,722	108,660	**112,213**	112,213	100%	**112,213**	0
Admin/Exec	70,073	76,146	**81,848**	81,848	100%	**81,848**	0
Interagency Services			**650**		0%	**0**	650
IA w/ OER	210,824	210,824	**333,119**	303,906	91%	**303,906**	29,213
DOI-ProRata Internal	3,083	3,083	**2,621**	2,621	100%	**2,621**	0
Public Affairs Office	3,826	4,361	**3,683**	3,683	100%	**3,683**	0
CCED	4,963	5,277	**3,155**	3,155	100%	**3,155**	0
INTERAGENCY SERVICES:							0
Consolidated Data Center	138	131	**2,604**	354	14%	**500**	2,104
DP Maintenance & Supply	8,745	8,753	**3,494**	13,903	398%	**15,000**	(11,506)
Central Admin Svc-ProRata	114,637	114,637	**108,549**	108,549	100%	**108,549**	0
EXAM EXPENSES:							0
Exam Supplies							0
Exam Freight			**25**			**0**	25
Exam Site Rental							0
C/P Svcs-External Expert Administrative	307,220	296,720	**286,772**	377,575		**377,575**	(90,803)
C/P Svcs-External Expert Examiners	30,771	22,245	**83,944**	59,465		**59,465**	24,479
C/P Svcs-External Subject Matter				1,565		**1,565**	(1,565)
ENFORCEMENT:							0
Attorney General	79,735	72,595	**379,123**	158,311	42%	**186,492**	192,631
Office Admin. Hearings	11,876	10,636	**106,670**	40,999	38%	**50,000**	56,670
Court Reporters	1,609	959		1,265		**2,000**	(2,000)
Evidence/Witness Fees	20,485	17,905	**10,795**	30,792	285%	**31,000**	(20,205)
DOI - Investigations	341,284	342,919	**310,348**	310,348	100%	**310,348**	0
Major Equipment			**7,500**	20,866	278%	**20,866**	(13,366)
Special Items of Expense							0
Other (Vehicle Operations)			**2,650**			**0**	2,650
TOTALS, OE&E	1,516,896	1,482,501	**2,105,325**	1,897,769	90%	**1,945,521**	159,804
TOTAL EXPENSE	1,977,429	1,895,653	**2,777,171**	2,533,569	185%		195,366
Sched. Reimb. - External/Private	(2,605)	(1,420)		(2,605)			0
Sched. Reimb. - Fingerprints	(2,744)	(2,107)	**(22,000)**	(1,715)	8%	**(22,000)**	0
Sched. Reimb. - Other			**(1,000)**			**(1,000)**	0
Unsched. Reimb. - Other	(37,299)	(17,003)		(18,395)			0
NET APPROPRIATION	1,934,781	1,875,123	**2,754,171**	2,510,854	91%	**(23,000)**	**195,366**
						SURPLUS/(DEFICIT):	**7.1%**

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#5 – Executive Officer's Report

Fund Condition

0108 - Acupuncture
Analysis of Fund Condition
(Dollars in Thousands)

Note: $5 Million Dollar General Fund Repayment Oustanding W/approved BCP

		ACTUAL 2012-2013	Budget Act CY 2013-2014	Gov Budget BY 2014-15
BEGINNING BALANCE		$ 1,367	$ 2,088	$ 1,925
Prior Year Adjustment		$ 37	$ -	$ -
Adjusted Beginning Balance		$ 1,404	$ 2,088	$ 1,925
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	$ 46	$ 42	$ 45
125700	Other regulatory licenses and permits	$ 847	$ 817	$ 980
125800	Renewal fees	$ 1,721	$ 1,723	$ 1,867
125900	Delinquent fees	$ 13	$ 12	$ 12
141200	Sales of documents	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ 1	$ 1	$ 1
150300	Income from surplus money investments	$ 5	$ 6	$ 6
150500	Interest Income From Interfund Loans	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 2	$ 2	$ 2
161400	Miscellaneous revenues	$ 1	$ 1	$ 1
Totals, Revenues		$ 2,636	$ 2,604	$ 2,914
Totals, Revenues and Transfers		$ 2,636	$ 2,604	$ 2,914
Totals, Resources		$ 4,040	$ 4,692	$ 4,839
EXPENDITURES				
Disbursements:				
0840 - SCO		$ 2		
1110 - Program Expenditures (State Operations)		$ 1,936	$ 2,754	$ 3,256
8880 - FISCAL		$ 14	$ 13	$ 2
Total Disbursements		$ 1,952	$ 2,767	$ 3,258
FUND BALANCE				
Reserve for economic uncertainties		$ 2,088	$ 1,925	$ 1,581
Months in Reserve		9.1	7.1	5.7

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
B. ASSUME APPROPRIATION GROWTH OF 2% IN BY+1 AND ONGOING
C. INTEREST ON FUND ESTIMATE AT .3%
D. CY EXPENDITURES REFLECT EXPENDITURE PROJECTIONS (THROUGH FM6)

Notes

Executive Officer Report Enforcement Data

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

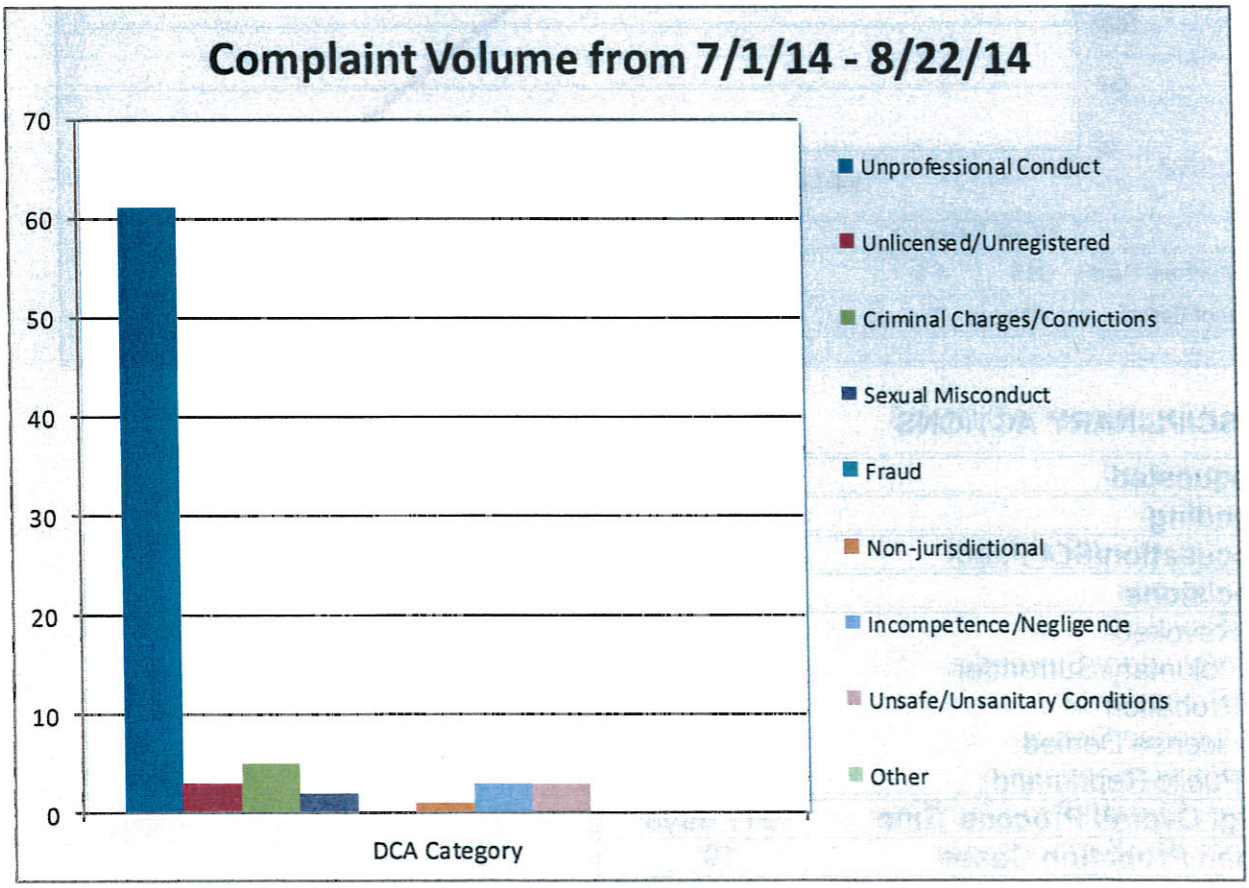
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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

DATE	September 12, 2014
TO	All Board Members
FROM	Terri Thorfinnson Executive Officer
SUBJECT	**Enforcement Update for July 1, 2014 to August 22, 2014**

COMPLAINTS/CONVICTIONS & ARRESTS

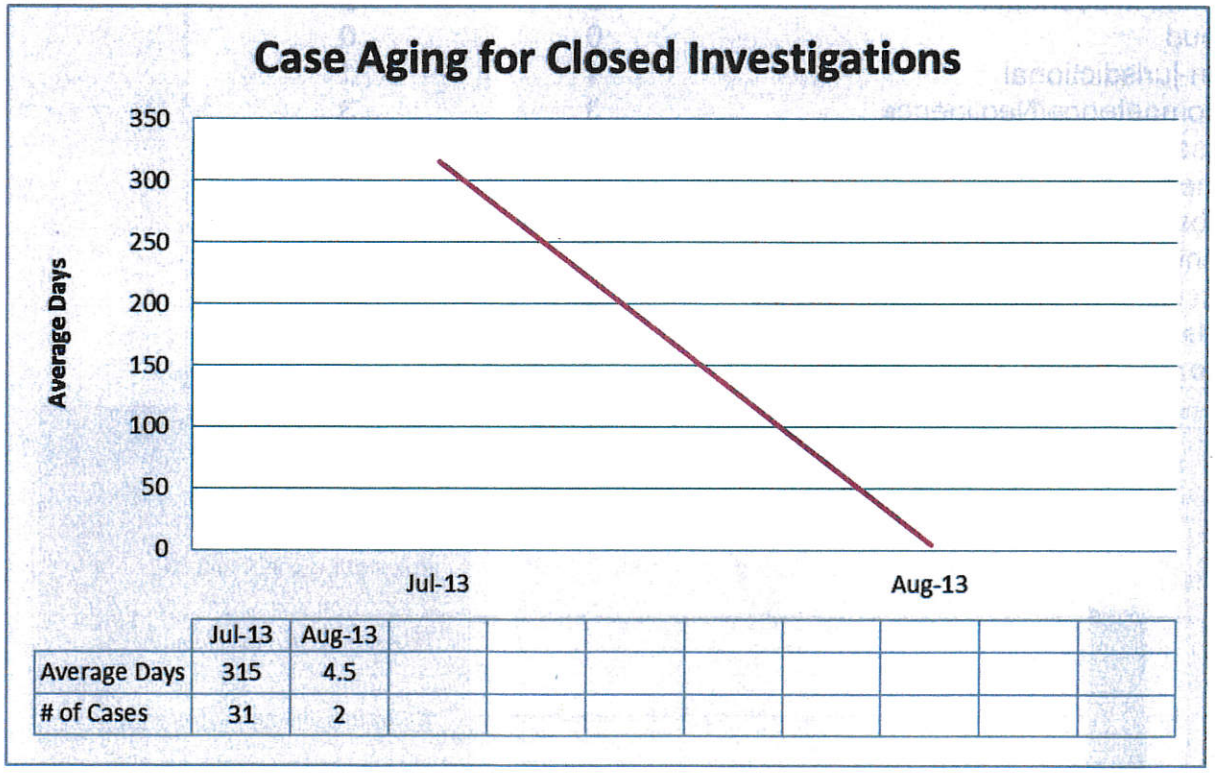
DCA Category	Received	Closed/Referred to Investigation
Unprofessional Conduct	61	62
Unlicensed/Unregistered	3	4
Criminal Charges/Convictions	5	5
Sexual Misconduct	2	2
Fraud	0	0
Non-jurisdictional	1	1
Incompetence/Negligence	3	3
Unsafe/Unsanitary Conditions	3	3
Other	0	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0
Discipline by Another State Agency	0	0
Total	**78**	**80**
Average Intake Time: 3 days		



*INVESTIGATIONS

DCA Category	Initiated	Pending	Closed
Unprofessional Conduct	62	76	7
Unlicensed/Unregistered	4	36	6
Criminal Charges/Convictions	11	35	7
Sexual Misconduct	2	5	5
Fraud	0	21	4
Non-jurisdictional	1	1	2
Incompetence/Negligence	3	20	2
Unsafe/Unsanitary Conditions	3	7	0
Other	0	0	0
Substance Abuse/Drug & Mental/Physical Impairment	0	1	0
Discipline by Another State Agency	0	1	0
Total	**86**	**203**	**33**
Average days		**176**	**296**

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



DISCIPLINARY ACTIONS

Requested	**4**
Pending	**28**
Accusation/SOI Filed	**2**
Decisions	**1**
Revoked	0
Voluntary Surrender	0
Probation	1
License Denied	0
Public Reprimand	0
Avg. Overall Process Time	**1211 days**
Open Probation Cases	**19**

Notes

Proposed Regulatory Change BPC Section 138

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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

DATE	September 12, 2014
TO	Board Members
FROM	Terri Thorfinnson Executive Officer
SUBJECT	Proposed Regulatory Language to Implement BPC 138

Issue:
BPC Section 138 requires all Boards to promulgate regulations that implement the requirements set forth in this provision. This provision requires all Boards to promulgate regulations that require all licensees to display a notice that they are licensed by the California Acupuncture Board and provide the Board's contact information.

Problem:
This section was signed into law in 1999 and the Board has not implemented it through promulgating regulations. This was an issue raised by the Sunset Review Committee in their 2012 Background Paper. The Board has, to date, not implemented this law.

Background:
BPC Section 138 Notice that Practitioner is licensed; Evaluation of licensing Examination reads as follows:

Every Board in the department, as defined in Section 22, shall initiate the process of adopting regulations on or before June 30 , 1999, to require it licentiates, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. A board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, a statute or regulation, a requirement that provides for consumer notice of a practitioner's status as a licensee of this state.

To date, the Board has not promulgated such regulations required by this statutory provision. The Acupuncture Board's Legal Counsel has determined that the Board is not exempt from the requirement to adopt regulations pursuant to BPC 138 , and so the Board must promulgate regulations to implement this provision of law. This requirement and notice is in addition to the requirement that licensees must display their wall licenses at each practice location that offer services.

Discussion: The purpose of this provision is to provide consumers with notice that the practitioners are in fact licensed by a State Licensing Board and to provide them with specific Board contact

information. Providing consumers such information informs them that there is a licensing Board that they can contact if they want to make a complaint about a particular licensee.

In view of the fact that the Board is out of compliance with BPC 138 and it has promised the Sunset Review Committee that it would promulgate regulations to comply with this provision, the Board should review and approve proposed regulatory language.

The Board may also wish to have the notice published in Korean and Chinese.

Proposed Regulatory Language:

Add Section 1399.469.3 to Article 6 of Division 13.7 of Title 16 of the California Code of Regulations to read as follows:

1399.469.3. Notice to Consumers of Licensure by the Acupuncture Board

(a) A licensed acupuncturist engaged in the practice of acupuncture shall provide notice to each patient of the fact that the acupuncturist is licensed and regulated by the California Acupuncture Board. This notice must be posted at each of the practice locations the licensee provides services. The notice shall include the following statement and information:

NOTICE TO CONSUMERS
Acupuncturists are licensed and regulated
by the California Acupuncture Board
(916) 515-5200
http://www.acupuncture.ca.gov/

(b) The notice required by this section shall be provided by prominently posting the notice in a conspicuous location accessible to public view on the premises where the acupuncturist provides the licensed services, in which case the notice shall be at least 48-point type font.

Note: Authority cited: Section 4933, Business and Professions Code. Reference: Section 138, Business and Professions Code.

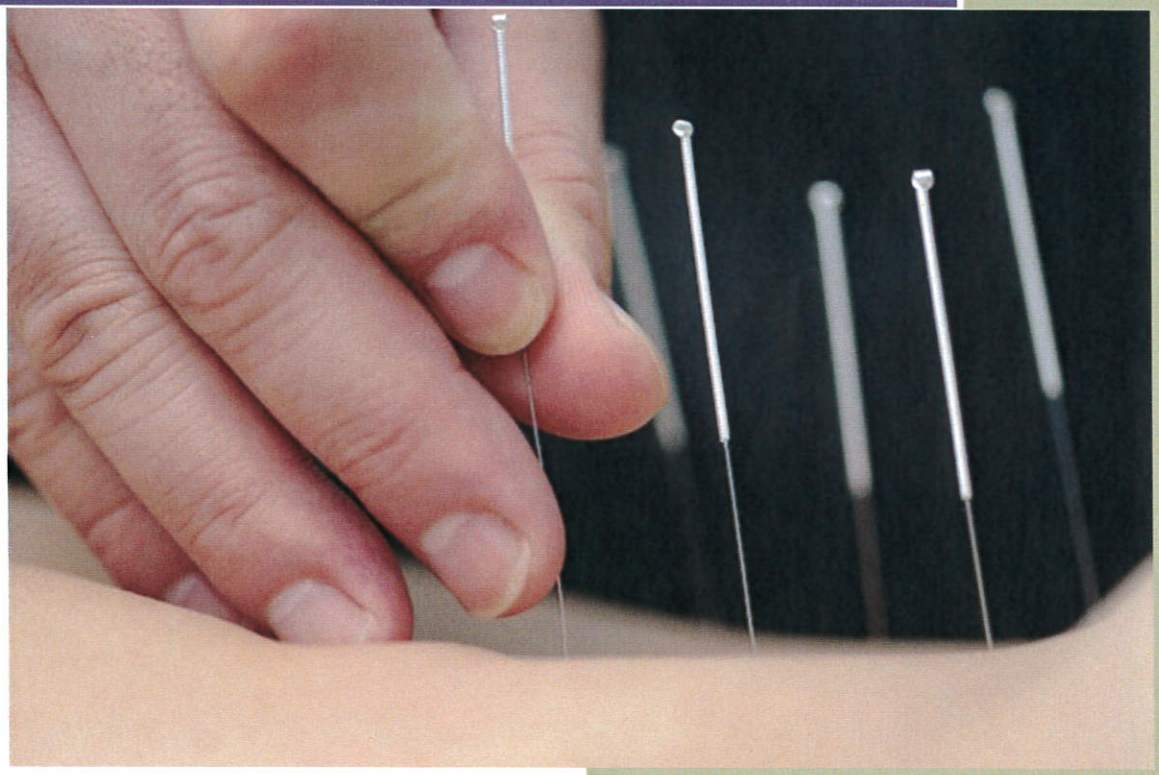
Recommendation: Approve proposed or modified language and approve the commencement of the regulatory process.

STRATEGIC PLAN UPDATE ACTION PLAN 9-12-14

State of California

Board of Acupuncture

2013-2017



Strategic Plan

Adopted October 25, 2013

Action Planning Details Added on January 23, 2014

MEMBERS OF THE

CALIFORNIA ACUPUNCTURE BOARD

Nian Peng "Michael" Shi, L.Ac., Chair

Kitman Chan, Vice-Chair

Hildegarde Aguinaldo, J.D., Public Member

Jeannie Kang, L.Ac., Licensed Member

Francisco H. Hsieh, Public Member

Jamie Zamora, Public Member

Terri A. Thorfinnson, J.D., Executive Officer

MESSAGE FROM THE BOARD CHAIR

On behalf of the California Acupuncture Board (CAB), I want to thank everyone involved in the strategic planning development process for their vision, strong effort and commitment to the CAB's role as regulator, facilitator, and leader in the field of Acupuncture in the State of California.

This plan reflects the CAB's commitment to work in partnership with the Acupuncture community including, the public, licensees, government, as well as educational providers. It is the result of input from and consultation with the Board staff, the public, and the profession.

This Strategic Plan is the cornerstone for the CAB as we move into the next five years of our mission as one of the leading regulatory agencies of the Acupuncture profession. It builds on some of the foundations of our Strategic Plan 2007-2012, which guided the CAB's work up until now. We believe the new plan offers a roadmap to the future with clear focus on building the basic framework for the regulation and oversight of the Acupuncture profession. We look forward to the mission ahead as we deliver on our Strategic Plan for 2013-2017 and meet the challenges and opportunities that are ahead.

NIAN PENG "Michael" SHI, L.Ac.

CHAIR

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ABOUT THE CALIFORNIA ACUPUNCTURE BOARD

The California Acupuncture Board (CAB) has evolved over the years as a state licensing entity for acupuncturists and progressed into a semi-autonomous decision-making body. Initially, in 1972, acupuncture was regulated by the Acupuncture Advisory Committee under the jurisdiction of The Board of Medical Examiners (i.e., Medical Board of California). In 1980, the Committee was replaced with the Acupuncture Examining Committee within the Division of Allied Health Professions. In 1999, the Committee became the Acupuncture Board, solely responsible for licensing and regulating the practice of acupuncture and Oriental medicine in the State of California.

The primary responsibility of the Acupuncture Board is to protect California consumers from incompetent, and/or fraudulent practice through the enforcement of the Acupuncture Licensure Act and the Board's regulations. Under the Department of Consumer Affairs, the Board promotes safe practice through the improvement of educational training standards, continuing education, administering the California Acupuncture License Examination (CALE), enforcement of the Business and Professions (B&P) Code, and public outreach. The Board establishes and maintains entry standards of qualification and conduct within the acupuncture profession, primarily through its authority to license. The Acupuncture Licensure Act commences with the B&P Code, Section 4925 et seq., and the Board is authorized to adopt regulations that appear in Title 16, Division 13.7, of the California Code of Regulations (CCR). The Board regulates over 11,000 licensed acupuncturists and establishes standards for approval of institutions and colleges that offer education and training programs in the practice of acupuncture and Oriental medicine.

The Board consists of seven members with a public majority (i.e., 4 public members and 3 professional members). Five members are appointed by the Governor, one by the Speaker of the Assembly and one by the Senate Pro Tempore. The Legislature has mandated that the acupuncture members of the Board must represent a cross-section of the cultural backgrounds of the licensed members of the profession, which assists Board members in their critical role as policy and decision makers in disciplinary hearings, approval of new schools, contracts, budget issues, legislation and regulatory proposals.

Committees serve as an essential component of the full Board to address specific issues referred by the public or recommended by staff. Committees are composed of two Board members who are charged with gathering public input, exploring alternatives to the issues, and making a recommendation to the full Board.

The Acupuncture Board has four committees as follows:

Committee	Responsibilities
Executive Committee	Address issues related to expenditures/revenue/fund condition, executive officer selection/evaluation, legislation/regulations, committee policy/procedures, and special administrative projects.
Education Committee	Address issues related to acupuncture educational standards, school application and approval process, tutorial programs, and continuing education.
Examination Committee	Address issues related to development and administration contracts, administration, and miscellaneous issues.
Enforcement Committee	Address enforcement issues, propose regulations, policies, and standards to ensure compliance with the Board's statutes and regulations.

The Board appoints an Executive Officer to oversee a staff of seven full-time staff and three part-time staff that support six major Board functions: licensing, exam, education – enforcement and school oversight, enforcement, and regulatory.

- Licensing Unit is responsible for issuing licenses and processing initial applications and renewals, fingerprint/live scans, ensuring continuing education compliance and other related functions.
- Exam Unit processes and evaluates all exam applications from graduates of California approved schools and accredited foreign schools, processes ADA special accommodations, oversees exam development and actual exam offered twice a year, releases exam results, analyzes results and posts to

the Board's website exam statistics by school, first time, and repeat test takers.

- Education has two units: School Oversight and Enforcement. The School Oversight Unit approves and monitors schools and conducts site visits. The Education Enforcement Unit monitors schools for compliance, approves continuing education courses and providers, and conducts audits of continuing education compliance among licensees.
- Enforcement Unit processes and investigates complaints or conviction reports. Cases are referred for further investigation and evaluation by subject matter experts (SMEs) for standards of care and patient safety. The Executive Officer determines which disciplinary actions to pursue or issues citations based on the results of investigations. Disciplinary actions are posted on the website for consumer protection.
- Regulatory unit prepares regulatory packages, monitors legislation, and pursues Board sponsored legislation.
- Administration unit handles purchasing, personnel, fiscal duties, and travel reimbursement for the office.

Together, all of these functions protect the health and safety of Californians. Enforcement efforts protect consumers from licensed and unlicensed individuals who engage in fraudulent, negligent, or incompetent acupuncture practice. Education oversight and enforcement protects consumers from unqualified licensees providing care that may harm health and public safety. Similarly, the California Acupuncture Licensing Exam protects the public by evaluating the competence of those seeking to be licensed to practice in the California.

The Board's acupuncture curriculum requirements include completion of 3,000 hours of theoretical and clinical training from a Board approved school within the United States or accredited foreign school or completion of the Board approved Tutorial Training Program.

To be eligible to sit for the CALE, applicants must demonstrate that they have either graduated from a Board approved tutorial program or completed the required coursework from either a Board approved school or accredited foreign school.

Consumers are also protected by the Board's ongoing professional requirements for licensees. Licensees are required to renew their license every two years and are

required to complete 50 hours of continuing education as a condition of licensure renewal.

The Board is committed to fulfill its statutory and regulatory mandates, mission and vision. The Board continually re-evaluates its business operations and systems, improves its infrastructure and explores new ways of doing business and delivering its services. The Board is continually committed to increasing the quality and availability of services it offers to stakeholders.

SIGNIFICANT BOARD ACCOMPLISHMENTS

As a part of strategic planning, the Board evaluated its previous strategic plan goals and identified which objectives were accomplished. The following are the significant Board accomplishments since the 2007 strategic plan was adopted.

Adopted Regulations Improving Continuing Education Standards
In 2007-2008, the Board evaluated continuing education standards and implemented the following regulatory changes:

- Categorized all continuing education coursework requirements into two categories. Category one are coursework requirements related to clinical matters or the actual provision of health care to patients. Category two is coursework unrelated to clinical matters or the actual provision of patient care. There is no limitation in the number of category one coursework that can be counted towards the continuing education requirement. Category two coursework is limited to five hours that can count toward the requirements.

- Increased the number of continuing education hours from 30 to 50 hours every two years. Although this change was approved by the Board in 2006, the work was completed and implemented during 2007-2008.

- Clarified and defined eligible distance learning coursework that would meet continuing education requirements. A streamline application process for distance learning was created that required an online course for providers to submit the exam in addition to the regular C.E. application requirements. Distance learning was allowed to account for 50% of continuing education requirements.

Enforcement and Licensure Regulatory Changes

- In 2010, the Board implemented retroactive fingerprinting requirements for licensees who were initially licensed prior January 1, 2001, as a condition of license renewal.

- The Board adopted regulations in 2011 to create a licensure exemption for Sponsored Free Health Care Events. This is a pending regulation package.

- In 2013, the Board approved the regulatory requirement that Acupuncturists must include their license number in all of their advertisements. This is a pending regulatory package.

- In 2012, the Board adopted continuing education requirements that licensees must take no less than four hours of professional ethics coursework. This is a pending regulatory package.

Improved the Board's Education Enforcement Process

- The Board resumed site visits for schools seeking initial program approval and education enforcement. The site visit team was reengineered to include a licensed subject matter expert or licensed Board member to assist in the evaluation of curriculum standards compliance.

- The Board increased the number of continuing education desk audits to a random sampling of 5% of licensees to ensure compliance.

- The Education Enforcement Unit is collecting data by school on exam application irregularities including questionable transcripts, transfer credit violations, and abuse of course-in-progress credits.

Improved Administration of the California Acupuncture Licensing Exam (CALE)

- The Board conducted a comprehensive evaluation of the August 2012 California Acupuncture Licensing Exam (CALE) and determined it to be validated, credible, and reliable, and not the cause of the low pass rate.

- The Board adjusted the exam calendar to allow more time to evaluate transcripts to ensure accuracy and to meet exam administrators' preparation timeline.

- The Board tightened exam security to ensure fair testing.

- The Board posted multi-lingual exam guides to the website to ensure applicant understanding of the exam process and security protocols.

Improved Board Administration

- The Board improved customer service to Board callers by shifting call center responsibility to the Department of Consumer Affairs (DCA)'s Consumer Information Center. This allows the Board to better handle the high call volume and provide callers with improved service by minimizing voicemail overflow and call wait times.

- In November 2012, the Board expanded stakeholder accessibility to Board meetings by webcasting all Sacramento-based public meetings to maximize licensee and consumer access to Board discussions, decisions, and actions.

OUR VISION

A California with the greatest health and well-being through access to excellent primary health care in acupuncture.

OUR MISSION

To protect, benefit, and inform the people of California by exercising the licensing, regulatory, and enforcement mandates of the Acupuncture Licensure Act and Acupuncture Regulations.

OUR VALUES

CONSUMER PROTECTION
We make effective and informed decisions in the best interest and for the safety of Californians.

EXCELLENCE
We support outstanding achievement in our employees, driven by a passion for quality, as we strive for continuous improvement. Teamwork is demonstrated at all levels through cooperation and trust by working with and soliciting the ideas and opinions of stakeholders, consumers, and staff.

RESPECT
We value and celebrate California's ever-changing cultural and economic diversity. We are responsive, considerate, and courteous to all stakeholders.

LEADERSHIP
We strive to set the standard for professional regulation by creating, communicating, and implementing inspirational visions for results.

SERVICE
We serve the needs of the public with integrity and through meaningful communication. We are professional and responsive to the needs of our stakeholders.

ACCOUNTABILITY

We operate transparently and encourage public participation in our decision-making whenever possible. We accept personal responsibility for our actions, exemplifying high ethical standards, always striving to improve our effectiveness.

INTEGRITY

We are honest, fair, and respectful in our treatment of everyone by honoring the dignity of each individual. We foster long-term relationships with stakeholders and employees through open, authentic communication, earning trust by demonstrating a commitment to ethical conduct and responsibility.

GOAL 1: LICENSING

Promote licensing standards to protect consumers and allow reasonable access to the profession.

1.1 Work with the Department of Consumer Affairs executive team to resolve cashiering issues causing licensing delays.*

Action Item	Status	Responsible Party	Completion Date
1.1.1 Develop a problem description of the issues and bottlenecks in the DCA cashiering function causing license renewal delays for acupuncturists.	Completed	Policy Coordinator	Q2 2013
1.1.2 Identify a cashiering liaison to work with for resolving licensing delays.	Completed	Policy Coordinator/DCA	Q3 2014
1.1.3 Map out the cashiering process and evaluate the cashiering payment processing timeline.		Policy Coordinator/DCA	Q2 2015
1.1.4 Educate DCA cashiering staff of issues posing problems for CAB and educate them on CAB's procedures and functions to decrease license renewal delays.		Policy Coordinator/DCA	Q3 2015
1.1.5 Actively work with the Breeze development team to define business needs, develop a licensing and cashiering design plan for BreEZe rollout in 2015, prepare data, licensing forms, and pilot in preparation for Breeze implementation.		Policy Coordinator/DCA (BreEZe)	Q3 2015 (Dependent on BreEZe)
1.1.6 Research other boards handling their own cashiering and evaluate the feasibility of CAB implementing an in-house cashiering process.		Policy Coordinator	Q4 2015
1.1.7 Develop a resource evaluation memo with the findings and recommendations for the Board.		Policy Coordinator	Q4 2015
1.1.8 Implement a weekly monitoring process to ensure that standards for licensing and cashiering are met.		Policy Coordinator	Q3 2016
1.1.9 Evaluate licensing data to develop a BCP for an additional analyst position.		Policy Coordinator	Q4 2016

**Objectives for each goal area are listed in order of priority.*

GOAL 2: ENFORCEMENT

Protect the health and safety of consumers through the enforcement of the laws and regulations governing the practice of acupuncture.

2.1 Review disciplinary guidelines and regulatory standards to determine if standards need revision.

Objective Success Measurement			
Revision to the disciplinary guidelines are implemented through regulatory change.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
2.1.1 Review existing disciplinary guidelines to identify revisions and update the regulatory standards language.	Under Review by Committee	Enforcement Coordinator / Enforcement Committee	Q3 2014
2.1.2 Draft revisions to the disciplinary guidelines.		Enforcement Coordinator	Q2 2015
2.1.3 Present the updated guidelines and regulations for Board approval.		Executive Officer	Q3 2015
2.1.4 Create a regulations package.		Policy Coordinator	Q2 2016
2.1.5 File a regulatory package with the Office of Administrative Law.		Policy Coordinator	Q3 2016
2.1.6 Implement the regulations.		Enforcement Coordinator	Q4 2017

2.2 Strengthen the Board's enforcement authority through Implementation of Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Probation, and the Consumer Protection Enforcement Initiative.

Objective Success Measurement			
Revision to the disciplinary guidelines are implemented through regulatory change.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
2.2.1 Develop uniform standards language related to substance abuse and the Consumer Protection Enforcement Initiative.	**Completed**	Enforcement Coordinator	Q1 2013
2.2.2 Present Uniform Standards and Consumer Protection Enforcement Initiative packages for Board approval.	**Completed**	Executive Officer	Q4 2013
2.2.3 Create regulations packages.	**Completed**	Policy Coordinator	Q4 2013
2.2.4 File regulatory packages with the Office of Administrative Law.	Under Final Review	Policy Coordinator	Q3 2014
2.2.5 Implement the regulations and guidelines.		Enforcement Coordinator	Q3 2015

2.3 Seek legislation to expand non-complaint based clinic inspection authority to further public protection.

Objective Success Measurement			
Develop a bill package to expand non-complaint based clinic inspection authority.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
2.3.1 Identify the need for inspection authority.	Completed	Enforcement Coordinator	Q1 2013
2.3.2 Research other boards with inspection authority and identify how they use the authority.		Enforcement Coordinator	Q2 2016
2.3.3 Present findings to the Enforcement Committee for review and recommendations to the Board.		Enforcement Coordinator/ Sponsor: Enforcement Committee	Q4 2016
2.3.4 Propose recommendations for Board approval.		Executive Officer/ Sponsor: Enforcement Committee	Q1 2017
2.3.5 Identify a legislative author or seek a statutory change.		Policy Coordinator	Q3 2017
2.3.6 Implement the law.		Enforcement Coordinator	Q3 2018

2.4 Determine feasibility of strengthening the recertification process for reinstatement of an inactive license to further public safety. Promulgate regulations to do so, if found feasible.

Objective Success Measurement			
Provide feasibility recommendations for the recertification process to the Board.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
2.4.1 Identify the weaknesses in the existing recertification process.		Policy Coordinator	Q2 2015
2.4.2 Develop an action plan to address these findings.		Policy Coordinator	Q3 2015
2.4.3 Research the inactive recertification processes used by other boards.		Policy Coordinator	Q4 2015
2.4.4 Develop a plan and present to the Education Committee to review and provide recommendations for Board approval.		Policy Coordinator/ Sponsor: Education Committee	Q1 2016
2.4.5 Promulgate and implement regulations through the regulation process.		Policy Coordinator/ Sponsor: Education Committee	Q3 2016
2.4.6 Monitor compliance with regulations through a tracking process.		Licensing Technician	Q3 2017

GOAL 3: EDUCATION

Advance higher education standards to increase the quality of education and ensure consumer protection.

3.1 Evaluate curriculum standards to ensure professional qualification and public safety. The Board will evaluate whether financial standards for schools are needed.

Objective Success Measurement			
Board completed the evaluation of curricula standards for schools.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
3.1.1 Host a series of stakeholder meetings with schools to discuss curricula standards.		Education Coordinator/ Executive Officer	Q2 2015
3.1.2 Assess how the Bureau for Private Postsecondary Education (BPPE) evaluates finances for schools.		Education Coordinator	Q2 2015
3.1.3 Review the new occupational analysis for professional qualifications of acupuncturists.		Education Coordinator/ Exam Coordinator	Q3 2015
3.1.4 Present new curricula standards to the Education Committee to review and provide recommendations for Board approval.		Education Coordinator/ Sponsor: Education Committee	Q4 2015

3.2 To ensure that students are qualified to successfully complete Acupuncture training programs, the Board will explore increasing initial licensure qualifications to a Bachelor's degree or set a score for the Medical College Admission Test (MCAT).

Objective Success Measurement			
Education Committee review of report regarding initial licensure qualifications.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
3.2.1 Research other California allied health fields entry requirements to explore licensure qualifications.	Work Started	Education Coordinator	Q4 2014
3.2.2 Host a series of expert panels with schools and industries to assess minimum requirements for acupuncture entry level requirements for training program acupuncture requirements.		Education Coordinator	Q2 2015
3.2.3 Present new requirements to the Education Committee to determine the next action.		Education Coordinator/ Sponsor: Education Committee	Q3 2015

3.3 The Education Committee will evaluate school courses and course materials to ensure compliance with the Board's curriculum requirements.

Objective Success Measurement			
Completed enforcement site visits for approved training programs in California.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
3.3.1 Create position authority for an Educational Consultant (a licensed acupuncturist).		Executive Officer	Q2 2016
3.3.2 Chart curriculum changes through Annual School Reports (historical evaluation of curriculum).		Education Coordinator	Q2 2016
3.3.3 Evaluate school courses to identify whether regulatory standards need to be revised.		Education Coordinator	Q2 2016
3.3.4 Conduct enforcement site visits of schools		Education Coordinator	Q2 2017
3.3.5 Assess the need to establish a time table that identifies the frequency of enforcement site visits.		Education Coordinator	Q3 2017

3.4 Promulgate regulations to require international applicants and students attending non-English track schools to pass the TOEFL exam before being eligible to sit for the California Acupuncture Licensing Exam (CALE).

Objective Success Measurement			
Implement new Test of English as a Foreign Language (TOEFL) exam standards.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
3.4.1 Research the current requirements that exist in schools/universities and other boards for the TOEFL exam requirements.		Education Coordinator	Q2 2016
3.4.2 Conduct stakeholder meetings about the TOEFL exam to gather input from schools, licensees, and consumers.		Education Coordinator	Q2 2016
3.4.3 Propose minimum standards for the TOEFL exam to the Education Committee to review and provide recommendations for Board approval.		Education Coordinator/ Sponsor: Education Committee	Q3 2016
3.4.4 Promulgate new TOEFL exam minimum standards.		Education Coordinator/ Sponsor: Education Committee	Q4 2016
3.4.5 Implement new TOEFL exam standards.		Education Coordinator/ Sponsor: Education Committee	Q4 2017

3.5 Enhance school curriculum regulations by adding a required course in Standardized Acupuncture terminology.

Objective Success Measurement			
Complete a feasibility study and provide recommendations to the Board.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
3.5.1 Convene an expert panel on standardizing acupuncture terminology across languages.		Education Coordinator/ Sponsor: Education Committee	Q4 2016
3.5.2 Review international terminology standards, including the World Health Organization (WHO).		Education Coordinator/ Sponsor: Education Committee	Q1 2017
3.5.3 Identify Subject Matter Experts (SMEs) for acupuncture terminology.		Education Coordinator/ Sponsor: Education Committee	Q2 2017
3.5.4 Collaborate with SMEs to identify acupuncture terminology problem areas and develop recommendations for the Education Committee.		Education Coordinator/ Sponsor: Education Committee	Q3 2017
3.5.5 Present findings to the Board and public to determine next action.		Education Coordinator/ Sponsor: Education Committee	Q4 2017

GOAL 4: PROFESSIONAL QUALIFICATIONS

Improve continuing education and examination standards to ensure excellence in practice and promote public safety.

4.1 Evaluate the approved continuing education course list and create a defined scope for continuing education coursework that focuses on improving practice knowledge, best practices, and updated research.

Objective Success Measurement			
Completed stakeholder meeting and proposed new continuing education requirements.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
4.1.1 Review continuing education requirements of other health boards.		Education Coordinator	Q1 2016
4.1.2 Review out-of-state acupuncture boards continuing education requirements to identify practice knowledge, best practices and updated research.		Education Coordinator	Q2 2016
4.1.3 Form a stakeholder/expert panel on industry practices and needs.		Education Coordinator/ Sponsor: Education Committee Chair	Q4 2016
4.1.4 Based on findings from the panel, propose new continuing education requirements to the Board.		Education Coordinator / Sponsor: Education Committee	Q1 2017

4.2 Formalize the continuing education audit process of the Education Committee's review of potentially non-compliant continuing education courses and providers.

Objective Success Measurement			
Successful implementation of a continuing education audit process.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
4.2.1 Create position authority for an Educational Consultant (licensed acupuncturist).	**Completed**	Executive Officer	Q2 2016
4.2.2 Develop an internal process for the continuing education provider audit process.		Education Coordinator	Q3 2015
4.2.3 Select a pool of Subject Matter Experts (SMEs) to review continuing education courses.		Education Coordinator	Q3 2015
4.2.4 Identify questionable continuing education courses for SMEs to review.		Education Coordinator	Q4 2015
4.2.5 Identify questionable topics for the Education Committee to review and determine if topics are relevant to professional qualifications and continuing education.		Education Coordinator/ Sponsor: Education Committee	Q1 2016
4.2.6 The Education Committee will review and provide recommendations for Board approval.		Education Coordinator/ Sponsor: Education Committee	Q2 2016

4.3 Review past occupational analysis studies to identify improvements to the evaluation process and implement those improvements during the next analysis.

Objective Success Measurement			
Conduct stakeholder meetings to gather feedback to improve occupational analysis.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
4.3.1 Review past occupational analysis.	**Completed**	Executive Officer and Board Chair	Q4 2013
4.3.2 Conduct stakeholder meetings to solicit input related to improving the occupational analysis for acupuncturists.	**Completed**	Executive Officer and Board Chair	Q4 2013

4.4 Evaluate the CALE exam to ensure continued test validity and security.

Objective Success Measurement			
Confirm the California Acupuncture Licensing Exam (CALE) test validity and identify statistical tools to identify problem areas for training programs.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
4.4.1 Audit the CALE to confirm its validity.	Q3 2015 projected completion	Executive Officer	Q2 2013
4.4.2 Research costs and components of implementation of computer based testing.	**Completed**	Executive Officer	Q2 2014
4.4.3 Contract with the Office of Professional Examination Services (OPES) to increase questions in the item bank pending completion of the occupational analysis.		Executive Officer	Q3 2015
4.4.4 Propose a recommendation to establish a limit on the number of times a person can take the CALE for the Examination Committee to review and present for Board approval.	Under Review by Committee	Executive Officer/ Sponsor: Examination Committee	Q2 2014
4.4.5 Create statistical tools to evaluate competencies and test validity of the CALE exam.		Examinations Coordinator	Q4 2015
4.4.6 Use statistical data to inform schools of possible competency issues related to training programs.		Examinations Coordinator	Q4 2015

GOAL 5: OUTREACH

Inform consumers, licensees, and stakeholders about the practice and regulation of the acupuncture profession.

5.1 Form a Licensee Education Committee to create educational materials for licensees and a "What You Need to Know" educational series that will be accessible from the website.

Objective Success Measurement			
Develop and successfully implement "You Need to Know" educational series.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
5.1.1 Identify members of the Licensee Education Committee to define the purpose and criteria of the educational materials.		Executive Officer and Board	Q4 2015
5.1.2 Research and survey the licensee population to identify to identify the types of information to receive to increase their awareness.		Policy Coordinator	Q2 2016
5.1.3 Consult with Legal Counsel to determine what information can be provided and identify the appropriate technical information for licensees.		Policy Coordinator	Q4 2016
5.1.4 Develop a plan and present it to the Licensing-Education Committee to review and provide recommendations for Board approval.		Executive Officer/ Sponsor: Licensing-Education Committee	Q1 2017
5.1.5 Based on recommendations and approval from the Board, develop educational materials.		Policy Coordinator	Q3 2017
5.1.6 Coordinate dissemination of "What You Need to Know" educational series for licensees.		Policy Coordinator	Q4 2017
5.1.7 Make series public using different venues such as the CAB website.		Policy Coordinator	Q4 2017

5.2 Increase outreach to interested stakeholders by leveraging cost-effective technology to increase understanding of the Acupuncture profession and the Board.

Objective Success Measurement			
Implement an established process in which stakeholders are informed regularly.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
5.2.1 Create manager position authority through BCP to oversee outreach program.	**BCP submitted**	Executive Officer	Q2 2014
5.2.2 Identify interested stakeholders and organize contact information.		Executive Officer	Q4 2015
5.2.3 Conduct a survey to identify the types of information stakeholders would like to receive to increase awareness of acupuncture rules and regulations.		Policy Coordinator	Q2 2016
5.2.4 Establish a staff taskforce to implement an informational plan.		Executive Officer	Q4 2016
5.2.5 Identify methods of dissemination to distribute information to stakeholders.		Policy Coordinator	Q1 2017
5.2.6 Implement the informational plan to inform stakeholders regularly.		Policy Coordinator	Q3 2017

5.3 Work collaboratively with state and national professional associations to increase awareness of the Board's functions.

Objective Success Measurement			
Implement an established process in which professional associations are informed regularly.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
5.3.1 Identify acupuncture/Asian medicine state and national professional associations.		Executive Officer/Board Chair	Q2 2015
5.3.2 Conduct a meeting with professional association representatives to identify the types of information to receive to increase their awareness.		Executive Officer/Board Chair	Q4 2015
5.3.3 Establish a staff task force to develop an outreach plan.		Executive Officer	Q4 2016
5.3.4 Identify methods of dissemination to distribute information to associations.		Policy Coordinator	Q1 2017
5.3.5 Develop a schedule to regularly release information to associations.		Executive Officer	Q3 2017

5.4 Educate stakeholders on requirements of the Affordable Care Act and the implications for electronic records management.

Objective Success Measurement			
Completed FAQ's posted on the CAB website.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
5.4.1 Research resources for the Affordable Care Act (ACA) requirements for electronic record management.		Policy Coordinator	Q1 2017
5.4.2 Compile FAQs and identify a list of resources.		Policy Coordinator	Q2 2017
5.4.3 Post FAQs and identified resources on the CAB website.		Internet Coordinator	Q3 2017
5.4.4 Send email or newsletter to licensees to provide information and direct them to the CAB website.		Policy Coordinator	Q3 2017

5.5 Modify the Board's website to ensure accessibility and increase usability.

Objective Success Measurement	

CAB website is updated to increase usability.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
5.5.1 Identify website shortcomings and complete comparative analysis of other board websites.	**Completed**	Policy Coordinator	Q4 2013
5.5.2 Work with the Office of Information Services (OIS) to successfully update the CAB website.	**Completed**	Policy Coordinator	Q2 2014
5.5.3 Determine the design of the website layout and how pages link.	**Completed**	Executive Officer	Q2 2014
5.5.4 Produce the content and update the website	**Completed**	Policy Coordinator	Q2 2014
5.5.5 Work with OIS to implement the website changes.	**Work In Progress**	Policy Coordinator	Q4 2014
5.5.6 Publicize the website changes to stakeholders through emails and newsletters.		Executive Officer	Q4 2014

GOAL 6: ADMINISTRATION

Build an excellent organization through proper Board governance, effective leadership, and responsible management.

6.1 Ensure adequate staffing levels within all areas of the Board to fulfill the Board's mandate and achieve Board goals.

Objective Success Measurement			
Develop and submit BCP for additional staff.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
6.1.1 Identify staff shortage areas.	**Completed**	Executive Officer	Q2 2013
6.1.2 Analyze how staff shortage is impacting the Board's functions.	**Completed**	Executive Officer	Q2 2014
6.1.3 Create a BCP to obtain authority to increase staffing at CAB.	**Completed**	Executive Officer/ Administrative Coordinator	Q3 2014

6.2 Establish an ongoing working report of pending regulatory projects and priorities to inform the Board, the legislature, and the public of the ongoing status of these projects.

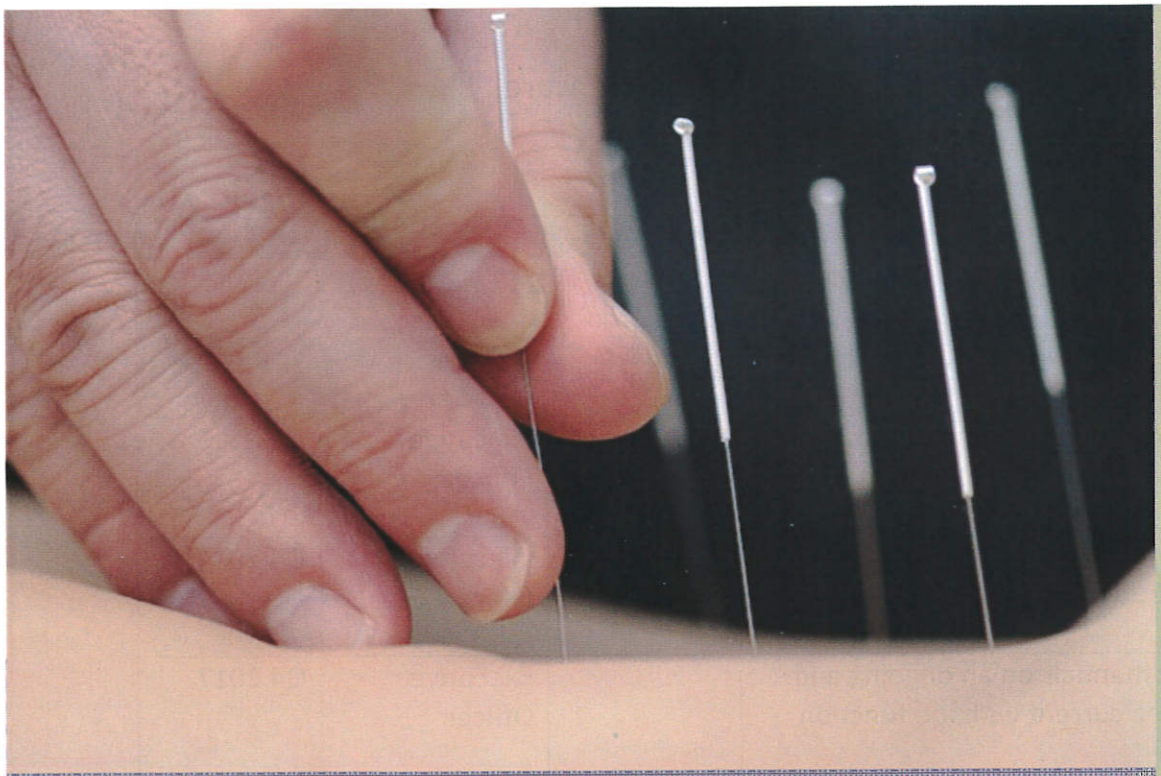
Objective Success Measurement			
Create an ongoing status report of regulations for the Board's review.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
6.2.1 Identify and clarify all regulation packages that are pending.	Completed	Policy Coordinator	Q2 2013
6.2.2 Determine the priority of regulation packages and organize into a status report for the Board.	Completed	Executive Officer	Q3 2013
6.2.3 Disseminate an ongoing status report of regulations to the Board.	Completed	Policy Coordinator	Q4 2013

6.3 Create targeted training for new Board members to provide further details on Board and government processes.

Objective Success Measurement			
Implement orientation training for Board members.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
6.3.1 Identify the current training needs for Board members	Ongoing	Executive Officer	Q3 2014
6.3.2 Meet with Legal Counsel to develop a training action plan that includes the legal aspect.	Completed	Executive Officer/Legal Counsel	Q4 2014
6.3.3 Develop training materials and refine training to meet the needs of Board members.		Executive Officer	Q2 2015
6.3.4 Coordinate with the Board to implement training for new Board members.		Executive Officer/Legal Counsel	Q4 2015

6.4 Develop desk manuals for all Board functions to ensure proficiency,performance, and for succession planning.

Objective Success Measurement			
Desk manuals created for each CAB function.			
Major Actionable Tasks to Accomplish	**Status**	**Responsible Party**	**Completion Date**
6.4.1 Identify Board functions that do not have desk manuals.	**Completed**	Executive Officer	Q1 2013
6.4.2 Provide directive to staff to create desk manuals and required content.	**Completed**	Executive Officer	Q4 2014
6.4.4 Update desk manuals on an ongoing and regular basis to keep current with job function responsibilities.		Executive Officer	Q4 2017



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Notes

STRATEGIC PLAN UPDATE COMMITTEE ASSIGNMENTS

Committee Assignments from Action Plan
February 14, 2014 Acupuncture Board Meeting

Enforcement Committee Assignment

- ✓ Review existing disciplinary guidelines to identify revisions and update the regulatory standards language (p.11)

Education Committee Assignment

- ✓ Review international terminology standard including the World Health Organization (WHO) (p. 19)
- ✓ Review continuing education standards, course lists and review scope of required course work (p.20)

Exam Committee

- ✓ Review what regulatory changes would be required to shift to computerized exams (p.23)
- ✓ Propose a limit on the number of times a person can take the CALE (p.23)

Executive Committee

- ✓ Identify current training needs for Board members (p. 28)

Notes

LEGISLATIVE UPDATE

SB 1246

AMENDED 8-22-14

8/22

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY JUNE 15, 2014

AMENDED IN SENATE APRIL 23, 2014

SENATE BILL No. 1246

Introduced by Senator Lieu
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

An act to amend Sections 4928, 4934, 4935, 4938, 4944, 4949, and 4970 of, to amend and repeal Section 4973 of, to amend, repeal, and add Section 4939 of, to add Section 4933.5 to, and to add and repeal Section 4927.5 of, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, as amended, Lieu. Acupuncture.

(1) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board, within the Department of Consumer Affairs. Existing law authorizes the board, with the approval of the Director of Consumer Affairs, to employ personnel necessary to administer the Acupuncture Licensure Act, including an executive officer who is exempt from civil service. Existing law repeals the provisions establishing the board and authority for it to employee personnel on January 1, 2015.

This bill would remove the repeal date with respect to the board's authority to employ personnel. The bill would also extend the operation of the board *and the board's authority to appoint an executive officer*

exempt from civil service until January 1, ~~2017, and extend the board's authority to hire an executive officer exempt from civil service until January 1, 2016.~~ *2017.*

(2) Existing law requires the board to establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist, as specified. Existing law requires a school or college approved by the board, within 3 years of board approval, to receive full institutional approval to operate from the Bureau for Private Postsecondary Education or comparable approval by a governmental authority outside of the state, as applicable. Existing law requires the board to issue a license to practice acupuncture to a person who files an application, pays a fee, and among other requirements, completes an educational and training program approved by the board.

This bill would delete the requirement that schools and colleges offering education and training in the practice of an acupuncturist obtain those approvals within 3 years of board approval. Commencing January 1, 2017, the bill would eliminate the requirement that the board approve those schools and colleges offering education and training in the practice of an acupuncturist and would instead define an "approved educational and training program," for purposes of licensure as an acupuncturist, as a school or college that: (A) offers curriculum that has been submitted to and approved by the board and includes at least 3,000 hours of which at least 2,050 hours are didactic and laboratory training, and at least 950 hours are supervised clinical instruction; (B) is approved by the Bureau for Private Postsecondary Education *or is the appropriate out-of-state governmental educational authority*; and (C) is accredited or granted candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine, *or has submitted a letter of intent to pursue accreditation to that commission, as specified.*

This bill would require the board, within 30 days of receiving curriculum submitted by a school or college pursuant to these provisions, to review the curriculum, determine whether the curriculum satisfies the board's requirements, and notify the school or college, the Accreditation Commission for Acupuncture and Oriental Medicine, and the Bureau for Private Postsecondary Education of whether the board has approved the curriculum. The bill would authorize the board to review and evaluate the ~~program curriculum~~ *educational training and clinical experience* of a school or college that has submitted ~~an eligibility report~~ *a letter of intent to pursue accreditation* to, or was granted candidacy status by, the commission, but was subsequently

denied candidacy status or accreditation, respectively, by the commission, to determine whether to waive the requirement that an applicant who attended that program complete an approved educational and training program.

This bill would also require the board to establish standards for the approval of educational training and clinical experience received outside the United States and Canada, and would make related conforming changes.

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

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

SECTION 1. Section 4927.5 is added to the Business and Professions Code, to read:

4927.5. (a) For purposes of this chapter, "approved educational and training program" means a program approved by the board pursuant to Section 4939.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 4927.5 is added to the Business and Professions Code, to read:

4927.5. (a) For purposes of this chapter, "approved educational and training program" means a school or college offering education and training in the practice of an acupuncturist that meets all of the following requirements:

(1) Offers curriculum that includes at least 3,000 hours of which at least 2,050 hours are didactic and laboratory training, and at least 950 hours are supervised clinical instruction. Has submitted that curriculum to the board, and has received board approval of the curriculum.

(2) Has received full institutional approval under Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code in the field of traditional Asian medicine, or in the case of institutions located outside of this state, approval by the appropriate governmental educational authority using standards equivalent to those of Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code.

(3) Meets any of the following:

~~(3)~~

(A) Is accredited ~~or has been granted candidacy status~~ by the Accreditation Commission for Acupuncture and Oriental Medicine.

(B) Has been granted candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine.

(C) Has submitted a letter of intent to pursue accreditation to the Accreditation Commission for Acupuncture and Oriental Medicine within 30 days of receiving full institutional approval pursuant to paragraph (2), and is granted candidacy status within three years of the date that letter was submitted.

(b) Within 30 days after receiving curriculum pursuant to paragraph (1), the board shall review the curriculum, determine whether the curriculum satisfies the requirements established by the board, and notify the school or college, the Accreditation Commission for Acupuncture and Oriental Medicine, and Bureau of Private and Postsecondary Education of whether the board has approved the curriculum.

(c) This section shall become operative on January 1, 2017.

SEC. 3. Section 4928 of the Business and Professions Code is amended to read:

4928. (a) The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 4. Section 4933.5 is added to the Business and Professions Code, to read:

4933.5. The board, by and with the approval of the director, may employ personnel necessary for the administration of this chapter.

SEC. 5. Section 4934 of the Business and Professions Code is amended to read:

4934. (a) The board, by and with the approval of the director, may appoint an executive officer who is exempt from the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code).

(b) This section shall remain in effect only until January 1, ~~2016,~~ *2017,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2016,~~ *2017,* deletes or extends that date.

SEC. 6. 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 or to hold himself or herself out as practicing or engaging in the practice of acupuncture.

(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 to violate the provisions of this chapter.

(b) Notwithstanding any other 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," or any combination of those words, phrases, or abbreviations of those words or phrases, or by representing that he or she is trained, experienced, or an expert in the field of acupuncture, Asian medicine, or Chinese medicine.

(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 an approved educational and training program and participating in a postgraduate review course that does not exceed one year in duration at an approved educational and training program.

SEC. 7. Section 4938 of the Business and Professions Code is amended to read:

4938. The board shall issue a license to practice acupuncture to any person who makes an application and meets the following requirements:

(a) Is at least 18 years of age.

(b) Furnishes satisfactory evidence of completion of one of the following:

(1) (A) An approved educational and training program.

(B) If an applicant began his or her educational and training program at a school or college that submitted ~~an eligibility report~~ *a letter of intent to pursue accreditation* to, or attained candidacy status from, the Accreditation Commission for Acupuncture and Oriental Medicine, but the commission subsequently denied the school or college candidacy status or accreditation, respectively, the board may review and evaluate the ~~program curriculum~~ *educational training and clinical experience* to determine whether to waive the requirements set forth in ~~subparagraph (A)~~ *this subdivision* with respect to that applicant.

(2) Satisfactory completion of a tutorial program in the practice of an acupuncturist which is approved by the board.

(3) In the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and clinical experience that meets the standards established pursuant to Sections 4939 and 4941.

(c) Passes a written examination administered by the board that tests the applicant's ability, competency, and knowledge in the practice of an acupuncturist. The written examination shall be developed by the Office of Professional Examination Services of the Department of Consumer Affairs.

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

(e) Completes a clinical internship training program approved by the board. The clinical internship training program shall not

exceed nine months in duration and shall be located in a clinic in this state, which is an approved educational and training program. The length of the clinical internship shall depend upon the grades received in the examination and the clinical training already satisfactorily completed by the individual prior to taking the examination. On and after January 1, 1987, individuals with 800 or more hours of documented clinical training shall be deemed to have met this requirement. The purpose of the clinical internship training program shall be to ensure a minimum level of clinical competence.

Each applicant who qualifies for a license shall pay, as a condition precedent to its issuance and in addition to other fees required, the initial licensure fee.

SEC. 8. Section 4939 of the Business and Professions Code is amended to read:

4939. (a) The board shall establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist, including standards for the faculty in those schools and colleges, completion of which will satisfy the requirements of Section 4938.

(b) Standards for the approval of schools and colleges described in subdivision (a) shall include a minimum of 3,000 hours of study in curriculum pertaining to the practice of an acupuncturist. This subdivision shall apply to all students entering programs on or after January 1, 2005.

(c) Each school or college approved by the board shall receive full institutional approval under Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code in the field of traditional Asian medicine, or in the case of institutions located outside of this state, approval by the appropriate governmental educational authority using standards equivalent to those of Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code, or the board's approval of the program shall automatically lapse.

(d) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 9. Section 4939 is added to the Business and Professions Code, to read:

4939. (a) The board shall establish standards for the approval of educational training and clinical experience received outside the United States and Canada.

(b) This section shall become operative on January 1, 2017.

SEC. 10. Section 4944 of the Business and Professions Code is amended to read:

4944. (a) The board shall have the authority to investigate and evaluate each and every applicant applying for a license to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions of this chapter.

(b) The board shall investigate and evaluate each school or college applying for approval under Section 4939 and may utilize and contract with consultants to evaluate those training programs. This subdivision shall become inoperative on January 1, 2017.

(c) The board may delegate to the executive officer or other official of the board its authority under this section in routine matters.

SEC. 11. Section 4949 of the Business and Professions Code is amended to read:

4949. The provisions of this chapter shall not prohibit an acupuncturist from another state or country, who is not a licensed acupuncturist in this state, who is the invited guest of a professional acupuncture association or scientific acupuncture foundation, an approved educational and training program, or a continuing education provider that is approved under Section 4945, solely from engaging in professional education through lectures, clinics, or demonstrations. The guest acupuncturist may engage in the practice of acupuncture in conjunction with these lectures, clinics, or demonstrations for a maximum of six months, but may not open an office or appoint a place to meet patients or receive calls from patients or otherwise engage in the practice of acupuncture.

SEC. 12. Section 4970 of the Business and Professions Code is amended to read:

4970. The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section 4972:

(a) The application fee shall be seventy-five dollars ($75).

(b) The examination and reexamination fees shall be the actual cost to the Acupuncture Board for the development and writing of, grading, and administering of each examination.

(c) The initial license fee shall be three hundred twenty-five dollars ($325), except that if the license will expire less than one year after its issuance, then the initial license fee shall be an amount equal to 50 percent of the initial license fee.

(d) The renewal fee shall be three hundred twenty-five dollars ($325) and in the event a lower fee is fixed by the board, shall be an amount sufficient to support the functions of the board in the administration of this chapter. The renewal fee shall be assessed on an annual basis until January 1, 1996, and on and after that date the board shall assess the renewal fee biennially.

(e) The delinquency fee shall be set in accordance with Section 163.5.

(f) The application fee for the approval of a school or college under Section 4939 shall be three thousand dollars ($3,000). This subdivision shall become inoperative on January 1, 2017.

(g) The duplicate wall license fee is an amount equal to the cost to the board for the issuance of the duplicate license.

(h) The duplicate renewal receipt fee is ten dollars ($10).

(i) The endorsement fee is ten dollars ($10).

(j) The fee for a duplicate license for an additional office location as required under Section 4961 shall be fifteen dollars ($15).

SEC. 13. Section 4973 of the Business and Professions Code is amended to read:

4973. (a) A fee for the inspection or reinspection of a school or college of acupuncture for purposes of approval or continued approval shall be charged at an amount to recover the direct costs incurred by the board in conducting that inspection and evaluation of the school or college.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

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LEGISLATIVE UPDATE

SB 1246

AMMENDED 8-19-14

8/19

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY JUNE 15, 2014

AMENDED IN SENATE APRIL 23, 2014

SENATE BILL **No. 1246**

Introduced by Senator Lieu
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

An act to amend Sections 4928, 4934, 4935, 4938, 4944, 4949, and 4970 of, to amend and repeal Section 4973 of, to amend, repeal, and add Section 4939 of, to add Section 4933.5 to, and to add and repeal Section 4927.5 of, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, as amended, Lieu. Acupuncture.

~~Existing~~

(1) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board, within the Department of Consumer Affairs. Existing law authorizes the board, with the approval of the Director of Consumer Affairs, to employ personnel necessary to administer the Acupuncture Licensure Act, including an executive officer who is exempt from civil service. Existing law repeals the provisions establishing the board and authority for it to employee personnel on January 1, 2015.

This bill would remove the repeal date with respect to the board's authority to employ personnel. The bill would also extend the operation of the board *until January 1, 2017,* and ~~its~~ *extend the board's* authority

to hire an executive officer exempt from civil service until January 1, ~~2017~~ *2016*. ~~The bill would require that the executive officer appointed on or after January 1, 2015, not have served as the executive officer of the board at any time prior to January 1, 2015.~~

~~Existing~~

(2) Existing law requires the board to establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist, as specified. *Existing law requires a school or college approved by the board, within 3 years of board approval, to receive full institutional approval to operate from the Bureau for Private Postsecondary Education or comparable approval by a governmental authority outside of the state, as applicable.* Existing law requires the board to issue a license to practice acupuncture to a person who files an application, pays a fee, and among other requirements, completes an educational and training program approved by the board.

This bill would delete the requirement that schools and colleges offering education and training in the practice of an acupuncturist obtain those approvals within 3 years of board approval. Commencing January 1, 2017, ~~this~~ *the* bill would eliminate the requirement that the board approve *those* schools and colleges offering education and training in the practice of ~~acupuncture~~ *an acupuncturist* and would instead define an "approved educational and training program," for purposes of licensure as an acupuncturist, as a school or college that: ~~(1)~~ *(A)* offers curriculum that has been submitted to and approved by the board and includes at least 3,000 hours of which at least 2,050 hours are didactic and laboratory training, and at least 950 hours are supervised clinical instruction; ~~(2)~~ *(B)* is approved by the Bureau ~~of~~ *for* Private Postsecondary Education; and ~~(3)~~ *(C)* is accredited or granted candidacy status by the Accreditation Commission for Acupuncture and Oriental ~~Medicine. The~~ *Medicine.*

This bill would require the board, within 30 days of receiving curriculum submitted by a school or ~~collage~~ *college* pursuant to these provisions, to review the curriculum, determine whether the curriculum satisfies the board's requirements, and notify the school or college, the Accreditation Commission for Acupuncture and Oriental Medicine, and *the* Bureau ~~of~~ *for* Private ~~and~~ Postsecondary Education of whether the board has approved the curriculum. ~~The~~ *The bill would authorize the board to review and evaluate the program curriculum of a school or college that has submitted an eligibility report to, or was granted candidacy status by, the commission, but was subsequently denied*

candidacy status or accreditation, respectively, by the commission, to determine whether to waive the requirement that an applicant who attended that program complete an approved educational and training program.

This bill would also require the board to establish standards for the ~~acceptance~~ *approval* of educational training and clinical experience received outside the United States and Canada, and would make related conforming changes.

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

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

SECTION 1. Section 4927.5 is added to the Business and Professions Code, to read:

4927.5. (a) For purposes of this chapter, "approved educational and training program" means a program approved by the board pursuant to Section 4939.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 4927.5 is added to the Business and Professions Code, to read:

4927.5. (a) For purposes of this chapter, "approved educational and training program" means a school or college offering education and training in the practice of an acupuncturist that meets all of the following requirements:

(1) Offers curriculum that includes at least 3,000 hours of which at least 2,050 hours are didactic and laboratory training, and at least 950 hours are supervised clinical instruction. Has submitted that curriculum to the board, and has received board approval of the curriculum.

(2) Has received full institutional approval under Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code in the field of traditional Asian medicine, or in the case of institutions located outside of this state, approval by the appropriate governmental educational authority using standards equivalent to those of Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code.

(3) Is accredited or has been granted candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine.

(b) Within 30 days after receiving curriculum pursuant to paragraph (1), the board shall review the curriculum, determine whether the curriculum satisfies the requirements established by the board, and notify the school or college, the Accreditation Commission for Acupuncture and Oriental Medicine, and Bureau of Private and Postsecondary Education of whether the board has approved the curriculum.

(c) This section shall become operative on January 1, 2017.

SEC. 3. Section 4928 of the Business and Professions Code is amended to read:

4928. (a) The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 4. Section 4933.5 is added to the Business and Professions Code, to read:

4933.5. The board, by and with the approval of the director, may employ personnel necessary for the administration of this chapter.

SEC. 5. Section 4934 of the Business and Professions Code is amended to read:

4934. (a) The board, by and with the approval of the director, may appoint an executive officer who is exempt from the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code). ~~The executive officer appointed on or after January 1, 2015, shall not have served as the executive officer of the board at any time prior to January 1, 2015.~~

(b) This section shall remain in effect only until January 1, ~~2017,~~ *2016,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2017,~~ *2016,* deletes or extends that date.

SEC. 6. 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 or to hold himself or herself out as practicing or engaging in the practice of acupuncture.

(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 to violate the provisions of this chapter.

(b) Notwithstanding any other 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," or any combination of those words, phrases, or abbreviations of those words or phrases, or by representing that he or she is trained, experienced, or an expert in the field of acupuncture, Asian medicine, or Chinese medicine.

(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 an approved educational and training program and participating in a postgraduate review course that does not exceed one year in duration at an approved educational and training program.

SEC. 7. Section 4938 of the Business and Professions Code is amended to read:

4938. The board shall issue a license to practice acupuncture to any person who makes an application and meets the following requirements:

(a) Is at least 18 years of age.

(b) Furnishes satisfactory evidence of completion of one of the following:

(1) *(A)* An approved educational and training program. ~~An individual who graduates in the first or second graduating class of a school or college that has been granted candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine shall be deemed to have completed an approved educational and training program.~~

(B) If an applicant began his or her educational and training program at a school or college that submitted an eligibility report to, or attained candidacy status from, the Accreditation Commission for Acupuncture and Oriental Medicine, but the commission subsequently denied the school or college candidacy status or accreditation, respectively, the board may review and evaluate the program curriculum to determine whether to waive the requirements set forth in subparagraph (A) with respect to that applicant.

(2) Satisfactory completion of a tutorial program in the practice of an acupuncturist which is approved by the board.

(3) In the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and clinical experience that meets the standards established pursuant to Sections 4939 and 4941.

(c) Passes a written examination administered by the board that tests the applicant's ability, competency, and knowledge in the practice of an acupuncturist. The written examination shall be developed by the Office of Professional Examination Services of the Department of Consumer Affairs.

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

(e) Completes a clinical internship training program approved by the board. The clinical internship training program shall not exceed nine months in duration and shall be located in a clinic in this state, which is an approved educational and training program.

The length of the clinical internship shall depend upon the grades received in the examination and the clinical training already satisfactorily completed by the individual prior to taking the examination. On and after January 1, 1987, individuals with 800 or more hours of documented clinical training shall be deemed to have met this requirement. The purpose of the clinical internship training program shall be to ensure a minimum level of clinical competence.

Each applicant who qualifies for a license shall pay, as a condition precedent to its issuance and in addition to other fees required, the initial licensure fee.

SEC. 8. Section 4939 of the Business and Professions Code is amended to read:

4939. (a) The board shall establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist, including standards for the faculty in those schools and colleges, completion of which will satisfy the requirements of Section 4938.

(b) Standards for the approval of schools and colleges described in subdivision (a) shall include a minimum of 3,000 hours of study in curriculum pertaining to the practice of an acupuncturist. This subdivision shall apply to all students entering programs on or after January 1, 2005.

(c) ~~Within three years of initial approval by the board, each~~ *Each* school or college ~~so~~ approved by the board shall receive full institutional approval under Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code in the field of traditional Asian medicine, or in the case of institutions located outside of this state, approval by the appropriate governmental educational authority using standards equivalent to those of Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code, or the board's approval of the program shall automatically lapse.

(d) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 9. Section 4939 is added to the Business and Professions Code, to read:

4939. (a) The board shall establish standards for the ~~acceptance~~ *approval* of educational training and clinical experience received outside the United States and Canada.

(b) This section shall become operative on January 1, 2017.

SEC. 10. Section 4944 of the Business and Professions Code is amended to read:

4944. (a) The board shall have the authority to investigate and evaluate each and every applicant applying for a license to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions of this chapter.

(b) The board shall investigate and evaluate each school or college applying for approval under Section 4939 and may utilize and contract with consultants to evaluate those training programs. This subdivision shall become inoperative on January 1, 2017.

(c) The board may delegate to the executive officer or other official of the board its authority under this section in routine matters.

SEC. 11. Section 4949 of the Business and Professions Code is amended to read:

4949. The provisions of this chapter shall not prohibit an acupuncturist from another state or country, who is not a licensed acupuncturist in this state, who is the invited guest of a professional acupuncture association or scientific acupuncture foundation, an approved educational and training program, or a continuing education provider that is approved under Section 4945, solely from engaging in professional education through lectures, clinics, or demonstrations. The guest acupuncturist may engage in the practice of acupuncture in conjunction with these lectures, clinics, or demonstrations for a maximum of six months, but may not open an office or appoint a place to meet patients or receive calls from patients or otherwise engage in the practice of acupuncture.

SEC. 12. Section 4970 of the Business and Professions Code is amended to read:

4970. The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section 4972:

(a) The application fee shall be seventy-five dollars ($75).

(b) The examination and reexamination fees shall be the actual cost to the Acupuncture Board for the development and writing of, grading, and administering of each examination.

(c) The initial license fee shall be three hundred twenty-five dollars ($325), except that if the license will expire less than one year after its issuance, then the initial license fee shall be an amount equal to 50 percent of the initial license fee.

(d) The renewal fee shall be three hundred twenty-five dollars ($325) and in the event a lower fee is fixed by the board, shall be an amount sufficient to support the functions of the board in the administration of this chapter. The renewal fee shall be assessed on an annual basis until January 1, 1996, and on and after that date the board shall assess the renewal fee biennially.

(e) The delinquency fee shall be set in accordance with Section 163.5.

(f) The application fee for the approval of a school or college under Section 4939 shall be three thousand dollars ($3,000). This subdivision shall become inoperative on January 1, 2017.

(g) The duplicate wall license fee is an amount equal to the cost to the board for the issuance of the duplicate license.

(h) The duplicate renewal receipt fee is ten dollars ($10).

(i) The endorsement fee is ten dollars ($10).

(j) The fee for a duplicate license for an additional office location as required under Section 4961 shall be fifteen dollars ($15).

SEC. 13. Section 4973 of the Business and Professions Code is amended to read:

4973. (a) A fee for the inspection or reinspection of a school or college of acupuncture for purposes of approval or continued approval shall be charged at an amount to recover the direct costs incurred by the board in conducting that inspection and evaluation of the school or college.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

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LEGISLATIVE UPDATE

SB 1246

APPROPRIATION ANALYSIS

Date of Hearing: August 6, 2014

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Mike Gatto, Chair

SB 1246 (Lieu) - As Amended: June 15, 2014

Policy Committee: Business and Professions Vote: 11-0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY

This bill modifies statutes related to the California Acupuncture Board (CAB). Specifically, this bill:

1) Extends the sunset date of the CAB and the authorization to appoint an executive officer to January 1, 2017.

2) Revises acupuncture educational program approval requirements, repealing CAB's authority to approve schools and replacing this process with standards that include national accreditation, as well as repealing fees schools currently must pay to CAB for approval.

3) Specifies that any executive officer (EO) appointed on or after January 1, 2015 shall not have served as an executive officer for the CAB prior to January 1, 2015.

4) Requires the CAB to establish standards for the acceptance of educational training and clinical experience received outside of the United States and Canada beginning on January 1, 2017.

FISCAL EFFECT

1) Ongoing costs of about $3.3 million per year to support the California Acupuncture Board's licensing activities, supported by licensing fees (all costs/revenues are Acupuncture Fund).

2) Minor reduction in costs and revenues after January 1, 2017 due to the elimination of the Board's authority to approve educational programs.

3) Staff costs to promulgate regulations, potentially in the range of $100,000, to address internationally trained applicants.

4) By changing the process for accrediting schools by the Board, it is possible that an increased number of individuals would meet the state's licensing requirement to have graduated from an accredited school. This could increase the number of applicants for licensure. This could result in a potential increase in licensing costs in the range of $100,000 or more due to increased applications (Acupuncture Fund), and a commensurate one-time revenue spike due to increased fee revenues from exam fees as well as higher revenues ongoing.

COMMENTS

1) Purpose . This bill extends the sunset date of the CAB and makes other in order to address issues identified during the CAB's 2014 sunset review. This bill is author-sponsored.

2) The 2014 sunset review background paper for the CAB identified multiple issues relating to the administration and oversight of the CAB and its ability to properly regulate and license acupuncturists. These issues include: a lack of communication to its licensees through CAB's Web site and listserv, application backlogs, failure to query a National Practitioner Databank to check the history of licensees, failure to complete an audit of a national licensing examination, and concerns with the CAB's school approval process.

3) Main Provisions . The most significant change this bill makes in CAB's authority relates to its approval of schools. Instead of requiring CAB approval of schools, this bill retains CAB's approval of curriculum but requires schools be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). In order for a school or training program to be approved, it would need CAB approval of its curriculum and accreditation by the ACAOM, as well as approval by the Bureau of Private Postsecondary Education. This bill provides a two-year implementation delay in order to provide schools, CAB and ACAOM time to review standards and implement the joint process. All other states require ACAOM accreditation in lieu of state-specific approval processes.

This bill also extends the CAB's authority for an additional two years, rather than four, as is typical. The sunset time frame has been shortened due to concerns about whether CAB is addressing numerous issues raised by the Legislature. According to the 2014 Sunset Review background paper, the CAB's report to the Joint Sunset Review Committee indicates little progress in addressing issues identified in the 2012 Sunset Review background paper.

4) Support and Opposition . Several schools, students, practitioners and organizations are in support. A number of organizations oppose the bill due to concerns about changing the current CAB school approval process.

Analysis Prepared by : Lisa Murawski / APPR. / (916) 319-2081

REGULATORY UPDATE

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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

CAB list of past and future regulations

Set out below are a list of past and future pending regulations. Please note this list may be incomplete and subject to change depending upon Legislative or Executive action.

Authority for regulatory changes is provided under California Business and Professions (B&P) code Chapter 12, Article 1, Code section 4933.

Pending regulations

	Subject	B&P code sections referred	Date authorizing vote taken (vote)	Status
1	Department of Consumer Affairs – Consumer Protection Enforcement Initiative (CPEI). Amends regulations to strengthen board enforcement program pursuant to DCA's CPEI initiative (SB 1111)	Amends section 1399.405, 1399.419, 1399.469.1, 1399.468.2	8/19/2010 (5-0)	45 day comment period ended 6/30/14 with public hearing held. Final rulemaking package submitted to DCA Director for approval with OAL submission to follow.
2	Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation (SB 1441)	adopt sections 1399.469	10/25/2013 (5-0)	To Legal Counsel for review August 29, 2014. Planned for OAL filing by September 2014 with 45 day comment period to follow
3	Sponsored Free Health-Care Events (AB 2699)	Add Article 7 and Sections 1399.480, 1400.1, 1400.2 and 1400.3	11/17/2011 (5-0)	Planned for OAL submission October 2014, with 45 day public comment period to follow.
4	Prostitution enforcement and condition of office	Amends section 1399.450(b)	2/14/2014 (6-0)	Planned for OAL submission by December 2014, with 45 day public comment period to follow.
5	Advertising guidelines – display of license numbers in advertising	Adopt section 1399.455	2/19/2013 (5-0)	Planned for OAL submission by spring 2015, with 45 day public comment period to follow
6	Continuing education ethics requirement – change of "medical ethics" to "professional ethics"	Adopt section 1399.482.2	11/15/2012 (5-0)	Planned for OAL submission by summer 2015, with 45 day public comment period to follow

7	Hand Hygiene requirements	Amends 1399.451 (a)	2/14/2014 (5-0)	Package under staff development. Planned for OAL submission by Fall 2015.

Adopted Regulations

	Subject	B&P code sections referred	Date approved by Office of Administrative Law (effective one month later) with link to text of regulation
1	Educational Curriculum Requirements	amends Section 1399.415	*Approved by OAL 10/5/04* http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art2.shtml#1399415
2	Cite and Fine enforcement	amends Section 1399.465	*Approved by OAL 4/17/06* http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art6.shtml#1399465
3	Continuing education	amends Sections 1399.480 – 1399.489.1	*Approved by OAL on 8/25/08* http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art8.shtml#1399480
4	Retroactive fingerprinting requirements	adopts Sections 1399.419.1 and 1399.419.2	*Approved by OAL 9/23/10* http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art25.shtml#13994191

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