



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



Members of the Board

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

**BOARD MEETING
March 28 & 29, 2019**

*Action may be taken on any item
listed on the agenda.*

**LOCATION:
Department of Consumer Affairs
Hearing Room, Suite 186
1747 North Market Blvd
Sacramento, CA 95834**

DAY ONE AGENDA – 9:30 a.m., Thursday, March 28, 2019

FULL BOARD MEETING

- 1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)**
- 2. President’s Remarks (Dr. Matecki)**
 - (A) Welcoming message and meeting information
 - (B) Introduction of new Board Members
- 3. Public Comment on Items Not on the Agenda (Dr. Matecki)**

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a).)
- 4. Update on the Board’s Business Modernization Plan (Jason Piccione, Deputy Director, Office of Information Services, DCA)**
- 5. Update from the DCA (DCA Representative)**
- 6. Presentation on the Administrative Procedure Act Affecting Administrative Adjudication Process (John Gatschet, Deputy Attorney General, Office of the Attorney General)**
- 7. Review and Approval of the October 25-26, 2018 Board Meeting Minutes (Dr. Matecki)**
- 8. Board Committees and Member Assignments**

9. **Review and Discussion of the Board's Continuing Education Process (Herdt)**

EDUCATION COMMITTEE MEETING

Education Committee Members

John Harabedian, Chair
Hyun "Francisco" Kim, L.Ac.

10. **Discussion on Amending Title 16, CCR §§ 1399.483, 1399.489 (Continuing Education Ethics Requirements) (Herdt and Brothers)**
11. **Resume Full Board Meeting**

CLOSED SESSION

12. ***Pursuant to Government Code section 11126, subdivision (a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer***
13. ***Executive Officer Evaluation***

RECONVENE OPEN SESSION

14. **Adjournment of Day One of Board Meeting**

DAY TWO AGENDA – 9:00 a.m., Friday, March 29, 2019

1. **Call to Order, Roll Call, and Establishment of Quorum (Dr. Matecki, President)**
2. **President's Report (Dr. Matecki, President)**
(A) Welcoming message and meeting information
3. **Public Comment on Items Not on the Agenda (Dr. Matecki, President)**
The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a))
4. **Report from Education Committee Chair on March 28th Committee Meeting (John Harabedian, Member) and Possible Action on any Recommendations**
5. **Executive Officer's Report (Ben Bodea, Executive Officer)**

- (A) Staff Update
 - (i) Managers
 - (ii) Vacancies
- (B) Budget Update
 - (i) Fund Condition
 - (ii) Architecture Revolving Fund (ARF)
 - (iii) Fee Study Update
 - (iv) DCA-wide Budget Change Proposal (BCP)
- (C) Outreach Update
 - (i) 2019 Chinese Medicine Day
 - (ii) NCCAOM Certification for California Licensees
 - (iii) "Who We Are and What We Do" Brochure

6. Legislative Update (Kristine Brothers, Policy Coordinator)

- (A) Items Introduced in 2019 Legislative Session Pertinent to Acupuncture
 - (i) AB 193
 - (ii) AB 613
 - (iii) AB 778
 - (iv) AB 779
 - (v) AB 1245
 - (vi) SB 425
- (B) Site Inspection Authority
- (C) AB 434, State Web Accessibility (2017 Baker)

7. Regulation Update (Brothers)

- (A) **AB 2138 (2018 Chiu and Low)**
Licensing Boards: Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction
- (B) **SB 1448 (2018 Hill)**
Healing arts licensees: probation status: disclosure
- (C) **SB 1246 (2014 Lieu)**
Acupuncture
- (D) **AB 2190 (2016 Salas)**
Acupuncture Board: executive officer: education
- (E) **SB 1441 (2008 Ridley-Thomas) and Update of Acupuncture Board Disciplinary Guidelines**
Healing arts practitioners: substance abuse

8. Enforcement Report (Cricket Borges, Enforcement Coordinator)

- (A) Q2, FY 18-19 Enforcement Report
 - (B) Acupuncture Board's Top Ten Violations Leading to Enforcement Actions
- 9. Education Report (Jay Herdt, Licensing Manager)**
- (A) Status of Curriculum Reviews
 - (B) Tutorial Program Report
 - (C) Continuing Education Report
 - (D) Continuing Education Audit Report
- 10. Update on Computer-Based Testing for the California Acupuncture Licensing Exam (Herdt)**
- 11. Updates from Acupuncture Professions**
- 12. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.4 Substantial Relationship Criteria Under Title 16, California Code of Regulations (Brothers and EO Bodea)**
- 13. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.5 Criteria for Rehabilitation – Denial of Licensure Under Title 16, California Code of Regulations (Brothers and EO Bodea)**
- 14. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.6 Criteria for Rehabilitation – Suspensions or Revocations Under Title 16, California Code of Regulations (Brothers and EO Bodea)**
- 15. Discussion and Possible Action to Initiate the Following Rulemaking Package (Brothers and EO Bodea)**
- (A) To Amend the Title of Division 13.7 of Title 16 of the California Code of Regulations;
 - (B) To Adopt “Article 6.1. Citations” of Division 13.7 of the California Code of Regulations to Include Title 16, CCR §§ 1399.463-1399.468;
 - (C) To Adopt “Article 6.2. Enforcement” of Division 13.7 of the California Code of Regulations to Include Title 16, CCR §§ 1399.469-1399.469.3;
 - (D) To Amend Title 16, CCR § 1399.469 (Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees and the Incorporation of SB 1448);
- 16. Calendaring of 2019 Board Meetings (Dr. Matecki, President)**
- 17. Election of Board Officers (Dr. Matecki, President)**
- (A) Election for President
 - (B) Election for Vice President
- 18. Future Agenda Items (Dr. Matecki, President)**

19. Adjournment (Dr. Matecki, President)

Informational Notes:

Discussion and action may be taken on any item on the agenda. The agenda, as well as any available Board meeting minutes and materials, can be found on the California Acupuncture Board website: www.acupuncture.ca.gov. The time and order of agenda items are approximate and subject to change at the discretion of the Board President; agenda items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting at: <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting. (Gov. Code §§ 11125, 11125.7(a)).

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 are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services please contact Beck Untalasco, Licensing Analyst – Exam Desk at (916) 515-5205; Fax: (916) 928-2204. You may dial a voice TTY Communications Assistant at 711. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting.