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M.S., L.Ac.
Shu Dong Li, Ph.D.

ACUPUNCTURE BOARD MEETING
August 15 & 16, 2019

LOCATION:

Sun Room
Five Branches University
1885 Lundy Ave, Suite 108
San Jose, CA 95131

DAY ONE AGENDA

FULL BOARD MEETING
Thursday, August 15, 2019
9:30 a.m. to 5:00 p.m.
(or until the close of business)

Action may be taken on any item listed on the full board meeting agenda.

1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)

2. President’s Remarks (Dr. Matecki)

- Welcoming message and meeting information

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. (Gov. Code, §§ 11125, 11125.7(a).)

4. Petition for Early Termination of Probation – 10:00 a.m.
Gregory Willis (AC 17472) PETP-1A-2015-93

CLOSED SESSION

5. Pursuant to Government Code section 11126, subdivision (c)(3), the Board will convene in closed session to deliberate on a decision to be reached in the above petition.

6. Pursuant to Government Code section 11126, subdivision (c)(1), the Board will convene in closed session to discuss and take possible action on the preparation, approval, and administration of examinations.

RECONVENE OPEN SESSION

- 7. Review and Possible Approval of the June 13-14, 2019 Board Meeting Minutes (Dr. Matecki)**
- 8. Executive Officer's Report (Ben Bodea, Executive Officer)**
 - (A) Staff Update Regarding Vacancies
 - (B) Budget Update - Fund Condition
 - (C) Board Member Services Update
- 9. Enforcement Report (Cricket Borges, Enforcement Coordinator)**
 - (A) Q3, FY 18-19 Enforcement Report (Amended)
 - (B) Q4, FY 18-19 Enforcement Report
- 10. Review of the Capital Accounting Partners Fee Audit Report (Dan Edds, Consultant)**
- 11. Discussion and Possible Action to Seek Statutory Amendments to Business and Professions Code §§ 4970 and 4971 for Increases to Certification and Tutorial Program Fees (Matt Nishimine, Central Services Manager)**
- 12. Discussion and Possible Action to Initiate a Rulemaking to Increase Board Fees, including Acupuncture Tutorial Fees and Continuing Education Fees (Matt Nishimine, Central Services Manager)**
 - (A) To Amend Title 16, CCR § 1399.460. Fees
 - (B) To Amend Title 16, CCR § 1399.461. Acupuncture Tutorials
 - (C) To Amend Title 16, CCR § 1399.462. Continuing Education Fee
- 13. Education Report (Jay Herdt, Licensing Manager)**
 - (A) Status of Curriculum Reviews
 - (B) Tutorial Programs
 - (C) Continuing Education
 - (D) Continuing Education Audit
 - (E) Examination Statistics
- 14. Recess Until Friday, August 16, 2019**

DAY TWO AGENDA

FULL BOARD MEETING

Friday, August 16, 2019

9:00 a.m. to 5:00 p.m.

(or until the close of business)

15. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)

16. President's Remarks (Dr. Matecki)

- Welcoming message and meeting information

17. 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. (Gov. Code, §§ 11125, 11125.7(a).)

18. Legislative Update (Ben Bodea, Executive Officer)

Items introduced in the 2019 Legislative Session Pertinent to Acupuncture:

- (i) [AB 544](#), as amended, Brough. Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
- (ii) [AB 613](#), as introduced, Low. Professions and vocations: regulatory fees.
- (iii) [AB 778](#), as introduced, Low. Acupuncture: continuing education.
- (iv) [AB 779](#), as amended, Low. Acupuncture: place of practice: wall license.
- (v) [AB 888](#), as amended, Low. Opioid prescriptions: information: nonpharmacological treatments for pain.
- (vi) [AB 1076](#), as amended, Ting. Criminal records: automatic relief.
- (vii) [SB 53](#), as amended, Wilk. Open meetings.
- (viii) [SB 425](#), as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.
- (ix) [SB 601](#), as amended, Morrell. State agencies: licenses: fee waiver.

19. Regulations Update (Ben Bodea, Executive Officer)

(A) AB 2138 (2018 Chiu and Low)

Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

(B) SB 1441 (2008 Ridley-Thomas) and Update of Acupuncture Board Disciplinary Guidelines

Healing arts practitioners: substance abuse

(C) **SB 1448 (2018 Hill)**

Healing arts licensees: probation status: disclosure

(D) **SB 1246 (2014 Lieu)**

Acupuncture

(E) **AB 2190 (2016 Salas)**

Acupuncture Board: Executive Officer: Education

20. Discussion and Possible Action to Initiate the Following Rulemaking Package on Curriculum Oversight Authority (Jay Herdt, Licensing Manager)

(A) To Amend Title 16, CCR § 1399.415. Documentation and Training.

(B) To Amend Title 16, CCR § 1399.416. Equivalent Training and Clinical Experience Qualifying for Licensure.

(C) To Amend Title 16, CCR § 1399.434. Criteria for Approval of Acupuncture and Oriental Medicine Curriculum.

(D) To Repeal Title 16, CCR § 1399.435. Criteria for Acupuncture and Oriental Medicine Training Programs.

(E) To Amend the title “Acupuncture Training Programs” of Article 3.5 of Division 13.7 of Title 16 of the California Code of Regulations.

(F) To Amend Title 16, CCR § 1399.437. Requirements for Board Approval of Curriculum.

(G) To Amend Title 16, CCR § 1399.438. Suspension and Revocation of Approval.

(H) To Amend Title 16, CCR § 1399.439. School Monitoring; Records; Reporting.

21. Discussion and Possible Action to Initiate a Rulemaking to Adopt Title 16, CCR § 1399.419.3 Application for Retired Status; Retired Status; Restoration (Jay Herdt, Licensing Manager)

- Review Sample Form Consistent with Proposed Regulation

22. Updates from Acupuncture Professional Associations

23. Future Agenda Items and Meeting Dates (Dr. Matecki, President)

24. Adjournment (Dr. Matecki, President)

Informational Notes:

Discussion and action may be taken on any item on the full board meeting 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 noticed meeting 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, regarding the full Board meeting agenda, the Board cannot discuss or take official action on these items during 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. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.