



ACUPUNCTURE BOARD MEETING AGENDA

Thursday and Friday, December 9 and 10, 2021

Day One

Thursday, December 9, 2021

12:30 p.m.

TO

5:00 p.m.

(OR UPON COMPLETION OF BUSINESS)

LOCATION:

Web Ex Teleconference

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mfc46845f64d543839148894f03dcd15d>

Important Notices to the Public

The Acupuncture Board (Board) will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on at website listed under Location (see above) on the day of the meeting:

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In accordance with Government Code Section 11133, this meeting will be held by teleconference with no physical public locations.

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE FULL BOARD MEETING AGENDA

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Members of the Board

John Harabedian, Esq., President
Ruben Osorio, Vice President
Dr. Amy Matecki, M.D., L.Ac.
Dr. Yong Ping Chen, L.Ac., Ph.D
Hyun "Francisco" Kim, M.S., L.Ac.
Dr. Shu Dong Li, Ph.D

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1. **Call to Order, Roll Call, and Establishment of Quorum
(John Harabedian, Board President)**
2. **President's Remarks (Harabedian)**

- Welcoming message and meeting information
3. **Review and Possible Approval of the August 26, 2021 Board Meeting Minutes (Harabedian)**
 4. **Executive Management Report**
 - (A) Budget Update
 - (B) Staffing Update
 - (C) Facilities Update
 - (D) Business Modernization Update
 - (E) Licensing Report Q1 Fiscal Year 2021-2022
 - (F) Enforcement Report Q1 Fiscal Year 2021-2022
 - (G) Strategic Plan Update
 - (H) Sunset Report Update
 5. **Legislative Report and Update of 2021 Legislative Bills of Interest to the Board (Kristine Brothers, Policy Coordinator)**
 - (A) Bills Chaptered into Law
 - i. [AB 107](#) (Salas) Licensure: veterans and military spouses
 - ii. [AB 361](#) (Robert Rivas) Open meetings: state and local agencies: teleconferences
 - iii. [SB 607](#) (Roth) Professions and vocations
 - iv. [AB 1273](#) (Rodriguez) Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer
 - (B) Bills That Remain Under Consideration in 2022
 - v. [AB 2](#) (Fong) Regulations: legislative review: regulatory reform
 - vi. [AB 29](#) (Cooper) State bodies: meetings
 - vii. [AB 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions
 - viii. [AB 810](#) (Flora) Healing arts: reports: claims against licensees
 - ix. [AB 885](#) (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
 - x. [AB 918](#) (Quirk-Silva) Acupuncture: licensure: examination
 - xi. [AB 1026](#) (Smith) Business licenses: veterans
 - xii. [AB 1236](#) (Ting) Healing Arts: licensees: data collection

- xiii. [AB 1386](#) (Cunningham) License fees: military partners and spouses
- xiv. [AB 1468](#) (Cunningham) Prior authorization
- xv. [SB 731](#) (Durazo) Criminal records: relief
- xvi. [SB 772](#) (Ochoa-Bogh) Professions and vocations: citations: minor violations

6. Regulations Update (David Bruggeman, Policy Analyst)

(A) Review of the Board's Submitted 2021 Rulemaking Calendar

- 1) Substantial Relationship and Rehabilitation Criteria (Title 16 CCR sections 1399.469.4, 1399.469.5, 1399.469.6)
- 2) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)
- 3) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.415, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439)
- 4) Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service (Adopt Text to Add Sections 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419 419 in Title 16 of the CCR)
- 5) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419.3)
- 6) Continuing Education Requirements (Title 16 CCR sections 1399.483, 1399.489)
- 7) Standards of Practice for Telehealth Services (Title 16 CCR section 1399.452.1)
- 8) Section 100 Clean-up Text and Forms ("B" for "b") (Title 16 CCR sections 1399.400 through 1399.489.1 inclusive)
- 9) Hand Hygiene Requirements (Title 16 CCR section 1399.451)

7. Public Comments for Items Not on the Agenda (Harabedian)

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).)

8. Adjournment of Day One



ACUPUNCTURE BOARD MEETING

DAY TWO

Friday, December 10, 2021

9:30 a.m.

TO

5:00 p.m.

(OR UPON COMPLETION OF BUSINESS)

LOCATION:

Web Ex Teleconference

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m9a9ab65704824920fbd84839f54ab841>

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9. **Call to Order, Roll Call, and Establishment of Quorum for Day Two (John Harabedian, Board President)**
10. **President's Remarks (Harabedian)**
11. **Occupational Analysis Report (OPES staff)**
12. **Report from Licensing Committee on December 9, 2021 Meeting and Any Possible Action on Recommendations (Dr. Matecki, Committee Chair)**
13. **Presentation on Informed Consent Practices in Other Healing Arts Boards (Bruggeman) – Discussion only**



- 14. **Regulatory Packages Requiring Board Review and Possible Approval or Other Action (Brothers)**
 - (A) **Discussion and Possible Action to Reconsider Previously Approved Text, Authorize Initiation of a New Rulemaking and to Adopt New Text to Amend Section 1399.469 in Title 16 of the California Code of Regulations: Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees**
- 15. **Establish 2022 Meeting Calendar**
- 16. **Public Comment on Items Not on the Agenda (Harabedian)**

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).)
- 17. **Future Agenda Items (Harabedian)**
- 18. **CLOSED SESSION**

Pursuant to Government Code Section 11126 (a) (1), the Board will Meet in Closed Session to conduct the Annual Evaluation of the Executive Officer
- 19. **Return to OPEN SESSION**
- 20. **Adjournment of Day Two (Harabedian)**

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 follow the log-in instruction listed above. 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 for 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 the Board at (916) 515-5200; 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.

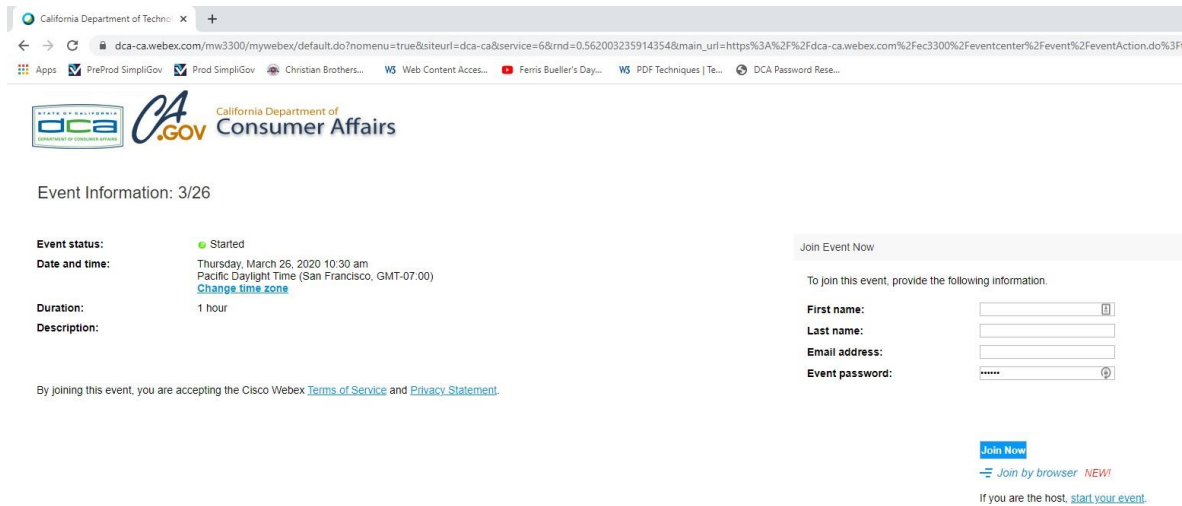
HOW TO – Join – DCA WebEx Event

The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

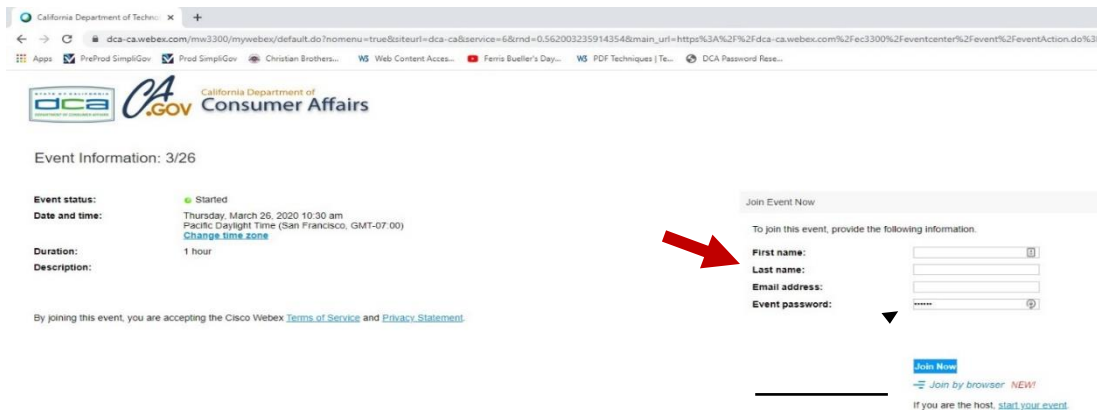
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.



HOW TO – Join – DCA WebEx Event

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

Join Event Now

To join this event, provide the following information.

First name:

Last name:

Email address:

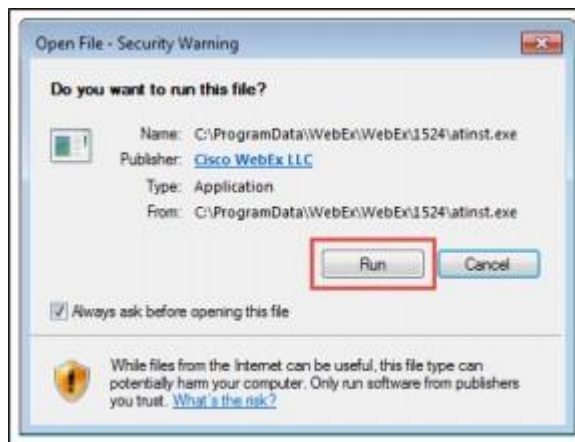
Event password:

Join Now

[Join by browser NEW!](#)

If you are the host, [start your event.](#)

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

- To bypass step 4, click 'Run a temporary application'.

Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

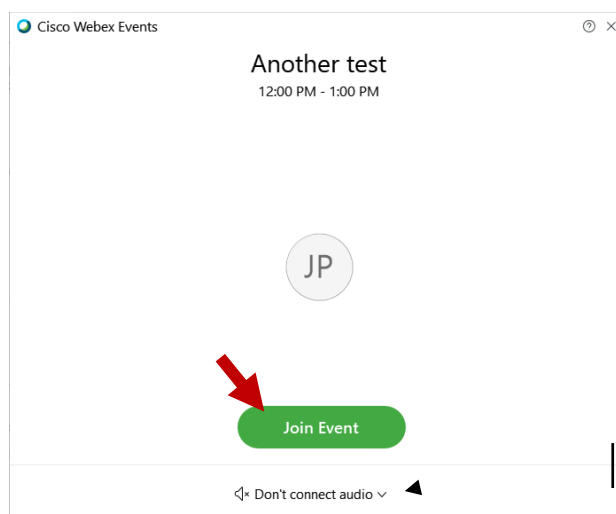
- A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

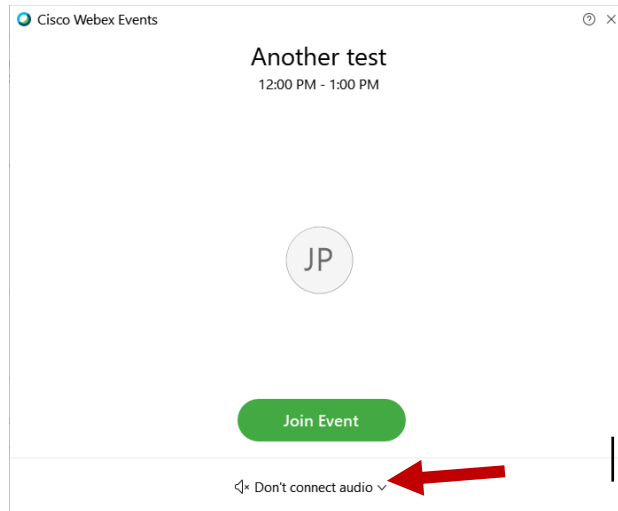
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

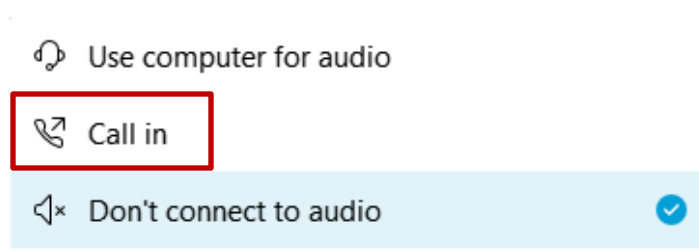


HOW TO – Join – DCA WebEx Event

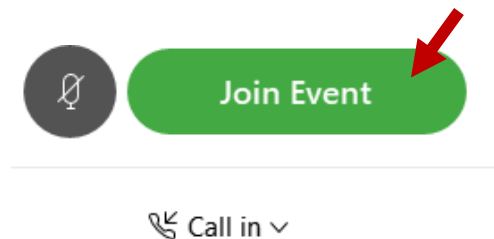
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



9. When the audio menu appears click 'Call in'.

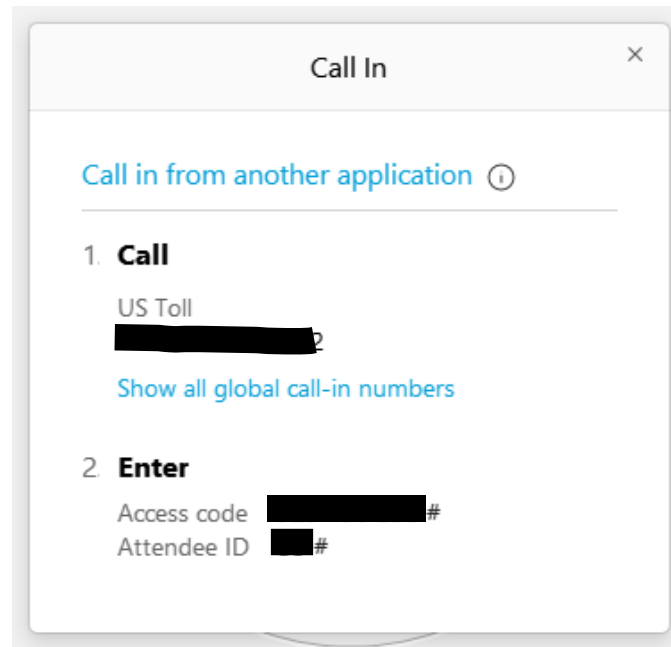


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

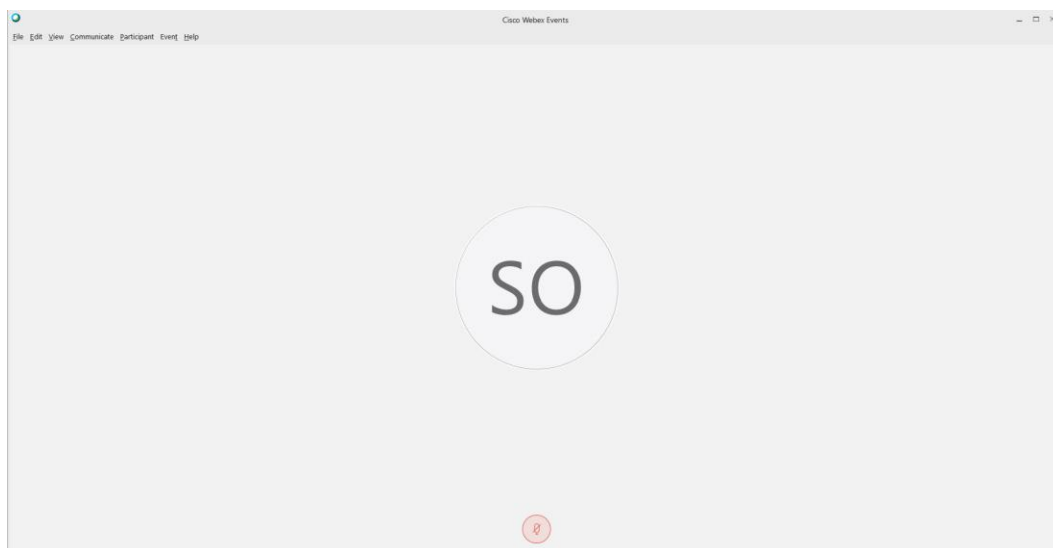
11. Call into the audio conference with the details provided.



NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

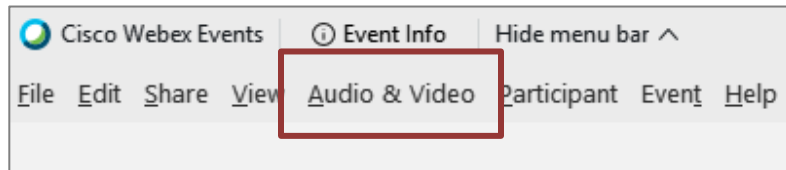


NOTE: Your audio line is muted and can only be unmuted by the event host.

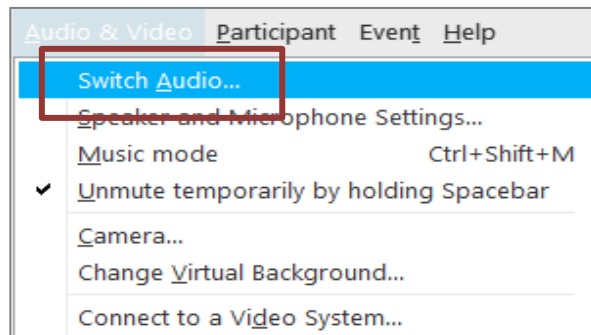
Selecting Audio Connection After Joining

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

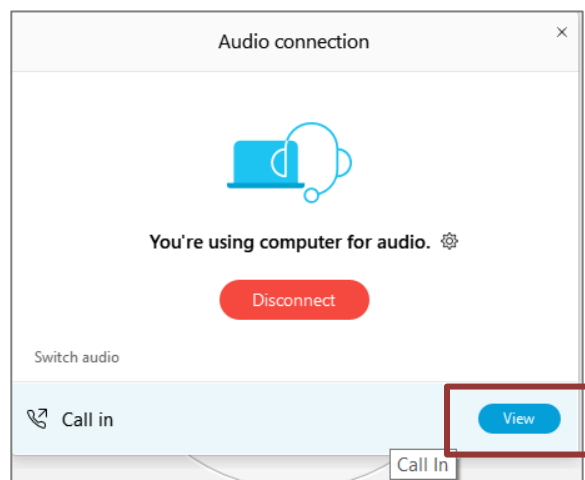
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



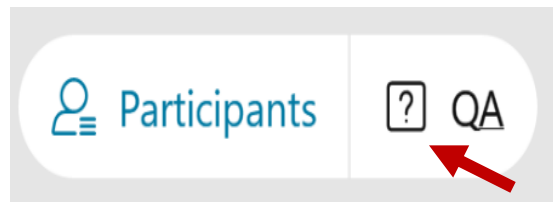
You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

Using the Question & Answer feature (Q&A):

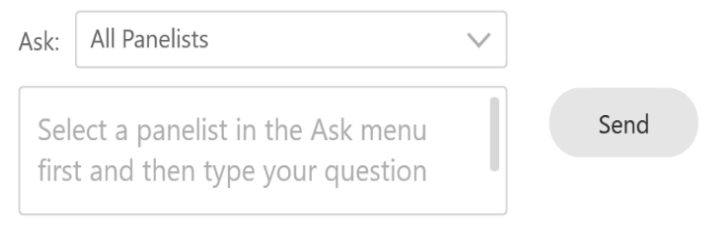
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

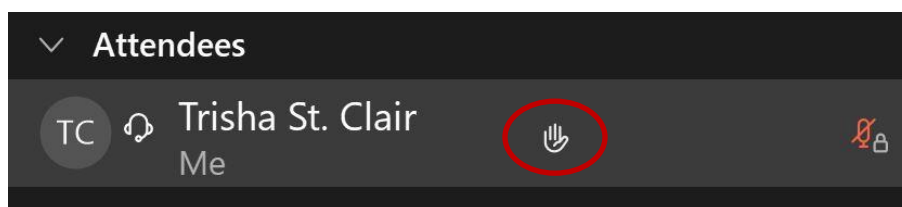
NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.

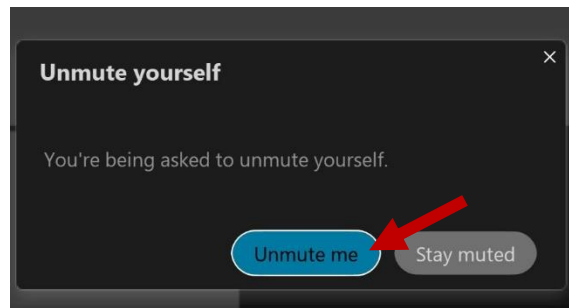


Please click on the hand icon again once your comment has been presented to lower your hand.

HOW TO – Join – DCA WebEx Event

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.