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## **Executive Committee April 18, 2014 Approved Minutes**

**Department of Consumer Affairs  
1747 North Market Blvd.  
Old Location: Ruby Room  
New Location: HQ2 Hearing Room  
Sacramento, CA 95834**

**Teleconference Meeting Location:  
Jeannie Kang, L.Ac. Licensed Member  
Jamie Zamora, Public Member  
Junipero Sera State Building  
320 West Fourth Street, 7<sup>th</sup> Floor Conference Room  
Los Angeles, CA 95834**

### **Executive Committee Members**

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

**Attending Committee Members: Michael Shi, Kitman Chan, Jeannie Kang, Jamie Zamora  
Attending staff: Terri Thorfinnson, Katie Le, Ben Bodea, Tammy Graver  
Legal Counsel: Spencer Walker**

### **EXECUTIVE COMMITTEE MEETING - Upon adjournment of the Enforcement Committee**

- 1. Quorum Established**
- 2. Opening Remarks**
- 3. Additional Staffing and Facilities Expansion Needs**

The Board needs additional staffing and facility expansion to accommodate the additional staff. The process for requesting staff is a Budget Change Proposal (BCP), which is a confidential process, so the actual BCP cannot be share with you. The focus of this agenda item is to provide you background information regarding the Board's staff and facility needs. The Board has been understaffed for over a decade. In 2000, the Board had 11 PYs and had one third of the licensees. Throughout the decade, the licensee population has tripled while the staffing has decreased from 11 PYs to 8 PYs. That is the staffing need in a nutshell. The Board is understaffed for all functions: administration, enforcement, education, exams, licensing, regulatory and policy. To address the overwhelming workload I have done the following:

- Reclassified a support position to create a regulatory position to deal with the backlog in regulatory implementation

- Created 2 part time support staff: one to support the Board and EO and the other to support the entire office.
- Submitted 4 BCPs in the past year to obtain additional staff
- Successfully obtained approval for 3 full time staff: CE Coordinator, Enforcement Analyst, Licensing OT.

### **Overview**

What the Board still needs is additional support staff to support the Enforcement Unit, Education Enforcement, full time support staff to support EO and office, a manager, and additional enforcement staff including a special investigator. Those additional staff would exceed the board's current facility space. Preliminary conversations with DCA facility management staff indicated that the Board could expand upstairs in the same building. The process for securing expansion of facility space is a two-year process that requires approval from the Administration and Legislature.

### **Staffing Needs**

Enforcement has two analyst level staff for the first time in the Board's history. However, even with the additional staff, the Board still lacks staff to conduct pro-active investigations of internet advertising, unlicensed activity and conduct unannounced investigation visits to suspected unlicensed sites. For this, the Board needs to utilize the Special Investigator position that it received in 2010 through the DCA Consumer Protection Enforcement Initiative (CPEI) BCP. In 2012, as a result of a budget cut, this position was reduced to a .5 PY. I have been working with DCA to receive authorization to hire this position. So far efforts have been unsuccessful. Based on workload metrics, we need 2 support staff and at least 2 analyst level staff.

Education has two analysts: Education Coordinator and Continuing Education Coordinator. The additional analyst has made it possible to conduct school site visits and keep up with CE approvals. However, what is missing is auditing CE providers and courses. The workload metrics indicate at least an additional full time analyst level staff. Workload also metrics indicate a workload that requires 2 support staff.

Support staff needs: In 2000, the Board had 4 OTs: one to support enforcement, one to support education, two to support the office. Both Enforcement and Education units each need their own support staff, as does the office. Currently, the analysts and EO perform all of their own support level duties, which is not efficient use of high-level staff. Support staff would increase the productivity in all functions.

The office needs a manager to assist the EO with supervision, daily operations oversight and decision-making, regulatory implementation and curriculum compliance.

### **Facility Needs**

The ideal size of the office is between 18-22 staff. We now have 11 full time and 3 part time staff. We also need more space for files, so that will have to be included in the space estimates. The facilities expansion would add one-time build-out costs for new space, the one-time cost to move and then an increase in ongoing rent. The increased cost for facilities expansion could run \$50,000 to \$100,000. The cost of additional staff, depending on the number and classifications, range from \$350,000 to \$500,000. Financially, we can afford the increase staff and facilities expansion, but we would need to increase fees to fix our current structural deficit. For now, the upstairs in our building is available to us, but it may not be in the future.

The process is that approval for staff comes first before facilities expansion approval. There is no need for Board action; this is an update. The committee requested an update of costs and staffing and facility options.

#### **4. How Should the Board Expand its Outreach to Address Sunset Review Committee Concerns?**

The Sunset Review Committee recommended that the Board join other professional associations. The purpose of this agenda item is to discuss this recommendation. Legal counsel has advised that it would be inappropriate for a regulatory Board to be a member of a professional association like NCCAOM or ACAOM. If there were a government agency of acupuncture boards that would be appropriate, but there is no such organization. However, individual board members can be members of professional organizations in their capacity as individuals, not representing the Board. There used to be a national regulatory association for acupuncture boards but due to lack of interest it was disbanded in 2009. The Board used to be a part of the association but with travel restrictions, was unable to attend. Since there are currently no regulatory associations for the Board to join, no further action is required.

#### **5. Board Training Needs**

The issue of Board training was included in the strategic plan. There was a desire for public Board members to learn more about acupuncture, more general board member training. The purpose of this agenda item is to identify topics or specific training the Board members would like. One of the ideas was to organize a staff in-service on acupuncture. One of the topics identified was explaining the BCP process, the regulatory process. There was interest in understanding how acupuncture is practiced. There was a suggestion to learn more about accreditation and curriculum development and the higher education process.

#### **6. Future Agenda Items**

Update on staff and facility expansion

#### **7. Public Comment**

The Sunset Review Committee staff questioned why the Board did not address the three priority issues in the background paper. The hearing is set for April 28<sup>th</sup>. The three priority issues from the Sunset Review Committee

#### **8. 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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