Acupuncture Board Meeting
May 23, 2014

Hotel Whitcomb
San Francisco, CA
California Acupuncture Board
Board Meeting
May 23, 2014
Hotel Whitcomb Ballroom
San Francisco, CA

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

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
NOTICE OF ACUPUNCTURE BOARD MEETING

May 23, 2014

HOTEL WHITCOMB
WHITCOMB BALLROOM
1231 MARKET STREET
SAN FRANCISCO, CA 94103

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 February 14, 2014.


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

CLOSED SESSION.

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.

8. Review of National Exams Presentation by OPES staff.

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

11. SB 1246 (Lieu) Acupuncture Sunrise Bill.

12. Committees Updates.
    - Education Committee.
    - Enforcement Committee.
    - Examination Committee.
    - Executive Committee.

13. 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.


    Poongwon Peter Lee (license cancelled 9/26/13).

15. Future Agenda Items.

16. 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
www.acupuncture.ca.gov

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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.
#3 – Meeting Minutes for
February 14, 2014
Board Members Present
Michael Shi, L.Ac, Chair, Licensed Member
Kitman Chan, Vice Chair, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member
Hildegarde Aguinaldo, J.D., Public Member
Francisco Hsieh, Public Member

Board Legal Counsel Present
Spencer Walker

Staff Members Present
Terri Thorfinnson, J.D., Executive Officer
Tammy Graver, Board Liaison
Terry Sinkovich, Examination Coordinator
Ben Bodea, Education Coordinator
Kristine Brothers, Enforcement Coordinator
Marc Johnson, Policy and Regulatory Coordinator

1. Call to Order and Quorum established.

2. Election of Officers for Chair and Vice Chair. Michael Shi was re-elected Chair and Kitman Chan was re-elected Vice Chair.


4. Petition for Early Termination of Probation:
   Yihan Fang, AC 4603 (Case No. PETP-1A-2010-197).

5. Petition for Early Termination of Probation:
CLOSED SESSION

6. Pursuant to Government Code Section 11126(c) (3) the Board convened in closed session to deliberate on the Petitions and take action on disciplinary matters.

7. Pursuant to Government Code Section 11126(a) (1) the Board met in closed session to conduct the annual evaluation of the Executive Officer.

OPEN SESSION – Announcement Regarding Closed Session

8. Minutes for the May 23, 2013 and November 14, 2013 Board meetings were approved.

9. Chair's Report. Michael Shi reported on meeting with the Chinese delegation. Their mission was to get to know the status of TCM overseas. He explained that the Board had two Stakeholder meetings: one in Northern California and one in Southern California. TT prepared a presentation about workforce data which is on the Board’s website. The discussion focused on the challenges facing the profession. It was also the kick-off for the Occupational Analysis.

            Three of the four committees met last month. The new structure of committees is for the majority of the Board work to be completed in committees.

10. Executive Officer’s Report. Katie Le was introduced as the newest Board staff.
     TT explained that the Governor's Budget had authority for three new Board staff. Those positions need to be approved by the Legislature in this legislative session. TT further explained the budget process. DCA Budget Chief, Taylor Shick was introduced to answer any specific budget questions. The question about where unspent money goes was answered. It was explained that it goes back into the Board's special fund. Other questions that were raised included: when the fiscal year ends, how budget projections are estimated, how the budget is created. All questions were answered.

            There was a question about staffing temporary versus permanent staff, which TT explained the difference between the position types. Temporary staff does not need any authority to create, but it is limited to part-time at 1500 hours per year.

            TT went on to explain that to date the Board has under-spent its budget approximately $760,000 per year. This year the amount has decreased significantly due to increased staff and enforcement expenditures. Drawing attention to the enforcement line items in the budget, TT explained that every enforcement category has significantly increased across the board this year due to increased enforcement work. Even though our performance measures are still high, we are doing more enforcement work than in the past. Eventually, with more staff the budget may turn into a structural deficit in which we expend more than we take in as revenues. However, for now and years to come, the Board has a financial cushion to deal with that deficit. TS explained that while the Board has a reserve, it is unable to raise fees, but as the Board gets closer to spending down its reserves, DCA budget staff will work with the Board about shifting to fee increase proposals. We would look at what fees are at the statutory cap or what fees the Board can raise through regulations.
TT provided an update on the status of the occupational analysis. Phase one: the Stakeholder input process has drawn to a close. Now we are in phase two: the subject matter expert phase that involves interviews and subject matter expert workshops. After this phase the final phase involves surveying licensees and the final report. The next California Acupuncture Licensure Exam is February 20th in Long Beach, a new location for Southern California.

TT provided an update on the Sunset Review hearing that is set for March 17, 2014. She explained Committee will be reviewing. TT encouraged Stakeholders to attend the meeting, the Board will send out materials and hearing dates and times to the list serve as soon as we know more.

TT provided an update on the Strategic Plan 2013-2017. The staff met with SOLID training staff to create an Action Plan for the strategic plan. The Action Plan will be presented as a separate agenda item today, but an initial explanation of the role of the action plan was provided to demonstration that the Board was on track with its strategic planning implementation. The purpose of the Action Plan is to provide more specifics on how each of the goals and objectives are to be accomplished, by whom and by a targeted completion date.

Kristine Brothers provided the enforcement report explaining enforcement data. In response to Board requests to see more long-term data, she created some annual charts of enforcement data. She showed a graph depicting aging cases but explained that the measure only included the investigation phase, not the subsequent disciplinary phase including DOJ and hearings. It was pointed out that few cases can skew the performance targets upwards to increased disciplinary days; whereas, more cases tend to lower disciplinary days. She answered questions from Board members. The most common question is why the intake number does not match the number of cases. The answer is that each category number are a point in time for that category and, typically, cases take more than a year to complete. Therefore, pending cases includes cases from last year's intake. It was also pointed out that there are an unusually high number of criminal charges and convictions. This is something that should be looked at by the Education Committee. MS confirmed that it would be reviewed by the Education Committee.

11. Committees Updates.

Education Committee. MS reported on the January 17, 2014 Committee meeting. All five Committee members were in attendance. The Committee reviewed two school approval application requests. The Phoenix Institute of Herbal Medicine and Acupuncture (PIHMA) was recommended for Board approval by the Committee. The New York Chiropractic College- Finger Lakes School Acupuncture and Oriental Medicine (NYCC-FLSAOM) application for school approval was reviewed and was recommended to the Board to deny the application due to deficiencies in clinical supervision that the school refused to correct.

The number of continuing education providers and the continuing education process was an issue referred by the Board to the Committee for consideration. The discussion focused on the fact that there are 800 plus CE providers serving 12,000 licensees. There was concern that the quality of these courses may not be very high. The Committee is continuing to discuss this issue.
Enforcement Committee. HA reported that the three members of the Committee were in attendance at the January 17, 2014 meeting. The Committee discussed the need for recommending legislative authority to create a standardized 801 reporting form. This was a recommendation from the Sunset Review Committee. TT explained that the need for Legislative authority is because the Board is not receiving many reports and anecdotal evidence indicates that there are more unreported settlements and actions that the Board does not receive. Having the authority to create a standardized form would require reports to be provided to the Board. The recommendation from the Committee was for the Board to approve seeking legislative authority to create a standardized 801 reporting form. This issue is to be discussed later as a separate agenda item. The remaining committee issues that were discussed and are agendized later included updating the hand hygiene regulation and the proposed prostitution prevention regulatory change.

Examination Committee. FH explained that the Committee discussed several issues. The first issue discussed was to place a cap on the number of times applicants can retake the California Acupuncture Licensure Exam (CALE). The Committee is continuing that discussion. The second issue discussed was the Herb List in the Exam Preparation Guide, which the Committee decided to leave to the Exam Subject Matter Experts. The third issue that the Committee discussed was the August 2012 exam results. The Committee reviewed the Investigation Report and the Independent Expert Report that concluded nothing was wrong with the exam. The Committee concluded that the Board has sufficiently addressed concerns raised about the exam results and that the matter was closed.

12. Assignment of Strategic Goals and Objectives to Board Committees:

- Goal 1 – Licensing
- Goal 2 – Enforcement
- Goal 3 – Education
- Goal 4 – Professional Qualifications
- Goal 5 – Outreach
- Goal 6 – Administration

MS went through each Goal and objective and assigned them to their respective committees to work on accomplishing the goals and objectives.

There was public comment that claimed that the Objective 5.4 does not need to be accomplished because there is no mandate for acupuncturists to go to electronic medical records under the Affordable Care Act. They offered to provide the Board a written document related to electronic medical records. Other comments included the fact that there was no mention of the accreditation and national exam issues in the strategic plan.

13. Final Decision on School Applications:

Phoenix Institute of Herbal Medicine and Acupuncture (PIHMA). Motion: Kitman Chan (KC) motioned to approve, Francisco Hsieh (FH) seconded. Board voted 6-0

New York Chiropractic College- Finger Lakes School Acupuncture and Oriental Medicine (NYCC-FLSAOM). Motion: KC motioned to deny school approval, seconded by FH. The
Boa r d voted 6-0 to deny Board approval for the school. Like the Committee, the Board felt strongly about the school's non-compliance with clinical supervision standards, and that it is a threat to public safety and violated the Board's curriculum standards. Public comment from several speakers indicated that this was an unrealistic standard with which none of the schools were in compliance. The Board clarified that this is an existing regulation so there has been no regulatory change.

Enforcement staff KB presented the need for seeking legislation. The problem is that the Board receives few reports. In Fiscal year 2012/13, the Board did not receive any reports. We believe there are settlements not being reported. The Sunset Review Committee recommended that the Board seek this authority. Approving the proposal to seek legislative authority for this form would resolve this issue and satisfy the Sunset Review Committee. There was further discussion about why the current law is not sufficient to require reporting. The fact that the Board receives few to no reports indicates the current statutory authority is not sufficient. JK motioned to seek legislative authority to create a standardized 801 reporting form, seconded by HA. Approved 6-0.

15. Proposed regulatory language for prostitution prevention.
This proposal would add a regulatory change to the condition of office regulatory section. It would prohibit sex in the office space and in effect create an administrative standard that would be violated by use of an acupuncture office for prostitution. Currently, prostitution is a crime that District Attorneys are not prosecuting so the Board has no disciplinary recourse against providers who use their license for prostitution. This would create an administrative action related to prostitution that would provide the Board the administrative authority to bring disciplinary actions against licensees who allow prostitution on the premises regardless of whether they were prosecuted for the crime or prostitution. This would prevent prostitution from spreading within the acupuncture profession. Board members all agreed with the proposed regulation. JK motioned to approve propose regulatory change, seconded by HA. Approved by Board 6-0. Motion to delegate authority to EO to commence the regulatory process and to make non-substantive changes by JK, seconded by HA. Approved by Board 6-0.

HA provided the explanation of why this regulatory change is needed and what it does exactly. The current regulations related to hand hygiene are outdated and non-compliant with health industry and public health standards. This change would bring our hand hygiene standard into compliance. The change would add the use of alcohol-based hand sanitizers. The Board member discussion reflected support and that the change is needed and uncontroversial. JK motion to approve proposed regulation and language, seconded by HA. Approved by Board 6-0. Motion to authorize EO to commence the regulatory process and make non-substantive changes by JK, seconded by HA. Board approved 6-0.

Public comment raised the concern not to put this in regulations, which are cumbersome, but to simply amend the Infectious Disease Guidelines instead, which are not in regulations and can be easily changed. In the discussion it was determined that the Infectious Disease Guidelines are not actionable and updating the regulation is the only way to make it an actionable standard and update current outdated standards in regulations.
17. Proposed regulatory change that sets limits on the number of times applicants can re-take the CALE. This is an issue of concern that MS assigned to the Exam Committee for further study.

18. Regulatory Update List.
   - 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

TT explained that staffing shortage and meeting preparation was causing delays in completing regulatory packages. JK expressed concern that regulatory packages were not completed and particularly CPEI and SB 1441. She specifically requested that CPEI be completed by the next Board meeting. In setting priority next should be SB 1441 then Free Sponsored Health Events.


Marlena Louisa Isidro (license cancelled 8/20/12) presented her request for a new license without having to retake the exam. JK moved to approve reinstatement, seconded by MS. Discussion included reinstatement should be allowed because then everyone would simply let their licenses lapse and come to the Board to request reinstatement. The answer was the statute allows the option.

Poongwon Peter Lee (license cancelled 9/26/13) No show. Tabled by Chair.

Future Agenda Items. None.

Public Comment on Items Not on the Agenda.
A comment requesting merged file of all materials. Reverse public comment and future agenda items on the agenda.

Adjournment.

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# 5 – Executive Officers Report
#5 – Executive Officer’s Report

Budget Update
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SUPLUS/(DEFICIT): 11.7%
## Analysis of Fund Condition

### Note: $5 Million Dollar General Fund Repayment Outstanding

WiApproved BCP

### ACTUAL

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### REVENUES AND TRANSFERS

#### Revenues

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<td>$ 2,604</td>
<td>$ 2,914</td>
<td>$ 2,912</td>
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#### Transfers from Other Funds

- Proposed GF 11-12 Loan Repayment

#### Transfers to Other Funds

- GF Loan per item 1110-011-0108 Budget Act of 2011

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<th>Description</th>
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<td>$ 2,604</td>
<td>$ 2,914</td>
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### EXPENDITURES

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<td>$ 3,257</td>
<td>$ 3,320</td>
<td>$ 3,386</td>
<td></td>
</tr>
</tbody>
</table>

### FUND BALANCE

- Reserve for economic uncertainties

<table>
<thead>
<tr>
<th>Description</th>
<th>ACTUAL</th>
<th>Budget CY</th>
<th>Gov Budget</th>
<th>FY+1</th>
<th>FY+2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve for economic uncertainties</td>
<td>$ 2,090</td>
<td>$ 2,248</td>
<td>$ 1,905</td>
<td>$ 1,497</td>
<td>$ 2,022</td>
</tr>
<tr>
<td>Months in Reserve</td>
<td>10.3</td>
<td>8.3</td>
<td>6.9</td>
<td>5.3</td>
<td>7.0</td>
</tr>
</tbody>
</table>

### Notes

A. Assumes workload and revenue projections are realized in FY+1 and ongoing
B. Assumes appropriation growth of 2% in FY+1 and ongoing
C. Interest on fund estimate at 3%
D. CY expenditures reflect expenditure projections (through FY9)
#5 – Executive Officer’s Report

Enforcement: Data Report
DATE | May 23, 2014
---|---
TO | All Board Members
FROM | Kristine Brothers
| Enforcement Coordinator
SUBJECT | Enforcement Update for July 1, 2013 to April 30, 2014

COMPLAINTS/CONVICTIONS & ARRESTS

<table>
<thead>
<tr>
<th>DCA Category</th>
<th>Received</th>
<th>Closed/Referred to Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unprofessional Conduct</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Unlicensed/Unregistered</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>Criminal Charges/Convictions</td>
<td>59</td>
<td>59</td>
</tr>
<tr>
<td>Sexual Misconduct</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Fraud</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Non-jurisdictional</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Incompetence/Negligence</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>Unsafe/Unsanitary Conditions</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse/Drug &amp; Mental/Physical Impairment</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Discipline by Another State Agency</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>162</td>
<td>163</td>
</tr>
</tbody>
</table>

Average Intake Time: 9 days

Complaint Volume from 7/1/13 - 4/30/14

- Unprofessional Conduct
- Unlicensed/Unregistered
- Criminal Charges/Convictions
- Sexual Misconduct
- Fraud
- Non-jurisdictional
- Incompetence/Negligence
- Unsafe/Unsanitary Conditions
- Other
**INVESTIGATIONS**

<table>
<thead>
<tr>
<th>DCA Category</th>
<th>Initiated</th>
<th>Pending</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unprofessional Conduct</td>
<td>18</td>
<td>35</td>
<td>22</td>
</tr>
<tr>
<td>Unlicensed/Unregistered</td>
<td>37</td>
<td>37</td>
<td>16</td>
</tr>
<tr>
<td>Criminal Charges/Convictions</td>
<td>54</td>
<td>32</td>
<td>114</td>
</tr>
<tr>
<td>Sexual Misconduct</td>
<td>4</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Fraud</td>
<td>13</td>
<td>28</td>
<td>10</td>
</tr>
<tr>
<td>Non-jurisdictional</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Incompetence/Negligence</td>
<td>16</td>
<td>24</td>
<td>13</td>
</tr>
<tr>
<td>Unsafe/Unsanitary Conditions</td>
<td>4</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse/Drug &amp; Mental/Physical Impairment</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Discipline by Another State Agency</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>151</strong></td>
<td><strong>172</strong></td>
<td><strong>193</strong></td>
</tr>
<tr>
<td><strong>Average days</strong></td>
<td><strong>244</strong></td>
<td><strong>408</strong></td>
<td></td>
</tr>
</tbody>
</table>

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

**DISCIPLINARY ACTIONS**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested</td>
<td><strong>16</strong></td>
</tr>
<tr>
<td>Pending</td>
<td><strong>21</strong></td>
</tr>
<tr>
<td>Accusation/SOI Filed</td>
<td><strong>10</strong></td>
</tr>
<tr>
<td>Decisions</td>
<td><strong>7</strong></td>
</tr>
<tr>
<td>Revoked</td>
<td>2</td>
</tr>
<tr>
<td>Voluntary Surrender</td>
<td>0</td>
</tr>
<tr>
<td>Probation</td>
<td>5</td>
</tr>
<tr>
<td>License Denied</td>
<td>0</td>
</tr>
<tr>
<td>Public Reprimand</td>
<td>0</td>
</tr>
<tr>
<td><strong>Avg. Overall Process Time</strong></td>
<td><strong>1049 days</strong></td>
</tr>
<tr>
<td><strong>Open Probation Cases</strong></td>
<td><strong>18</strong></td>
</tr>
</tbody>
</table>
DCA Performance Measures:
Quarters 1 & 2
To ensure stakeholders can review the Board’s progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

**PM1 | Volume**

*Number of complaints and convictions received.*

Total Received: 52 Monthly Average: 17

Complaints: 37  |  Convictions: 15

**PM2 | Intake**

*Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.*

Target Average: 10 Days  |  Actual Average: 7 Days
PM3 | Intake & Investigation
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

<table>
<thead>
<tr>
<th></th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Actual</td>
<td>298</td>
<td>498</td>
<td>1047</td>
</tr>
</tbody>
</table>

Target Average: 200 Days | Actual Average: 413 Days

PM4 | Formal Discipline
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

Target Average: 540 Days | Actual Average: 787 Days
**PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

Target Average: 10 Days | Actual Average: N/A

---

**PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

<table>
<thead>
<tr>
<th></th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Actual</td>
<td>1</td>
<td>10</td>
<td>5</td>
</tr>
</tbody>
</table>

Target Average: 10 Days | Actual Average: 5 Days
Performance Measures

Q2 Report (October - December 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

**PM1 | Volume**
Number of complaints and convictions received.

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>14</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>Actual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>October</td>
<td>November</td>
<td>December</td>
</tr>
<tr>
<td>Target</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Actual</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

Total Received: 57 Monthly Average: 19

Complaints: 33 | Convictions: 24

**PM2 | Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Actual</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

Target Average: 10 Days | Actual Average: 8 Days
**PM3 | Intake & Investigation**
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Actual</td>
<td>340</td>
<td>321</td>
<td>92</td>
</tr>
</tbody>
</table>

Target Average: 200 Days | Actual Average: 309 Days

**PM4 | Formal Discipline**
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

Target Average: 540 Days | Actual Average: 1298 Days
PM7 | Probation Intake
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target Average: 10 Days | Actual Average: 12 Days

PM8 | Probation Violation Response
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target Average: 10 Days | Actual Average: 1 Day
#7 – Exam Development
Presentation by OPES
CALIFORNIA LAW REGARDING LICENSING EXAMS

I. Business and Professions Code Section 139:

(a) The legislature finds and declares that occupational analyses and examination validation studies are fundamental components of licensure programs. It is the intent of the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy and sunset reviews of these boards, programs and bureaus.

II. DCA Licensure Examination Validation Policy

STANDARDS FOR REVIEW OF STATE AND NATIONAL EXAMINATIONS

All licensure examinations appropriated for use in California professions regulated by DCA should be validated according to accepted technical and professional standards, as described elsewhere in these provisions. At a minimum, the following factors must be considered in a review of state and national examination programs:

- Right to access information from all studies and reports from test vendors (local or national)
- Right of state agency to review recent examination
- Description of methodology used to establish content-related validity
- Occupational analysis report and frequency of updates
- Method to ensure standards are set for entry-level practice
- Examination outline and method to link to the occupational analysis
- Information about the sample of practitioners surveyed
- Item development process (experts used, editing methods, etc.)
- Sufficient size of item banks
- Pass-point setting methodology
- Examination security methods; examination administration processes
- Examination reliability
- Pass/fail ratio
- Statistical performance of examinations

California practice must be appropriately represented in an occupational analysis conducted on a national level in order for the results to be valid for examination development in California. If national examinations are used, the suitability of examination content for California practice must be determined by a review of the occupational analyses, including the demographics of the practitioners upon which it is based.
#9 – B & P Code Section 138
Notice to Consumers
DATE | May 23, 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.

**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/](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.


Recommendation: Approve proposed or modified language and approve the commencement of the regulatory process.
# 11 – SB 1246 (Lieu)
Sunrise Bill
# 11 – SB 1246 (Lieu)

Acupuncture Sunrise Bill

Bill Language
An act to amend Sections 4928 and 4934 of, 4935, 4938, 4941, 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 the Acupuncture Board acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, as amended, Lieu. The Acupuncture Board—Acupuncture. 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 these provisions 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 these provisions until January 1, 2019 the board and its authority to hire an executive officer exempt from civil service until January 1, 2017. 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 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 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.

Commencing January 1, 2017, this bill would eliminate the requirement that the board approve schools and colleges offering education and training in the practice of acupuncture and would instead require that an approved school or college, for purposes of licensure, be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine. The bill would make related conforming changes.


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 both of the following requirements:

(1) Is accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.

(2) Within three years of initial accreditation under paragraph (1), 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.
(b) This section shall become operative on January 1, 2017.

SECTION 1.
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 become operative on January 1, 2017.

SECTION 2.
SEC. 4934 of the Business and Professions Code is
amended to read:
4934. (a) The board, by and with the approval of the director,
may employ personnel necessary for the administration of this
chapter. The board, by and with the approval of the director, may
appoint an executive officer who is exempt from the provisions
of 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 become operative on January 1, 2017.

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 employ personnel necessary for the administration of this
chapter, and the board, by and with the approval of the director,
may appoint an executive officer who is exempt from the provisions
of 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,
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. 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 provision of 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 a school of acupuncture approved by the board and an approved educational and training program and participating in a postgraduate review course that does not exceed one year in duration at a school approved by the board and 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. An approved educational and training program approved by the board pursuant to Section 4939.
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 approved by the board pursuant to Section 4939 and 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 and tutorial programs, completion of
which will satisfy the requirements of Section 4938.
(b) Standards for the approval of training programs 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
program 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 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 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 acupuncture training program that is approved under Section 4939 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:

(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.
# 11 – SB 1246 (Lieu)

Acupuncture Sunrise Bill

Committee Bill Analysis
SENATE COMMITTEE ON BUSINESS, PROFESSIONS
AND ECONOMIC DEVELOPMENT
Senator Ted W. Lieu, Chair

Bill No: SB 1246  Author: Lieu
As Amended: April 23, 2014  Fiscal: Yes

SUBJECT: The Acupuncture Board.

SUMMARY: Extends the sunset date for the California Acupuncture Board (CAB) until January 1, 2017; grants the CAB authority to employ personnel until January 1, 2017; specifies that any executive officer appointed on or after January 1, 2015 shall not have served as an executive officer for the CAB prior to January 1, 2015; requires educational and training programs to be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine commencing January 1, 2017.

Existing law:

1) Provides for the licensure and regulation of the practice of acupuncture by the CAB within the Department of Consumer Affairs (DCA). (Business and Professions Code (BPC) § 4928 et seq.)

2) Establishes the CAB until January 1, 2015 and renders the CAB subject to review by the appropriate policy committees of the Legislature. (BPC § 4928)

3) Permits the CAB, with the approval of the Director of the DCA, to employ personnel and appoint an executive officer until January 1, 2015. (BPC § 4934)

4) Grants the CAB authority to establish standards for the approval of schools and colleges offering education and training in the practice of acupuncture, including standards for the faculty in those schools and colleges and tutorial programs. (BPC § 4939 et seq.)

5) Allows the CAB to charge a fee for the inspection or re-inspection of a school or college of acupuncture for purposes of approval and permits the CAB to recover the direct costs incurred by the CAB in conducting the inspection and evaluation of the school or college. (BPC § 4973)

This bill:

1) Extends the CAB until January 1, 2017.

2) Extends the CAB’s authority, with the approval of the Director of the DCA, to employ personnel until January 1, 2017.
3) Specifies that the CAB, with the approval of the Director of the DCA, may appoint an executive officer on January 1, 2015.

4) Further specifies that the executive officer shall not have served as the executive officer of the CAB at any time prior to January 1, 2015.

5) Defines "approved educational and training programs" as a program approved by the CAB until January 1, 2017.

6) Repeals the CAB's authority to establish standards for the approved educational and training programs and charge fees for the approval of schools or colleges commencing January 1, 2017.

7) Requires that approved educational and training programs be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine commencing January 1, 2017.

FISCAL EFFECT: Unknown. This bill has been keyed "fiscal" by Legislative Counsel.

COMMENTS:

1. **Purpose.** This bill is one of six "sunset review bills" authored by the Chair of this Committee. This bill provides for the CAB to be reviewed by the appropriate policy committees of the Legislature, and makes legislative changes regarding the CAB recommended in the Committee's Background Paper.

2. **Oversight Hearings and Sunset Review of Licensing Boards and Commission of DCA.** In 2014, the Senate Business and Professions Committee and the Assembly Business, Professions and Consumer Protection Committee (Committees) conducted joint oversight hearings to review 9 regulatory entities: Bureau of Automotive Repair; Bureau of Home Furnishings and Thermal Insulation; Bureau for Private Postsecondary Education (BPPE); California Massage Therapy Certification program; California Acupuncture Board; California Tax Preparers Program; Dental Hygiene Committee of California; Professional Fiduciaries Bureau; and Structural Pest Control Board. This Committee also reviewed the performance and effectiveness of the Community Interest Development Manager's Certification Program.

   The Committees began their review of the aforementioned licensing agencies in March and conducted two days of hearings and then more recently held a hearing on the BPPE. This bill, and the accompanying sunset bills, are intended to implement legislative changes as recommended by staff of the Committee's which are reflected in the Background Papers prepared by Committee staff for each bureau and program reviewed for this year.

3. **Background. Review of the CAB, Issues Identified and Recommended Changes.** The following are some of the major issues pertaining to the CAB or areas of concern reviewed and discussed by the Committee during the review of the CAB, along with background information concerning each particular issue. Recommendations were made by Committee staff regarding the particular issues or problem areas which needed to be addressed.
a) **Issue: National Accreditation.**

**Background.** The CAB approves training programs at acupuncture schools and colleges, in particular their curriculum programs, to ensure they meet the standards adopted by the CAB. The school approval process requires review of the application, governance, program curriculum, catalogs, admission policies, student and faculty policies and procedures, and financial solvency. An on-site visit is also performed to review implementation of policies and procedures, facilities and clinical training. It is rare practice for health care licensing boards, under the DCA, to approve schools versus utilize a national accreditation organization to approve health care training programs.

The ACAOM is the nationally recognized accrediting agency for the field of acupuncture and oriental (Asian) medicine. While many other states defer to ACAOM accreditation as being a sufficient condition for applicants to take the licensing exam in their states, California does not accept accreditation by ACAOM, nor does it require graduation from an accredited school as a condition of being eligible to take the licensing exam. Instead, it conducts its own school approval process.

In 2004, the Little Hoover Commission (LHC) conducted a comprehensive comparative analysis of the school approval process of the ACAOM, to the school approval process of the CAB. The LHC’s report concluded that the processes used by ACAOM appeared to be superior to the school approval process used by the CAB and could be used by the state to ensure the quality of education for potential licensees.

According to the Committee’s 2014 Sunset Review Background Paper, because California performs its own school approvals, there are a number of consequences and problems. These include:

1) Students who are educated in accredited schools that are not approved by California receive only partial credit for their training. If they wish to gain licensure in California, they must complete a CAB approved training program.

2) The CAB is slow to approve applications for schools located outside of California due to budget constraints.

3) The CAB has recently begun conducting site visits. However, because of staff vacancies, this has been a slow process.

In the Committee’s 2012 Sunset Review Background Paper to the CAB, the Committee wrote:

“...it should also be required that these acupuncture schools either have currently, or obtain within a reasonable time, accreditation from an accrediting agency recognized by the United States Department of Education. Especially since the accrediting process for these schools appears to be superior to that of the Board. At some time in the future, consideration could be given, based on the success of accreditation of these schools, to eliminating the Board’s responsibility and need for approving acupuncture educational programs.”
b) **Issue: Continued Regulation by the CAB.**

Background: The health, safety and welfare of consumers are protected by a well-regulated acupuncture profession. According to a review of past Sunset Review Background Papers, it is evident that the current CAB members inherited a program with little to no infrastructure and no institutional knowledge was passed down from prior CAB staff. In recognition of this, Committee staff has reached out to the Executive Officer of the CAB in an effort to ensure that the Executive Officer communicates to the CAB and CAB staff the importance of addressing the concerns that were highlighted during the 2012 and prior Sunset Review Hearings. It appears as if several of these recommendations remain unaddressed; thus, in the Committee's 2014 Sunset Review Background Paper, the Committee directed the CAB to immediately focus its attention on addressing specific critical areas of deficiency and return to update the Committee's on the CAB's progress at the next Sunset Review Hearing in 2016.

**Recommendation:** The CAB should be continued with a two-year extension of its sunset date.

[The current language in this measure reflects this recommended change.]

4. **Current Related Legislation.**  

**SB 1242** (Lieu, 2014) amends the Automotive Repair Act and updates the sunset provisions for the Bureau of Automotive Repair. *(Status: This bill will also be heard before the BP&ED Committee during today's hearing.)*

**SB 1243** (Lieu, 2014) Extends until January 1, 2017, the term of the Veterinary Medical Board, which provides for the licensing and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. The bill also extends the terms of the executive officer of the Veterinary Medical Board. This bill also extends to January 1, 2019, the law regulating the practice of common interest development managers, and the law establishing the California Tax Education Council, which provides for the Council to register and regulate tax preparers. This bill also subjects the board and organizations to be reviewed by the appropriate policy committees of the Legislature. *(Status: This bill will also be heard before the BP&ED Committee during today's hearing.)*

**SB 1244** (Lieu, 2014) Extends until January 1, 2019 the term of the Structural Pest Control Board which provides for the licensing and regulation of individuals and business involved in the structural pest control industry in California. The bill also extends the term of the Board’s executive officer and subjects the Board to be reviewed by the appropriate policy committees of the Legislature. *(Status: This bill will also be heard before the BP&ED Committee during today's hearing.)*

**SB 1245** (Lieu, 2014) Extends until January 1, 2019 the term of the Dental Hygiene Committee of California which provides for the licensing and regulation of dental hygienists. The bill also extends the term of the Committee's executive officer and subjects the Committee to be reviewed by the appropriate policy committees of the Legislature. *(Status: This bill will also be heard before the BP&ED Committee during today's hearing.)*
SB 1247 (Lieu, 2014) Extends until January 1, 2019 the term of the California Private Postsecondary Education Act of 2009, which provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The bill also extends the term of the Student Tuition Recovery Fund under the administration of the bureau, and subjects the Bureau to review by the appropriate policy committees of the Legislature. (Status: This bill will also be heard before the BP&ED Committee during today's hearing.)

5. **Arguments in Support.** The Council of Colleges of Acupuncture and Oriental Medicine support the bill and write in their letter, "The Council has been the national membership association for acupuncture and Oriental colleges and programs in the U.S. since 1982. The mission of the Council is to advance acupuncture and oriental medicine by promoting educational excellence in the field. The current membership of the Council is 54 colleges, of which 26 are currently approved by the California Acupuncture Board through the board's independent school approval process. The Council's member colleges, all of which have been approved in accordance with ACAOM's national accreditation standards, believe that the quality of acupuncture education for students, patient safety, and consumer protection are best maintained by acupuncture educational institutions participating in an accreditation process with a USDE recognized accreditor such as ACAOM. Accreditation protects patients, students, and the profession by ensuring that graduates are well qualified as entry-level practitioners able to sit for licensing and certification exams."

The National Certification Commission for Acupuncture and Oriental Medicine points out in their letter that nationwide, every state with an acupuncture practice act requires ACAOM accredited education- the sole outlier is California.

Five Branches University supports the bill and writes in their letter, "Our university [is concerned] about the continuing failure of the CAB to address the useful recommendations of the Senate Committee...we would like to see a responsible Acupuncture Board in California that meets the same rigorous requirements of other health profession Boards [which] require accreditation of schools."

The California State Oriental Medicine Association is California's largest English-language professional association of licensed acupuncturists. CSOMA has represented acupuncture and Oriental medical providers across the state for more than two decades. CSOMA shared their support of the move to national accreditation instead of the CAB's school approval process in their letter, "...require applicants for licensure under the Acupuncture Board to graduate from a program that has achieved candidacy or accreditation by an accrediting agency recognized by the U.S. Department of Education as an authority for the equality of education and training in acupuncture and Oriental medicine."

The Southern California University of Health Sciences (SCUHS) writes, "SCUHS urges you to require the CAB to adopt CAB approved schools to be accredited by an accreditation agency recognized by the United Stated Department of Education. A USDE recognized accreditation agency will strengthen the oversight of acupuncture schools by a rigorous review process that includes a periodic and comprehensive self-study with peer review and a site visit process by highly qualified educators. In addition, accreditation process has well-articulated standards that examine all aspects of an institution from governance to faculty and
By requiring accreditation of CAB approved schools, the student is protected as a consumer because the state is no longer approving unaccredited institutions. These unaccredited institutions do not have the same imperative to offer high quality programs. When a student graduates from a non-accredited but CAB-approved acupuncture program, the qualification that she or he has cannot be universally transferred to another state. In other words, graduates from CAB approved but non-accredited programs may not practice in states that require graduation from an accredited program.

Both the Atlantic Institute of Oriental Medicine and the Southwest Acupuncture College also support the bill and write in their letters, "In spite of the clear language of these recommendations from the Committee, the CAB has not only failed to implement the recommendations, but has even refused to put the recommendations on any CAB meeting agenda...members of the [public] recently attended CAB committee meetings last Friday, April 18, 2014...At none of these meetings were the recommendations of the Senate Committee on the agenda, nor were the [members of the public] allowed to bring up the recommendations for consideration at these meetings."

The Pacific College of Oriental Medicine and the National College of Natural Medicine supports the bill and writes, "It is clear that the CAB is not demonstrating interest in considering, let alone implementing, the Senate committee’s sunset review recommendations, and is pursuing its own agenda... this was evident at the April 18, 2014 meeting in a recommendation from the CAB [Executive Officer] that the budget of the board and the size of its staff be substantially increased so that the board itself will have the capacity to perform accreditation and examination functions that the board has for some time been unable to perform, but which are already being performed by [national testing and accreditation organizations] at a high level."

The University of East-West Medicine also supports the bill and writes, "The failure of the CAB to consider the Senate committee’s recommendations reflects the unwillingness of the board to move forward with the sunset recommendations...Please take immediate and decisive action to mandate adherence by the CAB to your committee’s recommendations."

Yo San University supports the bill and writes, "The Yo San University community of students, faculty, staff, alumni and clinic patients express deep concern regarding the continuing failure of the CAB to implement the Sunset Review recommendations of your Senate committee... The recommendations from the Committee were clearly articulate, and the CAB has not only failed to implement them, they have even refused to put the recommendations on the CAB meeting agenda."

The American College of Traditional Chinese Medicine supports the bill and writes, "The purpose of this letter is to offer our continued strong support for the incorporation of accreditation by an accreditor recognized by the United States Department of Accreditation...We support the mission of the CAB to ‘protect, benefit and inform the people of California by exercising the licensing, regulatory and enforcement mandates of the Acupuncture Licensure Act.’ We feel that incorporation of accreditation...will strengthen the ability of the CAB to meet its mission."

South Baylo University supports the bill and writes, "We express our concern about the implementation of the Sunset Review recommendations of this Senate committee by the
California Acupuncture Board...So far, the CAB has failed to implement the recommendations and did not put the recommendations on any of the CAB meeting agendas. Because the CAB has postponed considering the Senate committee's recommendations, which reflects the delay of the board to move forward with the sunset recommendations, South Baylo University asks that the committee closely follows up the adherence by the CAB to the committee's recommendations."

The Oregon College of Oriental Medicine writes, "Considering the CAB's demonstrated difficulty with approving schools and the significant amount of resources that it requires for the CAB to oversee this process, the CAB should act on recommendations made during prior Sunset Review Hearings and...require all schools of acupuncture to obtain accreditation from an agency approved by the U.S. Department of Education...Accreditation is a process for continuous improvement that is virtually universal in higher education. By California requiring accreditation, the state will ensure that all programs operating in the state or sending candidates to the state provide a high quality training program that protects patients and students."

SUPPORT AND OPPOSITION:

Support:
Atlantic Institute of Oriental Medicine
American College of Traditional Chinese Medicine
California State Oriental Medical Association
Council of colleges of Acupuncture and Oriental Medicine
Five Branches University
National Certification Commission for Acupuncture and Oriental Medicine
National College of Natural Medicine
Oregon College of Oriental Medicine
Pacific College of Oriental Medicine
South Baylo University
Southern California University of Health Sciences
Southwest Acupuncture College
University of East-West Medicine
Yo San University of Traditional Chinese Medicine
Over 60 licensed acupuncturists
Over 120 acupuncture students
2 individuals

Opposition:
2 licensed acupuncturists

Consultant: Le Ondra Clark, Ph.D.
# 11 – SB 1246 (Lieu)

Acupuncture Sunrise Bill

Staff Analysis
DATE | May 23, 2014
---|---
TO | Board Members
FROM | Terri Thorfinnson
| Executive Officer
SUBJECT | SB 1246 CAB Sunrise Legislation version as amended April 23, 2014

Legislative Analysis
SB 1246 is the sunrise bill that repeals the 2015 sunset of the Board and makes other significant policy and programmatic changes. The bill makes the following changes:

- Repeals the 2015 sunset date and extends the Board until January 1, 2017.
- Reconstitutes the Executive Officer position and specifically prohibits the appointment of an EO that has served prior to January 1, 2015.
- Eliminates the Board’s authority to approve, monitor and enforce standards for acupuncture training programs including its curriculum requirements as of January 1, 2017.
- Requires all licensees to have graduated from a school that has been accredited by Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) as of January 1, 2017.
- Replaces the Board’s school approval authority with ACAOM’s accreditation oversight of school training programs.

Section 1 adds a new section 4927.5 to section 4927. This section does not become operative until January 1, 2017. The new section adds (a) that defines “approved educational and training program” to mean a program approved by the Board pursuant to Section 4939. A subsection (b) is added that repeals this new section effective January 1, 2017.

**Impact:** This amendment serves as a transition for repealing the Board’s school and training program authority.

Section 2 adds new definitions and provisions related to “approved training programs” that become operative after January 1, 2017. The new subsection (a) redefines “approved training programs” to be training programs that are accredited by ACAOM. It further provides that training programs within three years of initial accreditation have full institutional approval by the state educational entity.
Impact: This amendment replaces the Board’s school and training program authority with that of ACAOM by requiring all schools and training programs must be accredited by ACAOM after January 1, 2017.

Section 3 amends Section 4928 and repeals the sunset date of January 1, 2015 and extends it to January 1, 2017.

Impact: The Board is given two years before the next sunset review in 2017.

Section 4 creates a new section 4933.5 that provides the board with the authority to employ the necessary personnel to administer the Board.

Impact: This restores an existing personnel provision and provides the Board with hiring authority.

Section 5 amends 4934 (a) to prohibit the board from appointing an Executive officer (EO) who has been appointed prior to January 1, 2015. This amendment in effect terminates the appointment of the current EO and prohibits appointment of that executive officer or any other person who has served prior to January 1, 2015. The dates are amended in subsection (b) to replace the 2015 date with 2017, unless amended otherwise.

Impact: This section effectively terminates the current E.O. and prevents the Board from hiring any E.Os that have worked for the Board prior to 2015.

Section 6 amends Section 4935 (d) (2) to replace language referring to schools approved by the Board with language that simply states “approved educational and training program.” The Board approved training program language is mentioned twice and both times is replaced by the new language that does not refer to the Board.

Impact: This amendment eliminates any language referring to Board approved schools and training programs.

Section 7 amends Section 4938 the statute that sets forth the licensing standards. Similar amendments as mentioned above are included. Board approved school references are replaced with “approved school and training programs,” deleting the board approval requirement.

Impact: This amendment eliminates any language referring to Board approved schools or training programs.

Section 8 amends 4939 the statutory provision that authorizes the Board to set curriculum and training standards. Subsection (d) is added for the purpose of repealing the entire statutory provision effective January 1, 2017. A new 4939 subsection (a) is created, which provides the Board authority to set education and training and clinical training received outside the United States and Canada. This new section is not operative until January 1, 2017.
Impact: This amendment repeals all of the Board’s authority to set training program and school standards as of 2017. In effect, it also repeals all regulations related to school approval, site visits, and curriculum standards. There are no standards specified to replace the Board’s standards. The Board is given new authority to set standards for overseas applicants. Currently, all applicants are required to meet the same curriculum standards regardless of whether they are in-state, out-of-state or from overseas. Since the current curriculum standards would be abolished, the Board would have to create new standards through regulations. Until new standards are created, there would be no standards by which to assess overseas candidates.

Fiscal Analysis:

This proposed policy change is estimated to increase the number of exam and licensee applicants 300%. Currently, only graduates of California Board approved schools are eligible to sit for the exam. This bill eliminates that requirement and the Board’s educational standards, so anyone graduating from an accredited school would be eligible to take the California licensing exam.

California has about 35% of total Acupuncture licenses issued in the country. Currently, there are approximately 60 ACAOM accredited schools, 32 of which are also Board approved. Beginning in 2017, more than 28 additional schools would produce graduates who would be eligible to apply for the California licensing exam. Currently, the Board receives approximately 900 + new exam applications per year the Board already processes. This number could triple to 2700 applications per year.

We estimate that the policy change will require six PYs additional staff to handle the increased exam and licensing workloads. We currently have two staff dedicated to exam applications. For any future workload increase, we anticipate needing three additional full time PY Staff Service Analyst (SSA/AGPA) level staff to process, review, and conduct curriculum verifications for the exam and licensing. Licensing would also see a large increase. We estimate three more positions would be needed to accommodate the additional workload. One full time Staff Service Analyst (SSA/AGPA) would be needed to assist in reviewing of background checks, solving licensing issues and reviewing the increased number of applications. Two full time Office Technicians (OT) would be needed to answer the increase in paperwork, filing and data entry into CAS/ATS, or breeze. They would need to be able to handle increased amounts of phone calls, emails and regular mail inquiries.
# 11 – SB 1246 (Lieu)
Acupuncture Sunrise Bill

CAB vs ACAOM
### Comparison of Curriculum Hours: ACAOM VS California

<table>
<thead>
<tr>
<th></th>
<th>CAB</th>
<th>ACAOM MTOM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Degree</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Total hours</strong></td>
<td>3000</td>
<td>2625</td>
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<tr>
<td><strong>Prerequisites</strong></td>
<td>60</td>
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<td><strong>Bio sciences</strong></td>
<td>350</td>
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<td>History medicine, medical terminology</td>
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<td><strong>TCM</strong></td>
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<td>Chinese Medicine theory</td>
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<tr>
<td>Practice Management, ethics</td>
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<td>Clerkships (rotations)</td>
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<tr>
<td>Case management (tied to rotations)</td>
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<tr>
<td><strong>SUM</strong></td>
<td>3000</td>
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<tr>
<td>% overall difference</td>
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<td><strong>Subtotal bio sciences</strong></td>
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<td>% diff</td>
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<td></td>
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</table>

ACAOM and CAB require 60 hours of prerequisite coursework and both require 450 hours of herbs.

ACAOM requires more bio sciences than CAB (510 vs 350 hours). However, when other categories are considered, such as clinical Western medicine, practice management, public health, and professional development, the CAB standard is greater than ACAOM (795 hrs vs 600 hrs).

It is unclear what categories can be counted under Oriental Medicine or Mainstream (Western) Medicine since ACAOM and CAB follow different category schemes.

CAB has 14.3% more total hours. The CAB requirement for bio sciences is 32.5% greater. Even the CAB requirement for TCM is 30.7% greater.
# 13 – Regulatory Update
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.

<table>
<thead>
<tr>
<th>Pending regulations</th>
<th>B&amp;P code sections referred</th>
<th>Date authorizing vote taken (vote)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation (SB 1441)</td>
<td>adopt sections 1399.469</td>
<td>10/25/2013 (5-0)</td>
<td>Planned for OAL filing by June 10, 2014 with 45 day comment period to follow.</td>
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<tr>
<td>3. Sponsored Free Health-Care Events (AB 2699)</td>
<td>Add Article 7 and Sections 1399.480, 1400.1, 1400.2 and 1400.3</td>
<td>11/17/2011 (5-0)</td>
<td>Planned for OAL submission by late June 2014, with 45 day public comment period to follow.</td>
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<td>4. Prostitution enforcement and condition of office</td>
<td>Amends section 1399.450(b)</td>
<td>2/14/2014 (6-0)</td>
<td>Planned for OAL submission by mid summer 2014, with 45 day public comment period to follow.</td>
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<td>5. Advertising guidelines – display of license numbers in advertising</td>
<td>Adopt section 1399.455</td>
<td>2/19/2013 (5-0)</td>
<td>Planned for OAL submission by late summer 2014, with 45 day public comment period to follow.</td>
</tr>
<tr>
<td>6. Continuing education ethics requirement – change of “medical ethics” to “professional ethics”</td>
<td>Adopt section 1399.482.2</td>
<td>11/15/2012 (5-0)</td>
<td>Planned for OAL submission by fall 2014, with 45 day public comment period to follow.</td>
</tr>
<tr>
<td>Subject</td>
<td>B&amp;P code sections referred</td>
<td>Date approved by Office of Administrative Law (effective one month later) with link to text of regulation</td>
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<tr>
<td>1 Educational Curriculum Requirements</td>
<td>amends Section 1399.415</td>
<td>Approved by OAL 10/5/04 [<a href="http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art2.shtml#1399415">http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art2.shtml#1399415</a>]</td>
<td></td>
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<tr>
<td>2 Cite and Fine enforcement</td>
<td>amends Section 1399.465</td>
<td>Approved by OAL 4/17/06 [<a href="http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art6.shtml#1399465">http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art6.shtml#1399465</a>]</td>
<td></td>
</tr>
<tr>
<td>3 Continuing education</td>
<td>amends Sections 1399.480 - 1399.489.1</td>
<td>Approved by OAL on 3/25/09 [<a href="http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art8.shtml#1399480">http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art8.shtml#1399480</a>]</td>
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</tr>
<tr>
<td>4 Retroactive fingerprinting requirements</td>
<td>adopts Sections 1399.419.1 and 1399.419.2</td>
<td>Approved by OAL 9/23/10 [<a href="http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art25.shtml#13994191">http://www.acupuncture.ca.gov/pubs_forms/laws_regs/art25.shtml#13994191</a>]</td>
<td></td>
</tr>
</tbody>
</table>
# 14 – B & P Code Section 4967
Poongwon Peter Lee
DATE | May 23, 2014
---|---
TO | All Board Members
FROM | Kristine Brothers
| Enforcement Coordinator
SUBJECT | Petition Pursuant to B&P § 4967 (b): Poongwon Peter Lee, AC 3860

The following is a request from Poongwon Peter Lee, a previously licensed acupuncturist whose license lapsed and permanently cancelled. Business and Professions Code (B&P) section 4967 provides conditions that one must comply with when seeking a new acupuncture license from the Board. B&P section 4967 states, a person who fails to renew his or her license within three years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if he or she meets three requirements.

Mr. Lee has submitted a request to the Board to be issued a new license without having to take the exam. Mr. Lee was issued license AC 3860 on July 19, 1990. His license was cancelled on September 26, 2013 for failure to renew within three years from the date of expiration (March 31, 2010). Mr. Lee sent in the required renewal fee on time; however, he only submitted 38 continuing education hours. Mr. Lee's license could not be renewed due to insufficient CE. Therefore, Mr. Lee's license sat delinquent until it was cancelled.

Below are the conditions required by B&P 4967 and a status of Mr. Lee's compliance with each one.

- (a) B&P section 4967 (a) requires that an applicant be clear of any acts or crimes constituting grounds for denial of licensure under Division 1.5 (commencing with Section 475). Mr. Lee completed a live scan and he has received fingerprint clearance.

- (b) B&P section 4967(b) requires that an individual with a cancelled license take and pass the examination that is required for initial licensure. This is the requirement that Mr. Lee is requesting be waived based upon the evidence he is presenting that he is qualified to practice as an acupuncturist.

- (c) B&P section 4967(c) requires that an individual with a cancelled license pay all of the fees that would be required if an initial application for licensure was being made, as well as the examination fee. Mr. Lee has paid his examination fee. The initial license application fee will be collected if his request is granted.

Mr. Lee is also submitting continuing education units (CEU's) for your consideration. Mr. Lee has completed a total of 100 hours of Board approved continuing education. 24 of those CEU's were completed online.

Enclosures: 1.) Request to Board; 2.) Accolades; 3.) Letters of Recommendation; 4.) CEU Certificates
Enclosure 1:

Request to Board
From: Poongwon Peter Lee  
Address: 30 Ave 6-30 Zona 11, Residencial 5, Guatemala, Guatemala.  
Tel: (502)4911-9440  

To: Acupuncture Board  
1747 North Market Boulevard, Suite 180,  
Sacramento, CA 95834  
(916)515-5200  

Re: Appealing for renewal of license (License No. AC 3860)  

Dear members of the board;  

My name is Poongwon Peter Lee, and I am writing this letter to appeal for renewal of my license.  

First, I would like to take this opportunity to introduce myself to you. I am a minister anointed by The General Assembly of The Reformed Presbyterian Church in Korea as of October 12 2005. Starting July 11, 2009, I have been serving Indian friends in Guatemala with acupuncture service, as a missionary appointed by Young American Leaders Association (YALA); a US based missionary organization.  

Since July 2009 my acupuncture service has been concentrated specifically to Indian friends in region of Santa Cruz Del Quiche where no civilized benefits or medical treatments are available.  

Dear members of the board, I believe my acupuncture service in this region is the only, if not the final, medical benefits to those who desperately need medicines or medical service.  

I am confident that my past and current service to this region has never negatively impacted the benefits and effects of acupuncture. And I am sure the image and understandings on acupuncture have been well received and experienced by numerous local people.  

I am very regretful that I've missed timely fulfillment of the renewal requirements. However, I would like to ask your understandings that I do not have any intension of ceasing acupuncture service. I have dedicated my personal life drastically and passionately for the Indian friends in this region for past 4 years. During this past 4 years, I have lived and breathed in this very rough, busy and isolated environment to adjust to the culture, people, life style, and weather. Throughout the period, time has passed by quicker than I realized, and I've lost an opportunity to renew the license in a timely matter. But please consider that the delay in renewal is not due to my lack of interest in practice or intentional negligence, but was ironically due to my increased passion (more passionate than ever in my life) and dramatically increased service time for those who desperately need acupuncture service.  

Please allow the renewal of my license this time, and I sincerely commit myself to fulfill the necessary renewal requirements on-going basis.  

With all due respect, it's my sincere request for the board to allow me to continue to serve the Indian friends in Guatemala.  

Thank you for reading this and God bless you,  

Poongwon Peter Lee  
License No. AC 3860  
October 25, 2013
Enclosure 2:
Accolades
CERTIFICATE
OF
RECOGNITION

To: Poong Won Lee, OMD

In honor of Your Outstanding Contribution and Participation in the 1998 Family Health Fair Expo of the Korean Health Education, Information & Research Center

Assemblyman
46th Assembly District
California State Legislature
California State Assembly

Certificate Of Appreciation

PRESENTED TO:

Dr. Peter Poong Lee, OMD

IN HONOR OF:

Being a service-minded individual & your tireless work volunteering at the Koreatown Health Day

Mike Davis
MEMBER OF THE ASSEMBLY
48th ASSEMBLY DISTRICT
CALIFORNIA STATE LEGISLATURE
Dear PUNG WEON, LEE

30, SEP. 1996

On behalf of Korean Air, I would like to express our deepest appreciation to you for your inflight medical services. I think that your professional and humanitarian medical services contribute to aviation safety and airline medical practices.

We have strived to develop quality inflight services as well as installing onboard medical kits and endeavor to raise the standard of various passenger services to the level worthy of the world’s leading airlines.

We will take care of you as a member of our family during your trip with Korean Air and welcome any contribution you might have including comments for improvement, changes, or revisions. Thank you again for flying with Korean Air.

Sincerely yours,

Cho, Yang Ho
President & CEO
KOREAN AIR
Enclosure 3:
Letters of Recommendation
October 28th, 2013

From: Daniel C. Ji  
Young American Leaders Association  
2717 W. Olympic Blvd #203  
Los Angeles, CA 90006  
323.309.5823

To: Acupuncture Board  
1747 North Market Boulevard, Suite 180,  
Sacramento, CA 95834  
(916)515-5200

Re: Renewal of License for Mr. Poongwon Peter Lee (AC3860, issued July 19, 1990)

Dear Officer,

My name is Daniel Ji, the president of Young American Leaders Association (YALA). YALA is a 501c US non-profit organization, established in 2001, with missions to help underprivileged people abroad. As I learned that Mr. Poongwon Peter Lee’s Acupuncture license may be cancelled due to timely fulfillment of renewal requirements not done, I would like to provide you with third party information as to Mr. Poongwon Peter Lee’s dedicated humanitarian acupuncture service, so hopefully Mr. Poongwon Peter Lee would get an opportunity to renew his license for the benefits of many of those who need him.

Mr. Poongwon Peter Lee is an appointed missionary by YALA since April 2009. Starting July 2009, he has provided acupuncture service diligently and tirelessly at small and remote local villages in Guatemala where no medical benefits are available. Mr. Lee’s medical service has been a sacrificial service based on humanitarian mind at no monetary cost to those who receive his service. We strongly believe his acupuncture service made a positive influence and image of Oriental Medicine & Acupuncture to the local people. We also believe even a good image of USA has been established throughout his service.

We understand he made a significant mistake as to renewal of his US license. Even though he has been in many remote villages of a foreign country, we understand the renewal of license is a very important matter to be taken cared. However, we would like to sincerely ask you to re-consider cancelling of his license. Can you allow renewal of the license with other disciplinary actions such as paying penalty, etc.?

Attached are some evidence pertain to Mr. Lee’s service in Guatemala.

Sincerely,

Dr. Daniel C. Ji  Ed.D., Th.D.  
President and Chairman of the Board  
Young American Leaders Association  
drdanielji@gmail.com

How beautiful are the feet of those who preach the gospel of peace, who bring good tidings of good things!  
-Romans 10:15-
Enclosure 4:
CEU Certificates
"In his heart a man plans his course, but the LORD determines his steps." Pr16:9
Certificate of Completion

Name: SONGWON PETER LEE
License #: AC3860

Course Title: HYPERTHYROIDISM

Continuing Education/Professional Development Units: 7

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 12/2/2013
Certificate of Completion

Name: KONGWON PETER LEE
License #: AC3860

Course Title: FEMALE INFERTILITY
Continuing Education/Professional Development Units: 7

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 12/2/2013
Certificate of Completion

Name: PONGWON PETER LEE
License #: AC3860

Course Title: LIVER MERIDIAN
Continuing Education/Professional Development Units: 4

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 12/1/2013
Certificate of Completion

Name: SONGWON PETER LEE
License #: AC3860

Course Title: LU, LI, ST MERIDIAN

Continuing Education/Professional Development Units: 12

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 5/25-26/201
Certificate of Completion

Name: SONGWON PETER LEE
License #: AC3860
Course Title: SP, HT, SI MERIDIAN
Continuing Education/Professional Development Units: 12

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 6/29-30/201
Certificate of Completion

Name: POONGWON PETER LEE
License #: AC3860
Course Title: RHEUMATOID ARTHRITIS
Continuing Education/Professional Development Units: 5

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 12/2/2013
Certificate of Completion

Name: POONGWON PETER LEE

License #: AC3860

Course Title: AURICULAR ACU & COSMETIC ACU

Continuing Education/Professional Development Units: 16

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 1/25-26/2014
**Certificate of Completion**

Name: POONGWON PETER LEE

License #: AC3860

Course Title: UB, KD, PC MERIDIAN

Continuing Education/Professional Development Units: 12

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 7/27-28/2013
Certificate of Completion

Name: POONGWON PETER LEE

License #: AC3860

Course Title: SJ, GB, LV MERIDIAN

Continuing Education/Professional Development Units: 12

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953

Date: 8/24-25/13/2013
Certificate of Completion

Name: POONGWON PETER LEE
License #: AC3860
Course Title: SHANG HAN LUN PART I
Continuing Education/Professional Development Units: 8

Harry Wonho Cho, L.Ac, OMD
President, Woo Jae Society
CA Provider #908
NCCAOM Provider #953
Date: 2/1/2014
End of 5-23-2014
Acupuncture
Board Packet