

**California Acupuncture Board
Education and Research Committee
Meeting and
Full Board Meeting
Materials**

**Thursday, August 27, 2020
WebEx Conference Call**



Board Members

Dr. Amy Matecki, MD, L.Ac. – President

Kitman Chan – Vice President

John Harabedian, Esq.

Ruben Osorio

Hyun "Francisco" Kim, L.Ac.

Shu Dong Li, Ph.D

Dr. Yong Ping Chen, L.Ac., Ph.D.

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**ACUPUNCTURE BOARD
EDUCATION AND RESEARCH COMMITTEE MEETING**

AGENDA

**Thursday, August 27, 2020
9:30 a.m. to 10:30 a.m. or until the completion of business**

LOCATION:

Web Ex Teleconference

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ef4061642654db363390216c39d8bceec>

Important Notices to the Public

The Acupuncture Board Education and Research Committee will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on at the web address under 'Location' on the day of the meeting.

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Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

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1. Call to Order, Roll Call, and Establishment of Quorum (John Harabedian, Chair)
2. Chair's Remarks (Harabedian, Chair)
 - Welcoming message and meeting information
3. Public Comment on Items Not on the Agenda (Harabedian)
4. Review of the Accreditation Commission for Acupuncture and Oriental Medicine's Clinical Education Distance Education Waiver (Jay Herdt, Licensing Manager)
5. Discussion and possible recommendation to the Board on Developing Language for a Waiver of In-Person Supervision of Clinical Education Requirements for California Acupuncture Education Requirements during the COVID-19 Pandemic (Herdt)
6. Adjournment (Harabedian, Chair)

Informational Notes:

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

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

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

Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact the Board at (916) 515-5200; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.



Education and Research Committee

Meeting Materials

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www.acupuncture.ca.gov



DATE	August 27, 2020
TO	Board Members, Acupuncture Board
FROM	Jay Herdt, Licensing Manager
SUBJECT	Clinical Training of Acupuncture Interns under COVID-19 protocols

The COVID-19 pandemic has severely impacted acupuncture educational and training programs' (training programs) ability to provide face-to-face, physically present clinical training to their students. The Acupuncture Licensure Act and associated regulations require physically present supervision of clinical students for a majority of clinical training. Alternative delivery methods of acupuncture clinical training, such as telehealth or distance learning models, are not afforded in the language of the Acupuncture Licensure Act or associated regulations.

California Code of Regulations Section (CCR§) 1399.434 (h) states the total clinical practice curriculum shall consist of 950 hours. The subsection then specifies four stages of supervision the training programs must provide their acupuncture clinical students:

- 150 hours of supervised clinical practice observation.
- During the initial 275 hours of clinical practice, the clinic supervisor is required to be physically present at all times during the diagnosis and treatment of the patient.
- Then for a second period of 275 hours of training, the clinic supervisor shall be physically present at the needling of the patient.
- For the remaining time spent in clinical practice training, 250 hours, the clinic supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction.

With the evolving and varying regional public health advisories, and when direct physical contact is to be minimized whenever possible, these regulations create a difficult challenge for training programs to offer continued clinical training opportunities to students during the pandemic.

Acupuncture laws require approved training programs in California, to have, or be in the formal process of obtaining, accreditation status with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), the sole accreditor of acupuncture training programs in the United States. Accreditation also allows training programs the ability to convey degree titles and to offer students Title 4 Financial Aid. Financial Aid funding is critical to the continued operations of both the training institutions and student's ability to attend and complete their education and training. For programs operating in

ERC Clinical Training Memo

California, the minimum required ACAOM degree program includes both, Acupuncture and Chinese Herbal Medicine Training.

In response to the COVID-19 pandemic, ACAOM created a temporary Emergency Clinical Distance Education Waiver (CDE waiver), which allows programs a process to offer hours of clinical training as distance learning or conducting appropriately supervised telehealth sessions with school clinic patients. As shelter in place directives increased and were extended, schools were better able to plan what would be safely possible to provide clinical training. The CDE waiver allowed for a further reduction in the required amount of in-person clinical education. The CDE waiver is available to accredited training approval of an application for a CDE waiver.

The live-in person hours of clinical education under the current version of the ACAOM waiver are as follows:

- At least 75 hours of ACAOM's total 150-hour clinical observation requirement.
 - This allows programs to offer up to 75 hours of Distance Clinical Practice Observation.
- At least 450 hours of ACAOM's total 700-hour clinical internship requirement.
 - This allows for up to 250 hours of distance clinical practice.

There are different hourly supervision requirements between California clinical curriculum requirements and those of ACAOM to consider. The chart below presents a comparison of the supervisory criteria of each agency:

Clinical Supervision Requirements Criteria	ACAOM	Board
Observation	150	150
Live In-Person Supervision at All Times During Patient Treatment	0	275
Live In-Person Supervision when Needling	0	275
Supervisor Required to be Readily Available	700	250
Total Hours of Clinical Supervision	700	950

For the California Acupuncture Board (Board) to allow for any inclusion of distance education, the Board would need to have a vehicle to allow the ability to waive the physically present regulatory requirements. Governor Newsom's [Executive Order N-39-20](#), makes it possible for the Department of Consumer Affairs' regulatory boards to request temporary waivers of both laws and regulations.

To date, Board staff has created a draft waiver, seeking an exemption of regulations that would allow the Board to align with the waiver ACAOM is providing to allow students to complete the required hours and Board approved curriculum. The only change the ACAOM Emergency Clinical Distance Education Waiver would enable is the allowance for the limited number of hours

ERC Clinical Training Memo

of clinical distance learning as stated above. The acceptance of the ACAOM waiver criteria would not change the content or the total required hours of training contained in existing Board approved curriculums. One of the challenges is that the ACAOM waiver requests have evolved as the extent and scope of the impact of the pandemic has changed; initial proposals were met by requests from acupuncture training programs to both the Board and ACAOM to allow for the inclusion of more distance education hours.

Due to the significant change in the required live supervision curriculum hours and unprecedented circumstances of the COVID-19 pandemic, Board staff felt this issue should be brought to the Board's Education and Research Committee with the request that the Committee make recommendations to the Board on further action.



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Business and Professions code Section 4927.5.(a)(1)

(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 all of the following requirements:

- (1) Offers curriculum that includes at least 3,000 hours of which at least 2,050

board approval of the curriculum. Any school or college offering education and training in the practice of acupuncture that was approved by the board prior to January 1, 2017, has not had its approval revoked, and has not changed its curriculum since receiving board approval, is deemed to have had its curriculum approved by the board for the purposes of this section.

1399.434. Criteria for Approval of Acupuncture and Oriental Medicine Curriculum (effective 5/24/2017)

To be approved by the Board, an acupuncture and Oriental medicine educational and training curriculum shall consist of at least 2,050 hours of didactic and laboratory training and at least 950 hours of supervised clinical instruction. The curriculum shall include the following coursework that contains the following criteria :..

- (h) Clinical Practice 950 hours

The curriculum in clinical practice shall consist of at least 950 hours in clinical instruction, 75% of which shall be in a clinic owned and operated by the school, which includes direct patient contact where appropriate in the following:

- (1) Practice Observation (minimum 150 hours)--supervised observation of the clinical practice of acupuncture and Oriental medicine with case presentations and discussion;

- (2) Diagnosis and evaluation (minimum 275 hours)--the application of Eastern and Western diagnostic procedures in evaluating patients;

- (3) Supervised practice (minimum 275 hours)--the clinical treatment of patients with acupuncture and oriental medicine treatment modalities listed in the Business and Professions Code Section 4927(d) and 4937(b).

- (4) During the initial 275 hours of diagnosis, evaluation and clinical practice, the clinic supervisor shall be physically present at all times during the diagnosis and treatment of the patient. Thereafter, for a second period of 275 hours the clinic supervisor shall be physically present at the needling of the patient. The clinic supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction. The student shall also consult with the clinic supervisor before and after each treatment.



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COMMISSION UPDATES REGARDING COVID-19

ACAOM UPDATE REGARDING COVID-19 AND CLINICAL TRAINING (2 April 2020)

The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM or Commission) continues to closely monitor evolving guidance issued by federal, state and authorities around the COVID-19 threat, and how this official guidance impacts ACAOM accredited institutions and programs. Despite COVID-19's challenges, institutions and programs are expected to operate within this official guidance and maintain compliance with ACAOM accreditation standards, criteria, policies and procedures (regulatory guidance).

ACAOM has a longstanding commitment to meeting evolving educational needs through innovation and flexibility consistent with its obligations under 34 CFR §602 and established regulatory guidance. For example, on 17 March 2020 ACAOM quickly implemented *emergency waiver protocol* for institutions and programs to deliver didactic coursework via distance education for currently enrolled students in response to the unprecedented COVID-19 threat.¹ To date, 50 of 51 total institutions with ACAOM-accredited or pre-accredited programs have applied for and received emergency waiver approvals to deliver didactic coursework via distance education.² It should also be noted that because of evolving official guidance and expanded quarantine directives, on 30 March 2020, ACAOM extended all emergency waiver approvals to deliver didactic coursework until 1 June 2020.

In contrast, COVID-19 presents significant challenges for delivering face-to-face clinical training - not the least of which is addressing evolving and expanding threats to patient, student, faculty and staff health and safety. While programs and institutions could reschedule or suspend clinical training and modify curriculum sequences accordingly, these options often lead to delayed degree completion, delayed professional employment, increased student and program/institution expenses, cash flow and financial exigencies, incomplete grade management, federal financial aid issues (leave of absence, satisfactory academic progress, loan repayment, etc.), SEVIS/Homeland Security VISA issues, challenges to student persistence and faculty retention, and other undesirable outcomes.

Alternatively, programs and institutions could consider adapting their existing clinical training by incorporating innovations like:

1. Grand round case reviews
2. Tele/videoconferencing student-delivered patient care under faculty and institutional/programmatic control and direction
3. Clinical simulations

Regardless, clinical training alternatives must satisfactorily address: patient, student and faculty health and safety;³ achievement of expected clinical education outcomes and program objectives; meet credit/clock hour

¹ Please refer to the ACAOM.org homepage and "ACAOM NEWS" items for the Commission's **Update on COVID-19 [novel coronavirus] 17 Mar 2020** and other specific information and processes related to didactic distance education coursework delivery

² Almost all emergency waiver applications were processed by ACAOM and authorization granted within 24 hours of receipt.

³ Students in clinical setting are expected to follow institutional guidelines for care of patients with communicable diseases of all kinds. Students, faculty and staff are encouraged to receive required and refresher training on proactive health safety measures like hygiene practices and appropriate use of personal protective equipment – especially as it pertains to communicable disease and current COVID-19 epidemiology.

requirements, proper maintenance of clinical records; compliance with federal, state and local laws and regulations; professional licensure requirements, etc.

To help programs/institutions navigate clinical training challenges caused by COVID-19, on 25 March 2020 ACAOM implemented an emergency waiver request protocol for seeking permission to deliver a portion of their clinical training via distance education.⁴ In general, programs/institutions must:

1. Secure an ACAOM emergency waiver to deliver didactic coursework via distance education,⁵ and
2. Submit a completed [Emergency Distance Education in Clinical Training Waiver Request Form](#)⁶

As of 31 March 2020, ACAOM had received and processed ten (10) applications from programs/institutions seeking authority to deliver a portion of clinical training via distance education and associated approvals will be forthcoming.

The Commission convened a special meeting on 1 April 2020 to review current COVID-19 challenges; consider input received from the Council of Colleges of Acupuncture and Oriental Medicine; and discuss options for clinical training via distance education. Following deliberation, the Commission amended its *Emergency Distance Education in Clinical Training Waiver Request* form by increasing clinical observation limitations from 15 hours to 50 hours for entry-level programs in acupuncture and for entry-level programs in acupuncture with a specialization in Chinese herbal medicine. The total limitations, per student for the duration of their total program of study, are now as follows:

Entry-level programs in acupuncture (<i>M.Ac, Dipl.Ac, PD acu. only</i>)	<ul style="list-style-type: none"> • 50 hours of clinical observation • 50 hours of clinical internship • 25 treatments of student-delivered patient care
Entry-level programs in acupuncture with a specialization in Chinese herbal medicine (<i>MOM, Dipl.OM, PD w CHM</i>)	<ul style="list-style-type: none"> • 50 hours of clinical observation • 70 hours of clinical internship • 35 treatments of student-delivered patient care
Certificate programs in Chinese herbal medicine	<ul style="list-style-type: none"> • 21 hours of clinical internship
Advanced practice doctoral programs (<i>DAOM</i>)	<ul style="list-style-type: none"> • 20 hours of clinical internship

EMERGENCY WAIVER REQUESTS: DISTANCE EDUCATION IN CLINICAL TRAINING (25 March 2020)

The COVID-19 pandemic has created an unprecedented challenge for every sector of activity in the United States, including higher education. The last three weeks have been a flurry of activity for us all. It has only been 23 days since the Commission received initial inquiries from ACAOM-accredited programs and institutions regarding COVID-

⁴ Please refer to the ACAOM.org homepage and “ACAOM NEWS” items for ***Emergency Waiver Requests: Distance Education in Clinical Training (25 March 2020)*** and other specific information and processes related to clinical distance education coursework delivery.

⁵ As previously noted, only one (1) institution with ACAOM-accredited programs out of 51 has not sought nor obtained an emergency waiver to deliver didactic coursework via distance education.

⁶ No fee is required.

19; 19 days since the Commission issued its first guidance; and 15 days since the first emergency waiver relating to distance education was approved.

For the last few days, the Commission has been evaluating and re-evaluating a number of issues, now that it is clear that interruptions to on-campus and in-person educational activities are likely to continue for a considerable period of time. In particular, clinical education options under current conditions require clarification. Many programs and institutions have communicated with Commission staff regarding the challenges they now face. CCAOM has also been helpful in organizing programs and institutions to provide more specific input and raise questions.

In addition to the important considerations of programs, the Commission must also take into account local, state and Federal laws that may pertain; and rulings and guidance from the US Department of Education, various state higher education offices, state licensing boards, and others. It is easy to move faster than many of these agencies, and the Commission must not put accredited programs and institutions, students, patients or itself at later risk by exceeding the limitations of evolving external guidance.

Accordingly, the Commission will begin accepting additional waiver requests for emergency distance education relating to clinical education. This is to provide temporary and limited distance education alternatives for some clinical interactions, specifically for the “hands-on” practical portion of clinic-based courses within degree programs.

A specific [Emergency Distance Education in Clinical Training Waiver Request Form \[Word format only\]](#) must be fully completed and submitted for Commission consideration. Before these requests will be considered by ACAOM, a program or institution must have received ACAOM’s prior approval of an Emergency Distance Education Waiver Request [see previous post]. As with the previous emergency waiver requests, no fee will be imposed.

Waivers will terminate upon the date indicated in the corresponding action letter, or at the conclusion of the declared public health emergency – whichever of those is sooner. The Commission will entertain subsequent waivers or extend existing waivers, if conditions warrant such.

Waivers may only be granted if the institution/program demonstrates that educational quality will be promoted, that the institution/program will remain in compliance with Commission standards, and that the interests of students and the public will be protected by the proposed waiver. The decision whether to grant a waiver is made solely by the Commission and denials of waivers may not be appealed. The Commission may also impose such conditions, as it deems appropriate, on the scope or duration of any waiver that it may grant.

ACAOM UPDATE ON COVID-19 [NOVEL CORONAVIRUS] (17 March 2020)

ACAOM continues to closely monitor the rapidly evolving circumstances surrounding the COVID-19 novel coronavirus and its impact on ACAOM accredited institutions and programs. As of 15:00 CT on 17 March 2020, the Commission has received and processed emergency waiver requests from 35 institutions, representing 39 campuses/locations.

The health and safety of students, program and institution faculty and staff, and peer reviewers are of great importance to us. We hope that:

- institutions are enacting action plans to keep their students, faculty and staff safe;
- programs are creating plans for alternate methods for program delivery; and
- clinical sites are taking appropriate steps to keep their staff and clients safe.

Federal, state and international advisories

Please monitor federal, state and local government websites for up-to-date information, guidance and instructions, including any protocols concerning students on campus and returning from study or visits abroad. There are many useful resources available, including:

U.S. Centers for Disease Control and Prevention

- <https://www.cdc.gov/Coronavirus/2019-ncov/index.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-ihe-response.html>

U.S. Department of Education

- <https://www.ed.gov/coronavirus>
- <https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19>

World Health Organization

- <https://www.who.int/health-topics/coronavirus>

Distance Education [DE]

ACAOM anticipates that many of its accredited programs and institutions will be considering options related to distance education as part of their planning.

The Commission strongly encourages you to review the [ACAOM Distance Education Policy](#).

In the event that you have not previously submitted a Change Notification 1.15 DE application to ACAOM, you may wish to review the form as soon as possible, as a part of your COVID-19 planning. Requirements outlined in the application's narrative may assist you in evaluating your readiness and capability to implement distance education options.

As of 11 March 2020, ACAOM has adopted this simplified procedure for accredited programs and institutions that wish to use distance education delivery as part of their plan for COVID-19 related campus emergencies or closures:

- **If a local state of emergency or similar condition is declared which will affect your campus, submit an Emergency Waiver Request that outlines the temporary change to your previously approved program(s). The Commission will not assess a waiver fee if such request is supported by a declared local state of emergency.**
- **Emergency waiver approvals are for a limited and fixed duration, generally based on the last date of your current academic term. If circumstances require a longer waiver, the Commission will accept additional requests.**
- **You may complete and submit the Request using either a [PDF form](#) or a [Word Document](#).**

Plan Ahead and Stay In Contact

ACAOM recognizes that accredited programs must follow institutional directives and make decisions that are best for their institution when providing accommodations to students in extenuating circumstances. As these accommodations are made, be mindful of potential consequences for students in terms of degree completion, financial aid, accreditation, licensure and/or certification, and future employment.

Please communicate directly with ACAOM (by email to info@acaom.org) to voice any concerns you may have or to share with us contingencies that are being put in place at your institution. This will allow us to monitor any

potential impact to ACAOM accredited programs and/or challenges to the program's ability to be in compliance with the ACAOM standards.

ACAOM will continue to update our accredited institutions/programs as circumstances warrant.



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The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM or Commission) met on 15 May 2020 to review its COVID-19-related actions to date, consult guidance from various Federal and state regulatory bodies, consider ongoing feedback from ACAOM-accredited programs and institutions, and deliberate on additional modifications to requirements for instruction under emergency waivers.

The Commission took the following actions, which replace and supersede previous Commission actions regarding instruction under COVID-19 pandemic emergency waivers relating to clinical training hour requirements (see criterion 7.02) and requirements for student-delivered patient care (see criterion 7.05), as well as previous maximum duration of emergency waivers:

1. EMERGENCY WAIVER LIMITATIONS, BY PROGRAM, FOR CLINICAL TRAINING

Please note that the requirements are now stated in terms of the requirements that must be completed live and in-person, instead of maximum requirements that can be conducted via distance education:

Programs	Requirements that <u>must</u> be completed LIVE and IN-PERSON
Entry-level programs in acupuncture: <i>M.Ac, Dipl.Ac, DAc</i>	<ul style="list-style-type: none"> • at least 75 hours of ACAOM’s total 150-hour clinical observation requirement. • at least 320 hours of ACAOM’s total 500-hour clinical internship requirement. • at least 160 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients’ responses to treatment.
Entry level programs in acupuncture with a Chinese herbal medicine specialization: <i>MOM, Dipl.OM, DAc with CHM</i>	<ul style="list-style-type: none"> • at least 75 hours of ACAOM’s total 150-hour clinical observation requirement. • at least 450 hours of ACAOM’s total 700-hour clinical internship requirement. • at least 225 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture and/or Oriental medicine treatments, and follow-up on patients’ responses to treatment.
Certificate programs in Chinese herbal medicine	<ul style="list-style-type: none"> • at least 130 hours of ACAOM’s total 200-hour clinical internship requirement. • at least 65 treatments of student-delivered patient care where students conduct patient interviews, perform diagnosis and treatment planning, administer appropriate herbal medicine treatments, and follow-up on patients’ responses to treatment.
Advanced practice doctoral programs: <i>DAOM</i>	<ul style="list-style-type: none"> • at least 130 hours of ACAOM’s clinical internship requirement.

2. INTERN/PATIENT RATIO CLARIFICATION

ACAOM accreditation standards do not prescribe an intern/patient ratio for patient contacts. However, programs must document and be able to justify any supervisor/intern/patient ratios adopted and produce evaluation evidence demonstrating effectiveness of the adopted ratios.

3. DURATION OF EMERGENCY WAIVERS

Effective immediately, all currently issued emergency distance education waivers supporting both didactic and clinical training will be extended until **31 December 2020**. The Commission encourages accredited programs and institutions to resume in-person educational activities when conditions allow for a safe return, subject to regulations, declarations, executive orders or other guidance from Federal, state and local officials.

ACAOM recognizes that accredited programs must follow institutional directives and make decisions that are best for their institution when operating in extenuating circumstances. As continued accommodations to students are made, please be mindful of potential consequences for students in terms of degree completion, financial aid, accreditation, licensure and/or certification, and future employment.

4. REPORTING ON ACTIVITIES CONDUCTED UNDER EMERGENCY WAIVER

All schools participating in the emergency waiver process for either didactic or clinical training will be required to submit a supplemental information report by **1 October 2020**. The focus of this report will be an accounting of activities conducted under emergency waiver, with specific elements to be communicated to programs and institutions by *15 June 2020*.

The Commission will also seek additional reporting following the conclusion of instruction conducted under emergency waiver, to include documentation demonstrating that students were successful in achieving all required competencies; the timing and specific elements of this additional reporting are to be determined.

These reports will be analyzed to improve future emergency planning processes and to determine if changes may be warranted to ACAOM's accreditation standards, policies or procedures.



Acupuncture Board
Full Board Meeting Agenda

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ACUPUNCTURE BOARD MEETING AGENDA

Thursday, August 27, 2020

10:30 a.m.

(or upon completion of the Education and Research Committee meeting)

to

5:00 p.m.

(or until the close of business)

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

LOCATION:

Web Ex Teleconference

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ef4061642654db363390216c39d8bceec>

Important Notices to the Public

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Members of the Board

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

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

The Board may not discuss or take action on any matter raised during the Public

Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7(a).)

- 4. Review and Possible Approval of the June 26, 2020 Board Meeting Minutes (Dr. Matecki)**
- 5. Report from Chair Harabedian of the August 27, 2020 Education and Research Committee Meeting (Harabedian, Education and Research Committee Chair)**
- 6. Discussion and possible action on August 27, 2020 Education and Research Committee Meeting Recommendations**
- 7. Executive Officer's Report (Ben Bodea, Executive Officer)**
 - (A) Budget Update - Fund Condition**
 - (B) Staff Update Regarding Vacancies**
 - (C) Business Modernization Update**
- 8. Enforcement Report - Q4, FY 19-20 (Bodea)**
- 9. Licensing Report – Q4, FY 19-20 (Jay Herdt, Licensing Manager)**
- 10. Legislative Report (Kristine Brothers, Policy Coordinator)**
 - (A) Report of 2020 Legislative Calendar**
 - (B) Report of 2020 Legislative Bills of Interest to the Board**
 - i) AB 613 (Low) Professions and vocations: regulatory fees**
 - ii) AB 778 (Low) Acupuncture: Continuing education**
 - iii) AB 888 (Low) Opioid prescriptions: Information: Nonpharmacological treatment for pain**
 - iv) AB 1263 (Low) Contracts: Consumer services: Consumer complaints**
 - v) AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**
 - vi) AB 1665 (Bonta) Athletic trainers**
 - vii) AB 1850 (Gonzalez) Worker classification: employees and independent contractors**
 - viii) AB 1909 (Gonzalez) Healing arts licensees: Virginity examinations or tests**
 - ix) AB 2028 (Aguiar-Curry) State agencies: Meetings**
 - x) AB 2113 (Low) Refugees, asylees, and immigrants: Professional licensing**
 - xi) AB 2185 (Patterson) Professions and vocations: Applicants licensed in other states: reciprocity**
 - xii) AB 2214 (Carrillo) Administrative Procedure Act: notice of proposed action**

- xiii) **AB 2411 (Nazarian) Healing arts licensees: Remuneration: Drug or device companies: disclosure**
- xiv) **AB 2631 (Cunningham) License fees: Military partners and spouses**
- xv) **AB 2704 (Ting) Healing arts: Licensees: Data collection**
- xvi) **AB 2978 (Ting) Department of Justice: arrest and conviction records: review**
- xvii) **AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: military spouses: Licenses**
- xviii) **AB 3298 (Brough) Frauds of medical credentials: penalty**
- xix) **SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: wait times**
- xx) **SB 937 (Hill) State agencies: Web accessibility**
- xxi) **SB 1097 (Durazo) Medical services: Credit or loan**
- xxii) **SB 1432 (Glazer) Clinical laboratories**
- xxiii) **AB 3330 (Calderon) Department of Consumer Affairs: boards: licensees: regulatory fees.**

11. **Review and possible update of the Board Administrative Manual (Bodea)**
12. **Consumer and Professional Associations Reports**
13. **Discussion on the Request to Create COVID-19 Herbal Research Taskforce (Bodea)**
14. **Future Agenda Items (Dr. Matecki)**
15. **Adjournment (Dr. Matecki)**

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<https://thedcapage.wordpress.com/webcasts/>.

Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please follow the log-in instruction listed above. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

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

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Item 4

Acupuncture Board

Draft June 26, 2020 Meeting Minutes

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Members of the Board

Dr. Amy Matecki,
M.D., L.Ac., President
Kitman Chan,
C.P.A., Vice President
John Harabedian, Esq.
Ruben Osorio
Dr. Yong Ping Chen,
Ph.D., L.Ac.
Hyun “Francisco” Kim,
M.S., L.Ac.
Shu Dong Li, Ph.D.

BOARD MEETING DRAFT Meeting Minutes June 26, 2020

LOCATION:

Web Ex Teleconference

Board Members Present

Dr. Amy Matecki, M.D., L.Ac, President, Licensed Member
Kitman Chan, C.P.A., Vice President, Public Member
John Harabedian, Esq., Public Member
Dr. Yong Ping Chen, Ph.D., L.Ac., Licensed Member
Hyun “Francisco” Kim, M.S., L.Ac., Licensed Member
Shu Dong Li, Ph.D., Public Member
Ruben Osorio, Public Member

Staff Present

Benjamin Bodea, Executive Officer
Fred Chan-You, Legal Counsel
Jay Herdt, Licensing Manager
Kristine Brothers, Policy Coordinator
Alex Dodge, Policy, Legislative, and Regulatory Affairs Analyst

Guest List on File

Full Board Meeting – Friday, June 26, 2020

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

Board President, Dr. Amy Matecki (President Matecki), called the meeting to order at 9:44 a.m.

Policy Coordinator, Kristine Brothers (Brothers), called the roll.

Members Present:

June 26, 2020 Acupuncture Board Meeting
Draft Meeting Minutes



7 Present – Matecki, Chan, Harabedian, Chen, Kim, Li, and Osorio.

7-0 Quorum Established

2. President's Remarks (Dr. Amy Matecki, President)

President Matecki addressed the challenges that have come out of the current coronavirus pandemic. She thanked Governor, Gavin Newsom and Department of Consumer Affairs' Director Kimberly Kirchmeyer for their leadership and continued care for all those affected by such an unprecedented crisis. President Matecki went on to thank Executive Officer, Ben Bodea, and staff for their diligence and flexibility in maintaining board operations in light of the changing work environment over the past three months. She recognized the hardship those entering the acupuncture profession are facing during the pandemic.

President Matecki also expressed her gratitude to former public Board member, Bradley Cimino, and former Board Legal Counsel, Salwa Bojack, for their service to the Board. New licensed member, Dr. Yong Ping Chen, L.Ac. and new Board Legal Counsel, Fred Chan-You were welcomed and introduced.

3. Public Comment on Items Not on the Agenda (Dr. Amy Matecki, President)

The following comments were made:

- First commenter spoke on behalf of the California Acupuncture and Traditional Medicine Association, CalATMA, requesting that an emergency task force be formed by the Board to review emerging clinical studies and evidence on the efficacy and safety of traditional Chinese medicinal herbs in the treatment of COVID-19. The commenter requested that the task force be formed as soon as possible so the recommendations from their findings be provided by September 15, 2020.
- Second commenter discussed how the known risk factors for severe COVID-19, which are chronic lung disease, diabetes and metabolic syndromes, and heart disease, can be greatly benefited through traditional Chinese medicine care. The commenter urged the Board to consider and adopt the proposal for establishing a COVID-19 task force



- Third commenter explained how the California State Oriental Medical Association, CSOMA, wants to ensure that licensed acupuncturists fall into the category of essential workers in any newly created definition, and its relevancy during the pandemic. The commenter requested how the Board plays a role in these discussions.

The second item discussed was CSOMA's stance on AB 1665, the Athletic Trainer Bill, namely their concerns for public safety regarding the fact that there was an omission of the practice of acupuncture included in the bill under Section 2697.14. A request was made that the Board also take an objection to the omission. The commenter also brought up AB 1850, Worker classification: independent contractor versus employee, inquiring about the Board's position on the bill.

Lastly, the commenter expressed CSOMA's support of California adopting the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) exam as the state license standard and wanted to see a future agenda item where the Board discusses its position on the matter.

- Fourth commenter requested that an emergency task force be set up to study the use of traditional Chinese medicine and a particular herbal medicine in the fight against the COVID-19 virus. The commenter emphasized that such a task force is designed to protect the public which is in line with the purpose of the Board. The commenter elaborated that the relationship between the Board and the task force is limited to the task force providing critical information to a public body during a pandemic. The commenter's final request was that the formation of a task force be placed on the agenda for a stakeholder meeting within thirty days.
- Fifth commenter discussed the initiative behind the task force and requested the Board move forward with the task force as it can highlight the studies that show the efficacy of TCM and herbal medicine in treating COVID-19 all over the world.
- Sixth commenter wants to see the Board discuss its position on the new title for the acupuncture profession recently set by the Accreditation Commission for Acupuncture and Oriental Medicine (ACCAOM). The other comment made was on the recent budgetary reviews done by the government which may take out acupuncture from Medi-Cal. The



commenter wanted to express concern over this possibility since a lot of Medi-Cal patients use acupuncture for treatment of pain in lieu of opiates.

- Seventh commenter raised concern over the new title established by ACAOM. The commenter also showed support for research and studying herbs regarding the task force but wanted to emphasize that studying the efficacy of herbs does not fall under the Board's purview. This point was used to highlight that most acupuncturists are not aware of what the Board does and the commenter requested that the Board communicate directly with all acupuncturists on a quarterly basis rather than going through the professional associations.
- Eighth commenter supports the proposal for a task force brought to the Board and would like to see work being done for the public to be aware of the potential that Chinese herbal medicine may play in the continued exploration and fight against COVID-19.

4. Preview and Possible Approval of the August 15-16, 2019 Board Meeting Minutes (Dr. Amy Matecki, President)

MOTION:

Member Harabedian motioned to approve the August 15-16, 2019 minutes.

Member Osorio seconded the motion.

Vote: Matecki - Yes; Chan - Yes; Chen – Yes; Harabedian – Yes; Kim - Yes; Li – Yes; Osorio – Yes.

7-0 motion passes

Public Comment

A commenter urged the Board to review the minutes to see all of the ideas raised to place on future agendas.

5. Executive Officer's Report (Ben Bodea, Executive Officer)

(A) COVID-19 Update

Executive Officer Ben Bodea (EO Bodea) echoed President Matecki's sentiments regarding the Governor's office, the Governor, the Department, the Director,



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and staff who have all been monumental in carrying the Board through the pandemic. It was emphasized that Board business continues to be conducted during these trying times.

EO Bodea explained that PSI testing sites were closed from March through May, and recently reopened on May 15th to allow testing for acupuncture applicants. The Governor issued an executive order allowing licensees to submit continuing education within six months of their expiration date. The order ends June 30th but he indicated that the Governor may renew the executive order.

EO Bodea pointed to other jurisdictions such as the Governor, the Center for Disease Control, Department of Public Health, and local Departments of Health, who have authority over establishing who can or cannot practice, if acupuncturists are allowed to reopen, and how they are to reopen in their region. It was encouraged that those acupuncturists who want to continue practicing, contact these various agencies to be sure they comply with the guidelines or restrictions in place.

EO Bodea explained that the pandemic has also created some challenges for educational and training programs specific to the clinic supervision requirements. It was explained that ACAOM created an exemption for schools, which has been modified, so the Board is working with Legal counsel to provide guidance on the matter. He said the issue needs to be scheduled with the Education Committee and then taken to the Board for consideration.

(B) Budget Update – Fund Condition

EO Bodea provided an analysis of the Board's fund condition which showed the Board to be structurally imbalanced, but also shows a reserve which was built up over the last 30 years. The Board has not increased its fees in over 30 years all the while the cost of business has increased especially in the last decade with an increase in licensees. A trend analysis was conducted showing an increase mainly between 2014 and 2017 and has now started to slow. EO Bodea reacquainted Board members with the fee study conducted last year and its report which resulted in seeking fee increases through legislation. EO Bodea stated the new fees are incorporated in the trailer bill and staff is hopeful it will pass and become effective on January 1, 2021.

(C) Staff Update Regarding Vacancies

EO Bodea announced the departure of the Board's Central Services Manager,



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Matt Nishimine; explained the need to be offsite for a period of time in late 2019 to address the procurement of a new licensing and enforcement IT system; and, how the pandemic has slowed the hiring process to fill the vacancies. However, the process should resume after this Board meeting.

It was announced that the Board's cashier and seasonal clerk were leaving for promotional opportunities. There is also a vacancy for the Board's Enforcement Analyst and hiring for that position will be a priority for the new Central Services Manager. EO Bodea also announced that the Policy Coordinator has returned from family leave.

(D) Board Member Services Update

Previously, in August it was announced that tailored training sessions of Board functions would be set up for Board members, however, setting that up was put on hold due to the exit of the Central Services Manager and COVID. EO Bodea explained that staff's attention would turn back to providing this training when resources are freed up again.

(E) Business Modernization Update

EO Bodea provided a report on the status of the Business Modernization project explaining that much of his time was spent out of the office from October 2019 through January 2020 working at the Department of Technology along with three other DCA programs and DCA IT staff conducting assessments of the final offers. Demonstrations of the possible systems were provided in November, to which they went into negotiations with the vendors, and then a contract was finalized in January. Project implementation started soon after and the project was handed off to the Acting Assistant Executive Officer and Licensing Manager, Jay Herdt. EO Bodea explained that he delegated the authority of the Assistant Executive Officer in October to Herdt to oversee staff during the time he was away dedicated to the business modernization project.

Herdt provided a summary of the project explaining that the Board is in the development of the minimal viable product (MVP) phase of the implementation. Herdt explained that MVP, or the first services to be offered, will provide for applicants to apply for the exam or for licensees to complete their license renewals online and pay for these applications with debit and credit cards. MVP will also allow an online renewal process for those licensees going from active to active and inactive to inactive. The launch date may be in the



fall of 2020 with an exact date to be announced soon.

(F) AB 434 Web Accessibility Requirements of State Agencies

EO Bodea provided an explanation of AB 434 which requires state programs to have all of the documents they have posted on their website accessible and compliant with the American with Disabilities Act (ADA). The law also requires that all historical documents posted to the web retroactively be made compliant as well. EO Bodea explained the project to digitize all of the Board's currently posted documents on its website will cost roughly between \$20,000 and \$30,000 dollars. It was further stated that staff is receiving training now on how to create web accessible documents. He wanted to bring attention to members when additional fees affect the Board, specifically how it impacts the need to increase the Board's fees. He also explained that if the fees are increased by the fee bill passing, then the fee range starting at the floor level will go into effect. The Board would be able to establish higher fees, if necessary and below the fee cap, in regulation once the statute has passed.

Public Comment

A commenter requested clarification on whether the discussion of the clinical portion of an educational and training program would be held at a public Education Committee. The number of the trailer bill was also requested.

6. Enforcement Report (Ben Bodea, Executive Officer)

(A) Q1, FY 19-20 Enforcement Report

(B) Q2, FY 19-20 Enforcement Report

(C) Q3, FY 19-20 Enforcement Report

EO Bodea presented the enforcement data and statistics from quarters one (Q1), two (Q2), and three (Q3) of fiscal year 19-20. Vice President (VP) Chan questioned why the continuing education (CE) provider violation complaints were higher during Q3 when compared to Q1 and Q2. EO Bodea explained that as a result of the Board's CE audit on licensees, a number of provider violations are being discovered, such as non-compliance with the CE certificates that are issued. There were 26 citations issued to CE providers during Q3 which allows the Board to work with the providers to correct these non-compliances.



VP Chan also asked why the amount of fraud complaints were so high during Q2 when compared to Q1 and Q3. VP Chan specifically wanted to know if the rise in fraud is a new complaint trend that should be addressed by CE. EO Bodea explained there was not an event that triggered the rise in fraud cases during this time that he is aware of, it's just how the complaints were received during the quarter. He also offered that it may be capturing the result of a criminal conviction for insurance fraud, which can take a long time to make it through the criminal justice system.

EO Bodea also provided that the Board is focusing its regulatory efforts on AB 2138 and is still finetuning the mandatory CE ethics requirement that was approved last year by the Board in response to VP Chan's concern about the rise in fraud possibly requiring CE to address. EO Bodea also stated the regulations related to A 2138 also incorporate fraud as an actionable criminal conviction. VP Chan asked staff to watch for a possible trend in the increase of fraud cases since Q2's fraud cases were so high. EO Bodea assured the Board that staff will keep their eyes on a possible trend, but also pointed to Q3 already showing a decrease in fraud cases.

President Matecki asked about a possible discrepancy she observed between the complaints received as reported in the Q1 performance measures and the total complaints received reported in the Enforcement Report. EO Bodea stated he would review those discrepancies with enforcement staff and report back to the Board. President Matecki also congratulated staff for meeting performance measure targets. She also echoed VP Chan's concerns regarding the increase in fraud cases.

Public Comment

A commenter voiced concerns over certain CE providers offering cheap and low-quality courses which attract a lot of licensees due to the low prices. It was explained that licensees do not give much concern for the topic because they just want the units for license renewal, so the quality of the teaching is poor. The commenter suggested that this issue be investigated by asking for the attendance sheets and doing a lottery style of staff sitting in on the course to better regulate the problem. The commenter also suggested that licensees be required to complete two hours of medical ethics as part of their 50 hours for renewal.

7. 2019 Acupuncture Board Annual Report (Ben Bodea, Executive Officer)



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- (A) FY 18/19 Staffing Updates
- (B) FY 18/19 Accomplishments
- (C) FY 18/19 Licensing Statistics
- (D) FY 18/19 Enforcement Statistics

EO Bodea presented the DCA's 2019 Annual Report which has reports for all DCA programs. It is released by the end of the calendar year, every year. EO Bodea showed the Board's information, including its accomplishments and program licensing and enforcement data.

8. Licensing Report (Jay Herdt, Licensing Manager)

- (A) Q1, FY 19-20 Licensing Report
- (B) Q2, FY 19-20 Licensing Report
- (C) Q3, FY 19-20 Licensing Report

Herdt started with the Licensing Unit report and a quick update on the Business Modernization project. He indicated the official go live date for acupuncture license renewal and initial exam and licensing applications will be August 26, 2020. Herdt also explained that staff is working on digitizing all licensing records so it will free up space in the office and provide for searchable records.

Herdt then moved into presenting the Licensing Reports for Q1, Q2, and Q3. The reports showed the total licenses for each quarter broken down by license status, including license applications approved and denied, and license renewals. Herdt also presented data on continuing education providers and course applications. He explained that after the onset of the COVID-19 pandemic all live CE courses were cancelled and had to be moved to webinars. This sudden need has been addressed by staff at the CE desk to move a number of live courses to live webinars. Herdt further pointed out that a lot of licensees have not been able to practice during the pandemic and so CE courses are cancelling because licensees cannot afford CE.

As a result of the Governor's executive order, which allowed the Director of DCA to waive statutory and regulatory requirements as needed, there was a department-wide CE waiver that allowed licensees renewing between March 31st to June 30th the ability to defer their continuing education compliance for



six months. This change has affected CE providers.

The examination report showed the totals for initial exam applications received and initial exam applications approved and closed. Herdt also reported on the total first-time test takers, re-test test takers, and the total exam test takers for all three quarters. Herdt noted the Board is seeing a decrease in re-test exam takers and indicated that most test-takers are first-time test takers.

Herdt also provided the California Acupuncture Licensing Examination (CALE) results and explained that the Board will be posting these results on the Board's website twice a year to comply with the 180-day requirement. Herdt pointed out that the computer-based testing program has been very effective. He also said that PSI testing centers closed temporarily due to the pandemic but is able to test everyone now.

A recap of the Board's Acupuncture educational and training programs was also provided. Herdt offered that the Board is now seeing programs moving from a master's level program to a first professional doctorate program. He also announced that the education desks are fully staffed.

Herdt concluded his report with statistics on tutorial programs for quarters one through three.

Public Comment

First commenter commended Herdt on his contributions and how he was an asset to the Board.

Second commenter asked for clarification on the capacity of the testing sites and wanted to know if they were currently open.

Herdt responded indicating PSI testing sites are open and the Board has not received any reports of scheduling or capacity problems despite the testing sites ensuring physical distancing.

9. Strategic Plan Progress Report (Ben Bodea, Executive Officer)

Originally agendized as item 11

EO Bodea presented the Board's Strategic Plan and provided a status for each item under all goal areas: Licensing, Enforcement, Education, Legislation and Regulation, Outreach, and Board Administration.



EO Bodea noted the reason for items under Licensing have a status of pending start is because staff has turned its attention to critical regulations that need to go in effect, such as AB 2138 and the Board Disciplinary Guidelines. The business modernization project has taken up a lot of staff time as well.

EO Bodea moved on to Enforcement goals indicating the staff development and implementation of a CE provider audit was in progress. He also noted recruitment of subject matter experts was also in progress. He indicated that prior to the pandemic staff received an uptick in expert applications. Those applications are under review to see if they can be used for enforcement purposes and in other domains of the Board. EO Bodea also noted staff has resumed working on the Disciplinary Guidelines and Uniform Standards.

The report moved to the Education goals and a status was provided for all items. With regards to item 3.3, reviewing curriculum standards to ensure licensing entry level practice and consumer safety, EO Bodea indicated the Board is partnering up with the Office of Professional Examination Services to put together focus groups and surveys for licensees to inform us about trends in the profession.

EO Bodea explained that most of the legislation and regulation goals are pending. He stated the Board is in progress with updating regulations to align with statutory requirements which was initiated last year when SB 1246 was looked at and the removal of old curriculum standards in the regulatory language was approved. This rulemaking package will be after the Disciplinary Guidelines. EO Bodea also explained that the Board is in progress with implementing a continuing education course and monitoring fee structure, which was covered in the fee audit.

EO Bodea moved to the outreach goals and provided that staff is in communication with the Office of Public Affairs to develop and implement a communication plan. He also noted that due to recent changes and the need to pivot, staff has not been able to turn their attention to updating and publishing an information brochure, but currently it is under review.

A recap of statuses was provided for the Board administration goals. EO provided the Board is in compliance with conducting an annual workload study to ensure adequate staffing levels. He further pointed out that the mapping processes goal is almost complete. Licensing and enforcement processes were mapped in Spring of 2018 and staff continues to map administrative processes.



The fee study goal was completed and presented at the August 2019 Board meeting. EO Bodea explained that staff submitted the 360-day follow up report in February 2020 and will be working with DCA's internal audits in the next few months wrapping up the audit.

To address item 6.5, expand targeted training and materials to educate Board members on Board governance and subject matter, EO Bodea indicated this was placed on hold so staff can address current emergencies. However, staff still wants to move forward on this and welcomes any suggestions Board members have.

Public Comment

First commenter pointed out there was a curriculum competency task force in the past. The task force determined that 3,800 hours of curriculum competent education was what was needed to meet the needs of the profession. It was noted as we have more and more doctoral programs and no standardization there, it's important that we visit this curriculum standards issue. It was recommended that another task force be formed to look at setting curriculum standards, determine what the scope is, and what is going on in terms of advancements in the profession.

Second commenter requested the formation of a committee to look at Chinese medicine's efficacy to control the virus be added to the strategic plan if possible.

10. Discussion and Possible Action Regarding the Repeal of Title 16 Division 13.7 Article 1.5 (Free & Sponsored Health Care Events) (Ben Bodea, Executive Officer)

Originally agendized as item 12

EO Bodea explained the free and sponsored health care events statute took effect in 2011 and in 2018, the law was stricken. The regulations the Board have pursuant to this law have no effect so initially staff was told by Legal Counsel to bring the matter to the Board for approval to repeal the regulations. EO Bodea noted in recent discussions with both Legal Counsels, we have determined and have been advised, we no longer need the Board's approval. Therefore, EO Bodea indicated staff will be moving forward to work with the Office of Administrative Law to remove this from the Board's laws and regulations.



11. Legislative Report (Alex Dodge, Policy Analyst)

Originally agendized as item 9

(A) Report of 2020 Legislative Calendar

Alex Dodge, Policy Analyst (Dodge) started out with going over the Legislative calendar for the Assembly and Senate.

(B) Report of 2020 Legislative Bills of Interest to the Board

Alex Dodge, Policy Analyst (Dodge) presented and introduced the bills moving through the Legislature that are of interest to the Board. He provided a recap of the Board's positions on three separate bills from the previous year that are still in session.

(i) AB 613 (Low) Professions and vocations: regulatory fees

The Board previously took a support position on Assembly Bill (AB) 613 (Low), which has not been acted on for some time and will likely not pass. AB 613 would allow the Board's within the Department of Consumer Affairs to raise fees based on rises in the Consumer Price Index.

(ii) AB 778 (Low) Acupuncture: Continuing education

The Board previously took a support position on AB 778 (Low) which requires the Board to establish procedures for the approval of continuing education providers. The bill is currently with the Senate on inactive file.

(iii) AB 888 (Low) Opioid prescriptions: Information: Nonpharmacological treatment for pain

AB 888 (Low) extends requirements that require prescribers discuss the risks of opioids and the availability of other non-pharmalogical treatments, including acupuncture, prior to the first subscription of opioids. The Board previously took a support position on this bill. It is in the Senate Business, Professions and Economic Development Committee.

Public Comment

First commenter noted after speaking with the author of AB 888, the bill has been pulled. The commenter also asked if the Board sends position letters to the Legislature to which EO Bodea confirmed staff does.



Second commenter asked if the Board knew if there are any plans to reintroduce the bill next year since AB 888 may be dead.

Third commenter indicated that CalATMA issued support of AB 888 and the commenter encouraged the Board's continued support of the bill.

(iv) AB 1263 (Low) Contracts: Consumer services: Consumer complaints

The Board took a support position on this bill because it supports consumer protection by prohibiting healing arts licensees from placing non-disparagement clauses in contracts with patients preventing them from filing complaints.

MOTION:

Member Harabedian motioned that the Acupuncture Board take a support position on AB 1263 (Low), as amended on January 6, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

VP Kitman seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(v) AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

The Board took no position on AB 1616, which requires programs in DCA that post information on its website about a revoked license due to criminal convictions to update or remove information about the revoked license within six months of the Board receiving an expungement order related to the conviction.

(vi) AB 1665 (Bonta) Athletic trainers

The Board took an oppose unless amended position on AB 1665, which would create a board of athletic training within the Department of Consumer Affairs and enact the Athletic Training Practice Act. Dodge explained that the bill currently lists some similarly-situated healing arts professions that the athletic trainer scope exempts. This clause prevents the athletic training profession from encroaching into these other professions. It was pointed out that acupuncture is not listed in the bill, which is why staff recommended oppose unless amended



since the bill's current language does not address the necessary education to protect the public in the delivery of acupuncture services.

MOTION:

President Matecki motioned that the Acupuncture Board take an oppose unless amended position on AB 1665 (Bonta), as amended on February 24, 2020, to exclude the Acupuncture Practice Act commencing at Business and Professions Code (BPC) section 4925 with the understanding that the acupuncture license requires over 3,000 hours of education. And this is in the interest of protecting the public. Additionally, for clarification, the Board views dry needling as acupuncture and California law views dry needling as acupuncture.

VP Kitman seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

First commenter stated it appears that it is approved for an athletic trainer to use dry needling for treatment in California. Dry needling is a technique used by a qualified acupuncturist. The commenter expressed concern for consumer safety and stated an athletic trainer should get adequate acupuncture training like an acupuncturist.

Second commenter expressed support for an oppose unless amended position with the specific caveat that insertion of a needle into body tissue be excluded from any scope of practice that is allowed to athletic trainers without adequate training.

Third commenter supported the Board's oppose unless amended position and offered the following amendments for the Board's consideration, "Item G, Amendment G. Perform acupuncture (including dry needling) or traditional Chinese and Asian medicine, including Chinese herbal medicine, unless licensed as an acupuncturist as defined in subsection (c) of Section 4927."

Fourth commenter supports President Matecki's concern for consumer safety regarding adequate training for anyone who needles consistent with acupuncture. The commenter stated acupuncturists are required 3,000 hours so on behalf of American Association of Chinese Medicine and Acupuncture



(AACMA), the commenter strongly opposes the bill.

(vii) AB 1850 (Gonzalez) Worker classification: employees and independent contractors

The Board took an oppose unless amended position on AB 1850. This bill originally revised the application of Dynamex for photographers, photojournalists, freelance writers, editors, and newspaper cartoonists, but has expanded to exclude additional classes from certain applications of worker classification law. Staff recommended an oppose unless amended position so the bill can also exempt acupuncturists from the more rigid Dynamex test. Acupuncturists often work as independent contractors so by specifying that acupuncturists be exempt, their work classification can be determined by the Borello test.

MOTION:

Member Harabedian motioned that the Acupuncture Board take an oppose unless amended position on AB 1850 (Gonzalez), as amended on May 12, 2020, to exclude the acupuncturists from the Dynamex test.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(viii) AB 1909 (Gonzalez) Healing arts licensees: Virginity examinations or tests

The Board took a watch position on AB 1909, which would prohibit healing arts licensees from performing an examination or test on a patient for the purpose of determining whether the patient is a virgin. Violations of the provisions would constitute unprofessional conduct and be grounds for disciplinary action by the licensing board. Staff recommended a watch position as it is impacting what healing arts professionals in California are allowed to do but may not necessarily impact acupuncturists.

Public Comment

First commenter explained that the bill seemed to be gender specific and was not germane to men or people who identify male. The commenter supported a watch position as the bill does not relate to acupuncture.



Second commenter wanted to see the Board take a support position on the bill to make it clear the Board wants to protect people from being violated in this way.

Third commenter wanted to see the Board take a support position to make our stance known and keep people safe.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 1909 (Gonzalez), as amended on January 8, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(ix) AB 2028 (Aguiar-Curry) State agencies: Meetings

The Board took no position on AB 2028, which would require state bodies subject to the Bagley-Keene Open Meeting Act, like the Board, to post all relevant background documents online at least 48 hours prior to a public meeting or when the Board members get it, whichever is earlier.

(x) AB 2113 (Low) Refugees, asylees, and immigrants: Professional licensing

The Board took a watch position on AB 2113, which would require programs within DCA to expedite and assist the initial licensure process for an applicant to supply satisfactory evidence that they are a refugee granted political asylum or have a special immigrant visa as specified. This bill would authorize programs to adopt regulations necessary to administer these provisions. Dodge explained that the Board already processes license applications quickly. If there is any lag time, it is usually due to the foreign evaluation transcript process. Since the Board is already expedient in processing license applications, but the bill would affect the Board, staff recommended a watch position be taken.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 1909 (Gonzalez), as amended on January 8, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.



Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter supported the Board's watch position and commended the Board on the excellent job they do on reacting quickly.

(xi) AB 2185 (Patterson) Professions and vocations: Applicants licensed in other states: reciprocity

The Board took an oppose position on AB 2185, which would require each program at DCA to issue a license to an applicant who is married to or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces stationed in California if the applicant holds an out-of-state license in good standing in the discipline and practice level. Dodge raised concerns with the bill regarding it creating a pathway for out-of-state trained people who don't meet California's higher 3,000-hour standard. Staff recommended an oppose or oppose unless amended position to the Board based upon this issue and a potential consumer safety concern.

MOTION:

Member Harabedian motioned that the Acupuncture Board take an oppose position on AB 2185 (Patterson), as amended on May 13, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

First commenter recommended the Board take an oppose unless amended to exclude licensed acupuncturists from the bill because it shows the Board is willing to work with the author.



Second commenter showed support for Member Harabedian's motion to oppose because the Board should hold California's standards for licensure for any reason someone comes to California to practice. The commenter felt there should not be any exception to holding people to the higher standards.

(xii) AB 2214 (Carrillo) Administrative Procedure Act: notice of proposed action

The Board took an oppose position on AB 2214, which would require a state agency, including the Board and other programs under DCA, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to an Office of Administrative Law (OAL). Dodge explained that there is already ample time during the time the Board first adopts regulatory language and when a rulemaking package is filed with OAL. In addition, there is the 45-day comment period for when a rulemaking is noticed to the public. Dodge raised concerns that the amount of work required to post documents in compliance with the proposed law does not add anymore benefit for the public. Dodge also explained the process between the Board and OAL when a rulemaking is filed, stating that initial period of time is used for technical cleanup and back and forth, so this requirement hampers that process.

MOTION:

Member Osorio motioned that the Acupuncture Board take an oppose position on AB 2214 (Carillo), as introduced on February 12, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xiii) AB 2411 (Nazarian) Healing arts licensees: Remuneration: Drug or device companies: disclosure

The Board took a watch position on AB 2411, which would require a healing arts licensee who receives payment from a drug or device company to disclose the amount and source orally and in writing to each patient before they use the prescription drug or device. Staff recommended a watch on this bill. Dodge explained staff was not sure if the requirements would apply to herbs but



surmised they would apply to the devices that acupuncturists use in rendering treatment. It's a consumer transparency bill so staff recommended the Board take a watch position.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 2411 (Nazarian), as amended on February 18, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Li seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xiv) AB 2631 (Cunningham) License fees: Military partners and spouses

The Board took a watch position on AB 2631, which would require programs within DCA to waive initial or original licensing fees for spouses and domestic partners of active duty military members. Dodge explained there is not data on how much of the acupuncture community here in California are active duty military with spouses or partners, but staff recommend a watch position on this bill.

MOTION:

VP Chan motioned that the Acupuncture Board take a watch position on AB 2631 (Cunningham), as amended on February 18, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter stated although they supported all that the military does, they did not support the bill and felt that if someone is living in California, regardless of marital status, they should be expected to pay the same licensing fees and meet all of the California requirements.



(xv) AB 2704 (Ting) Healing arts: Licensees: Data collection

The Board took a watch position on AB 2704, which would standardize the licensee demographic data that must be collected by all healing arts boards. Several board-specific data requirements would be repealed. Aggregate information collected must be posted on each board's website and provided to the Office of Statewide Health Planning and Development. Dodge explained this process and requirement will be a lot easier for the Board once we get through BizMod and start to be able to accept online license applications. Dodge further pointed out the Board is already required to collect some of this data, which is why staff recommended a watch position.

MOTION:

President Matecki motioned that the Acupuncture Board take a watch position on AB 2704 (Ting), as amended on May 14, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xvi) AB 2748 (Fong) Consumer credit reports: Security freezes: Protected consumers

Dodge explained to the Board this bill has been gutted and amended and no longer relates to acupuncture. Therefore, there was no discussion and no position taken.

(xvii) AB 2978 (Ting) Department of Justice: arrest and conviction records: review

The Board took no position on AB 2978. Dodge explained the bill relates to last year's bill AB 1076, that the Department of Justice (DOJ) beginning January 1, 2021, to review state-wide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, criminal conviction records withheld from disclosure or modified. Current law defines individuals are eligible for this relief among other criteria if the arrest or conviction occurred on or after January 1st, 2021. Dodge pointed out that this bill, instead, moves the eligibility date back to January 1, 1973; moving it back about fifty years.



Public Comment

A commenter expressed no concern with the bill taking the look back period to 40 years since it is unlikely the Board would be concerned with a conviction that old anyway.

(xviii) AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: military spouses: Licenses

The Board took an oppose position on AB 3045, which would require certain programs within DCA to issue licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions. Standards for acupuncture licensure vary widely from state to state, for this reason, staff recommended the Board take an oppose position to this bill.

MOTION:

Member Kim motioned that the Acupuncture Board take an oppose position on AB 2214 (Carillo), as introduced on February 12, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter stated an opposition to the bill, as well, and expressed the need for the Board to uphold the same educational and exam standards that are required for all California licensees despite who they are married to.

(xix) AB 3298 (Brough) Frauds of medical credentials: penalty

The Board took a support position on AB 3298, which would increase the maximum fine from \$6,000 to \$10,000 for certain types of healing arts license fraud, including selling or offering to sell a healing arts degree or diploma, making false statements as part of an application, or violating the security of an examination. Dodge indicated it's of great benefit to the Board that we do what we can to maintain the integrity of the Board's degree and diploma verification



process. The legislature thinks that increased penalty will aid in that, which is why staff is recommending the Board take a support position.

EO Bodea added that the Board has had problems in the past with authenticating foreign documents from certain institutions and feels this additional deterrent will increase public protection by ensuring everyone is meeting California standards and not getting in by fraud. Member Chen also expressed her support for the bill and the motion to support.

MOTION:

Member Chen motioned that the Acupuncture Board take a support position on AB 3298 (Brough), as introduced on February 21, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

VP Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter showed support for Member Chen's support motion stating we have an ongoing difficulty with verifying overseas and offshore credentials. The commenter stated there is a need to enable the Acupuncture Board all probable and available remedies to clarify this and maintain standards in California.

(xx) SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: wait times

The Board took no position on SB 878, which would require each licensing program within DCA to prominently display on its website the current average time frame for processing initial or renewal license applications for each license it offers. Dodge explained he felt this bill was probably not intended for the Board as we already have a two or three-day turnaround time in processing applications. Due to this, the bill would likely not impact the Board much. Staff recommended a watch position.

Public Comment



A commenter expressed a support for the bill and spoke to applicants anxiously awaiting the status of their license applications. The commenter stated there should not be any delay and would like to see regulatory boards turn these applications around more quickly.

(xxi) SB 937 (Hill) State agencies: Web accessibility

The Board took a watch position on SB 937, which would allow state agencies to remove documents from the internet in the case that they are inaccessible, as long as they cite why they're doing it. Dodge further explained the bill gives boards and agencies a chance to remove things without getting in trouble and gives them a chance to make documents accessible to anyone in order to get them back up online.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on SB 937 (Hill), as introduced on February 6, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter expressed support for the bill and wants to see the Board support ADA compliance to accommodate disabled licensees who may be blind or deaf. The commenter also raised the concern of licensees' business websites being compliant with ADA as well.

EO Bodea clarified the purpose of the bill stating the bill is to provide the agency the authority to remove a document which is posted on its website only on the basis that it is out of compliance with web accessibility. At that point, it is legal for the agency to remove it to make it accessible and compliant then put it back up.

(xxii) SB 1097 (Durazo) Medical services: Credit or loan

The Board took a watch position on SB 1097, which would strengthen provisions included in SB 639 that bars healing arts licensees from charging treatments or



costs to an open-ended loan provided by a third party. Dodge pointed out that it is conducive to some precarious and unethical situations. Therefore, the legislature is stepping in and making it clear that they do not want healing arts licensees utilizing these types of loans with their consumers. Staff recommended a watch position as it is unknown how prevalent these types of arrangements are, but if they exist among licensees, the bill would make an impact.

Public Comment

A commenter offered that the acupuncture profession does not really offer patients taking out loans, but recommended the Board take a watch position to see where the bill goes.

Member Chen also showed her support for the watch position

MOTION:

Member Chen motioned that the Acupuncture Board take a watch position on SB 1097 (Durazo), as introduced on February 19, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xxiii) SB 1432 (Glazer) Clinical laboratories

The Board took no position on SB 1432, which would require clinical laboratories to notify DCA via email whenever improper specimen handling or storage occurs. The bill would also require DCA to post on their website a document for that purpose which has been developed by the Department of Public Health. Dodge explained a no position is recommended and the bill was brought to the Board as the bill may affect the facilities the Board uses for laboratory services.

Public Comment

A commenter commended the Board for reviewing 23 different bills and complimented Dodge for the great work he did in presenting and preparing all of the analysis for the bills.

12. Discussion and Possible Action regarding the following Rulemaking Packages (Alex Dodge, Policy Analyst)

June 26, 2020 Acupuncture Board Meeting
Draft Meeting Minutes



Originally agendized as item 13

Dodge introduced the rulemaking item explaining that what the Board has before them is a proposal with the negotiated changes between DCA and OAL. Dodge indicated the Board has already voted on language that would effectuate a statute put into law by AB 2138. However, since this has been brought before the board previously back in March of last year, staff has been informed by OAL that the language that was adopted, which is what a lot of the other DCA boards have also used, is not sufficient to their standards. Therefore, DCA and OAL worked together to negotiate language that everyone agrees upon and would implement AB 2138 correctly.

Making the changes outlined in the memo and presented today would allow staff to re-notice the rulemaking and continue through the regulatory process and resubmit the language that OAL will approve as opposed to now, where this language is not to OAL's liking.

Board's regulatory Legal Counsel, Clay Jackson (Counsel Jackson) provided some background for the Board regarding Veterinary Medical Board being the trial Board to take its AB 2138 rulemaking package to OAL first. Counsel Jackson stated it looked like the package was going to go through without a hitch, but then OAL stated the language was not sufficient and required the Veterinary Medical Board to withdraw their package and re-file after the deficiencies were addressed. All of the healing arts boards have modeled their language off of the Veterinary Medical Board so the changes that are brought to the Board today are the changes their attorney worked on and were recently resubmitted to OAL.

i) Adopt Section 1399.469.4 Substantial Relationship Criteria under Title 16, California Code of Regulations (CCR)

Dodge went through the memo pointing out each change in CCR section 1399.469.4. The Board needs to add references to the correct codes for unprofessional conduct in our licensure act. Staff has added references to Business and Professions Code sections 4955, 4955.1, and 4955.2. Dodge stated that is the only substantive change made to subsection (a) aside from removing the "or" before division because it is turning it into a list.

CCR section 1399.469.4(b), staff has changed subdivision to subsection. Dodge explained that it has the same criteria which the board voted on originally, we



are just using the correct term subsection instead of subdivision. Further changes include 1399.469.4(b) subparagraph (1), (2), and (3) where staff removed the use of semicolons and, instead, replaced those with periods. This necessitated the removal of the word "and" as well because it's not a list anymore.

Dodge also pointed out the only difference from what the materials in the Board packet show for subsection (c) of 1399.469.4 is the need to remove "but is not limited to" in subsection (c) as well as the commas before and after it because it is not necessary.

Dodge identified additional changes to the text where staff makes a reference to the Acupuncture Licensure Act. This essentially says if you are breaking any of the laws in the Acupuncture Licensure Act, then that is going to be substantially related to the duties of an acupuncturist. And then convictions of crime involving physical dishonesty, which sums up the changes to substantial relationship criteria, CCR section 1399.469.4.

ii) Adopt Section 1399.469.5 Denial of Licensure under Title 16, California Code of Regulations

Dodge provided that staff made some technical changes to this section and rephrased subsection (b). Continuing onto subparagraphs (1) through (6), staff made changes to conform to OAL's preferences. The word "gravity" is now used instead of the word "severity". Additionally, the word "subsection" is used in place of the word "subdivision".

Counsel Jackson explained to the Board why the proposed regulation incorporates the term "professional misconduct". It is a new term implemented by AB 2138 but does not appear in the Board's regulations or under DCA law anywhere else, as the term "unprofessional conduct" has always been used. If the regulations didn't use this exact term, then AB 2138 could not be implemented.

iii) Adopt Section 1399.469.6 Criteria for Rehabilitation- Suspensions or Revocations under Title 16, California Code of Regulations

Dodge outlined the changes made to CCR section 1399.469.6 indicating a general Business and Professions Code citation was added for suspensions and revocations. Staff also removed "and is presently eligible for a license" for fear that it could be misinterpreted. Subsection (b) was restated in a similar manner to that which staff did in CCR section 1399.469.5.



Dodge indicated there were several technical changes to subparagraphs one through six. Subsection (c) was added, which talks about what the Board shall evaluate as evidence of rehabilitation when considering a petition for reinstatement.

Counsel Jackson explained a bit about the timing of AB 2138, since the law becomes effective July 1, 2020. He stated DCA only has two packages ready for review and COVID has kind of been a blessing for OAL because it gives them two additional months to review all of the packages that will be coming in from other DCA programs. Counsel Jackson stated these packages will not be considered late because of this change brought by COVID. Counsel Jackson also stated that if the Board follows the criteria in determining actions and treats applicants according to the regulation, even though they are not implemented, that should be fine. Dodge accentuated the fact that all of the changes brought to the Board have been negotiated with OAL so staff cannot proceed without the Board providing their approval.

MOTION:

President Matecki motioned that the Acupuncture Board approve proposed regulatory text for Title 16 CCR sections 1399.469.4, 1399.469.5, and 1399.469.6 and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a revised rulemaking process, make any non-substantive technical or grammatical changes to the package, and set the matter for a hearing with the exception of the deletion of the phrase, "but is not limited to", in subsection (c) of Section 1399.469.4.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter noted a disfavor for the bill and expressed concern over Board's ability to exercise discretion to deny a license if they feel the public would be at risk.



13. Regulations Update (Alex Dodge, Policy Analyst)

Originally agendized as item 10

i) Substantial Relationship and Rehabilitation Criteria (Title 16 CCR sections 1399.469.4, 1399.469.5, 1399.469.6)

Board approved new language today, June 26, 2020. After the Initial Statement of Reasons is updated, then the language can be re-noticed with OAL.

ii) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)

Board staff is preparing this package for DCA Legal review.

iii) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.415, 1399.416, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439)

Initial rulemaking package is currently in production and should be ready for DCA Legal review soon.

iv) Application Process, Criteria, and Procedures for Approval of a Credential Evaluation Service (Title 16 CCR sections 1399.411, 1399.413, 1399.414, 1399.415, 1399.416, 1399.416.1, 1399.416.2)

Licensing Unit staff are currently working on language for this proposed rulemaking and it is expected to be submitted for review at the next Licensing and Exam Committee.

v) Board Fee Schedule (Title 16 CCR sections 1399.460, 1399.461, 1399.462)

Dodge explained that the fee needs to go through in statute prior to putting the fees in regulation. However, he stated the rulemaking package is almost ready for DCA Legal review.

vi) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419.3)

This package is still under development.

vii) Continuing Education Requirements (Title 16 CCR sections 1399.483, 1399.489)

A status was not provided.



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(B) Board Regulations Progress Tracker

EO Bodea then went through the Board regulation tracking document which illustrates the status of all regulatory packages.

14. Consumer and Professional Associations Reports

First association wanted to know when the current Board will take a position on the issue of moving to the national exam.

Second association noted that CSOMA is pleased there were no Medi-Cal cuts to acupuncture benefits in the most recent budget. CSOMA organized its first national COVID-19 townhall event in partnership with other industry experts. CSOMA will be continuing to organize free webinars for members. Its board has met four times in 2020 and membership has increased eleven percent since the COVID restrictions in March. CSOMA would like to continue to build relationships and combine lobbying initiatives to advance the profession.

Third speaker indicated he will be reaching out to five or six different associations as well as social media to communicate about the Board meeting and attempt to unite the profession. The speaker went on to say he is a consumer advocate and wants to connect with different acupuncturists. He explained that most of the associations have not grown over the year with the exception of CSOMA. He indicated that membership has fallen by 85% for CalATMA. He wanted to be sure people understand the role of the Board. The speaker will continue efforts to unite the profession to work with the Board for purposes of protecting the public and expanding the profession and making access to acupuncture better.

The third speaker later added that CalATMA has a new website that makes it easier to reach out to members. He indicated that NCCAOM has a new lobbyist, David Quackenbush, who is great to work with and will be expanding efforts to increase communication amongst the various associations to eliminate a lot of the disinformation that's going on.

Fourth association represents AACMA and indicated they are working with other associations and trying to make it to where acupuncturists can treat Medicare patients without Medical Doctor supervision. AACMA also wrote letters to the White House in an attempt to help treat COVID-19 patients but did not receive a response. They continue to try and support the public during the pandemic.



Member Kim touched on a few of the subjects brought up by the associations like Medicare coverage and the issues he has faced in practice. He encouraged the associations to come together and form one association in order to accomplish things.

Member Chen echoed Member Kim's recommendation on the professional associations uniting. She also spoke highly of CalATMA. Member Chen wanted to address herbal medicine and the idea of publicizing that acupuncturists have the most training in herbs since it is not exclusive to acupuncturists.

Public Comment:

A commenter expressed concern over Board members' membership with other associations and how that may influence them one way or another and voice it on social media platforms. He wanted to know about the rules for these types of communication.

15. Election of Board President and Vice-President (Ben Bodea, Executive Officer)

Dr. Amy Matecki was elected as Board President.

MOTION:

Member Harabedian motioned to elect Dr. Amy Matecki as Board President.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

Two commenters showed support for Dr. Matecki for President.

Member Kitman Chan was elected as Board Vice President.

MOTION:

Member Harabedian motioned to elect Member Kitman Chan as Board Vice President.

Member Li seconded the motion.



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Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

Two commenters showed support for Member Chan for Vice President.

16. Establishment of the 2020 Meeting Calendar (Ben Bodea, Executive Officer)

The Board set future Board meeting dates for August 27 – 28, 2020 and November 19 – 20, 2020.

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

Member Chen would like to see the Board look at establishing a task force to research herbs to help the public against COVID-19. She also would like to look at the quality of herbs. She would like there to be more communication and information provided to the consumer about the profession.

First commenter requested that the topics of bleeding, Asian massage, and new technologies, including lasers, light, and injection therapy, be added to a future agenda. He also wants to see a curriculum competency team, or a meeting be agendized to discuss curriculum competencies.

Second commenter wants to see the Board form a committee to address two things: guidelines for professional standards and public safety.

Two additional commenters also expressed interest in the Board discussing the term Asian massage.

18. Adjournment (Dr. Amy Matecki, President)

Meeting Adjourned at 5:41 PM PST.



Item 7

Acupuncture Board

Fund Condition

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(Dollars in Thousands) 2020-21 Budget Act with FM 11 Projections

	Actual 2018-19	CY 2019-20	BY 2020-21	BY+1 2021-22	BY+2 2022-23
BEGINNING BALANCE	\$3,992	\$4,043	\$2,908	\$92	-\$1,628
Prior Year Adjustment	\$426	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$4,418	\$4,043	\$2,908	\$92	-\$1,628
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$13	\$11	\$10	\$10	\$10
4127400 - Renewal fees	\$1,998	\$1,959	\$1,879	\$1,879	\$1,879
4129200 - Other regulatory fees	\$56	\$48	\$45	\$45	\$45
4129400 - Other regulatory licenses and permits	\$483	\$300	\$300	\$300	\$300
4150500 - Interest from interfund loans	\$0	\$30	\$0	\$0	\$0
4163000 - Income from surplus money investments	\$104	\$80	\$0	\$0	\$0
4171400 - Escheat of unclaimed checks and warrants	\$2	\$2	\$2	\$2	\$2
4172500 - Miscellaneous revenues	\$1	\$0	\$0	\$0	\$0
Totals, Revenues	\$2,657	\$2,430	\$2,236	\$2,236	\$2,236
Transfers and Other Adjustments	\$0	\$1,000	\$0	\$0	\$0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$2,657	\$3,430	\$2,236	\$2,236	\$2,236
TOTAL RESOURCES	\$7,075	\$7,473	\$5,144	\$2,328	\$608

EXPENDITURES AND EXPENDITURE ADJUSTMENTS	Actual 2018-19	CY 2019-20	BY 2020-21	BY+1 2021-22	BY+2 2022-23
Expenditures:					
1111 Program Expenditures (State Operations)	\$2,753	\$ 4,336	\$ 4,861	\$ 3,765	\$ 3,878
8880 Financial Information System for California (State Operation:	\$0	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$20	\$ 43	\$ 43	\$ 43	\$ 43
9900 Statewide Pro Rata	\$259	\$ 186	\$ 148	\$ 148	\$ 148
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$3,032	\$4,565	\$5,052	\$3,956	\$4,069
FUND BALANCE					
Reserve for economic uncertainties	\$4,043	\$2,908	\$92	-\$1,628	-\$3,461
Months in Reserve	10.6	6.9	0.3	-4.8	-9.9

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.



Item 8

Acupuncture Board

FY 19-20 Q4 Enforcement Report

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DATE	July 9, 2020
TO	Board Members
FROM	Cricket Borges, Enforcement Coordinator
SUBJECT	Enforcement Report for Quarter (Q4) FY 2019/2020: April 1 to June 30

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category		Received
Unprofessional Conduct	Sub-Total	23
• <i>Scope of Practice</i>	1	
• <i>Misleading Advertising</i>	3	
• <i>Office Conduct</i>	10	
• <i>Failed Continuing Education Audit</i>	7	
• <i>Continuing Education Provider violations</i>	2	
Unlicensed/Unregistered		2
Criminal Charges/Convictions**	Sub-Total	9
• <i>Applicants</i>	6	
• <i>Licensees</i>	3	
Sexual Misconduct		1
Fraud		0
Non-jurisdictional		0
Incompetence/Negligence		5
Unsafe/Unsanitary Conditions		0
Other		0
Substance Abuse/Drug & Mental/Physical Impairment		0
Discipline by Another State Agency		0
Total		40

The graph above shows the number of complaints received by complaint type for this quarter. When each complaint is logged into the database it is assigned a complaint type based upon the primary violation.

Enforcement Report for Q4 FY 2019/2020: April 1 to June 30 (Continued)

INVESTIGATIONS*

DCA Category	Initiated	Pending **	Closed
Unprofessional Conduct	23	70	29
Unlicensed/Unregistered	2	33	5
Criminal Charges/Convictions (includes pre-licensure)	9	25	13
Sexual Misconduct	1	17	2
Fraud	0	48	3
Non-jurisdictional	0	3	0
Incompetence/Negligence	5	30	3
Unsafe/Unsanitary Conditions	0	5	1
Other	0	0	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	0	2	1
Total	40	233	57

* Includes both formal investigations by DCA category conducted by DOI and desk investigations conducted by staff.

**These numbers include current and previous quarters and the DCA Category may change after the investigation is initiated to better categorize the complaint.

Statistics Report

Performance Measures (PM) 1 Volume Convictions/Arrests received

Complaint Intake

	FY 2018/19		Fiscal Year 2019/20								Year →	
	YTD		Q1		Q2		Q3		Q4		YTD	Year Change
			Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
PM1: Total Complaints Received	192		34		48		67		31		180	↓ -6%
PM1: Total Convictions/Arrest Received	55		15		10		19		9		53	↓ -4%
PM1: Total Received	247		49		58		86		40		233	↓ -6%

*Of the Convictions/Arrests, 4 were received on Applicants and 6 were received on Licensees.

PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Target: 10 Days	FY 2018/19		Fiscal Year 2019/20								Year →	
	YTD		Q1		Q2		Q3		Q4		YTD	Year Change
			Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
PM2: Intake/Avg. Days			8		4		2		3		4.3	↓ -23%

PM3 Cycle Time - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations

Target: 200 Days	FY 2018/19		Fiscal Year 2019/20								Year →	
	YTD		Q1		Q2		Q3		Q4		YTD	Year Change
			Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
PM3: All Investigations Closed	229		29		33		60		52		174	↓ -24%
PM3: Average Cycle Time Investigation	136		148		229		209		168		189	↑ 39%

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2018/19		Fiscal Year 2019/20								Year →	
	YTD		Q1		Q2		Q3		Q4		YTD	Year Change
			Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
Up to 90 Days	62%		17		16		27		25		45%	↓ -17%
91 - 180 Days	12%		3		4		8		15		16%	↑ 4%
181 Days - 1 Year (364)	14%		7		6		11		5		15%	↑ 1%
1 to 2 Years (365-730)	7%		5		10		12		8		18%	↑ 11%
2 to 3 Years (731- 1092)	4%		0		2		4		4		5%	↑ 1%
Over 3 Years (1093 +)	1%		0		1		0		0		1%	↓ 0%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

Citations

	FY 2018/19		Fiscal Year 2019/20								Year →	
	YTD		Q1		Q2		Q3		Q4		YTD	Year Change
			Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
Final Citations	43		3		9		9		12		33	↓ -23%
Average Days to Close	203.5		416		332		61		153		240.5	↑ 18%

PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)											
Target: 540 Days	FY 2018/19	Fiscal Year 2019/20								Year →	
	YTD	Q1		Q2		Q3		Q4		YTD	Year Change
		Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
PM4:Volume AG Cases	18	4		0		1		3		8	↓ -56%
PM4: Total Cycle Time	427	1081		0		436		531		512	↑ 20%

	FY 2018/19	Fiscal Year 2019/20								Year →	
	YTD	Q1		Q2		Q3		Q4		YTD	Year Change
		Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
AG Cases Initiated	16	3		6		2		5		16	⇒ 0%
AG Cases Pending	11	7		12		13		16		16	↑ 45%
SOIs Filed	2	0		0		0		0		0	↓ -50%
Accusations Filed	9	3		5		5		2		15	↑ 67%
Total Closed after Transmission	16	4		0		1		3		8	↓ -50%
Revoked	0	0		0		1		0		1	↑ 100%
Voluntary Surrender	5	3		0		0		1		4	↓ -20%
Probation	5	1		0		0		1		2	↓ -60%
License Denied	0	0		0		0		0		0	⇒ 0%
Public Reprimand	0	0		0		0		1		1	↑ 100%
Closed w/out Disciplinary Action	6	0		0		0		0		0	↓ -100%

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision											
	FY 2018/19	Fiscal Year 2019/20								Year →	
	YTD	Q1		Q2		Q3		Q4		YTD	Year Change
		Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
Up to 90 Days	0%	0		0		0		0		0%	⇒ 0%
91 - 180 Days	0%	0		0		0		1		13%	↑ 13%
181 Days - 1 Year (364)	0%	1		0		0		0		13%	↑ 13%
1 to 2 Years (365-730)	70%	1		0		1		1		38%	↓ -33%
2 to 3 Years (731- 1092)	10%	0		0		0		1		13%	↑ 3%
Over 3 Years (1093 +)	20%	2		0		0		0		25%	↑ 5%

Other Legal Actions											
	FY 2018/19	Fiscal Year 2019/20								Year →	
	YTD	Q1		Q2		Q3		Q4		YTD	Year Change
		Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun		
PC 23 Ordered	2	0		1		0		0		1	↓ -50%
Interim Suspension	0	0		0		0		0		0	⇒ 0%



Item 9

Acupuncture Board

FY 19-20 Q4 Licensing Report

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FY 2019/20 Acupuncture Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 April - June
Inactive	2220	2231	2252	2268
Cancelled	85	56	61	32
Initial License Applications Denied	0	0	0	0

Fiscal Year 2019/20 Continuing Education Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 April - June
CE Provider Applications Approved	14	22	12	28
CE Provider Applications Denied	0	0	0	0
Course Applications Received	1189	706	791	1014
Course Applications Approved	1104	672	762	923
Course Denials	85	34	49	91
Continuing Education Providers current as of June 2020	601	599	599	579

Fiscal Year 2019/20 Examination Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 April - June
Initial Exam Applications Received	109	96	92	56
Initial Exam Applications Approved & Closed	106	88	63	51
First time Test Takers	104	82	66	33
Re-Test Test Takers	23	20	17	6
Total Exam Takers	127	102	83	39

Fiscal Year 2019/20 Acupuncture Educational and Training Programs

Application for Board Approval of Curriculum (ABAC)	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 April - June
ABAC - Received	4	4	4	1
ABAC - Incomplete	1	2	0	1
ABAC - Approved	4	0	4	0
Loss of Approval	0	2	0	0

Fiscal Year 2019/20 Acupuncture Tutorial Training Programs

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 April - June
Applications Received (will begin Q1 FY20/21)	n/a	n/a	n/a	n/a
New Program Approvals	7	3	5	1
Programs Completed	4	1	3	2
Programs Terminated, Abandoned	0	1	0	1
Total Approved Programs	40	43	44	46

EXAMINATION RESULTS STATICS - FIRST TIME AND OVERALL

1/1/2020 - 6/30/2020

Approved Acupuncture and Educational Training Programs	1ST TIME TAKERS			OVERALL (Including Retakers)		
	#PASS	#FAIL	PASS %	#PASS	#FAIL	PASS %
Academy of Chinese Culture & Health Sciences	0	1	0%	0	1	0%
Acupuncture & Integrative Medicine College	9	0	100%	9	1	90%
Alhambra Medical University	7	1	88%	7	8	88%
American College of Traditional Chinese Medicine at the CIIS	8	1	89%	9	1	90%
AOMA Graduate School of Integrative Medicine	0	1	0%	0	1	0%
Dongguk University Los Angeles	2	0	100%	3	1	75%
Emperor's College of Traditional Chinese Medicine	9	1	90%	10	1	91%
Five Branches University	8	2	80%	8	4	67%
New England School of Acupuncture at MCPHS	1	0	100%	1	0	100%
Oregon College of Oriental Medicine	1	0	100%	1	0	100%
Pacific College of Oriental Medicine	12	6	67%	14	10	58%
South Baylo University	9	4	69%	10	8	56%
Southern California University School of Oriental Medicine and Acupuncture	1	0	100%	2	0	100%
Southern California University of Health Sciences	2	0	100%	2	0	100%
Stanton University	0	0	0%	0	1	0%
University of East West Medicine	4	2	67%	4	3	57%
YoSan University of TCM	2	2	50%	2	2	50%
Tutorials	4	0	100%	4	1	80%
Foreign	2	2	50%	2	2	50%
GRAND TOTAL	81	23	78%	88	45	66%

EXAMINATION RESULTS STATISTICS - BY LANGUAGE**1/1/2020 - 6/30/2020**

Language	#PASS	#FAIL	PASS %
Chinese	16	5	76%
English	62	28	69%
Korean	11	5	69%
Total	89	38	70%



Item 10

Acupuncture Board

2020 Legislative Report Update

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ITEM 10A

**California Legislative Calendar
Senate and Assembly
Aug-Sept 2020**

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2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE

Revised May 6, 2020

AUGUST						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	<u>7</u>	8
9	10	11	12	13	<u>14</u>	15
16	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	22
23	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	29
30	<u>31</u>					

August 7 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 **Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).

Aug. 21 Last day to **amend bills** on the Floor (J.R. 61(b)(17)).

Aug. 31 Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 3

General Election

Nov. 30

Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7

12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

2021

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4

Legislature reconvenes (JR 51(a)(1)).

2020 TENTATIVE ASSEMBLY LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 5-6-20

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1							1
Wk. 2	2	3	4	5	6	7	8
Wk. 3	9	10	11	12	13	14	15
No Hrgs.	16	17	18	19	20	21	22
No Hrgs.	23	24	25	26	27	28	29
No Hrgs.	30	31					

- Aug. 7** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 14** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 17 – 31 Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).
- Aug. 21** Last day to **amend** bills on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).
Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Oct. 1 Bills enacted on or before this date take effect January 1, 2021. (Art. IV, Sec. 8(c)).
- Nov. 3 General Election.
- Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 7 2021-22 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2021

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



ITEM 10b

Legislative Memo

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DATE	August 27, 2020
TO	Board Members, Acupuncture Board
FROM	Kristine Brothers, Policy Coordinator
SUBJECT	2019-2020 Pending CA Legislation of Interest

AB 613 (Low) Dentists: clinical laboratories: license examinations.

Status: Gut and Amend

This is a two-year bill located in the Senate Business, Professions and Economic Development Committee (Senate BPEDC). It may be acted upon in 2020.

The bill was gut and amended on June 29, 2020 to no longer affect the Board or acupuncture. Due to this change, staff recommends the Board update their position to 'no position'.

Summary:

Previously, this bill would authorize programs within the Department of Consumer Affairs to increase their fees every four years in an amount not to exceed the increase in the Consumer Price Index in the last four years. This language has been removed and new language only affects dentists.

On June 29, 2020, this bill was amended to expand the definition of "laboratory director" to include licensed dentists. The bill also removes a provision which specifies that an examination may only be accepted after a determination is made regarding the acceptance of an American Board of Dental Examiners, Inc. examination.

Current Board Position: Support

Staff Recommendation after amendments: Update position to 'No Position'

~~~

### **AB 778 (Low) Acupuncture: continuing education.**

**Status:** No amendments since last Board meeting.

This is a two-year bill that was filed in the Senate Inactive File August 18, 2020 and will likely not be acted on.

#### **Summary:**

This bill would require the Acupuncture Board (Board) to establish, by regulation, a procedure for identifying acceptable providers of continuing education courses and would require all providers of continuing education to comply with the procedures established by the Board. The bill would authorize the Board to revoke or deny the right of a provider to offer continuing education coursework for failure to comply with specified provisions of law.

**Current Board Position:** Support

~~~

AB 888 (Low) Opioid prescriptions: information: nonpharmacological treatments for pain.

Status: No amendments since last Board meeting

This is a two-year bill located in the Senate Committee on Business, Professions and Economic Development. This bill may be acted upon in 2020. It has not been acted on since 07/01/19.

Summary:

This bill would expand existing requirements for prescribers when discussing specific risks associated with opioids when dispensing the first prescription for a controlled substance containing an opioid, among other provisions. This bill would also require a prescriber to obtain informed written consent from the patient, a minor patient's parent or guardian, or another authorized adult as specified. Additionally, this bill would require prescribers to discuss the availability of nonpharmacological treatments for pain with the patient and provide a referral if requested, as deemed appropriate by the prescriber.

Current Board Position: Support

~~~

**AB 1263 (Low) Contracts: consumer services: consumer complaints.**

**Status:** No amendments since last Board meeting

In Senate, re-referred to Committee on Business, Professions and Economic Development. Unclear if it will pass.

**Summary:**

This bill was gut-and-amended on January 6<sup>th</sup> to prohibit a licensee from limiting a consumer's right to file a complaint with a licensing board or participate in an investigation into the licensee by the licensing board. A violation would constitute unprofessional conduct subject to discipline by the licensing board.

**Current Board Position:** Support

~~~

AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions.

Status: Amended

In Senate, author made amendments on July 7th and has been re-referred to Committee on Business, Professions and Economic Development. Unclear if it will pass.

Summary:

This bill would require programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to post notification of an expungement within 90 days of the board receiving an expungement order related to the conviction for those who reapply for licensure or are relicensed. Additionally, the bill would require boards, on receiving an expungement order, to remove the initial posting on its website that the person's license was revoked and information regarding arrests, charges, and convictions if the person is not currently licensed and does not reapply for licensure. The person seeking the change in either case must pay to the board a \$50 fee unless a different amount is determined by the board to cover the administrative costs of these requirements.

Current Board Position: Watch

Staff Recommendation after amendments: No change

~~~

**[AB 1665 \(Bonta\) Athletic Trainers.](#)**

**Status:** No amendments since last Board meeting

In Senate, re-referred to Committee on Business, Professions and Economic Development. Unclear if it will pass.

**Summary:**

This bill would create the California Board of Athletic Training within the Department of Consumer Affairs, enact the Athletic Training Practice Act, prohibit a person from practicing as an athletic trainer without being licensed by the Board, define the practice, specify licensure requirements, and require an athletic trainer to practice in collaboration with a physician.

**Current Board Position:** Oppose, unless amended

~~~

[AB 1850 \(Gonzalez\) Employee classification: still photographers, photojournalists: freelancers.](#)

Status: No amendments since last Board meeting

In Senate, re-referred to the Committee on Labor, Public Employment and Retirement. This will likely pass.

Summary:

This bill is the vehicle to address *Dynamex Operations W. v. Superior Court* (2018), 4 Cal.5th 903 and AB 5 (Gonzalez, Chapter 296, Statutes of 2019). As drafted, this bill originally revised the application of Dynamex for photographers, photojournalists, freelance writers, editors, and newspaper cartoonists, but has now expanded to exclude additional classes from certain applications of worker classification law.

Current Board Position: Oppose, unless amended

~~~

**AB 1909 (Gonzalez) Healing arts licensees: virginity examinations or tests.**

**Status:** No amendments since last Board meeting

In Assembly, referred to the Committee on Business and Professions. Unclear if this will pass. Has not been acted on since 1/17/20.

**Summary:**

This bill would prohibit a healing arts licensee from performing an examination or test on a patient for the purpose of determining whether the patient is a virgin. Violations of the provisions would constitute unprofessional conduct and be grounds for disciplinary action by the licensing board.

**Current Board Position:** Watch

~~~

AB 2028 (Aguiar-Curry) State agencies: meetings.

Status: Amended

In Senate, amended 8/20/20. In floor process and ordered to a second reading.

Summary:

The most recent amendments to this bill struck the proposed requirements related to posting all background documents online at least forty-eight (48) hours prior to a public meeting or a day after the board members get it, whichever is earlier, instead of the agenda alone. It also struck the provision related to writings or materials that were provided to board members from another state body and the posting/dissemination requirements related to such.

An exception in Government Code §11125.7 was deleted which allowed boards to forego public comment on items that have already been afforded a public comment period at a prior committee meeting. In its current form with the exception removed, the bill would allow the public the right to comment on any agenda item listed for that meeting, regardless of whether it has been previously discussed.

Current Board Position: Watch

Staff Recommendation after amendments: No change

~~~

**[AB 2113](#) (Low) Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.**

**Status:** Amended

Minor amendments made 8/4/20. In Senate, in Floor process and ordered to third reading.

**Summary:**

This bill would require programs within the Department of Consumer Affairs to expedite and assist the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill would authorize programs to adopt regulations necessary to administer these provisions.

The most recent amendments made changes to the title of the bill, specifically the term 'immigrants' was changed to "special immigrant visa holders". Additionally, professional license was clarified further by indicating "initial licensure process". The other amendment to the language of the bill was the removal of the word "political" from those who have been granted asylum instead of using the more exclusive term "political asylum".

**Current Board Position:** Watch

**Staff Recommendation after amendments:** No change

~~~

[AB 2185](#) (Patterson) Professions and vocations: applicants licensed in other states: reciprocity.

Status: No amendments since last Board meeting

In Assembly, re-referred to the Committee on Business and Professions (5/14/20). It is unclear if this bill will progress.

Summary:

This bill would require each program at the Department of Consumer Affairs to issue a license to an applicant who is married to or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces stationed in California if the applicant holds an out-of-state license in good standing in the discipline and practice level. Applicants must meet certain requirements, including, but not limited to, holding the out-of-state license for the past three of five years.

Current Board Position: Oppose, unless amended

~~~

**[AB 2214](#) (Carrillo) Administrative Procedure Act: notice of proposed action.**

**Status:** No amendments since last Board meeting

In Assembly, referred to the Committee on Accountability and Administrative Review (2/20). This bill is likely dead.

**Summary:**

This bill would require a state agency, including programs within the Department of Consumer Affairs, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to the Office of Administrative Law.

**Current Board Position:** Oppose

~~~

[AB 2411](#) (Nazarian) Healing arts licensees: remuneration: drug or device companies: disclosure.

Status: No amendments since last Board meeting

In Assembly, referred to Committees on Business and Professions and Health (3/02/20). Unclear if this will pass.

Summary:

This bill would require a healing arts licensee who receives remuneration from a drug or device company to disclose the amount and source orally and in writing to each patient before the intended use or prescription of a drug or device manufactured or distributed.

Current Board Position: Watch

~~~

**[AB 2631](#) (Cunningham) License fees: military partners and spouses.**

**Status:** No amendments since last Board meeting

In Assembly, referred to Com. on Business and Professions (3/02). Unclear if this will be taken up in this session.

**Summary:**

This bill would require programs within the Department of Consumer Affairs to waive initial or original licensing fees for spouses and domestic partners of active duty military members.

**Current Board Position:** Watch

~~~

[AB 2704](#) (Ting) Healing arts: licensees: data collection.

Status: No amendments since last Board meeting

In Assembly, referred to Committee on Business and Professions (5/18/20). There has been no movement since May.

Summary:

This bill would standardize the licensee demographic data that must be collected by all healing arts boards. Several board-specific data collection requirements would be repealed. Aggregate information collected must be posted on each board's website and provided to the Office of Statewide Health Planning and Development.

Current Board Position: Watch

~~~

**[AB 2978](#) (Ting) Department of Justice: arrest and conviction records: review.**

**Status:** No amendments since last Board meeting

In Assembly, hearing postponed by Committee on Public Safety (3/17/20). This may not be taken up this session.

**Summary:**

Pursuant to AB 1076 (Ting, Chapter 578, Statutes of 2019), the Department of Justice is required, beginning January 1, 2021, to review statewide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or criminal conviction records, withheld from disclosure or modified. Current law provides that individuals are eligible for this relief, among other criteria, if the arrest or conviction occurred on or after January 1, 2021. This bill would instead require the arrest or conviction to have occurred on or after January 1, 1973.

**Current Board Position:** Watch

~~~

[AB 3045](#) (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Status: No amendments since last Board meeting

In Senate, referred to Committee on Business, Professions and Economic Development (7/1/20).

Summary:

This bill would require certain programs within the Department of Consumer Affairs to issue licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions.

Current Board Position: Oppose

~~~

**[AB 3298](#) (Brough) Frauds of medical credentials: penalty.**

**Status:** No amendments since last Board meeting

In Assembly, referred to Committee on Business and Professions (4/24). This may not be taken up this session.

**Summary:**

This bill would increase the maximum fine from \$6,000 to \$10,000 for certain types of healing arts license fraud, including: selling or offering to sell a healing arts degree or diploma, making false statements as part of an application, or violating the security of an examination.

**Current Board Position:** Support

~~~

[SB 878 \(Jones\) Department of Consumer Affairs Licensing: applications: wait times.](#)

Status: No amendments since last Board meeting

In Assembly, in Floor process and ordered to consent calendar.

Summary:

This bill would require each licensing program within the Department of Consumer Affairs to prominently display on its website the current average timeframe for processing initial and renewal license applications for each license it offers.

Current Board Position: No Position

~~~

**[SB 937 \(Hill\) State agencies: web accessibility.](#)**

**Status:** No amendments since last Board meeting

In Senate, double-referred to the Committees on Judiciary and Governmental Organization. Referral to Judiciary rescinded due to shortened 2020 Legislative Calendar.

**Summary:**

This bill would authorize a state agency to temporarily remove public documents from digital access if a justifiable impediment exists, the Director of Technology verifies the impediment prohibits full compliance, and the state agency complies with various requirements, including, but not limited to, citing the reason for the document's removal and listing options and instructions for how to access the document offline. This bill would make any file or document removed after October 14, 2017 subject to these requirements.

**Current Board Position:** Watch

~~~

[SB 1097 \(Durazo\) Medical services: credit or loan.](#)

Status: No amendments since last Board meeting

In Senate, referred to the Committee on Business, Professions and Economic Development (Committee). Last hearing scheduled for March 30th was postponed by Committee.

Summary:

This bill would strengthen provisions included in SB 639 (Mitchell, Chapter 856, Statutes of 2019) that, among other things, barred healing arts licensees from charging treatment or costs to an open-end credit or loan that is extended by a third party and that is arranged for, or established in, that licensee's office more than 30 days before treatment. This bill would prohibit such loans regardless of if they were arranged for or established in the licensee's office.

Current Board Position: Watch

~~~

**[SB 1432 \(Glazer\) Clinical laboratories.](#)**

**Status:** No movement or amendments since last Board meeting

In Senate, referred to Committee on Businesses, Professions, and Economic Development.

**Summary:**

In addition to performing other specified notice requirements, this bill would require clinical laboratories to notify the Department of Consumer Affairs via email when improper specimen storage occurs. This bill would also require the notice of improper storage form developed by the Department of Public Health to be posted on the Department of Consumer Affairs' website.

**Current Board Position:** No position

~~~

[AB 3330 \(Calderon\) Department of Consumer Affairs: boards: licensees: regulatory fees.](#)

Status: Introduced 2/21/2020

In Assembly, in Floor process and ordered to third reading.

Summary:

This bill is the Legislative vehicle for fee changes for several Department of Consumer Affairs programs, including the Acupuncture Board. This bill would raise and set the various acupuncture fees in statute pursuant to the fee language the Board already reviewed last year during its August board meeting. The fees included in the bill were based on staff recommendation as a result of the independent fee study conducted. An increase to the Board's fees is necessary to avoid insolvency.

The only amendment since the Board last reviewed the fee language is in regard to the continuing education course fee. The bill would require the fee for continuing education course applications to be assessed to the continuing education provider at a floor of \$10 per hour of continuing education requested to offer, and a cap of \$20 per hour of continuing education requested to offer, allowing up to a maximum of 50 hours to be approved per course application.

The bill also specifies that an approved course may be offered for a period of one year from the date of the Board course approval.

This bill also raises the Controlled Substance Utilization Review and Evaluation System (CURES) fee for licensees at the time of renewal. The bill would also make changes to fees for the Podiatric Medical Board of California and the Board of Behavioral Sciences affecting their licensees.

Staff Recommendation: Support

Recommended Motion Language:

I move that the Acupuncture Board take a support position on AB 3330 (Calderon), as amended on August 12, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.



ITEM 10b - i

AB 613 (Low)

Professions and vocations: regulatory fees

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AMENDED IN SENATE JUNE 29, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

~~An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor. An act to amend Sections 1209 and 1632.55 of, to amend, repeal, and add Section 1632 of, and to add and repeal Section 1632.56 of, the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as amended, Low. ~~Professions and vocations: regulatory fees. Dentists: clinical laboratories: license examinations.~~

(1) Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health. Existing law requires a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) to be performed under the overall operation and administration of a laboratory director, which is defined to include certain licensees.

This bill would expand the definition of "laboratory director" to include licensed dentists.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Existing law requires an applicant for licensure to have taken and received a passing score on either a clinical and written examination administered by the Western

Regional Examining Board or a clinical and written examination developed by the American Board of Dental Examiners, Inc., subject to the Department of Consumer Affairs making a determination that the examination is compliant with specified requirements and standards. Existing law authorizes the acceptance of an American Board of Dental Examiners, Inc. examination only after the department makes that determination.

This bill would delete the provision specifying that the examination may only be accepted after that determination is made. The bill, until January 1, 2024, would specify that an applicant who received a passing score on either of the examinations specified above between January 1, 2015, to December 31, 2019, inclusive, shall be deemed to satisfy the examination requirement. The bill would make conforming changes.

~~Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.~~

~~This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: *yes-no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 1209 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 1209. (a) As used in this chapter, "laboratory director" means
- 4 any person who is any of the following:
- 5 (1) A duly licensed physician and surgeon.

- 1 (2) Only for purposes of a clinical laboratory test or examination
2 classified as waived, is any of the following:
- 3 (A) A duly licensed clinical laboratory scientist.
 - 4 (B) A duly licensed limited clinical laboratory scientist.
 - 5 (C) A duly licensed naturopathic doctor.
 - 6 (D) A duly licensed optometrist serving as the director of a
7 laboratory that only performs clinical laboratory tests authorized
8 in paragraph (10) of subdivision (d) of Section 3041.
 - 9 (E) *A duly licensed dentist.*
- 10 (3) Licensed to direct a clinical laboratory under this chapter.
- 11 (b) (1) A person defined in paragraph (1) or (3) of subdivision
12 (a) who is identified as the CLIA laboratory director of a laboratory
13 that performs clinical laboratory tests classified as moderate or
14 high complexity shall also meet the laboratory director
15 qualifications under CLIA for the type and complexity of tests
16 being offered by the laboratory.
- 17 (2) As used in this subdivision, "CLIA laboratory director"
18 means the person identified as the laboratory director on the CLIA
19 certificate issued to the laboratory by the federal Centers for
20 Medicare and Medicaid Services (CMS).
- 21 (c) The laboratory director, if qualified under CLIA, may
22 perform the duties of the technical consultant, technical supervisor,
23 clinical consultant, general supervisor, and testing personnel, or
24 delegate these responsibilities to persons qualified under CLIA.
25 If the laboratory director reapportions performance of those
26 responsibilities or duties, ~~he or she~~ *they* shall remain responsible
27 for ensuring that all those duties and responsibilities are properly
28 performed.
- 29 (d) (1) The laboratory director is responsible for the overall
30 operation and administration of the clinical laboratory, including
31 administering the technical and scientific operation of a clinical
32 laboratory, the selection and supervision of procedures, the
33 reporting of results, and active participation in its operations to
34 the extent necessary to ensure compliance with this act and CLIA.
35 ~~He or she~~ *They* shall be responsible for the proper performance of
36 all laboratory work of all subordinates and shall employ a sufficient
37 number of laboratory personnel with the appropriate education
38 and either experience or training to provide appropriate
39 consultation, properly supervise and accurately perform tests, and

1 report test results in accordance with the personnel qualifications,
2 duties, and responsibilities described in CLIA and this chapter.

3 (2) Where a point-of-care laboratory testing device is utilized
4 and provides results for more than one analyte, the testing
5 personnel may perform and report the results of all tests ordered
6 for each analyte for which ~~he or she has~~ *they have* been found by
7 the laboratory director to be competent to perform and report.

8 (e) As part of the overall operation and administration, the
9 laboratory director of a registered laboratory shall document the
10 adequacy of the qualifications (educational background, training,
11 and experience) of the personnel directing and supervising the
12 laboratory and performing the laboratory test procedures and
13 examinations. In determining the adequacy of qualifications, the
14 laboratory director shall comply with any regulations adopted by
15 the department that specify the minimum qualifications for
16 personnel, in addition to any CLIA requirements relative to the
17 education or training of personnel.

18 (f) As part of the overall operation and administration, the
19 laboratory director of a licensed laboratory shall do all of the
20 following:

21 (1) Ensure that all personnel, prior to testing biological
22 specimens, have the appropriate education and experience, receive
23 the appropriate training for the type and complexity of the services
24 offered, and have demonstrated that they can perform all testing
25 operations reliably to provide and report accurate results. In
26 determining the adequacy of qualifications, the laboratory director
27 shall comply with any regulations adopted by the department that
28 specify the minimum qualifications for, and the type of procedures
29 that may be performed by, personnel in addition to any CLIA
30 requirements relative to the education or training of personnel.
31 Any regulations adopted pursuant to this section that specify the
32 type of procedure that may be performed by testing personnel shall
33 be based on the skills, knowledge, and tasks required to perform
34 the type of procedure in question.

35 (2) Ensure that policies and procedures are established for
36 monitoring individuals who conduct preanalytical, analytical, and
37 postanalytical phases of testing to ensure that they are competent
38 and maintain their competency to process biological specimens,
39 perform test procedures, and report test results promptly and

1 proficiently, and, whenever necessary, identify needs for remedial
2 training or continuing education to improve skills.

3 (3) Specify in writing the responsibilities and duties of each
4 individual engaged in the performance of the preanalytic, analytic,
5 and postanalytic phases of clinical laboratory tests or examinations,
6 including which clinical laboratory tests or examinations the
7 individual is authorized to perform, whether supervision is required
8 for the individual to perform specimen processing, test
9 performance, or results reporting, and whether consultant,
10 supervisor, or director review is required prior to the individual
11 reporting patient test results.

12 (g) The competency and performance of staff of a licensed
13 laboratory shall be evaluated and documented by the laboratory
14 director, or by a person who qualifies as a technical consultant or
15 a technical supervisor under CLIA depending on the type and
16 complexity of tests being offered by the laboratory.

17 (1) The procedures for evaluating the competency of the staff
18 shall include, but are not limited to, all of the following:

19 (A) Direct observations of routine patient test performance,
20 including patient preparation, if applicable, and specimen handling,
21 processing, and testing.

22 (B) Monitoring the recording and reporting of test results.

23 (C) Review of intermediate test results or worksheets, quality
24 control records, proficiency testing results, and preventive
25 maintenance records.

26 (D) Direct observation of performance of instrument
27 maintenance and function checks.

28 (E) Assessment of test performance through testing previously
29 analyzed specimens, internal blind testing samples, or external
30 proficiency testing samples.

31 (F) Assessment of problem solving skills.

32 (2) Evaluation and documentation of staff competency and
33 performance shall occur at least semiannually during the first year
34 an individual tests biological specimens. Thereafter, evaluations
35 shall be performed at least annually unless test methodology or
36 instrumentation changes, in which case, prior to reporting patient
37 test results, the individual's performance shall be reevaluated to
38 include the use of the new test methodology or instrumentation.

1 (h) The laboratory director of each clinical laboratory of an
2 acute care hospital shall be a physician and surgeon who is a
3 qualified pathologist, except as follows:

4 (1) If a qualified pathologist is not available, a physician and
5 surgeon or a clinical laboratory bioanalyst qualified as a laboratory
6 director under subdivision (a) may direct the laboratory. However,
7 a qualified pathologist shall be available for consultation at suitable
8 intervals to ensure high-quality service.

9 (2) If there are two or more clinical laboratories of an acute care
10 hospital, those additional clinical laboratories that are limited to
11 the performance of blood gas analysis, blood electrolyte analysis,
12 or both, may be directed by a physician and surgeon qualified as
13 a laboratory director under subdivision (a), irrespective of whether
14 a pathologist is available.

15 As used in this subdivision, a qualified pathologist is a physician
16 and surgeon certified or eligible for certification in clinical or
17 anatomical pathology by the American Board of Pathology or the
18 American Osteopathic Board of Pathology.

19 (i) Subdivision (h) does not apply to any director of a clinical
20 laboratory of an acute care hospital acting in that capacity on or
21 before January 1, 1988.

22 (j) A laboratory director may serve as the director of up to the
23 maximum number of laboratories stipulated by CLIA, as defined
24 under Section 1202.5.

25 *SEC. 2. Section 1632 of the Business and Professions Code is*
26 *amended to read:*

27 1632. (a) The board shall require each applicant to successfully
28 complete the written examination of the National Board Dental
29 Examination of the Joint Commission on National Dental
30 Examinations.

31 (b) The board shall require each applicant to successfully
32 complete an examination in California law and ethics developed
33 and administered by the board. The board shall provide a separate
34 application for this examination. The board shall ensure that the
35 law and ethics examination reflects current law and regulations,
36 and ensure that the examinations are randomized. Applicants shall
37 submit this application and required fee to the board in order to
38 take this examination. In addition to the aforementioned
39 application, the only other requirement for taking this examination
40 shall be certification from the dean of the qualifying dental school

1 or the dean's delegate attended by the applicant that the applicant
2 has graduated, or will graduate, or is expected to graduate.
3 Applicants who submit completed applications and certification
4 from the dean at least 15 days prior to a scheduled examination
5 shall be scheduled to take the examination. Successful results of
6 the examination shall, as established by board regulation, remain
7 valid for two years from the date that the applicant is notified of
8 having passed the examination.

9 (c) Except as otherwise provided in Section ~~1632.5~~, *1632.5 or*
10 *1632.56*, the board shall require each applicant to have taken and
11 received a passing score on one of the following:

12 (1) (A) A portfolio examination of the applicant's competence
13 to enter the practice of dentistry. This examination shall be
14 conducted while the applicant is enrolled in a dental school
15 program at a board-approved school located in California. This
16 examination shall utilize uniform standards of clinical experiences
17 and competencies, as approved by the board pursuant to Section
18 1632.1. The applicant shall pass a final assessment of the submitted
19 portfolio at the end of the applicant's dental school program. Before
20 any portfolio assessment may be submitted to the board, the
21 applicant shall remit the required fee to the board to be deposited
22 into the State Dentistry Fund, and a letter of good standing signed
23 by the dean of the applicant's dental school or the dean's delegate
24 stating that the applicant has graduated or will graduate with no
25 pending ethical issues.

26 (B) The board shall provide a report on how many other states
27 have recognized licensure by portfolio examination at the time of
28 its sunset review pursuant to subdivision (d) of Section 1601.1.
29 The report shall be submitted in compliance with Section 9795 of
30 the Government Code.

31 (2) Either one of the following examinations:

32 (A) A clinical and written examination administered by the
33 Western Regional Examining Board within five years prior to the
34 date of their application for a license under this section.

35 (B) The clinical and written examination developed by the
36 American Board of Dental Examiners, Inc., within five years prior
37 to the date of their application for a license under this section.

38 (d) Notwithstanding subdivision (b) of Section 1628, the board
39 is authorized to do either of the following:

1 (1) Approve an application for examination from, and to
2 examine an applicant who is enrolled in, but has not yet graduated
3 from, a reputable dental school approved by the board.

4 (2) Accept the results of an examination described in paragraph
5 (2) of subdivision (c) submitted by an applicant who was enrolled
6 in, but had not graduated from, a reputable dental school approved
7 by the board at the time the examination was administered.

8 In either case, the board shall require the dean of that school or
9 the dean's delegate to furnish satisfactory proof that the applicant
10 will graduate within one year of the date the examination was
11 administered or as provided in paragraph (1) of subdivision (c).

12 (e) The board may determine the testing format, as related to
13 patients, for the examination provided pursuant to subparagraph
14 (B) of paragraph (2) of subdivision (c).

15 (f) *This section shall remain in effect only until January 1, 2024,*
16 *and as of that date is repealed.*

17 *SEC. 3. Section 1632 is added to the Business and Professions*
18 *Code, to read:*

19 *1632. (a) The board shall require each applicant to*
20 *successfully complete the written examination of the National*
21 *Board Dental Examination of the Joint Commission on National*
22 *Dental Examinations.*

23 *(b) The board shall require each applicant to successfully*
24 *complete an examination in California law and ethics developed*
25 *and administered by the board. The board shall provide a separate*
26 *application for this examination. The board shall ensure that the*
27 *law and ethics examination reflects current law and regulations,*
28 *and ensure that the examinations are randomized. Applicants shall*
29 *submit this application and required fee to the board in order to*
30 *take this examination. In addition to the aforementioned*
31 *application, the only other requirement for taking this examination*
32 *shall be certification from the dean of the qualifying dental school*
33 *or the dean's delegate attended by the applicant that the applicant*
34 *has graduated, or will graduate, or is expected to graduate.*
35 *Applicants who submit completed applications and certification*
36 *from the dean at least 15 days prior to a scheduled examination*
37 *shall be scheduled to take the examination. Successful results of*
38 *the examination shall, as established by board regulation, remain*
39 *valid for two years from the date that the applicant is notified of*
40 *having passed the examination.*

1 (c) Except as otherwise provided in Section 1632.5, the board
2 shall require each applicant to have taken and received a passing
3 score on one of the following:

4 (1) (A) A portfolio examination of the applicant's competence
5 to enter the practice of dentistry. This examination shall be
6 conducted while the applicant is enrolled in a dental school
7 program at a board-approved school located in California. This
8 examination shall utilize uniform standards of clinical experiences
9 and competencies, as approved by the board pursuant to Section
10 1632.1. The applicant shall pass a final assessment of the submitted
11 portfolio at the end of the applicant's dental school program.
12 Before any portfolio assessment may be submitted to the board,
13 the applicant shall remit the required fee to the board to be
14 deposited into the State Dentistry Fund, and a letter of good
15 standing signed by the dean of the applicant's dental school or
16 the dean's delegate stating that the applicant has graduated or
17 will graduate with no pending ethical issues.

18 (B) The board shall provide a report on how many other states
19 have recognized licensure by portfolio examination at the time of
20 its sunset review pursuant to subdivision (d) of Section 1601.1.
21 The report shall be submitted in compliance with Section 9795 of
22 the Government Code.

23 (2) Either one of the following examinations:

24 (A) A clinical and written examination administered by the
25 Western Regional Examining Board within five years prior to the
26 date of their application for a license under this section.

27 (B) The clinical and written examination developed by the
28 American Board of Dental Examiners, Inc., within five years prior
29 to the date of their application for a license under this section.

30 (d) Notwithstanding subdivision (b) of Section 1628, the board
31 is authorized to do either of the following:

32 (1) Approve an application for examination from, and to
33 examine an applicant who is enrolled in, but has not yet graduated
34 from, a reputable dental school approved by the board.

35 (2) Accept the results of an examination described in paragraph
36 (2) of subdivision (c) submitted by an applicant who was enrolled
37 in, but had not graduated from, a reputable dental school approved
38 by the board at the time the examination was administered.

39 In either case, the board shall require the dean of that school
40 or the dean's delegate to furnish satisfactory proof that the

1 applicant will graduate within one year of the date the examination
2 was administered or as provided in paragraph (1) of subdivision
3 (c).

4 (e) The board may determine the testing format, as related to
5 patients, for the examination provided pursuant to subparagraph
6 (B) of paragraph (2) of subdivision (c).

7 (f) This section shall become operative on January 1, 2024.

8 SEC. 4. Section 1632.55 of the Business and Professions Code
9 is amended to read:

10 1632.55. (a) Prior to implementation of subparagraph (B) of
11 paragraph (2) of subdivision (c) of Section 1632, the department's
12 Office of Professional Examination Services shall review the
13 American Board of Dental Examiners, Inc. examination to ensure
14 compliance with the requirements of Section 139 and to certify
15 that the examination process meets those standards, and deliver
16 this review to the Dental Board of California. If the department
17 determines that the examination process fails to meet those
18 standards, does not deliver the review to the Dental Board of
19 California, or if the American Board of Dental Examiners, Inc.
20 fails to pay the costs and expenses the board incurs, as described
21 in subdivision (d), subparagraph (B) of paragraph (2) of subdivision
22 (c) of Section 1632 shall not be implemented.

23 (b) The American Board of Dental Examiners, Inc. examination
24 process shall be regularly reviewed by the department pursuant to
25 Section 139.

26 (c) The American Board of Dental Examiners, Inc. examination
27 shall meet the mandates of subdivision (a) of Section 12944 of the
28 Government Code.

29 (d) The American Board of Dental Examiners, Inc. shall pay
30 all reasonable costs and expenses the board incurs for the purposes
31 of implementing this section.

32 ~~(e) The American Board of Dental Examiners, Inc. examination
33 may only be accepted for licensure by a candidate after it is
34 determined that the examination has met the requirements of this
35 section. Examinations taken prior to that date may not be used for
36 licensure.~~

37 SEC. 5. Section 1632.56 is added to the Business and
38 Professions Code, immediately following Section 1632.55, to read:

39 1632.56. (a) Notwithstanding Section 1630, an applicant
40 receiving a passing score on an American Board of Dental

1 *Examiners, Inc. examination or an examination administered by*
2 *the Western Regional Examining Board from January 1, 2015, to*
3 *December 31, 2019, inclusive, shall satisfy the requirement of a*
4 *passing score pursuant to subdivision (c) of Section 1632 for a*
5 *license to practice dentistry in this state.*

6 *(b) This section shall remain in effect only until January 1,*
7 *2024, and as of that date is repealed.*

8 ~~SECTION 1. Section 101.1 is added to the Business and~~
9 ~~Professions Code, to read:~~

10 ~~101.1. (a) Notwithstanding any other law, no more than once~~
11 ~~every four years, any board listed in Section 101 may increase any~~
12 ~~fee authorized to be imposed by that board by an amount not to~~
13 ~~exceed the increase in the California Consumer Price Index, as~~
14 ~~determined pursuant to Section 2212 of the Revenue and Taxation~~
15 ~~Code, for the preceding four years in accordance with the~~
16 ~~following:~~

17 ~~(1) The board shall provide its calculations and proposed fee,~~
18 ~~rounded to the nearest whole dollar, to the director and the director~~
19 ~~shall approve the fee increase unless any of the following apply:~~

20 ~~(A) The board has unencumbered funds in an amount that is~~
21 ~~equal to more than the board's operating budget for the next two~~
22 ~~fiscal years.~~

23 ~~(B) The fee would exceed the reasonable regulatory costs to the~~
24 ~~board in administering the provisions for which the fee is~~
25 ~~authorized.~~

26 ~~(C) The director determines that the fee increase would be~~
27 ~~injurious to the public health, safety, or welfare.~~

28 ~~(2) The adjustment of fees and publication of the adjusted fee~~
29 ~~list is not subject to the Administrative Procedure Act (Chapter~~
30 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
31 ~~Title 2) of the Government Code.~~

32 ~~(b) For purposes of this section, "fee" includes any fees~~
33 ~~authorized to be imposed by a board for regulatory costs. "Fee"~~
34 ~~does not include administrative fines, civil penalties, or criminal~~
35 ~~penalties.~~

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ITEM 10b - v

**AB 1616 (Low)
Department of Consumer Affairs:
Boards: Expunged Convictions**

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AMENDED IN SENATE JULY 7, 2020
AMENDED IN ASSEMBLY JANUARY 6, 2020
AMENDED IN ASSEMBLY APRIL 1, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1616

**Introduced by Assembly Member Low
(Coauthor: Assembly Member Eduardo Garcia)**

February 22, 2019

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a ~~crime to~~, *crime*, within ~~6 months~~ *90 days* of receiving ~~the~~ *an* expungement order for the underlying offense from the person, *if the person reapplies for licensure or is relicensed*, to post notification of the expungement order and the date thereof on the board's internet ~~website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked~~ *website*. *The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, as specified: to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions.* The bill would require a person *in either case* to pay a ~~fee, to be \$50 fee to the board, unless another amount is determined by the department, to the board for~~ *board to be necessary to cover the cost of administering the bill's provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 493.5 is added to the Business and
2 Professions Code, to read:
3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, ~~within six months~~ *90 days* of receiving the expungement
9 order, unless it is otherwise prohibited by law, or by other terms
10 or conditions, do either of the following:
11 (1) If the person reapplies for licensure or has been relicensed,
12 post notification of the expungement order and the date thereof on
13 its internet website.
14 (2) If the person is not currently licensed and does not reapply
15 for licensure, ~~remove the initial posting on its internet website that~~
16 ~~the person's license was revoked.~~ *revoked and information*
17 *previously posted regarding arrests, charges, and convictions.*

1 (b) A person described in subdivision (a) shall pay to the board
2 a fee in ~~an~~ *the amount to be of fifty dollars (\$50), unless another*
3 *amount is determined by the ~~department~~ board to be necessary to*
4 *cover the administrative cost, ensuring that the amount does not*
5 *exceed the reasonable cost of administering this section. The fee*
6 *shall be deposited by the board into the appropriate fund and shall*
7 *be available only upon appropriation by the Legislature.*

8 (c) For purposes of this section “board” means an entity listed
9 in Section 101.

10 (d) If any provision in this section conflicts with Section 2027,
11 Section 2027 shall prevail.

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ITEM 10b - ix

**AB 2028 (Aguiar-Curry)
State Agencies: Meetings**

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AMENDED IN SENATE AUGUST 20, 2020

AMENDED IN SENATE JULY 28, 2020

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2028

**Introduced by Assembly Member Aguiar-Curry
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

An act to amend ~~Sections 11125 and~~ *Section* 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The

~~bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer, or specified entities for which the Treasurer serves as chairperson, at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.~~

Existing law, *the Bagley-Keene Open Meeting Act*, requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

1 (a) The Bagley-Keene Open Meeting Act (Article 9
2 (commencing with Section 11120) of Chapter 1 of Part 1 of
3 Division 3 of Title 2 of the Government Code) (hereafter
4 “Bagley-Keene”) was intended to implement Section 3 of Article
5 I of the California Constitution, which states in part, “The people
6 have the right of access to information concerning the conduct of
7 the people’s business, and, therefore, the meetings of public bodies
8 and the writings of public officials and agencies shall be open to
9 public scrutiny.”

10 (b) Bagley-Keene was written to protect public meetings and
11 public notice and to ensure the transparency of actions taken by
12 state agencies, boards, and commissions.

13 (c) Californians have the right to participate in state body
14 deliberations. This includes the public’s ability to comment on all
15 agenda items discussed at a meeting of the state body, regardless
16 of whether an item has been discussed previously in a committee
17 of the state body.

18 (d) The purpose of public notice is so that state bodies give the
19 public adequate time for review of the substance of a state body
20 meeting and for comment.

21 (e) Public notice must also include any writings or materials
22 provided by a state body’s staff or by a member of the state body
23 to other members of the state body for a noticed meeting of the
24 body.

25 (f) Bagley-Keene affirms these rights by stating in Section 11120
26 of the Government Code, “The people of this state do not yield
27 their sovereignty to the agencies which serve them. The people,
28 in delegating authority, do not give their public servants the right
29 to decide what is good for the people to know and what is not good
30 for them to know. The people insist on remaining informed so that
31 they may retain control over the instruments they have created.”

32 ~~SEC. 2. Section 11125 of the Government Code is amended~~
33 ~~to read:~~

34 ~~11125. (a) The state body shall provide notice of its meeting~~
35 ~~to any person who requests that notice in writing. Notice shall be~~
36 ~~given and also made available on the internet website at least 10~~
37 ~~days in advance of the meeting, and shall include the name,~~
38 ~~address, and telephone number of any person who can provide~~
39 ~~further information prior to the meeting, but need not include a~~
40 ~~list of witnesses expected to appear at the meeting. The written~~

1 notice shall additionally include the address of the internet website
2 where notices required by this article are made available.

3 ~~(b) The notice of a meeting of a body that is a state body shall~~
4 ~~include a specific agenda for the meeting, containing a brief~~
5 ~~description of the items of business to be transacted or discussed~~
6 ~~in either open or closed session. A brief general description of an~~
7 ~~item generally need not exceed 20 words. A description of an item~~
8 ~~to be transacted or discussed in closed session shall include a~~
9 ~~citation of the specific statutory authority under which a closed~~
10 ~~session is being held. No item shall be added to the agenda~~
11 ~~subsequent to the provision of this notice, unless otherwise~~
12 ~~permitted by this article.~~

13 ~~(e) (1) Any notice provided pursuant to subdivision (a) shall~~
14 ~~include all writings or materials provided for the noticed meeting~~
15 ~~to a member of the state body by the staff of that state agency,~~
16 ~~board, or commission, or another member of the state body, that~~
17 ~~are in connection with a matter subject to discussion or~~
18 ~~consideration at the meeting. A state body may distribute or discuss~~
19 ~~writings or materials only to the extent that it has complied with~~
20 ~~the applicable requirements of this subdivision.~~

21 ~~(2) (A) The writings or materials to be considered at a noticed~~
22 ~~meeting and provided to members of the state body in advance of~~
23 ~~the meeting shall be made available on the body's internet website~~
24 ~~no later than the first business day following the dissemination of~~
25 ~~the writings and materials to members of the state body or at least~~
26 ~~48 hours in advance of the meeting, whichever is earlier. Upon~~
27 ~~receipt of a written request for writings or materials provided to~~
28 ~~members of the state body in advance of the meeting, a state body~~
29 ~~shall provide them immediately.~~

30 ~~(B) Any writings or materials provided to the members of the~~
31 ~~state body by another state body after the time periods described~~
32 ~~in subparagraph (A) have passed shall be posted on the body's~~
33 ~~internet website no later than the first business day, but prior to~~
34 ~~the meeting of the state body, following the dissemination of the~~
35 ~~writings and materials to the members of the state body. Upon~~
36 ~~receipt of a written request, these writings or materials shall be~~
37 ~~provided immediately. A state body that satisfies the requirements~~
38 ~~of this subparagraph may discuss these writings and materials at~~
39 ~~an otherwise properly noticed meeting.~~

1 ~~(3) (A) This subdivision does not apply to writings or materials~~
2 ~~prepared for a matter to be discussed in a closed session of the~~
3 ~~state body or to state financial materials that put the Treasurer, or~~
4 ~~any of the boards, authorities, commissions, committees, and~~
5 ~~councils for which the Treasurer serves as chairperson, at a~~
6 ~~competitive disadvantage in financial transactions.~~

7 ~~(B) For purposes of this paragraph, "financial materials" mean~~
8 ~~documents related to bonds, loans, and grants.~~

9 ~~(4) If the writings or materials described in paragraph (1) on an~~
10 ~~agenda for discussion at a meeting of the state body are related to~~
11 ~~legislation that is before the Legislature in a current legislative~~
12 ~~session or are related to changing financial market conditions, a~~
13 ~~state body shall satisfy the requirements of this subdivision by~~
14 ~~posting on its internet website the writings and materials related~~
15 ~~to the legislation or the changing market conditions as they become~~
16 ~~available after the time periods described in paragraph (2). Upon~~
17 ~~receipt of a written request, these writings or materials shall be~~
18 ~~provided immediately. The state body shall make clear what date~~
19 ~~the new or changed writings or materials are posted and, when~~
20 ~~applicable, what changes have been made in the writings or~~
21 ~~materials.~~

22 ~~(d) Notice of a meeting of a state body that complies with this~~
23 ~~section shall also constitute notice of a meeting of an advisory~~
24 ~~body of that state body, provided that the business to be discussed~~
25 ~~by the advisory body is covered by the notice of the meeting of~~
26 ~~the state body, provided that the specific time and place of the~~
27 ~~advisory body's meeting is announced during the open and public~~
28 ~~state body's meeting, and provided that the advisory body's~~
29 ~~meeting is conducted within a reasonable time of, and nearby, the~~
30 ~~meeting of the state body.~~

31 ~~(e) A person may request, and shall be provided, notice pursuant~~
32 ~~to subdivision (a) for all meetings of a state body or for a specific~~
33 ~~meeting or meetings. In addition, at the state body's discretion, a~~
34 ~~person may request, and may be provided, notice of only those~~
35 ~~meetings of a state body at which a particular subject or subjects~~
36 ~~specified in the request will be discussed.~~

37 ~~(f) A request for notice of more than one meeting of a state body~~
38 ~~shall be subject to the provisions of Section 14911.~~

39 ~~(g) The notice shall be made available in appropriate alternative~~
40 ~~formats, as required by Section 202 of the Americans with~~

1 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal~~
2 ~~rules and regulations adopted in implementation thereof, upon~~
3 ~~request by any person with a disability. The notice shall include~~
4 ~~information regarding how, to whom, and by when a request for~~
5 ~~any disability-related modification or accommodation, including~~
6 ~~auxiliary aids or services may be made by a person with a disability~~
7 ~~who requires these aids or services in order to participate in the~~
8 ~~public meeting.~~

9 ~~SEC. 3.~~

10 *SEC. 2.* Section 11125.7 of the Government Code is amended
11 to read:

12 11125.7. (a) Except as otherwise provided in this section, the
13 state body shall provide an opportunity for members of the public
14 to directly address the state body on each agenda item before or
15 during the state body's discussion or consideration of the item.
16 Every notice for a special meeting at which action is proposed to
17 be taken on an item shall provide an opportunity for members of
18 the public to directly address the state body concerning that item
19 prior to action on the item. In addition, the notice requirement of
20 Section 11125 shall not preclude the acceptance of testimony at
21 meetings, other than emergency meetings, from members of the
22 public if no action is taken by the state body at the same meeting
23 on matters brought before the body by members of the public.

24 (b) The state body may adopt reasonable regulations to ensure
25 that the intent of subdivision (a) is carried out, including, but not
26 limited to, regulations limiting the total amount of time allocated
27 for public comment on particular issues and for each individual
28 speaker.

29 (c) (1) Notwithstanding subdivision (b), when a state body
30 limits time for public comment the state body shall provide at least
31 twice the allotted time to a member of the public who utilizes a
32 translator to ensure that non-English speakers receive the same
33 opportunity to directly address the state body.

34 (2) Paragraph (1) shall not apply if the state body utilizes
35 simultaneous translation equipment in a manner that allows the
36 state body to hear the translated public testimony simultaneously.

37 (d) The state body shall not prohibit public criticism of the
38 policies, programs, or services of the state body, or of the acts or
39 omissions of the state body. Nothing in this subdivision shall confer

1 any privilege or protection for expression beyond that otherwise
2 provided by law.

3 (e) This section is not applicable to any of the following:

4 (1) Closed sessions held pursuant to Section 11126.

5 (2) Decisions regarding proceedings held pursuant to Chapter
6 5 (commencing with Section 11500), relating to administrative
7 adjudication, or to the conduct of those proceedings.

8 (3) Hearings conducted by the California Victim Compensation
9 Board pursuant to Sections 13963 and 13963.1.

10 (4) Agenda items that involve decisions of the Public Utilities
11 Commission regarding adjudicatory hearings held pursuant to
12 Chapter 9 (commencing with Section 1701) of Part 1 of Division
13 1 of the Public Utilities Code. For all other agenda items, the
14 commission shall provide members of the public, other than those
15 who have already participated in the proceedings underlying the
16 agenda item, an opportunity to directly address the commission
17 before or during the commission's consideration of the item.

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ITEM 10b - x

**AB 2113 (Low)
Refugees, asylees, and immigrants:
Professional Licensing**

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AMENDED IN SENATE AUGUST 4, 2020

AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2113

**Introduced by Assembly Member Low
(Coauthors: Assembly Members Carrillo, Chiu, Medina,
Blanca Rubio, and Gonzalez)**

February 6, 2020

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as amended, Low. Refugees, asylees, and ~~immigrants:~~ *special immigrant visa holders*: professional ~~licensing:~~ *licensing: initial licensure process.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits ~~an entity~~ *a board* within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted ~~political~~ asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 135.4 is added to the Business and
2 Professions Code, to read:

3 135.4. (a) Notwithstanding any other law, a board within the
4 department shall expedite, and may assist, the initial licensure
5 process for an applicant who supplies satisfactory evidence to the
6 board that they have been admitted to the United States as a refugee
7 under Section 1157 of Title 8 of the United States Code, have been
8 granted ~~political~~ asylum by the Secretary of Homeland Security
9 or the Attorney General of the United States pursuant to Section
10 1158 of Title 8 of the United States Code, or they have a special
11 immigrant visa (SIV) that has been granted a status under Section
12 1244 of Public Law 110-181, under Public Law 109-163, or under
13 Section 602(b) of Title VI of Division F of Public Law 111-8.

14 (b) Nothing in this section shall be construed as changing
15 existing licensure requirements. A person applying for expedited
16 licensure under subdivision (a) shall meet all applicable statutory
17 and regulatory licensure requirements.

18 (c) A board may adopt regulations necessary to administer this
19 section.

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ITEM 10b - xxiii

AB 3330 (Calderon)

**Department of Consumer Affairs: boards:
licensees: regulatory fees**

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AMENDED IN ASSEMBLY AUGUST 12, 2020

AMENDED IN ASSEMBLY AUGUST 3, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 3330

Introduced by Assembly Member Calderon

February 21, 2020

An act to amend Sections 2499.5 and 4970 of, and to amend, repeal, and add Sections 208, 4971, 4984.7, 4989.68, 4996.3, and 4999.120 of, the Business and Professions Code, relating to the Department of Consumer Affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 3330, as amended, Calderon. Department of Consumer Affairs: boards: licensees: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of licensing and regulating various professions and vocations, including healing arts licensees and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

(1) Existing law requires a Controlled Substance Utilization Review and Evaluation System (CURES) fee of \$6 to be assessed annually, at the time of license renewal, on specified active licensees to pay the

reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees. Existing law requires these fees to be deposited in the CURES Fund, which is subject to appropriation by the Legislature.

This bill, beginning ~~January~~ *April 1, 2021*, would increase that fee to ~~\$14. \$12~~ *and subsequently, beginning April 1, 2023, the bill would decrease that fee to \$9.*

(2) Existing law regulates the practice of podiatric medicine by the ~~California Board of Podiatric Medicine~~ *Podiatric Medical Board of California* and prescribes various fees relating to, among others, an application, licensure, and renewal. All revenue received by the board is required to be deposited into the Podiatric Medical Board Fund, which is available to the board upon appropriation by the Legislature. Existing law, on and after January 1, 2021, decreases the biennial renewal fee from \$1,100 to \$900.

This bill instead would increase the biennial renewal fee from \$1,100 to \$1,318 on and after January 1, 2021.

(3) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. Existing law establishes the Acupuncture Fund to carry out the provisions of the act, upon appropriation by the Legislature. Existing law requires the board to issue a license to practice acupuncture to a person who, among other things, furnishes satisfactory evidence of completion of one of specified types of education and training, including satisfactory completion of a tutorial program in the practice of an acupuncturist that is approved by the board. Existing law requires the fees prescribed for acupuncture tutorial programs to be specified amounts. Existing law requires the board to pay the entire amount of the revenue it receives pursuant to the act to the Treasurer for deposit in the fund.

This bill would decrease the application and registration fee to supervise an acupuncture trainee from \$200 to \$100, and would authorize the board to increase the fee to not more than \$200. The bill would increase the annual renewal fee for approval to supervise an acupuncture trainee from \$50 to \$200, and would authorize the board to increase the fee to not more than \$500. The bill would increase the application fee for an acupuncture trainee from \$25 to \$1,000, and would authorize the board to increase the fee to not more than \$2,500. The bill would increase the renewal fee for an acupuncture trainee from \$10 to \$500, and would authorize the board to increase the fee to not

more than \$600. The bill would revise the delinquency fee for a supervisor from 50% of the renewal fee to be 50% of the renewal fee in effect on the date of the renewal of the license, but not less than \$25 nor more than \$150. The bill would revise the delinquency fee for an acupuncture trainee from 50% of the renewal fee to be \$100, and would authorize the board to increase the fee to not more than \$200. The bill would make these provisions operative on January 1, 2021.

Existing law requires a licensee, within 30 days of licensure, to register each of the licensee's places of practice or notify the board if the licensee does not have a place of practice. Existing law requires an acupuncturist to post a wall license at their place of practice and, if the acupuncturist has more than one place of practice, to obtain and post a duplicate wall license at each place of practice.

Existing law requires a licensee to apply to the board to obtain a wall license for each place of practice and to renew each wall license biennially. Existing law requires a licensee to carry a pocket license during treatments outside of the licensee's place of practice and to make the pocket license available upon request. Existing law requires a licensee to return a former wall license to the board if the licensee obtains a new wall license for a location. Existing law revises specified fees associated with acupuncture practice, including specifying that an initial license fee shall include one wall license registration if a place of practice is specified in the application, and establishes a wall license renewal fee, a wall license replacement fee, and a pocket license replacement fee. Existing law makes the provisions described in this paragraph operative January 1, 2021.

This bill instead would revise the amounts of the fees that are operative on January 1, 2021, including requiring the application fee to be \$250 and authorizing the board to increase the application fee to not more than \$350, requiring the examination and reexamination fees to be \$800, requiring the initial license fee and the renewal to be \$500 each, except as specified, requiring the endorsement fee to be \$100, and requiring the wall license fee, the wall license renewal fee, the wall license replacement fee, and the pocket license replacement fee to be \$50 each. The bill would, commencing January 1, 2021, require the application fee for foreign applicants to be \$350 and authorizes the board to increase the application fee to not more than \$500. The bill, commencing January 1, 2021, would require the approval fee for each provider of continuing education and the biennial renewal fee for each provider to be \$500 each, and would authorize the board to increase

the fees to not more than \$700. The bill, commencing January 1, 2021, would require the fee for continuing education course applications to be assessed to the continuing education provider at a floor of \$10 per hour of continuing education requested to offer, and a cap of \$20 per hour of continuing education requested to offer, allowing up to a maximum of 50 hours to be approved per course application. The bill would specify that an approved course may be offered for a period of one year from the date of the board course approval.

(4) Existing law provides for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences. Existing law requires applicants for licensure and licensees under those acts to pay specified fees for licensure, license renewal, and examinations, and requires licensees who renew their license after allowing it to expire to pay delinquency fees. Existing law requires the board to establish the required fees at or below the maximum amounts specified under the act. Under existing law, the Behavioral Sciences Fund is required to be used for the purposes of carrying out and enforcing those provisions. Under existing law, all moneys in the Behavioral Sciences Fund is required to be expended, upon appropriation of the Legislature, by the respective board, as provided.

This bill would revise and recast the fees described above. The bill would establish new minimum fee amounts, and would authorize the board to adopt regulations to set the fees at a higher amount up to the prescribed maximum. The bill would require the delinquency fee to be 50% of the fee for license renewal. The bill would make these provisions operative on January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 208 of the Business and Professions Code
2 is amended to read:
3 208. (a) Beginning April 1, 2014, a Controlled Substance
4 Utilization Review and Evaluation System (CURES) fee of six
5 dollars (\$6) shall be assessed annually on each of the licensees
6 specified in subdivision (b) to pay the reasonable costs associated
7 with operating and maintaining CURES for the purpose of

1 regulating those licensees. The fee assessed pursuant to this
2 subdivision shall be billed and collected by the regulating agency
3 of each licensee at the time of the licensee's license renewal. If
4 the reasonable regulatory cost of operating and maintaining CURES
5 is less than six dollars (\$6) per licensee, the Department of
6 Consumer Affairs may, by regulation, reduce the fee established
7 by this section to the reasonable regulatory cost.

8 (b) (1) Licensees authorized pursuant to Section 11150 of the
9 Health and Safety Code to prescribe, order, administer, furnish,
10 or dispense Schedule II, Schedule III, or Schedule IV controlled
11 substances or pharmacists licensed pursuant to Chapter 9
12 (commencing with Section 4000) of Division 2.

13 (2) Beginning July 1, 2017, licensees issued a license that has
14 been placed in a retired or inactive status pursuant to a statute or
15 regulation are exempt from the CURES fee requirement in
16 subdivision (a). This exemption shall not apply to licensees whose
17 license has been placed in a retired or inactive status if the licensee
18 is at any time authorized to prescribe, order, administer, furnish,
19 or dispense Schedule II, Schedule III, or Schedule IV controlled
20 substances.

21 (3) Wholesalers, third-party logistics providers, nonresident
22 wholesalers, and nonresident third-party logistics providers of
23 dangerous drugs licensed pursuant to Article 11 (commencing with
24 Section 4160) of Chapter 9 of Division 2.

25 (4) Nongovernmental clinics licensed pursuant to Article 13
26 (commencing with Section 4180) and Article 14 (commencing
27 with Section 4190) of Chapter 9 of Division 2.

28 (5) Nongovernmental pharmacies licensed pursuant to Article
29 7 (commencing with Section 4110) of Chapter 9 of Division 2.

30 (c) The funds collected pursuant to subdivision (a) shall be
31 deposited in the CURES Fund, which is hereby created within the
32 State Treasury. Moneys in the CURES Fund shall, upon
33 appropriation by the Legislature, be available to the Department
34 of Consumer Affairs to reimburse the Department of Justice for
35 costs to operate and maintain CURES for the purposes of regulating
36 the licensees specified in subdivision (b).

37 (d) The Department of Consumer Affairs shall contract with
38 the Department of Justice on behalf of the Medical Board of
39 California, the Dental Board of California, the California State
40 Board of Pharmacy, the Veterinary Medical Board, the Board of

1 Registered Nursing, the Physician Assistant ~~Board Medical Board~~
 2 ~~of California, Board~~, the Osteopathic Medical Board of California,
 3 the Naturopathic Medicine Committee of the Osteopathic Medical
 4 Board, the State Board of Optometry, and the Podiatric Medical
 5 Board of California ~~Medicine~~ to operate and maintain CURES for
 6 the purposes of regulating the licensees specified in subdivision
 7 (b).

8 ~~(e) This section shall become inoperative on January 1, 2021,~~
 9 ~~and, as of January 1, 2021, is repealed.~~

10 *(e) This section shall remain in effect only until April 1, 2021,*
 11 *and as of that date is repealed.*

12 SEC. 2. Section 208 is added to the Business and Professions
 13 Code, to read:

14 208. (a) ~~Beginning January~~ *April 1, 2021*, a Controlled
 15 Substance Utilization Review and Evaluation System (CURES)
 16 fee of ~~fourteen~~ *twelve* dollars ~~(\$14)~~ *(\$12)* shall be assessed annually
 17 on each of the licensees specified in subdivision (b) to pay the
 18 reasonable costs associated with operating and maintaining CURES
 19 for the purpose of regulating those licensees. The fee assessed
 20 pursuant to this subdivision shall be billed and collected by the
 21 regulating agency of each licensee at the time of the licensee's
 22 license renewal. If the reasonable regulatory cost of operating and
 23 maintaining CURES is less than ~~fourteen~~ *twelve* dollars ~~(\$14)~~ *(\$12)*
 24 per licensee, the Department of Consumer Affairs may, by
 25 regulation, reduce the fee established by this section to the
 26 reasonable regulatory cost.

27 (b) (1) Licensees authorized pursuant to Section 11150 of the
 28 Health and Safety Code to prescribe, order, administer, furnish,
 29 or dispense Schedule II, Schedule III, or Schedule IV controlled
 30 substances or pharmacists licensed pursuant to Chapter 9
 31 (commencing with Section 4000) of Division 2.

32 (2) Licensees issued a license that has been placed in a retired
 33 or inactive status pursuant to a statute or regulation are exempt
 34 from the CURES fee requirement in subdivision (a). This
 35 exemption shall not apply to licensees whose license has been
 36 placed in a retired or inactive status if the licensee is at any time
 37 authorized to prescribe, order, administer, furnish, or dispense
 38 Schedule II, Schedule III, or Schedule IV controlled substances.

39 (3) Wholesalers, third-party logistics providers, nonresident
 40 wholesalers, and nonresident third-party logistics providers of

1 dangerous drugs licensed pursuant to Article 11 (commencing with
2 Section 4160) of Chapter 9 of Division 2.

3 (4) Nongovernmental clinics licensed pursuant to Article 13
4 (commencing with Section 4180) and Article 14 (commencing
5 with Section 4190) of Chapter 9 of Division 2.

6 (5) Nongovernmental pharmacies licensed pursuant to Article
7 7 (commencing with Section 4110) of Chapter 9 of Division 2.

8 (c) The funds collected pursuant to subdivision (a) shall be
9 deposited in the CURES Fund, which is hereby created within the
10 State Treasury. Moneys in the CURES Fund shall, upon
11 appropriation by the Legislature, be available to the Department
12 of Consumer Affairs to reimburse the Department of Justice for
13 costs to operate and maintain CURES for the purposes of regulating
14 the licensees specified in subdivision (b).

15 (d) The Department of Consumer Affairs shall contract with
16 the Department of Justice on behalf of the Medical Board of
17 California, the Dental Board of California, the California State
18 Board of Pharmacy, the Veterinary Medical Board, the Board of
19 Registered Nursing, the Physician Assistant ~~Board of the Medical~~
20 ~~Board of California, Board,~~ the Osteopathic Medical Board of
21 California, the Naturopathic Medicine Committee of the
22 Osteopathic Medical Board, the State Board of Optometry, and
23 the ~~California Board of Podiatric Medicine~~ *Podiatric Medical*
24 *Board of California* to operate and maintain CURES for the
25 purposes of regulating the licensees specified in subdivision (b).

26 (e) This section shall become operative on ~~January~~ *April* 1,
27 2021.

28 (f) *This section shall remain in effect only until April 1, 2023,*
29 *and as of that date is repealed.*

30 *SEC. 3. Section 208 is added to the Business and Professions*
31 *Code, to read:*

32 *208. (a) Beginning April 1, 2023, a Controlled Substance*
33 *Utilization Review and Evaluation System (CURES) fee of nine*
34 *dollars (\$9) shall be assessed annually on each of the licensees*
35 *specified in subdivision (b) to pay the reasonable costs associated*
36 *with operating and maintaining CURES for the purpose of*
37 *regulating those licensees. The fee assessed pursuant to this*
38 *subdivision shall be billed and collected by the regulating agency*
39 *of each licensee at the time of the licensee's license renewal. If*
40 *the reasonable regulatory cost of operating and maintaining*

1 CURES is less than nine dollars (\$9) per licensee, the Department
2 of Consumer Affairs may, by regulation, reduce the fee established
3 by this section to the reasonable regulatory cost.

4 (b) (1) Licensees authorized pursuant to Section 11150 of the
5 Health and Safety Code to prescribe, order, administer, furnish,
6 or dispense Schedule II, Schedule III, or Schedule IV controlled
7 substances or pharmacists licensed pursuant to Chapter 9
8 (commencing with Section 4000) of Division 2.

9 (2) Licensees issued a license that has been placed in a retired
10 or inactive status pursuant to a statute or regulation are exempt
11 from the CURES fee requirement in subdivision (a). This exemption
12 shall not apply to licensees whose license has been placed in a
13 retired or inactive status if the licensee is at any time authorized
14 to prescribe, order, administer, furnish, or dispense Schedule II,
15 Schedule III, or Schedule IV controlled substances.

16 (3) Wholesalers, third-party logistics providers, nonresident
17 wholesalers, and nonresident third-party logistics providers of
18 dangerous drugs licensed pursuant to Article 11 (commencing
19 with Section 4160) of Chapter 9 of Division 2.

20 (4) Nongovernmental clinics licensed pursuant to Article 13
21 (commencing with Section 4180) and Article 14 (commencing with
22 Section 4190) of Chapter 9 of Division 2.

23 (5) Nongovernmental pharmacies licensed pursuant to Article
24 7 (commencing with Section 4110) of Chapter 9 of Division 2.

25 (c) The funds collected pursuant to subdivision (a) shall be
26 deposited in the CURES Fund, which is hereby created within the
27 State Treasury. Moneys in the CURES Fund shall, upon
28 appropriation by the Legislature, be available to the Department
29 of Consumer Affairs to reimburse the Department of Justice for
30 costs to operate and maintain CURES for the purposes of
31 regulating the licensees specified in subdivision (b).

32 (d) The Department of Consumer Affairs shall contract with
33 the Department of Justice on behalf of the Medical Board of
34 California, the Dental Board of California, the California State
35 Board of Pharmacy, the Veterinary Medical Board, the Board of
36 Registered Nursing, the Physician Assistant Board, the Osteopathic
37 Medical Board of California, the Naturopathic Medicine
38 Committee of the Osteopathic Medical Board, the State Board of
39 Optometry, and the Podiatric Medical Board of California to

1 *operate and maintain CURES for the purposes of regulating the*
2 *licensees specified in subdivision (b).*

3 *(e) This section shall become operative on April 1, 2023.*

4 ~~SEC. 3.~~

5 *SEC. 4.* Section 2499.5 of the Business and Professions Code
6 is amended to read:

7 2499.5. The following fees apply to certificates to practice
8 podiatric medicine. The amount of fees prescribed for doctors of
9 podiatric medicine shall be determined by the board and shall be
10 as described below. Fees collected pursuant to this section shall
11 be fixed by the board in amounts not to exceed the actual costs of
12 providing the service for which the fee is collected.

13 (a) Each applicant for a certificate to practice podiatric medicine
14 shall pay an application fee of one hundred dollars (\$100) at the
15 time the application is filed. If the applicant qualifies for a
16 certificate, they shall pay a fee of one hundred dollars (\$100).

17 (b) Each applicant who qualifies for a certificate, as a condition
18 precedent to its issuance, in addition to other fees required by this
19 section, shall pay an initial license fee. The initial license fee shall
20 be eight hundred dollars (\$800). The initial license shall expire
21 the second year after its issuance on the last day of the month of
22 birth of the licensee. The board may reduce the initial license fee
23 by up to 50 percent of the amount of the fee for any applicant who
24 is enrolled in a postgraduate training program approved by the
25 board or who has completed a postgraduate training program
26 approved by the board within six months prior to the payment of
27 the initial license fee.

28 (c) Before January 1, 2021, the biennial renewal fee shall be
29 one thousand one hundred dollars (\$1,100). Any licensee enrolled
30 in an approved residency program shall be required to pay only
31 50 percent of the biennial renewal fee at the time of their first
32 renewal.

33 (d) On and after January 1, 2021, the biennial renewal fee shall
34 be one thousand three hundred and eighteen dollars (\$1,318). Any
35 licensee enrolled in an approved residency program shall be
36 required to pay only 50 percent of the biennial renewal fee at the
37 time of their first renewal.

38 (e) The delinquency fee shall be one hundred fifty dollars
39 (\$150).

1 (f) The duplicate wall certificate fee shall be one hundred dollars
2 (\$100).

3 (g) The duplicate renewal receipt fee shall be fifty dollars (\$50).

4 (h) The endorsement fee shall be thirty dollars (\$30).

5 (i) The letter of good standing fee or for loan deferment shall
6 be one hundred dollars (\$100).

7 (j) There shall be a fee of one hundred dollars (\$100) for the
8 issuance of a resident's license under Section 2475.

9 (k) The fee for approval of a continuing education course or
10 program shall be two hundred fifty dollars (\$250).

11 ~~SEC. 4.~~

12 *SEC. 5.* Section 4970 of the Business and Professions Code,
13 as added by Section 4 of Chapter 308 of the Statutes of 2019, is
14 amended to read:

15 4970. The amount of fees prescribed for licensed acupuncturists
16 shall be those set forth in this section unless a lower fee is fixed
17 by the board in accordance with Section 4972:

18 (a) The application fee shall be two hundred fifty dollars (\$250)
19 and may be increased to not more than three hundred fifty dollars
20 (\$350).

21 (b) The application fee for foreign applicants shall be three
22 hundred fifty dollars (\$350) and may be increased to not more than
23 five hundred dollars (\$500).

24 (c) The examination and reexamination fees shall be eight
25 hundred dollars (\$800).

26 (d) The initial license fee shall be five hundred dollars (\$500),
27 except that if the license will expire less than one year after its
28 issuance, then the initial license fee shall be an amount equal to
29 50 percent of the initial license fee. The initial license fee shall
30 include one wall license registration if a place of practice is
31 specified in the application.

32 (e) The renewal fee shall be five hundred dollars (\$500) and
33 may be increased to not more than seven hundred seventy-five
34 dollars (\$775) and, if a lower fee is fixed by the board, shall be an
35 amount sufficient to support the functions of the board in the
36 administration of this chapter. The board shall assess the renewal
37 fee biennially.

38 (f) The delinquency fee shall be set in accordance with Section
39 163.5.

40 (g) The wall license fee shall be fifty dollars (\$50).

1 (h) The wall license renewal fee shall be fifty dollars (\$50).

2 (i) If a pocket license is lost or destroyed, the pocket license
3 replacement fee is fifty dollars (\$50).

4 (j) The endorsement fee is one hundred dollars (\$100).

5 (k) If a wall license is lost or destroyed, the wall license
6 replacement fee is fifty dollars (\$50).

7 (l) The approval fee for each provider of continuing education
8 shall be five hundred dollars (\$500) and may be increased to not
9 more than seven hundred dollars (\$700).

10 (m) The biennial renewal approval fee for each provider of
11 continuing education shall be five hundred dollars (\$500) and may
12 be increased to not more than seven hundred dollars (\$700).

13 (n) (1) Fees for continuing education course applications shall
14 be assessed to the continuing education provider at a floor of ten
15 dollars (\$10) per hour of continuing education requested to offer,
16 and a cap of twenty dollars (\$20) per hour of continuing education
17 requested to offer, allowing up to a maximum of 50 hours to be
18 approved per course application.

19 (2) Fees for course hours shall be prorated in one-half hour
20 increments.

21 (3) An approved course may be offered for a period of one year
22 from the date of board course approval.

23 (o) This section shall become operative on January 1, 2021.

24 ~~SEC. 5.~~

25 *SEC. 6.* Section 4971 of the Business and Professions Code is
26 amended to read:

27 4971. (a) The amount of fees prescribed for acupuncture
28 tutorial programs shall be as follows:

29 (1) The application and registration fee to supervise an
30 acupuncture trainee is two hundred dollars (\$200).

31 (2) The annual renewal fee for approval to supervise an
32 acupuncture trainee is fifty dollars (\$50).

33 (3) The application fee for an acupuncture trainee is twenty-five
34 dollars (\$25).

35 (4) The annual renewal fee for an acupuncture trainee is ten
36 dollars (\$10).

37 (5) The delinquency fee is 50 percent of the renewal fee.

38 (b) This section shall remain in effect only until January 1, 2021,
39 and as of that date is repealed.

1 ~~SEC. 6.~~

2 *SEC. 7.* Section 4971 is added to the Business and Professions
3 Code, to read:

4 4971. (a) The amount of fees prescribed for acupuncture
5 tutorial programs shall be as follows:

6 (1) The application and registration fee to supervise an
7 acupuncture trainee shall be one hundred dollars (\$100) and may
8 be increased to not more than two hundred dollars (\$200).

9 (2) The annual renewal fee for approval to supervise an
10 acupuncture trainee shall be two hundred (\$200) and may be
11 increased to not more than five hundred dollars (\$500).

12 (3) The application fee for an acupuncture trainee shall be one
13 thousand dollars (\$1,000) and may be increased to not more than
14 two thousand five hundred dollars (\$2,500).

15 (4) The annual renewal fee for an acupuncture trainee shall be
16 five hundred dollars (\$500) and may be increased to not more than
17 six hundred dollars (\$600).

18 (5) The delinquency fee for a supervisor shall be set in
19 accordance with Section 163.5.

20 (6) The delinquency fee for an acupuncture trainee shall be one
21 hundred dollars (\$100) and may be increased to not more than two
22 hundred dollars (\$200).

23 (b) This section shall become operative on January 1, 2021.

24 ~~SEC. 7.~~

25 *SEC. 8.* Section 4984.7 of the Business and Professions Code
26 is amended to read:

27 4984.7. (a) The board shall assess the following fees relating
28 to the licensure of marriage and family therapists:

29 (1) The application fee for an associate registration shall be
30 seventy-five dollars (\$75).

31 (2) The renewal fee for an associate registration shall be
32 seventy-five dollars (\$75).

33 (3) The fee for the application for licensure shall be one hundred
34 dollars (\$100).

35 (4) The fee for the clinical examination shall be one hundred
36 dollars (\$100). The fee for the California law and ethics
37 examination shall be one hundred dollars (\$100).

38 (A) An applicant who fails to appear for an examination, after
39 having been scheduled to take the examination, shall forfeit the
40 examination fee.

1 (B) The amount of the examination fees shall be based on the
2 actual cost to the board of developing, purchasing, and grading
3 each examination and the actual cost to the board of administering
4 each examination. The examination fees shall be adjusted
5 periodically by regulation to reflect the actual costs incurred by
6 the board.

7 (5) The fee for rescoring an examination shall be twenty dollars
8 (\$20).

9 (6) The fee for the issuance of an initial license shall be a
10 maximum of one hundred eighty dollars (\$180).

11 (7) The fee for license renewal shall be a maximum of one
12 hundred eighty dollars (\$180).

13 (8) The fee for inactive license renewal shall be a maximum of
14 ninety dollars (\$90).

15 (9) The renewal delinquency fee shall be a maximum of ninety
16 dollars (\$90). A person who permits their license to expire is
17 subject to the delinquency fee.

18 (10) The fee for issuance of a replacement registration, license,
19 or certificate shall be twenty dollars (\$20).

20 (11) The fee for issuance of a certificate or letter of good
21 standing shall be twenty-five dollars (\$25).

22 (12) The fee for issuance of a retired license shall be forty dollars
23 (\$40).

24 (b) With regard to license, examination, and other fees, the
25 board shall establish the fee amounts at or below the maximum
26 amounts specified in this chapter.

27 (c) This section shall remain in effect only until January 1, 2021,
28 and as of that date is repealed.

29 ~~SEC. 8.~~

30 *SEC. 9.* Section 4984.7 is added to the Business and Professions
31 Code, to read:

32 4984.7. (a) The board shall assess the following fees relating
33 to the licensure of marriage and family therapists:

34 (1) The application fee for an associate registration shall be one
35 hundred fifty dollars (\$150). The board may adopt regulations to
36 set the fee at a higher amount, up to a maximum of three hundred
37 dollars (\$300).

38 (2) The renewal fee for an associate registration shall be one
39 hundred fifty dollars (\$150). The board may adopt regulations to

1 set the fee at a higher amount, up to a maximum of three hundred
2 dollars (\$300).

3 (3) The fee for the application for licensure shall be two hundred
4 fifty dollars (\$250). The board may adopt regulations to set the
5 fee at a higher amount, up to a maximum of five hundred dollars
6 (\$500).

7 (4) (A) (i) The fee for the clinical examination shall be two
8 hundred fifty dollars (\$250). The board may adopt regulations to
9 set the fee at a higher amount, up to a maximum of five hundred
10 dollars (\$500).

11 (ii) The fee for the California law and ethics examination shall
12 be one hundred fifty dollars (\$150). The board may adopt
13 regulations to set the fee at a higher amount, up to a maximum of
14 three hundred dollars (\$300).

15 (B) An applicant who fails to appear for an examination, after
16 having been scheduled to take the examination, shall forfeit the
17 examination fee.

18 (C) The amount of the examination fees shall be based on the
19 actual cost to the board of developing, purchasing, and grading
20 each examination and the actual cost to the board of administering
21 each examination. The examination fees shall be adjusted
22 periodically by regulation to reflect the actual costs incurred by
23 the board.

24 (5) The fee for rescoring an examination shall be twenty dollars
25 (\$20).

26 (6) The fee for the issuance of an initial license shall be two
27 hundred dollars (\$200). The board may adopt regulations to set
28 the fee at a higher amount, up to a maximum of four hundred
29 dollars (\$400).

30 (7) The fee for license renewal shall be two hundred dollars
31 (\$200). The board may adopt regulations to set the fee at a higher
32 amount, up to a maximum of four hundred dollars (\$400).

33 (8) The renewal delinquency fee shall be one-half of the fee for
34 license renewal. A person who permits their license to expire is
35 subject to the delinquency fee.

36 (9) The fee for issuance of a replacement registration, license,
37 or certificate shall be twenty dollars (\$20).

38 (10) The fee for issuance of a certificate or letter of good
39 standing shall be twenty-five dollars (\$25).

1 (11) The fee for issuance of a retired license shall be forty dollars
2 (\$40).

3 (b) This section shall become operative on January 1, 2021.

4 ~~SEC. 9.~~

5 *SEC. 10.* Section 4989.68 of the Business and Professions Code
6 is amended to read:

7 4989.68. (a) The board shall assess the following fees relating
8 to the licensure of educational psychologists:

9 (1) The application fee for examination eligibility shall be one
10 hundred dollars (\$100).

11 (2) The fee for issuance of the initial license shall be a maximum
12 amount of one hundred fifty dollars (\$150).

13 (3) The fee for license renewal shall be a maximum amount of
14 one hundred fifty dollars (\$150).

15 (4) The delinquency fee shall be a maximum amount of
16 seventy-five dollars (\$75). A person who permits their license to
17 become delinquent may have it restored only upon payment of all
18 the fees that they would have paid if the license had not become
19 delinquent, plus the payment of any and all delinquency fees.

20 (5) The written examination fee shall be one hundred dollars
21 (\$100). An applicant who fails to appear for an examination, once
22 having been scheduled, shall forfeit any examination fees they
23 paid.

24 (6) The fee for rescoring a written examination shall be twenty
25 dollars (\$20).

26 (7) The fee for issuance of a replacement registration, license,
27 or certificate shall be twenty dollars (\$20).

28 (8) The fee for issuance of a certificate or letter of good standing
29 shall be twenty-five dollars (\$25).

30 (9) The fee for issuance of a retired license shall be forty dollars
31 (\$40).

32 (b) With regard to all license, examination, and other fees, the
33 board shall establish fee amounts at or below the maximum
34 amounts specified in this chapter.

35 (c) This section shall remain in effect only until January 1, 2021,
36 and as of that date is repealed.

37 ~~SEC. 10.~~

38 *SEC. 11.* Section 4989.68 is added to the Business and
39 Professions Code, to read:

1 4989.68. (a) The board shall assess the following fees relating
2 to the licensure of educational psychologists:

3 (1) The application fee for licensure shall be two hundred fifty
4 dollars (\$250). The board may adopt regulations to set the fee at
5 a higher amount, up to a maximum of five hundred dollars (\$500).

6 (2) The fee for issuance of the initial license shall be two
7 hundred dollars (\$200). The board may adopt regulations to set
8 the fee at a higher amount, up to a maximum of four hundred
9 dollars (\$400).

10 (3) The fee for license renewal shall be two hundred dollars
11 (\$200). The board may adopt regulations to set the fee at a higher
12 amount, up to a maximum of four hundred dollars (\$400).

13 (4) The delinquency fee shall be one-half of the fee for license
14 renewal. A person who permits their license to expire shall be
15 subject to the delinquency fee.

16 (5) The written examination fee shall be two hundred fifty
17 dollars (\$250). The board may adopt regulations to set the fee at
18 a higher amount, up to a maximum of five hundred dollars (\$500).
19 An applicant who fails to appear for an examination, once having
20 been scheduled, shall forfeit any examination fees they paid.

21 (6) The fee for rescoring a written examination shall be twenty
22 dollars (\$20).

23 (7) The fee for issuance of a replacement registration, license,
24 or certificate shall be twenty dollars (\$20).

25 (8) The fee for issuance of a certificate or letter of good standing
26 shall be twenty-five dollars (\$25).

27 (9) The fee for issuance of a retired license shall be forty dollars
28 (\$40).

29 (b) This section shall become operative on January 1, 2021.

30 ~~SEC. 11.~~

31 *SEC. 12.* Section 4996.3 of the Business and Professions Code
32 is amended to read:

33 4996.3. (a) The board shall assess the following fees relating
34 to the licensure of clinical social workers:

35 (1) The application fee for registration as an associate clinical
36 social worker shall be seventy-five dollars (\$75).

37 (2) The fee for renewal of an associate clinical social worker
38 registration shall be seventy-five dollars (\$75).

39 (3) The fee for application for licensure shall be one hundred
40 dollars (\$100).

1 (4) The fee for the board-administered clinical examination, if
2 the board chooses to adopt this examination in regulations, shall
3 be one hundred dollars (\$100). The fee for the California law and
4 ethics examination shall be one hundred dollars (\$100).

5 (A) An applicant who fails to appear for an examination, after
6 having been scheduled to take the examination, shall forfeit the
7 examination fees.

8 (B) The amount of the examination fees shall be based on the
9 actual cost to the board of developing, purchasing, and grading
10 each examination and the actual cost to the board of administering
11 each examination. The written examination fees shall be adjusted
12 periodically by regulation to reflect the actual costs incurred by
13 the board.

14 (5) The fee for rescoring an examination shall be twenty dollars
15 (\$20).

16 (6) The fee for issuance of an initial license shall be a maximum
17 of one hundred fifty-five dollars (\$155).

18 (7) The fee for license renewal shall be a maximum of one
19 hundred fifty-five dollars (\$155).

20 (8) The fee for inactive license renewal shall be a maximum of
21 seventy-seven dollars and fifty cents (\$77.50).

22 (9) The renewal delinquency fee shall be a maximum of
23 seventy-five dollars (\$75). A person who permits their license to
24 expire is subject to the delinquency fee.

25 (10) The fee for issuance of a replacement registration, license,
26 or certificate shall be twenty dollars (\$20).

27 (11) The fee for issuance of a certificate or letter of good
28 standing shall be twenty-five dollars (\$25).

29 (12) The fee for issuance of a retired license shall be forty dollars
30 (\$40).

31 (b) With regard to license, examination, and other fees, the
32 board shall establish fee amounts at or below the maximum
33 amounts specified in this chapter.

34 (c) This section shall remain in effect only until January 1, 2021,
35 and as of that date is repealed.

36 ~~SEC. 12.~~

37 *SEC. 13.* Section 4996.3 is added to the Business and
38 Professions Code, to read:

39 4996.3. (a) The board shall assess the following fees relating
40 to the licensure of clinical social workers:

1 (1) The application fee for registration as an associate clinical
2 social worker shall be one hundred fifty dollars (\$150). The board
3 may adopt regulations to set the fee at a higher amount, up to a
4 maximum of three hundred dollars (\$300).

5 (2) The fee for renewal of an associate clinical social worker
6 registration shall be one hundred fifty dollars (\$150). The board
7 may adopt regulations to set the fee at a higher amount, up to a
8 maximum of three hundred dollars (\$300).

9 (3) The fee for application for licensure shall be two hundred
10 fifty dollars (\$250). The board may adopt regulations to set the
11 fee at a higher amount, up to a maximum of four hundred dollars
12 (\$400).

13 (4) (A) (i) The fee for the board-administered clinical
14 examination, if the board chooses to adopt this examination in
15 regulations, shall be two hundred fifty dollars (\$250). The board
16 may adopt regulations to set the fee at a higher amount, up to a
17 maximum of five hundred dollars (\$500).

18 (ii) The fee for the California law and ethics examination shall
19 be one hundred fifty dollars (\$150). The board may adopt
20 regulations to set the fee at a higher amount, up to a maximum of
21 three hundred dollars (\$300).

22 (B) An applicant who fails to appear for an examination, after
23 having been scheduled to take the examination, shall forfeit the
24 examination fees.

25 (C) The amount of the examination fees shall be based on the
26 actual cost to the board of developing, purchasing, and grading
27 each examination and the actual cost to the board of administering
28 each examination. The written examination fees shall be adjusted
29 periodically by regulation to reflect the actual costs incurred by
30 the board.

31 (5) The fee for rescoring an examination shall be twenty dollars
32 (\$20).

33 (6) The fee for issuance of an initial license shall be two hundred
34 dollars (\$200). The board may adopt regulations to set the fee at
35 a higher amount, up to a maximum of four hundred dollars (\$400).

36 (7) The fee for license renewal shall be two hundred dollars
37 (\$200). The board may adopt regulations to set the fee at a higher
38 amount, up to a maximum of four hundred dollars (\$400).

1 (8) The renewal delinquency fee shall be one-half of the fee for
2 license renewal. A person who permits their license to expire shall
3 be subject to the delinquency fee.

4 (9) The fee for issuance of a replacement registration, license,
5 or certificate shall be twenty dollars (\$20).

6 (10) The fee for issuance of a certificate or letter of good
7 standing shall be twenty-five dollars (\$25).

8 (11) The fee for issuance of a retired license shall be forty dollars
9 (\$40).

10 (b) This section shall become operative on January 1, 2021.

11 ~~SEC. 13.~~

12 *SEC. 14.* Section 4999.120 of the Business and Professions
13 Code is amended to read:

14 4999.120. (a) The board shall assess fees for the application
15 for and the issuance and renewal of licenses and for the registration
16 of associates to cover administrative and operating expenses of
17 the board related to this chapter. Fees assessed pursuant to this
18 section shall not exceed the following:

19 (1) The fee for the application for licensure shall be up to two
20 hundred fifty dollars (\$250).

21 (2) The fee for the application for associate registration shall
22 be up to one hundred fifty dollars (\$150).

23 (3) The fee for the board-administered clinical examination, if
24 the board chooses to adopt this examination in regulations, shall
25 be up to two hundred fifty dollars (\$250).

26 (4) The fee for the law and ethics examination shall be up to
27 one hundred fifty dollars (\$150).

28 (5) The fee for the issuance of a license shall be up to two
29 hundred fifty dollars (\$250).

30 (6) The fee for annual renewal of an associate registration shall
31 be up to one hundred fifty dollars (\$150).

32 (7) The fee for two-year renewal of licenses shall be up to two
33 hundred fifty dollars (\$250).

34 (8) The fee for issuance of a retired license shall be forty dollars
35 (\$40).

36 (9) The fee for rescoring an examination shall be twenty dollars
37 (\$20).

38 (10) The fee for issuance of a replacement license or registration
39 shall be twenty dollars (\$20).

1 (11) The fee for issuance of a certificate or letter of good
2 standing shall be twenty-five dollars (\$25).

3 (b) This section shall remain in effect only until January 1, 2021,
4 and as of that date is repealed.

5 ~~SEC. 14.~~

6 *SEC. 15.* Section 4999.120 is added to the Business and
7 Professions Code, to read:

8 4999.120. (a) The board shall assess the following fees relating
9 to the licensure of professional clinical counselors:

10 (1) The fee for the application for licensure shall be two hundred
11 fifty dollars (\$250). The board may adopt regulations to set the
12 fee at a higher amount, up to a maximum of five hundred dollars
13 (\$500).

14 (2) The fee for the application for associate registration shall
15 be one hundred fifty dollars (\$150). The board may adopt
16 regulations to set the fee at a higher amount, up to a maximum of
17 three hundred dollars (\$300).

18 (3) (A) (i) The fee for the board-administered clinical
19 examination, if the board chooses to adopt this examination in
20 regulations, shall be two hundred fifty dollars (\$250). The board
21 may adopt regulations to set the fee at a higher amount, up to a
22 maximum of five hundred dollars (\$500).

23 (ii) The fee for the California law and ethics examination shall
24 be one hundred fifty dollars (\$150). The board may adopt
25 regulations to set the fee at a higher amount, up to a maximum of
26 three hundred dollars (\$300).

27 (B) An applicant who fails to appear for an examination, after
28 having been scheduled to take the examination, shall forfeit the
29 examination fees.

30 (C) The amount of the examination fees shall be based on the
31 actual cost to the board of developing, purchasing, and grading
32 each examination and the actual cost to the board of administering
33 each examination. The written examination fees shall be adjusted
34 periodically by regulation to reflect the actual costs incurred by
35 the board.

36 (4) The fee for the issuance of a license shall be two hundred
37 dollars (\$200). The board may adopt regulations to set the fee at
38 a higher amount, up to a maximum of four hundred dollars (\$400).

39 (5) The fee for annual renewal of an associate registration shall
40 be one hundred fifty dollars (\$150). The board may adopt

1 regulations to set the fee at a higher amount, up to a maximum of
2 three hundred dollars (\$300).

3 (6) The fee for license renewal shall be two hundred dollars
4 (\$200). The board may adopt regulations to set the fee at a higher
5 amount, up to a maximum of four hundred dollars (\$400).

6 (7) The renewal delinquency fee shall be one-half of the fee for
7 license renewal. A person who permits their license to expire shall
8 be subject to the delinquency fee.

9 (8) The fee for issuance of a retired license shall be forty dollars
10 (\$40).

11 (9) The fee for rescoring an examination shall be twenty dollars
12 (\$20).

13 (10) The fee for issuance of a replacement license or registration
14 shall be twenty dollars (\$20).

15 (11) The fee for issuance of a certificate or letter of good
16 standing shall be twenty-five dollars (\$25).

17 (b) This section shall become operative on January 1, 2021.

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Item 11

Acupuncture Board

Administrative Procedures Manual

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State of California

California Acupuncture Board Board Member Administrative Manual

Adopted October 20, 2017



Department of Consumer Affairs, State of California
Edmund G. Brown Jr., Governor

Members of the Board

Dr. Amy Matecki, MD, L.Ac, President, Licensed Member
Kitman Chan, Vice President, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Ruben Osorio, Public Member
Vacant, Licensed Member
Vacant, Public Member

Executive Officer

Benjamin Bodea, Executive Officer

This procedure manual is a general reference including a review of important laws, regulations, and basic Board policies to guide the actions of Board members and ensure Board effectiveness and efficiency.

This Administrative Procedure Manual, regarding Board Policy, can be amended by a majority of affirmative votes of any current or future Board.

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CHAPTER 1. Introduction

Mission Statement

To protect, benefit, and inform the people of California by exercising the licensing, regulatory, and enforcement mandates of the Acupuncture Licensure Act and Acupuncture Regulations.

Brief History

The Board of Medical Examiners (now called the Medical Board of California) began regulating acupuncture in 1972 under provisions that authorized the practice of acupuncture under the supervision of a licensed physician as part of acupuncture research in medical schools.

In 1975, Senate Bill 86 (Chapter 267, Statutes of 1975) created the Acupuncture Advisory Committee (committee) under the Board of Medical Examiners and allowed the practice of acupuncture but only upon prior diagnosis or referral by a licensed physician, chiropractor or dentist. In 1976 California became the eighth state to license acupuncturists. Subsequent legislation in 1978 established acupuncture as a "primary health care profession" by eliminating the requirement for prior diagnosis or referral by a licensed physician, chiropractor or dentist; and AB 2424 (Chapter 1398, Statutes of 1978) authorized MediCal payments for acupuncture treatment.

In 1980 the law was amended to abolish the Acupuncture Advisory Committee and replace it with the Acupuncture Examining Committee within the Division of Allied Health Professions with limited autonomous authority and expanded the acupuncturists' scope of practice and provided that fees be deposited in the Acupuncture Examining Committee Fund instead of the Medical Board's fund. Most of these statutory changes became effective on January 1, 1982.

In 1982, the Legislature designated the Acupuncture Examining Committee as an autonomous body, and effective January 1, 1990, through AB 2367 (Chapter 1249, Statutes of 1989) the name was changed to the Acupuncture Committee to better identify it as a state licensing entity for acupuncturists. On January 1, 1999, the committee's name was changed to the Acupuncture Board (SB 1980, Chapter 991, Statutes of 1998) and removed the Committee from within the jurisdiction of the Medical Board of California (SB 1981, Chapter 736, Statutes of 1998).

In 2002, AB 1943 (Chapter 781, Statutes of 2002) was signed into law that raised the acupuncture training program curriculum standards requirement to 3,000 hours, which included 2,050 hours of didactic training and 950 hours of clinical training.

In 2006, SB 248 (Chapter 659, Statutes of 2005) repealed the nine-member Board and reconstituted it as a seven-member board with four public members and three licensed acupuncture members. The quorum requirements were changed to four members

including at least one licensed member constituted a quorum.

In 2014, SB 1246 (Chapter 397, Statutes of 2014), was signed into law. This bill extended the Board's sunset date to January 1, 2017. On September 26, 2016, AB 2190 (Chapter 667, Statutes of 2016) was signed into law. This bill extended the Board's sunset date to January 1, 2019.

Function of the Board

The Acupuncture Board's (Board) legal mandate is to regulate the practice of acupuncture and Asian medicine in the State of California. The Board established and maintains entry standards of qualification and conduct within the acupuncture profession, primarily through its authority to license. The Acupuncture Licensure Act commences with Business and Professions (B&P) Code, Section 4925 et seq. The Board's regulations appear in Title 16, Division 13.7, of the California Code of Regulations (CCR).

The primary responsibility of the Acupuncture Board is to protect California consumers from incompetent, and/or fraudulent practice through the enforcement of the Acupuncture Licensure Act and the Board's regulations. The Board promotes safe practice through the improvement of educational training standards, continuing education, enforcement of the B&P Code, and public outreach.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
B & P	Business and Professions Code
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
DAG	Deputy Attorney General
DOF	Department of Finance
DOI	Division of Investigation
DPA	Department of Personnel Administration
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
SCO	State Controller's Office
SCSA	State and Consumer Services Agency
SPB	State Personnel Board

General Rules of Conduct

All Board Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the Governor and the Legislature, and shall conduct their

business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- ❖ Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act.
- ❖ Board Members shall not speak or act for the Board without proper authorization.
- ❖ Board Members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Board.
- ❖ Board Members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- ❖ Board Members shall never accept gifts from applicants, licensees, or members of the profession while serving on the Board.
- ❖ Board Members shall maintain the confidentiality of confidential documents and information related to Board business.
- ❖ Board Members shall commit the time and prepare for Board responsibilities including the reviewing of board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the Board Members by staff, which is related to official Board business.
- ❖ Board Members shall recognize the equal role and responsibilities of all Board Members.
- ❖ Board Members shall act fairly, be nonpartisan, impartial, and unbiased in their roles of protecting the public and enforcing the Acupuncture Licensure Act.
- ❖ Board Members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.
- ❖ Board Members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- ❖ Board Members shall not use their positions on the Board for personal, familial, or financial gain. Any employment subsequent to employment as a board member shall be consistent with Executive Order 66-2.

CHAPTER 2. Board Members & Meeting Procedures

Membership

(B & P Code Section 4929)

The Board consists of seven members. Three members are licensed acupuncturists and four are public members. The Governor appoints the three licensed members and two public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. All members appointed by the Governor are subject to Senate confirmation. The members serve a four-year term for a maximum of two terms.

Board Meetings

(B & P Code Section 101.7)

(Government Code Section 11120 et seq. – Bagley-Keene Open Meeting Act)

The full Board shall meet at least three times each calendar year. The Board shall meet at least once each calendar year in northern California and at least once each calendar year in southern California in order to facilitate participation by the public and its licensees.

The Board, as a statement of policy, shall comply with the provisions of the Bagley-Keene Open Meeting Act, and conduct their business in accordance with Robert's Rules of Order, as long as that does not conflict with any superseding laws or regulations.

Due notice of each meeting and the time and place thereof must be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

The Board may call a special meeting at any time in the manner provided by the Bagley-Keene Open Meeting Act, Government Code Section 11125.4.

Quorum

(B & P Code Section 4933)

Four members of the Board, including at least one acupuncturist, shall constitute a quorum to conduct business. An affirmative vote of a majority of those present at a meeting of the Board is required to carry any motion.

Board Member Attendance at Board Meetings

(Board Policy)

Being a member of the Board is a serious commitment to the governor and the people of the State of California. Board members shall attend a minimum of 75% of all scheduled board meetings. If a member is unable to attend, he or she must contact the Board President or the Executive Officer, and provide a written explanation of their absence.

Public Attendance at Board Meetings

(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where committee consists of more than two members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items

(Board Policy)

Board Members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to the Board President up to two weeks after a Board meeting. To the extent possible, the Board President will calendar each Board Member's request on a future Board meeting.

In the event of a conflict, the Board President shall make the final decision. The Board President will work with the Executive Officer to finalize the agenda.

If a Board Member requests an item be placed on the agenda, and that request cannot be complied with at the immediate upcoming meeting, then the requested agenda item shall be placed on the next regularly scheduled meeting and shall never be postponed more than two meetings.

Notice of Meetings

(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet

(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

Mail Ballots

(Government Code Section 11500 et seq.)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board Member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Holding Disciplinary Cases for Board Meetings

(Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board Member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If two votes are cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

Record of Meetings

(Board Policy)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board meeting.

Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The recordings of each Board meeting shall be maintained and not destroyed.

Tape Recording

(Government Code Section 11124.1(b))

The meeting may be audio and video tape recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the President has specifically warned them of their being disruptive, then the President may order that their activities be ceased.

The Board may place the recorded public board meetings on its web site at: www.acupuncture.ca.gov

Meeting Rules

(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment

(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to five minutes per person. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate its Executive Officer to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval

(Board Policy)

Board members shall receive Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board, committee, and conference meetings to which a Board member is assigned.

Travel Arrangements

(Board Policy)

Board members should attempt to make their own travel arrangements and are encouraged to coordinate with the Board Liaison on lodging accommodations.

Out-of-State Travel

(SAM Section 700 et seq.)

Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

Travel Claims

(SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board President for approval.

It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem

(B & P Code Section 103 and 4931)

Each member of the Board shall receive a per diem in the amount provided in Section 103 of the Business and Professions (B&P) Code. Board Members fill non-salaried positions, but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by the B&P Code Section 103. In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Board Members "for each day actually spent in the discharge of official duties," and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Salary Per Diem

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board Members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board Member.

Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed the Executive Officer shall be notified and approval shall be obtained from the Board President prior to Board Member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.

3. For Board-specified work, Board Members will be compensated for time actually spent in performing work authorized by the Board President. This may also include, but is not limited to, authorized attendance at other events, meetings, hearings, or conferences. Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.
4. Reimbursable work does not include miscellaneous reading and information gathering unrelated to board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the members duties with the Board.
5. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the President. Requests must be submitted in writing to the President for approval and a copy provided to the Executive Officer. However, Board Members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board.

CHAPTER 4. Selection of Officers & Committees

Officers of the Board

The Board shall elect at the first meeting of each year a President and Vice President.

Election of Officers

Elections of the officers shall occur annually at the first meeting of each year.

Officer Vacancies

If an office becomes vacant during the year, the President may appoint a member to fill the vacancy for the remainder of the term until the next annual election.

If the office of the President becomes vacant, the Vice President shall assume the office of the President. Elected officers shall then serve the remainder of the term.

Board Member Addresses

Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board Member. A roster of Board Members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Board Member Written Correspondence and Mailings

All correspondence, press releases, articles, memoranda or any other communication written by any Board Member in his or her official capacity must be provided to the Executive Officer. The Executive Officer will retain a copy in a chronological file.

Communications: Other Organizations/Individuals/Media

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. Any Board Member who is contacted by any of the above should inform the Board President or Executive Officer of the contact.

Committee Appointments

The President shall establish committees as he or she deems necessary.

The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President and the Executive Officer.

Committee Meetings

Each committee will be comprised of at least two Board Members. The committees are an important venue for ensuring that staff and Board Members share information and perspectives in crafting and implementing strategic objectives.

The Board's committees allow Board Members, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's strategic goals. They also allow the Board to consider options for implementing components for the strategic plan.

The committees are charged with coordinating Board efforts to reach Board goals and achieving positive results on its performance measures.

The Board President designates one member of each committee as the committee's chairperson.

The chairperson coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports as necessary at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. These meetings shall also be run in accordance with the Bagley-Keene Open Meeting Act.

Attendance at Committee Meetings

If a Board Member wishes to attend a meeting of a committee of which he or she is not a member, the Board Member must obtain permission from the Board President to attend and must notify the committee chair and staff.

Board Members who are not members of the committee that is meeting cannot vote during the committee meeting.

If there is a quorum of the Board at a committee meeting, Board Members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

The Board's legal counsel works with the Executive Officer to assure any meeting that fits the requirements for a public meeting is appropriately noticed.

CHAPTER 5. Board Administration & Staff

Executive Officer

(B & P Code Section 4934)

The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Board Administration

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board.

Executive Officer Evaluation

On an annual basis, the Executive Officer is evaluated by the Board President during a closed session. Board members provide information to the President on the Executive Officer's performance in advance of this meeting.

Board Staff

(B & P Code Section 4934)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.

Board Members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board Members shall not become involved in the personnel issues of any state employee.

Board Budget

The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Communications with Other Organizations & Individuals

All communications relating to any Board action or policy to any individual or organization shall be made only by the President of the Board, his or her designee, or the Executive Officer.

Any Board Member who is contacted by any of the above should inform the Board President or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer's office.

Business Cards

Business cards will be provided to each Board Member with the Board's name, address, telephone and fax number, and website address.

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions

If a Board Member violates any provision of the Administrative Procedure Manual, the President will provide in writing, notice to the member of the violation. If the member disagrees with the notice, the Board Member must provide a reply in writing. After giving the board member an opportunity to respond to the notice, the President, at his/her discretion may meet in person or discuss by telephone with the Board Member to discuss the violation. The President may ask a third person to be present during the meeting. If the matter is not resolved at the end of the meeting or it is resolved but the Board Member continues to violate the procedures in the manual, the President may agendaize at the next board meeting an item asking for censure of the Board Member.

If the violation concerns the President's conduct, the Vice-President will handle the matter.

Terms and Removal of Board Members

(B & P Code Sections 4929 and 4930)

The Governor appoints three acupuncturist members and two public members of the Board. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. No person shall serve more than two consecutive terms on the Board.

Each Governor appointee shall serve until his successor has been appointed and qualified or until 60 days has elapsed since the expiration of his term whichever first occurs. Each Senate Rules Committee and the Speaker of the Assembly appointee shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

The Governor has the power to remove any member from the Board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

Resignation of Board Members

(Government Code Section 1750(b))

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor's Office, Senate Rules Committee, or the Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board President and the Executive Officer.

Conflict of Interest

(Government Code Section 87100)

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Licensees and Applicants

Board Members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer.

Contact with Respondents

Board Members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee. If a Board Member is contacted by a respondent or his/her attorney, the Board Member should refer the individual to the Executive Officer.

Service of Legal Documents

If a Board Member is personally served as a party in any legal proceeding related to his or her capacity as Board Member, he or she must contact the Executive Officer immediately.

Serving as an Expert Witness

(Executive Order 66.2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.
2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Gifts from Licensees and Applicants

A gift of any kind to Board Members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately.

Ex Parte Communications

(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board Members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board Member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

Honoraria Prohibition

(Government Code Section 89503 and FPPC Regulations, Title 2, Division 6)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:

- (1) when an honorarium is returned to the donor (unused) within 30 days;
- (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and
- (3) when an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board President so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Required Training

California law requires all appointees to take the following training:

- **Board Member Orientation:**
The Board Member orientation is a full day session that shall be given to new and reappointed Board Members within one year of assuming office.
- **Ethics:**
An ethics orientation within the first six months of appointment and to repeat this ethics orientation every two years throughout their term.
- **Sexual Harassment Training (Government Code Section 12950.1):**
Board Members are required to undergo sexual harassment training and education once every two years.
- **Defensive Driver Training:**
Upon appointment and completed once every four years.