California Acupuncture Board Meeting

November 7, 2024



Board Members

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



1625 North Market Blvd., Suite N-219 Sacramento, CA 95834
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CALIFORNIA ACUPUNCTURE BOARD FULL BOARD MEETING NOTICE AND AGENDA

Thursday, November 7, 2024

9:30 a.m. to 5:00 p.m. or upon completion of business

Physical Address:

2215 West Mission Road 2nd Floor, Classroom 1 Alhambra, CA 91803

Remote Access:

https://dca-meetings.webex.com/dca-meetings/j.php?MTID=ma1b2894aba81432853cbb92c5ef4a3d2

<u>If joining using the link above</u>
Webinar number: 2499 027 2318
Webinar password: ACUP117

If joining by phone +1-415-655-0001 US Toll Access code: 2499 027 2318 Passcode: 2287117

The California Acupuncture Board will host an in-person meeting at the above time and address, pursuant to Government Code, sections 11122.5.

Please note that this is a fully in-person meeting. While the Board is webcasting the meeting as a courtesy to the public, the meeting will continue, even if the webcast fails. If you wish to participate or to have a guaranteed opportunity to observe, please attend at a noticed location.

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA

Members of the Board

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

- 1. Call to Order, Roll Call, and Establishment of Quorum
- 2. President's Remarks
- 3. Review and Possible Approval of Board Meeting Minutes for August 8, 2024

4. Executive Management Report

- (A) Budget Update
- (B) Licensing Report Q1 2024-25
- (C) Enforcement Report Q1 2024-25
- (D) Business Modernization Update

5. Legislative Report

- (A) Bills of Interest to the Board
 - i) AB 796 (Weber) Athletic trainers
 - ii) AB 1991 (Bonta) Licensee and registrant renewal: National Provider Identifier
 - ii) AB 2269 (Flora) Board membership qualifications: public members
 - iii) AB 2862 (Gipson) Licensees: African American applicants
 - iv) <u>SB 1067</u> (Smallwood-Cuevas) Healing arts: expedited licensure process: medically underserved area or population

6. Regulatory Report

- (A) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)
- (B) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.434, 1399.435, 1399.437 and 1399.439)
- (C) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419(3) and 1399.460)
- (D) Standards of Practice for Telehealth Services (Title 16 CCR section 1399.452.1)
- (E) Hand Hygiene Requirements (Title 16 CCR section 1399.451)

7. Establish 2025 Board Meeting Calendar

Closed Session

8. Pursuant to Government Code, section 11126, subd. (a), the Board Will Meet in Closed Session for Discussion, Deliberation, and Possible Action on Evaluating the Executive Officer's Performance

Open Session

9. Public Comments for Items Not on the Agenda

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., 11125.3, 11125.7(a).)

10. Future Agenda Items

11. Adjournment

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 stream this meeting at: https://thedcapage.wordpress.com/webcasts/. Please note that if you wish to participate in the Webex session, you must click on the remote access link on the agenda.

Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If the webcast fails, the meeting will continue. If you wish to participate or to have a guaranteed opportunity to observe, please attend at a noticed location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code, section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time for the same meeting. (Gov. Code, §§ 11125, 11125.3, 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.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

If joining using the meeting link

- Click on the meeting link. This can be found in the meeting notice you received.
- If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented.

 DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



Enter your name and email address.
Click "Join as a guest".

Accept any request for permission to use your microphone and/or camera.

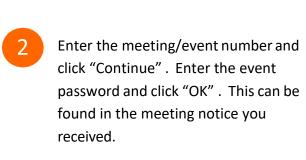


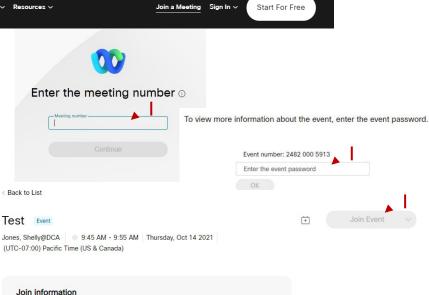
OR

If joining from Webex.com

🗰 webex

Click on "Join a Meeting" at the top of the Webex window.





The meeting information will be displayed. Click "Join Event".

OR

Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.





Green microphone = Unmuted: People in the meeting can hear you.

Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".

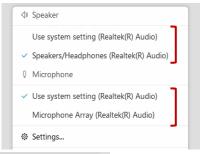
If you cannot hear or be heard

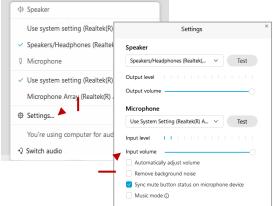
- Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.

If your microphone volume is too low or too high

- Locate the command row click on the bottom facing arrow located on the Mute/Unmute button.
- From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.

Unmute yourself You're being asked to unmute yourself. Unmute me Stay muted



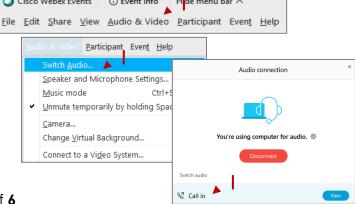


Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

O Cisco Webex Events O Event Info He menu bar

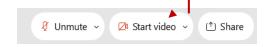
- Click on "Audio & Video" from the menu bar.
- Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the

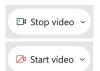


Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



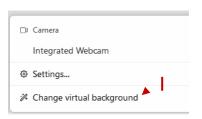


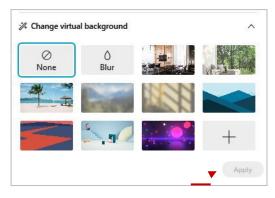
Green dot in camera = Camera is on: People in the meeting can see you.

Red dot in camera = Camera is off: No one in the meeting can see you.

Virtual Background

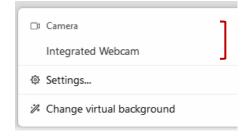
- To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- Click on "Change Virtual Background".
- From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".





If you cannot be seen

- Locate the command row click on the bottom facing arrow located on the video button.
- From the pop-up window, select a different camera from the list.





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BOARD MEETING DRAFT MEETING MINUTES August 8, 2024

LOCATION:

1625 North Market Boulevard Suite 102 Sacramento, CA 95834

Remote Access via Web Ex Teleconference

Staff Present

Benjamin Bodea, Executive Officer Brennan Meier, Legal Counsel Jay Herdt, Licensing Manager Marisa Ochoa, Central Services Manager Kristine Brothers, Policy Coordinator Enrico Garcia, Administrative Coordinator

Members of the Board

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

Item 1 – Call to Order, Roll Call, and Establishment of Quorum

Meeting commenced at 9:30 a.m.

Roll call taken. All members present. Quorum established.

Item 4 – Petition for Penalty Relief: Reinstatement of Revoked License: Yu-Tai Fu, PRRL 1A-2023-73

The Board heard the petition for reinstatement for Yu-Tai Fu. There were no public comments made.

Item 5 - Closed Session

Pursuant to Government Code, section 11126, subd. (c)(3), the Board met in closed session to discuss, deliberate, and act on the petition for reinstatement.

Item 2 – President's Remarks

Board President John Harabedian (President Harabedian) welcomed members, staff, and the public to the meeting.

Item 3 – Public Comments for Items Not on the Agenda

No public comments were made.

Item 6 – Review and Possible Approval of Board Meeting Minutes for March 22, 2024

Board members reviewed the minutes from the March 22, 2024, meeting. Executive Officer Benjamin Bodea (E.O. Bodea) proposed a correction to the minutes to reflect Board Member Ruben Osorio (Osorio) having seconded Item 10.

MOTION

President Harabedian proposed a correction to the minutes to reflect Board Member Osorio having seconded Item 10 and motioned to approve the March 22, 2024, meeting minutes.

Board Member Ruben Osorio seconded.

Yes: Harabedian, Chen, Osorio, Kim, Li, Matecki

6-0

Motion Passes

Item 7 – Executive Management Report

(A) Budget Update

Brendan Vue (Vue) from the Budget Office presented the Board's expenditure and revenue projections as well as the fund condition statement. Mr. Vue noted one of the main factors driving expenditure increase for the ensuing years is personal service adjustments which include general salary increases, employee compensation, and retirement rate adjustments. The Budget Office will continue to monitor the Board's revenues and expenditures then report back to the Board with expenditure projections as they continue to close fiscal months in the current fiscal year.

Board Member Osorio asked how much months-in-reserve the Board has. Mr. Vue responded the Board has over \$4.5 million in fund balance or 13.5 months.

Board Member Amy Matecki queried Mr. Vue if he is comfortable with the 13.5 month-in-reserve. Mr. Vue answered that the Board has a very healthy fund.

(B) Strategic Plan Update

E.O. Bodea shared that the Board has completed action planning, which was the next phase of the strategic plan.

(C) Licensing Report Q3 FY 2023-24

Licensing Manager Jay Herdt (Herdt) reported the data for Licensing, Continuing Education (CE), Tutorial, Training Programs, and Exam Results.

(D) Licensing Report Q4 FY 2023-24

Mr. Herdt reported the data for Licensing, CE, Tutorial, Training Programs, and Exam Results.

Board Member Osorio asked about the notable difference of passing rates among examinees. Mr. Herdt answered that the difference can be attributed to the number of examinees a school has.

Board Vice President Yong Ping Chen (Vice President Chen) noted the growth of CE providers. Mr. Herdt explained the number of CE providers has been on a steady climb but noted that only around ten CE providers provide most of the courses.

(E) Enforcement Report Q3 FY 2023-24

E.O. Bodea reviewed the complaints/convictions, investigations, and disciplinary data for Quarter Three of 2023-24 Fiscal Year (January 1 – March 31, 2024).

(F) Enforcement Report Q4 FY 2023-24

E.O. Bodea reviewed the complaints/convictions, investigations, and disciplinary data for Quarter Two of 2023-24 Fiscal Year (April 1 – June 30, 2024).

Board Member Osorio asked if the enforcement statistics reflect pre-pandemic levels. E.O. Bodea affirmed workload and complaints are more reflective of pre-pandemic levels, adding that cases are starting to move through more quickly and effectively.

(G) Business Modernization Update

Mr. Herdt reported the Board will begin developing its enforcement system. The Board will also continue to develop, refine, and maintain the current Connect system.

Board Member Osorio asked if the public could pay by debit card. Mr. Herdt responded the public can pay by debit card through Visa or Mastercard. The public could also pay via credit card, check, or cash.

Public Comment

A public comment was made asking if the business modernization will include the capability online to convert an inactive license to active. Mr. Herdt responded it will be available within the next few months. In addition, a manage-my-license function is also under development.

Item 8 – Department of Consumer Affairs Update

Judie Bucciarelli from the Executive Office of DCA gave the following updates below:

Budget Letter 24-20 - Vacancy Savings and Position Elimination

The Department of Finance has issued Budget Letter 24-20, implementing the Governor's proposal to reduce the state workforce by 10,000 positions, which equates to approximately \$1.5 billion dollars.

Governor's Appointments Office Update

Deputy Appointments Secretary Myri Valdez-Singh was appointed Deputy

3

Commissioner of Legislation at the Department of Financial Protection and Innovation. Going forward, Deputy Appointments Secretary Curtis Lang will oversee the healing arts boards, and Assistant Deputy Appointments Secretary Aubrey Anthony, will oversee the non-healing arts boards.

Updated Workplace Violence Prevention Policy and a New Training Requirement SB 553 is a new law that became effective in January. SB 553 amended the California Labor Code to require California employers to develop and implement a workplace violence prevention plan and train all employees by July 1, 2024. As a result of this new law, DCA updated its current Workplace Violence Prevention Policy to include all requirements of SB 553.

Board Member Orientation Training (BMOT) – October 22, 2024

Board members must complete BMOT, within one year of appointment or reappointment. The next BMOT will be offered virtually on October 22, 2024,.

Licensing Resources Webinar for Military Service Members and their FamiliesOn July 31, DCA participated in a virtual military licensing webinar hosted by Navy Region Southwest. The webinar showcased DCA military licensing resources for active-duty military, veterans, and military spouses throughout California and Nevada Navy bases.

DEI Update

DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee met on July 26, 2024. The meeting included discussion on DEI training, development of a workforce development survey from a DEI perspective, expanding language access, and DEI activities for inclusion in the DCA Annual Report.

Phishing Alert

As a reminder, Boards are urged to continue to be vigilant and cautious of potential phishing attempts and deceptive emails, texts, and calls to trick individuals into revealing sensitive information or installing malicious software.

Item 10 - Legislative Report

Policy Coordinator, Kristine Brothers (Brothers) provided a report on the bills of interest.

- AB 796 (Weber) Athletic trainers.
- AB 1991 (Bonta) Licensee and registrant renewal: National Provider Identifier
- AB 2269 (Flora) Board membership qualifications: public members
- AB 2862 (Gipson) Department of Consumer Affairs: African American applicants
- SB 1067 (Smallwood-Cuevas) Healing arts: expedited licensure process: medically underserved area or population

Item 11 – Regulatory Report

Ms. Brothers summarized the status of each Board regulatory package in progress.

Item 12 - Election of Officers

President Harabedian nominated Vice President Chen to be elected as President. Vice President Chen accepted. President Harabedian asked for additional nominations, and none were offered.

MOTION

Board President Harabedian motioned that Board Vice-President Chen be elected president of the California Acupuncture Board.

Board Member Osorio seconded.

Vote

Yes: Harabedian, Osorio, Chen, Kim, Li, Matecki

6-0 motion passes

President Harabedian nominated Board Member Francisco Hyun Kim (Kim) to be elected as vice president. Board Member Kim accepted. President Harabedian asked for additional nominations, and none were offered.

MOTION

Board President Harabedian motioned that Board Member Kim be elected as vicepresident of the California Acupuncture Board.

Board Vice-President Chen seconded.

Vote

Yes: Harabedian, Osorio, Chen, Kim, Li, Matecki

6-0 motion passes

Item 13 – Future Agenda Items

Board Member Osorio sought to discuss in the next meeting a bill proposal that will have licensees automatically lose their license if they commit sexual misconduct.

Item 14 - Adjournment

President Harabedian adjourned the meeting at 4:29 p.m.

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Department of Consumer Affairs

Expenditure Projection Report

Acupuncture Board

Reporting Structure(s): 11111700 Support Fiscal Month: 13

Fiscal Year: 2023 - 2024 Actuals

Run Date: 09/09/2024

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100 PERMANENT POSITIO	DNS	\$876,000	\$798,562	\$914,000	\$81,731	\$952,540	\$0	\$952,540	\$952,540	-\$38,540
5100 TEMPORARY POSITION	DNS	\$19,000	\$0	\$19,000	\$0	\$0	\$0	\$0	\$0	\$19,000
5105-5108 PER DIEM, OVE	RTIME, & LUMP SUM	\$12,000	\$497	\$12,000	\$2,600	\$8,138	\$0	\$8,138	\$8,138	\$3,862
5150 STAFF BENEFITS		\$539,000	\$437,401	\$564,000	\$41,483	\$540,941	\$0	\$540,941	\$540,941	\$23,059
PERSONAL SERVICES		\$1,446,000	\$1,236,460	\$1,509,000	\$125,814	\$1,501,619	\$0	\$1,501,619	\$1,501,619	\$7,381

OPERATING EXPENSES & EQUIPMENT

Fiscal Code Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301 GENERAL EXPENSE	\$57,000	\$16,681	\$57,000	\$1,460	\$10,615	\$2,017	\$12,632	\$12,632	\$44,368
5302 PRINTING	\$18,000	\$13,261	\$18,000	\$628	\$14,867	\$10,670	\$25,537	\$25,537	-\$7,537
5304 COMMUNICATIONS	\$18,000	\$3,633	\$18,000	\$628	\$4,194	\$0	\$4,194	\$4,194	\$13,806
5306 POSTAGE	\$6,000	\$1,517	\$6,000	\$207	\$1,080	\$0	\$1,080	\$1,080	\$4,920
5308 INSURANCE	\$0	\$17	\$0	\$0	\$22	\$0	\$22	\$22	-\$22
53202-204 IN STATE TRAVEL	\$34,000	\$8,266	\$34,000	\$582	\$16,665	\$0	\$16,665	\$16,665	\$17,335
5322 TRAINING	\$4,000	\$175	\$4,000	\$0	\$525	\$0	\$525	\$525	\$3,475
5324 FACILITIES	\$65,000	\$197,405	\$65,000	\$12,986	\$156,032	\$0	\$156,032	\$156,032	-\$91,032
53402-53403 C/P SERVICES (INTERNAL)	\$502,000	\$253,599	\$502,000	\$37,842	\$227,643	\$0	\$227,643	\$227,643	\$274,357
53404-53405 C/P SERVICES (EXTERNAL)	\$557,000	\$508,494	\$653,000	\$43,080	\$256,321	\$18,217	\$274,538	\$274,538	\$378,462
5342 DEPARTMENT PRORATA	\$926,000	\$751,368	\$848,000	-\$115,607	\$704,246	\$0	\$704,246	\$704,246	\$143,754
5342 DEPARTMENTAL SERVICES	\$334,000	\$179,722	\$334,000	\$50,556	\$175,329	\$0	\$175,329	\$175,329	\$158,671
5344 CONSOLIDATED DATA CENTERS	\$4,000	\$7,878	\$4,000	\$8,483	\$9,069	\$0	\$9,069	\$9,069	-\$5,069
5346 INFORMATION TECHNOLOGY	\$36,000	\$5,070	\$18,000	\$31,296	\$40,909	\$404,517	\$445,425	\$445,425	-\$427,425
5362-5368 EQUIPMENT	\$0	\$9,301	\$0	\$132	\$6,101	-\$1	\$6,100	\$6,100	-\$6,100
5390 OTHER ITEMS OF EXPENSE	\$3,000	\$528	\$3,000	\$0	\$0	\$0	\$0	\$0	\$3,000
54 SPECIAL ITEMS OF EXPENSE	\$0	\$4,762	\$0	\$0	\$403	\$0	\$403	\$403	-\$403
OPERATING EXPENSES & EQUIPMENT	\$2,564,000	\$1,961,675	\$2,564,000	\$72,273	\$1,624,020	\$435,420	\$2,059,440	\$2,059,440	\$504,560
	-								
OVERALL TOTALS	\$4,010,000	\$3,198,135	\$4,073,000	\$198,087	\$3,125,638	\$435,420	\$3,561,058	\$3,561,058	\$511,941
REIMBURSMENTS	-\$23,000	-\$83,000	-\$23,000				-\$58,000		\$35,000
OVERALL NET TOTALS	\$3,987,000	\$3,115,135	\$4,050,000	\$198,087	\$3,125,638	\$435,420	\$3,503,058	\$3,561,058	\$546,941

13.50%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11111700 Support

Fiscal Month: 13 Fiscal Year: 2023 - 2024 Actuals

Run Date: 09/09/2024

Revenue															
Fiscal Code	Budget	July	August	September	October	November	December	January	February	March	April	May	June	Year to Date	Projection To Year End
Delinquent Fees	\$71,000	\$4,675	\$4,050	\$3,150	\$5,125	\$4,750	\$7,050	\$6,350	\$3,000	\$5,700	\$4,050	\$5,250	\$6,650	\$59,800	\$59,800
Other Regulatory Fees	\$268,000	\$14,558	\$15,205	\$17,555	\$19,355	\$22,780	\$50,245	\$38,180	\$20,730	\$23,025	\$18,375	\$16,720	\$17,330	\$274,058	\$274,058
Other Regulatory License and Permits	\$648,000	\$53,721	\$60,628	\$42,556	\$67,184	\$56,304	\$53,559	\$63,947	\$59,793	\$50,285	\$67,088	\$62,742	\$62,855	\$700,662	\$700,662
Other Revenue	\$64,000	\$25	\$25	\$707	\$40,896	\$696	\$50	\$47,791	\$50	\$75	\$52,137	\$0	\$57,773	\$200,226	\$200,226
Renewal Fees	\$3,079,000	\$230,722	\$227,033	\$233,370	\$414,654	\$230,755	\$224,717	\$292,400	\$261,556	\$288,842	\$243,808	\$195,128	\$54,837	\$2,897,823	\$2,897,823
Revenue	\$4,130,000	\$303,701	\$306,941	\$297,338	\$547,214	\$315,286	\$335,621	\$448,668	\$345,129	\$367,927	\$385,458	\$279,840	\$199,446	\$4,132,569	\$4,132,569

Reimbursements

Fiscal Code	Budget	July	August	September	October	November	December	January	February	March	April	May	June	Year to Date	Projection To Year End
Scheduled Reimbursements	\$0	\$49	\$0	\$0	\$49	\$49	\$0	\$0	\$0	\$0	\$0	\$0	\$98	\$245	\$245
Unscheduled Reimbursements	\$0	\$6,186	\$5,788	\$4,188	\$4,755	\$5,133	\$4,455	\$5,236	\$5,470	\$6,653	\$3,787	\$6,130	\$125	\$57,905	\$57,905
Reimbursements	\$0	\$6,235	\$5,788	\$4,188	\$4,804	\$5,182	\$4,455	\$5,236	\$5,470	\$6,653	\$3,787	\$6,130	\$223	\$58,150	\$58,150

0108 - Acupuncture Fund Analysis of Fund Condition (Dollars in Thousands)

Prepared 10.8.2024

2024-25 Governor's Budget with 2023-24 Actuals		ctuals 023-24	20	CY 024-25	2	BY 025-26		BY +1 026-27
BEGINNING BALANCE	\$	4,154	\$	4,000	\$	4,169	\$	4,260
Prior Year Adjustment	\$	12	\$	-	\$		\$	-
Adjusted Beginning Balance	\$	4,166	\$	4,000	\$	4,169	\$	4,260
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS								
Revenues	_				_			
4121200 - Delinquent fees	\$	60	\$	75	\$	75	\$	75
4127400 - Renewal fees	\$	2,898	\$	3,080	\$	3,080	\$	3,080
4129200 - Other regulatory fees	\$	274	\$	268	\$	268	\$	268
41/29400 - Other regulatory licenses and permits	\$	701	\$	678 50	\$	678	\$	678 63
4163000 - Income from surplus money investments 4171400 - Escheat of unclaimed checks and warrants	\$ \$	198 2	\$ \$	58 4	\$ \$	63 4	\$ \$	63 4
4171400 - Escribar of officialified checks and waltariis	φ	Z	ф	4	ф	4	Ф	4
Totals, Revenues	\$	4,133	\$	4,163	\$	4,168	\$	4,168
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$	4,133	\$	4,163	\$	4,168	\$	4,168
TOTAL RESOURCES	\$	8,299	\$	8,163	\$	8,337	\$	8,428
Expenditures:								
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$	3,503	\$	3,798	\$	3,912	\$	4,029
9892 Supplemental Pension Payments (State Operations)	\$	43	\$	31	\$	-	\$	-
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$	191	\$	165	\$	165	\$	165
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$	3,737	\$	3,994	\$	4,077	\$	4,194
FUND BALANCE								
Reserve for economic uncertainties	\$	4,562	\$	4,169	\$	4,260	\$	4,234
Months in Reserve		13.7		12.3		12.2		12.1

NOTES:

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

FY 24/25 Acupuncture Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Active	7667			
Inactive	2257			
Delinquent	1688			
Clear	11612			
Cancelled	87			
Initial AC License Applications Approved	71			
Initial AC License Applications Denied	0			
AC License Renewals	1603			
Active Wall Licenses	5140			
Initial Wall Licenses	342			
Wall License Renewals	447			

FY 24/25 Continuing Education Report

Туре	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
New CE Provider Applications Approved	13			
CE Provider Applications Denied	0			
CE Provider Renewals	35			
Course Applications Received	635			
Course Applications Approved	582			
Course Denials	0			

FY 24/25 Acupuncture Educational and Training Programs

Application for Board Approval of Curriculum (ABAC)	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
ABAC - Received	1			
ABAC - Incomplete	6			
ABAC - Approved	0			
Loss of Approval	0			

FY 24/25 Acupuncture Tutorial Training Programs

Туре	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Applications Received	11			
New Program Approvals	10			
Programs Completed	3			
Programs Terminated, Abandoned	3			
Total Approved Programs	57			



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Enforcement Update for FY 2024/2025: Quarter 1 2024 (July-September) COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category	Received
Substance Abuse/Drug & Mental/Physical Impairment	0
Unsafe/Unsanitary Conditions	1
Fraud	5
Non-jurisdictional	1
Incompetence/Negligence	18
Other	0
Unprofessional Conduct	10
Sexual Misconduct	5
Discipline by Another State Agency	0
Unlicensed/Unregistered	1
Criminal Charges/Convictions**	11
• Applicants 0	
• Licensees 11	
Total	52

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.

INVESTIGATIONS*

DCA Category	Received	Closed	Pending**
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Unsafe/Unsanitary Conditions	1	2	10
Fraud	5	4	44
Non-jurisdictional	1	1	2
Incompetence/Negligence	18	12	98
Other	0	0	5
Unprofessional Conduct	10	2	88
Sexual Misconduct	5	1	29
Discipline by Another State Agency	0	0	1
Unlicensed/Unregistered	1	2	24
Criminal Charges/Convictions (includes pre-licensure)	11	2	42
Total	52	26	338

^{*} Includes both formal investigations by DCA category conducted by DOI and desk investigations 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.

Enforcement Performance Measures

Q1 - July 1, 2024 - September 30, 2024

Performance Measure (PM) 1 - Intake Volume: Complaints and Convictions/Arrests received

Total Intake Received (Complaints & Convictions)	FY 2023/24	Fiscal Year 2024/25								
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD				
Complaints Received	117	41				41				
Convictions/Arrest Received	29	11				11				
Total Intake Received	146	52				52				

PM 2 - Total Intake Cycle Time

Cvcle Time	FY 2023/24		Fisc	al Year 2024	/25	
(Target: 10 Days) Prior Year		Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Avg. Days to close or assign	4	3				3.0

PM 3 - Inv. Cycle Time - Includes intake, investigation, and case outcome for complaints not reffered to the Attorney General (AG)

Inv. Cycle Time of Non-AG Cases	FY 2023/24		Fiscal Year 2024/25				
(Target: 200 Days)	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Desk Investigations Closed	164	23				23	
Field Investigations Closed	7	3				3	
All Investigations Closed	171	26				26	
Avg. Days to Close All Investigations	305	248				248	

The numbers represent investigations closed without AG action in the specified timeframes.

,			•			
	FY 2023/24		Fisc	al Year 2024	/25	
Aging of Non-AG Cases	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Up to 90 Days	59	9				9
91 - 180 Days	15	7				7
181 Days - 1 Year (364)	33	5				5
1 to 2 Years (365-730)	55	2				2
2 to 3 Years (731- 1092)	4	3				3
Over 3 Years (1093 +)	5	0				0

	FY 2023/24		Fiscal Year 2024/25				
Non-AG Discipline	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations*	1	0				0	
Avg. Days to Complete Citations**	302	0				302.0	
License Denials	1	0				0	

^{*} A citation is final 30 days after issuance or after the appeal process has resolved.

^{**} A complete citation is when respondent has addressed fines and abatement order.

PM 4 Cycle Time-Initial DisciplineAverage number of days to close cases submitted to the AG for formal disciplinary action.

AG Cases	FY 2023/24		Fisc	al Year 2024	/25	
Target: 540 Days	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Total Final Orders	2	0				0
Avg. Days to Complete	1138	0				0

	FY 2023/24		Fisc	al Year 2024	/25	
AG Actions	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
AG Cases Initiated	3	0				0
AG Cases Pending	14	2				2
SOIs Filed	1	0				0
Accusations Filed	1	0				0
Revoked	1	0				0
Voluntary Surrender	1	1				1
Probation	0	0				0
Public Reprimand	0	0				0
Closed w/out Disciplinary Action	4	2				2

These numbers represents AG cases closed in the specified timeframes.

	FY 2023/24		Fisc	al Year 2024	/25	
AG Action Time Frames	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Up to 90 Days	0	0				0
91 - 180 Days	0	0				0
181 Days - 1 Year (364)	0	0				0
1 to 2 Years (365-730)	0	0				0
2 to 3 Years (731- 1092)	0	0				0
Over 3 Years (1093 +)	2	0				0

	FY 2023/24		Fisc	al Year 2024	/25	
Other Legal Actions	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
PC 23 Ordered	0	0				0
Interim Suspension	0	0				0

	FY 2023/24		Fiscal Year 2024/25					
Probationers	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD		
Total licensees on Probation	13	2				See current Q		
Accusation/Petitions to Revoke Filed	1	0				0		
Subsequent Discipline Final Orders	1	1				1		



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DATE	November 7, 2024
TO	Acupuncture Board Members
FROM	Kristine Brothers, Policy Coordinator
SUBJECT	2024 Legislation of Interest as of October 11, 2024

2024 Bills of Interest:

Assembly Bill 796 (Weber) Athletic trainers.

Status: Chaptered by Secretary of State on 9/29/24. Chapter 934. Statutes of 2024.

Summary of Bill:

AB 796 will prohibit a person from holding themselves out as an athletic trainer or from using specified titles or terms to imply or suggest the person is an athletic trainer unless they meet specified requirements, including being certified by the Board of Certification for the Athletic Trainer. This bill also prohibits a person from holding themselves out to be an athletic trainer or use any specified titles if certain conditions are true, including that the person has an athletic trainer license or registration in another state that was disciplined or is otherwise restricted, as specified. If an employee's title is changed to comply with the provisions of AB 796, it would prohibit the loss of the employee's employment status as a result of the title change, including, but no limited to, demotion, reclassification, or any other status or compensation related to the position.

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Assembly Bill 1991 (Bonta): Licensee and registrant renewal: National Provider Identifier

Status: Chaptered by Secretary of State on 9/22/24. Chapter 369. Statutes of 2024.

#### **Summary of Bill:**

This bill adds Section 850.2 to the Business and Professions Code and would require licensees and registrants of healing arts boards within the Department of Consumer Affairs to provide their National Provider Identifier (NPI), if they have one, at the time of electronic license or registration renewal.

#### **Board Implementation Plan:**

- Issue notice to licensees and stakeholders about the new electronic renewal requirement.
- DCA's Office of Information Services (OIS) is initiating the IT changes for each of the healing arts programs affected. OIS will create a mechanism in the Board's Connect system where licensees will be required to provide their NPI at the time of renewal.

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Assembly Bill 2269 (Flora): Board membership qualifications: public members.

Status: This bill was held in the Senate Committee on Business, Professions, and Economic Development and is dead for 2024.

Existing Law:

- Establishes specific boards, bureaus, and commissions under the Department of Consumer Affairs for the purpose of licensing and regulating various professions and vocations.
- Establishes qualifications related to prohibited employer/employee and contractual relationships between public members and licensees of a board within five (5) years preceding a public member's appointment to a board.
- Identifies exceptions for specified employee/employer, contractual and patient relationships between public members and licensees of a board, including limited involvement with a licensee's practice or business.

Summary of Bill:

AB 2269 would have revised requirements for public members of any board within the Department related to business relationships with a licensee of that board. This bill would also have removed exemptions if the relationship with a licensee constituted no more than two percent of the practice or business of the license.

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#### Assembly Bill 2862 (Gipson): Licenses: African American applicants

**Status:** This bill was held in the Senate Committee on Business, Professions, and Economic Development and is <u>dead for 2024</u>.

#### **Existing Law:**

• Establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.

#### **Summary of Bill:**

AB 2862 would have required, notwithstanding any other law, that a board within the Department prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States.

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Senate Bill 1067 (Smallwood-Cuevas):

Healing arts: expedited licensure process: medically underserved area or population

Status: Governor's veto pending

Existing Law:

Establishes various boards within the Department of Consumer Affairs to license and regulate various health professionals.

Requires specified boards to expedite the licensure process of an applicant who can demonstrate that they intend to provide abortions within their scope of practice and specifies the documentation an applicant is required to provide to demonstrate their intent.

Summary of Bill:

Amendments since the last Board meeting made it to where the Board is no longer affected by the bill.

SB 1067 would, until January 1, 2029, require the Board of Behavioral Sciences, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians, the Board of Pharmacy, the Dental Board, the Dental Hygiene Board, and the Physician Assistant Board to develop a process to expedite the licensure process by giving priority review status to the application of an applicant for a license who demonstrates that they intend to practice in a medically underserved area or serve a medically underserved population.



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DATE	November 7, 2024
ТО	Acupuncture Board Members
FROM	Board Staff
SUBJECT	Regulatory Update

The following list displays the status of the Board's current regulatory packages:

 Division 13.7, Article 6.1 and 6.2, Title 16 CCR sections 1399.469 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines

CONC	CONCEPT PHASE			PRODUCTION PHASE		
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Staff & Legal Counsel Reg Unit & DCA Agency Approval Draft Package Budget Review Review			
11/28/2018	2012	N/A	10/26/2023	11/2023		

INITIAL FILING PHASE						
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text			

FINAL FILING PHASE						
DCA Review	BCSH Agency Review	OAL Review	Filed w/Secretary of State	Effective Date		

This package reflects updates to the Board's Disciplinary Guidelines, which include incorporating relevant portions of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees. It brings Board regulations in line with SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) which required the development of the Uniform Standards.

The Board approved revised text and updates to Guidelines at the October 2023 Board meeting. Staff is currently updating the rulemaking documents.

Disclosure of Probation Status to Patients – SB 1448 (Implemented through Disciplinary Guidelines Package – See #3)

CONCEPT PHASE		PRODUCTION PHASE				
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
11/28/2018	2012	N/A	10/26/2023	11/2023		

INITIAL FILING PHASE						
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text			

FINAL FILING PHASE					
DCA Review BCSH Agency Review		OAL Review	OAL Review Filed w/Secretary of State		

These changes (included as part of the package on updating the Board's Disciplinary Guidelines) will establish regulations consistent with SB 1448 (Hill, Chapter 570, Statutes of 2018), which requires licensees on probation pursuant to a probationary order made on or after July 1, 2019, to disclose that status to a patient or their guardian or health care surrogate prior to the patients first visit.

The Board approved revised text and updates to Guidelines at the October 2023 Board meeting. Staff is currently updating the rulemaking documents.

3. 16 CCR 1399.434, 1399.435, 1399.437, and 1399.439 Align Curriculum Standards and Approval Related Regulations with Statute:

CONCEPT PHASE		PRODUCTION PHASE				
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
2/11/2019	2/11/2019	6/13/2019	3/26/2021	1/21/2021		

INITIAL FILING PHASE					
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text		

FINAL FILING PHASE					
DCA Review	BCSH Agency Review	OAL Review	Effective Date		

This package will make additional changes to regulations to ensure compliance with SB 1246 (Lieu, Chapter 397, Statutes of 2014) and updates to conform to the transition to computer-based testing for the exam. The law changed the Board's authority from approving schools and colleges of acupuncture to approving educational and training programs in acupuncture. It is the third package from the Board in connection with SB 1246.

Staff is working on a review of the proposed language with Licensing and Education staff along with updates to the draft rulemaking documents.

4. 16 CCR 1399.419.3:

Application for Retired Status; Retired Status; Restoration

CONCEPT PHASE		PRODUCTION PHASE				
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/2020	4/2019	6/13/2019	8/16/2019 / 3/22/2024	10/2024		

INITIAL FILING PHASE					
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text		

FINAL FILING PHASE					
DCA Review	BCSH Agency Review	OAL Review	Effective Date		

This package will establish a retired license status, and outline the restrictions of a retired license, as well as how to apply for one and how to restore a retired license to active status. The Board has authority to establish such a license status from BPC Section 464.

New and updated proposed language was approved at the Board's March 2024 meeting. Staff is currently drafting the rulemaking documents.

5. 16 CCR 1399.452.2: Standards of Practice for Telehealth Services

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/1/2021	12/2020	12/17/2020	3/26/2021 / 10/26/2023	3/26/2021	6/4/2024	

INITIAL FILING PHASE						
Notice Published by OAL 45-Day Comment Period Ended Board Approval of Responses and Modified Text 15-Day Notice of Modified Text						

FINAL FILING PHASE							
DCA Review	DCA Review BCSH Agency Review OAL Review Filed w/Secretary of State Effective Date						

This package will provide specific guidance and requirements for delivering acupuncture services via telehealth. This was prompted by the COVID-19 pandemic and the subsequent encouragement by the Governor through Executive Orders to use telehealth to maximize the abilities of California's health care workforce.

The Board approved revisions to the proposed language at the October 2023 Board meeting. Staff submitted production rulemaking documents to the Regulation Unit on May 16, 2024 for review. Since the return of their review on June 4, 2024, staff completed edits to the rulemaking documents and submitted the revised package to the Regulation Unit on September 19th for their review.

6. 16 CCR 1399.451:

Hand Hygiene Requirements

CONCEPT PHASE				PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review	
1/1/2023	2013 / 11/2023	1/2014	10/2018				

INITIAL FILING PHASE						
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text			

FINAL FILING PHASE								
DCA Review	DCA Review BCSH Agency Review OAL Review Filed w/Secretary of State Effective Date							

This package was initially approved by the Board in February 2014 to update existing regulations and bring them up to then-current public health and health industry standards. Package was set aside for higher priority regulations and in October 2018 the Board restated its interest in proceeding with regulations. Revisions of the proposed language were sent to the Regulations Unit on November 1, 2023. Staff and the Regulation Unit are in the collaborative drafting process to re-work the proposed text.

2025

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