



Approved
ACUPUNCTURE BOARD
MEETING MINUTES

DCA Headquarters, Sacramento

FULL BOARD MEETING
November 17, 2011

Members Present

Robert Brewer, Public Member, Chair
Charles Kim, Public Member
Anyork Lee, L.Ac,
Paul Weisman, Public Member
George Wedemeyer, Public Member

Staff Present

Janelle Wedge, Executive Officer
Spencer Walker, Staff Counsel
Kristine Brothers, Enforcement Coordinator
Benjamin Bodea, Education Coordinator

Guest List on File

1. Call Meeting to Order and Establishment of Quorum

Quorum Established Meeting called to order at 8:46 am

2. Hearing: Petition for Reinstatement of Surrendered License
Petitioner: Byung Chang Kim (Case No. PRRL-1A-2011-150)

The Board heard the Petition.

3. CLOSED SESSION

4. Approval of August 25, 2011 Meeting Minutes

ANYORK LEE MOTIONED TO APPROVE THE AUGUST 25, 2011 MINUTES. GEORGE WEDEMAYER SECONDED.

5-0-0 MOTION PASSED

5. Chair's Report

Chair Brewer reported on the increased workload on office staff with three vacancies. He noted that the hiring freeze is still in effect.

6. Executive Officer's Report

Executive Officer Janelle Wedge gave her report to the Board.

7. Legislation Update

a. SB 628 (Yee) - Chinese Medicine Traumatology

Chair Brewer stated that the need for this does not make sense and that it would lend to create more confusion than help the public. Bill Mosca, representing CSOMA and CCAA, agreed explaining that there is no certification for exam, no defined scope of practice and no CE requirement. He added that it would confuse jurisdictional authority between boards and practitioners, as well as significant fiscal concerns regarding revenues from fees. He urged the board to oppose. Ted Priebe stated NGAOM opposes the bill.

**PAUL WEISMAN MOTIONED TO OPPOSE SB 628. CHARLES KIM SECONDED.
4 – 0 – 1 ANYORK LEE ABSTAINED. MOTION PASSED**

8. Regulatory Update

a. Proposed Regulatory Language to Eliminate Multi Language Exam

Bill Mosca, representing CSOMA, shared concerns that limiting to English may cause the loss of the Chinese & Korean technical terminology. He asked the Board take great effort to retain these source terms. He also noted that this would limit the practitioners that California receives that come from overseas. CSOMA recommends a period of three years prior to instantiation to allow for currently matriculating students. Carol Chen of Nine Star University asserted that it would be impossible for students in the other language tracks to learn their material in that language then test in English. She also warned that eliminating Chinese, Korean or Pinyin would limit the education. Chair Brewer clarified that the aim is not to do away with the source of the practice but to ensure that licensees are fully proficient in the English language in their practice. Michael, also from Nine Star University, stated there is no need for this restriction, as all students in the Chinese or Korean track need to take and pass TOEFL to be eligible to sit for the exam. Executive Officer Janelle Wedge noted an English-only exam would allow for a more equal field as translations from English can actually give more information to examinees in Korean and Chinese. Johnny Wong of UCPCM reported that their Board opposes the English-only licensing exam. Ted Priebe of NGAOM stated their organization is in support of the bill. Ron Zaidman, President of Five Branches, urged the Board realize that California's leadership in alternative healthcare has been a result of the multi-cultural/lingual environment. He also notes that translations to English vary with each translator, within native English speakers as well as native Chinese and Korean speakers. Sunny Kim, president of Golden State University, stated that Chinese and Korean students forced to take the English exam will no longer study Chinese or Korean texts, causing them to lose knowledge of the classic texts. Instead she urged greater English proficiency requirements. She opposed limiting the exam to English-only. James Berlino, the English Program Director at Dongguk University, stated that he is only speaking for himself when he says that English proficiency is a real issue yet the multi-lingual exam is beneficial for the profession. He urged the board to pursue pathways to even the exam playing field. Member Weisman noted that the Acupuncture exam

should be fair to all students. He stated that this Board is the only Board to offer the exam in multiple languages. He believes that students currently in the Chinese or Korean language track should be given a few years to finish out their program but that this English-only exam change should be put on notice to all students in acupuncture. Member Wedemeyer also noted the TOEFL exam is in place to insure proficiency. He continued to note that the authors of the Acupuncture Act were aware that the multi-lingual exam was expected to be phased out at some point. Member Lee shared that the Board should look at short-term, mid-term and long term solutions ultimately leading to English only. Chair Brewer noted that the loss of two Board members has prevented the Examination and Education Committees from convening. He suggested appointing a new committee to discuss the exam. He appointed AnYork Lee and himself as members for the English Language Exam Committee. He dissolved the now incomplete Examination Committee until the time that it's needed again. The Committee intends to meet before the next meeting in February.

b. Proposed Regulatory Language to Implement AB 2699 – Sponsored Events

Legal Counsel Spencer Walker suggested breaking up the issue into smaller actions accounting for the fee, the educational requirements, and the number of times to be used.

PAUL WEISMAN MOTIONED TO SET \$25.00 AS THE PROCESSING FEE. CHARLES KIM SECONDED.

5 – 0 – 0 MOTION PASSED

CHARLES KIM MOTIONED TO NOT REQUIRE ANY ADDITIONAL EDUCATION REQUIREMENTS FOR THE TEN DAY HEALTH EVENT PASS. GEORGE WEDEMEYER SECONDED.

5 – 0 – 0 MOTION PASSED

PAUL WEISMAN MOTIONED TO SET THE LIMIT TO FOUR TIMES IN A CALENDAR FOR USE OF THE SPONSORED HEALTH EVENT EXEMPTION. GEORGE WEDEMEYER SECONDED.

5 – 0 – 0 MOTION PASSED

GEORGE WEDEMEYER MOTIONED TO APPROVE THE SPONSORED FREE HEALTH FAIR EXEMPTION REGULATION AS AMENDED, GIVING THE EXECUTIVE OFFICER AUTHORIZATION TO MAKE NON-SUBSTANTIAL CHANGES. PAUL WEISMAN SECONDED.

5 – 0 – 0 MOTION PASSED

9. Enforcement Business

a. Enforcement Case Report

Kristine Brothers provided the Board with the Enforcement Case Report.

b. Primary Care Definition

George Wedemeyer asked why the Blue Ribbon Panel has not yet met. Chair Brewer responded that staff and budgetary constraints have held up the process. Member Wedemeyer stated that arriving at a definition of Primary Care would allow a more rapid development of acupuncture especially with regards to integration with western medicine. Chair Brewer asked Member Wedemeyer if his definition of primary care will do away with practices of acupuncture that are at odds with western medicine. Ted Priebe responded that primary care as currently defined requires knowledge in greater competencies than current Acupuncture Programs are teaching. Chair Brewer asked if this would encompass adding courses to the curriculum or removing current courses. Mr. Priebe responded that more courses would be added. Chair Brewer asked what additional courses would be added. Mr. Priebe responded that standardized physiology, anatomy and pathology courses and biomedical courses. This would allow practitioners the ability to work in specialty centers as well as more hospital settings.

Counsel Walker states that the term primary care is used only once in the Acupuncture Act to establish intent. The Board does not have the authority to change the definition. It must be changed by statute. Member Lee suggests that instead of arguing over a definition we can push for more in-depth in anatomy, physiology and pathology. This will greatly help Acupuncturists especially when communicating with other health care professionals. Greg Sperber, of Pacific College, shared that current studies are moving away from evidence-based medicine, as is being used to define primary care, towards evidence-informed. Ron Zaidman suggested that a balance be reached between eastern to western medicine while properly preparing the practitioner in their specialty of eastern medicine. Member Wedemeyer also noted the high un/under-employment of graduating acupuncturists. Bill Mosca notes that access to acupuncture is a reason for reason the workforce issue. He acknowledged that there is no magic bullet for this issue but if systems, like Medicare, start covering a new modality, like acupuncture in the US, the modality grows much more rapidly.

Counsel Walker suggested that focusing on a definition on primary care would ultimately mislead an employer as to where a practitioner's competencies lie. Focusing on the education practitioners should receive would likely yield results in line with what everyone is hoping to be addressed. Counsel Walker suggested tabling the Primary Care issue and setting up a committee to address the education. Chair Brewer tabled the discussion and creates the Education Committee. Chair Brewer appointed Member Lee and himself to the Education Committee. If the staff and resources allow, they would like to meet twice before the next Board Meeting.

10. Education Business

a. Golden State University

The last approval of Golden State University's Acupuncture Program was invalidated by the non-confirmation of the two Board Members Nancy Carroll and Frank He and must be voted on again. Education Coordinator Benjamin Bodea presented to the Board that the school has met all the Board's requirements and are awaiting their approval. Counsel Walker recommends that the Board ratify the Board's previous action to approve Golden State University.

ROBERT BREWER MOVED TO RATIFY THE BOARDS APPROVAL OF GSU. PAUL WEISMAN SECONDED.

3 – 0 – 2 ANYORK LEE AND CHARLES KIM ABSTAINED. MOTION PASSED

GOLDEN STATE UNIVERSITY'S ACUPUNCTURE PROGRAM HAS BEEN APPROVED AND RATIFICATION TAKES THE APPROVAL DATE BACK TO THE ORIGINAL MOTION AT THE PREVIOUS AUGUST 25, 2011 MEETING.

b. Continuing Education/Competency

Member Weisman stated that he's researched other Board's ethics requirements as a part of their continuing education. He's found several that do require it and would like the Board to motion to include an ethics requirement as a part of continuing education.

PAUL WEISMAN MOTIONED TO DIRECT JANELLE TO DRAFT LANGUAGE FOR AN ETHICS COMPONENT BE REQUIRED AS PART OF CONTINUING EDUCATION FOR L. AC'S. CHARLES KIM SECONDED.

5 – 0 – 0 MOTION PASSED

Member Wedemeyer pointed out several approved continuing education classes he felt were not a part of the scope for acupuncturists or miscategorized. He asked that Board staff review these courses.

Bill Mosca recommends that the Board set forth requirements for advertisements for continuing education.

c. Supplemental Education for Foreign Students

Member Kim stated that cultural differences among the foreign trained practitioners leaves many of them in the dark with how practices are conducted here. He suggests requiring certain competencies be required for foreign students. Carla Wilson, professor at ACTCM, approved of the additional education including studies in ethics/jurisprudence, counseling skills, cultural acclimation, OSHA standards and HIPAA regulations. Bill Mosca also suggested the topics Medical Billing due to the fraud potential and English language medical terminology.

d. Acupuncture Research

Chair Brewer asked for an appraisal of research in the field of acupuncture today, encouraging more to be conducted, tying it into the educational institutions and thus the educational curriculum. Benjamin Deerhoef recommended looking into Outcomes-based research that is beginning to be carried out.

11. Examination Business

a. August 16, 2011 Examination

Executive Officer, Janelle Wedge, stated the results of the August examination.

12. Petitions Pursuant to B& P Code Section 4967(b)

a. Sung Soo Kim (license cancelled 12/1/02)

CHARLES KIM MOTIONED TO DENY MIKE KIM A NEW LICENSE. ROBERT BREWER SECONDED.

2 – 3 – 0 PETITION DENIED

b. Gou Chen Cheng (license called 2/1/11)

PAUL WEISMAN MOTIONED TO DENY AWARDING GOU CHEN CHENG A NEW LICENSE WITHOUT TAKING THE EXAM. CHARLES KIM SECONDED.

4 – 0 – 1 ANYORK LEE ABSTAINED PETITION DENIED

c. Jaehee Kim (license cancelled 8/1/09)

PAUL WEISMAN MOTIONED TO DENY AWARDING JAEHEE KIM A NEW LICENSE WITHOUT TAKING THE EXAM. CHARLES KIM SECONDED.

4 – 0 – 1 ANYORK LEE ABSTAINED PETITION DENIED

d. Roy Dittmann (license cancelled 11/1/01)

PAUL WEISMAN MOTIONED TO DENY AWARDING ROY DITTMAN A NEW LICENSE WITHOUT TAKING THE EXAM. CHARLES KIM SECONDED.

4 – 0 – 1 ANYORK LEE ABSTAINED PETITION DENIED

13. Set 2012 Acupuncture Board meeting Dates

The Board Meetings for 2012 have been scheduled as follows: Thursday, February 16 in Sacramento, Thursday, May 17 in Los Angeles, Thursday, August 9 in Sacramento, and Thursday, November 15 in San Francisco.

a. Board Member Training

Member Wedemeyer asked for this to be tabled to the next meeting.

14. Future Agenda Items

Board Member Training and School Review

15. Public Comments

16. Adjournment

Meeting adjourned at 4:56 pm.