



Approved

**California Acupuncture Board
Meeting Minutes
May 23, 2014**

**Hotel Whitcomb
Whitcomb Ballroom
1231 Market Street, San Francisco, CA 94103**

Board Members Present

Michael Shi, L.Ac, President, Licensed Member
Kitman Chan, Vice President, Public Member
Hildegarde Aguinaldo, J.D., Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member

Board Legal Counsel Present

Spencer Walker

Staff Members Present

Terri Thorfinnson, J.D., Executive Officer
Tammy Graver, Board Liaison
Kristine Brothers, Enforcement Coordinator
Marc Johnson, Policy and Regulatory Coordinator

FULL BOARD MEETING - 9:00 a.m.

- 1. Call to Order and Quorum established.**
- 2. Opening Remarks**

Michael Shi welcomed and thanked everyone for attending.

- 3. Approval of Board Meeting Minutes for February 14, 2014**

Jamie Zamora requested that for Item 12, "Assignments of strategic goals and objectives to board committees" list the specific committee assigned to the goals. It was decided that approval of the February 14, 2014 meeting minutes would be tabled for approval until the next meeting.

- 4. President's Report.**

5. Executive Officer's Report.**• Staff Update**

Three new positions are in the process of being posted. Enforcement position is priority since Kristen Brothers will be on maternity leave.

• Budget Update

Very little change since February board mtg. to report. We are projected to under spend the budget by about \$321,000.

• Exam: Occupational Analysis update

Phase 1 is done (general input) and now we are in Phase 2 – conducting subject matter expert workshops. In July surveys will be sent out to the licensed population, which is Phase 3. The projected release of the report is set for February 2015.

• Enforcement: Data Report

Kristine reviewed the enforcement graphs covering the start of the fiscal year to April 30, 2014 regarding number of complaints, number of closed or referred to investigation with average intake time of nine days. Other information covered was investigations initiated, pending and closed. Performance measures from DCA for quarter one and two were also shared. There was also a lengthy discussion regarding the backlog and target days to close cases. The Chair suggested that further detailed discussion should be done by the Enforcement Committee.

CLOSED SESSION.

The President decided there was no need for this item to be a closed session. This item was moved after item 8.

6. Pursuant to Government Code Section 11126(c) (1), the Board Will Meet in Closed Session to Discuss the California Acupuncture Licensing Examination (CALE) with the Office of Professional Exam Services (OPES) staff.**OPEN SESSION – Announcement Regarding Closed Session.****7. Exam Development Presentation by Office of Professional Examination Services (OPES), Chief, Heidi Lincer-Hill**

A presentation by Heidi Lincer-Hill and Raul Villanueva regarding the Occupational Analysis (OA) survey development, exam development, determining passing scores and the roll the

subject matter experts have. Exam costs were also discussed. There were many questions/issues raised by the public regarding exam translation, security of the exam and what percentage of previous questions appear on the current exam, and that educators and people who work with applicants are not allowed to be involved in the development of exam questions. Computer based testing was also brought up, as well as exam question bank and who oversees OPES. All questions were answered.

8. Review of National Exams Presentation by OPES staff

Heidi talked about the statistics of the February 14, 2014 exam. Raul Villanueva gave an overview of the basis for what the national review consists of including three steps: 1) Psychometric Technical Evaluation; 2) Linkage study; 3) Based on Linkage study whether There is a need to do a California-specific exam. He also explained the process for identifying the relationship between California and the nation exam organization. The President told the Board that after the Occupational Analysis is done they will be reviewing the California exam versus the national exam. The President stated that approximately summer of 2015 Raul will be presenting his report to the Board. The board President wants the education committee to discuss finding a way for academics, teachers to be involved somehow in the test development.

9. Proposed regulatory change pursuant to Business and Professions Code section 138.

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

Terry Courtney, Assistant Director with the ACAOM presented the role of accreditation in higher education and the work of the Commission. She reviewed the different types of accreditation and talked about their role in protecting students by ensuring a quality educational program is in place at schools and universities and is appropriately resourced. Another part of their responsibility is to ensure that teaching clinics are safe, effective and in legal compliance. They are also the gatekeeper for Title IV, federal financial aid to help students with their professional education. Site visits and school analysis reports were also discussed. The ACAOM is a United States Department of Education recognized professional agency.

11. SB 1246 (Lieu) Acupuncture Sunrise Bill.

TT gave an overview of each section of the memo titled SB 1246 CAB Sunrise Legislation version as amended on April 23, 2014, which changes the statutes and any regulations that are attached to a section that's being repealed will also be impacted and essentially repealed. Public concerns and comments regarding CAB and ACAOM working together, amendments to the bill that associations would like to see including not taking away board authority and the E.O. provision should be removed. Accreditation was also discussed. Jamie made a motion for the Board to take a watch-and-concern session conference call to discuss or conduct a performance evaluation to the EO. Jeannie seconded the motion. The vote was unanimous in favor of the motion. It was also discussed that TT is responsible for making the Board aware of any amendments to the bill.

12. Committees Updates.

- **Education Committee** – a meeting was held April 18, 2014 in Sacramento. All members of the committee were present except for Francisco. Discussion included reviewing school approval procedures and exists in our regulation. This comes directly from the strategic plan, which directed the Education Committee to review and improve our existing processes for the basic functions of the Board. MS reiterated that these are our committed functions and the need to continue to carry them through. This discussion will continue at the next committee meeting. Also a collection of input from stakeholder meeting held in S.F. and L.A. were presented.
- **Enforcement Committee** – HA served as chair and two other board members were in attendance. The discussion was about Article 5 the Standards of Practice. Other topics discussed were consistency in the statutes as far as the way acupuncture is practiced today. Statutes regarding single-use needles and reusable, non-disposable needles were also discussed. Also discussion on sterility of office area and how needles are transported to ensure sterility and patient safety during the process was also done. Not all discussions were completed so discussion will continue.
- **Examination Committee** – Kitman said that there is not much change in the pattern of the passing rate of exams. Limiting the number of times a candidate can take the exam was also discussed.
- **Executive Committee** – did not meet

13. Regulatory Update.

- **Acupuncture Advertising Guidelines** – Display of license numbers of an acupuncturist's actual license.
- **Continuing Education Ethics Requirement** – This would require 4 CEUs every two years.
- **Consumer Protection Enforcement Initiative (CPEI)** – This regulatory package has been filed with OAL. This was the highest priority as designated by Spencer and the Board.
- **Sponsored Free Health Care Events** – In final stages of drafting.
- **Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation** – This regulatory package in the drafting stage.
- **Hygiene guidelines** – This is under development right now.

- **Prostitution Prevention regulation** – this was passed by the Board back in February and we will be modeling the language after the Chiropractic Board's from 1971 and use this as our guidelines. In research stage.

14. Requests Pursuant to B & P Code Section 4967.

Poongwon Peter Lee (license cancelled 9/26/13) – Mr. Lee talked about what work he has been involved in giving the Board a background.

- 15. Future Agenda Items** – MS said that the closed session regarding the E.O. provision on bill 1246 is one future agenda item. Jamie would like to have an update of our Strategic plan and how we are meeting the completion dates. He also would like to have a review process of the sunset review process and the recommendations that the committee proposed in terms of what they've asked. Thirdly, Jamie suggested that a presentation be done by NCCAOM.

16. Public Comment on Items Not on the Agenda.

Public comment was made regarding the audit of the nation Exam by Mr. London of NCCAOM. His concern is how OPES can give an unbiased, third-party independent review any more than the NCCAOM could give one since OPES is the vendor of the CALE. This seems to be a conflict of interest and how will the board address this? Another concern is that the audit should take place immediately. It should not have to wait until the occupational analysis is complete, except for the CALE, instead of waiting until September to start the occupational analysis. It was also suggested that a comparison be done of how a candidate performs on the totality of the National Exam versus how that person performs on the CALE. It's not just anecdotal evidence; there would actually be some data. "The NCCAOM is ready and willing to participate in an expeditious manner".

**THE AGENDA, AS WELL AS BOARD MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD'S WEBSITE AT**

www.acupuncture.ca.gov

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