



ACUPUNCTURE BOARD
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APPROVED MEETING MINUTES

Acupuncture Board Meeting Meeting Minutes September 12, 2014

**THE CONCOURSE HOTEL AT LOS ANGELES AIRPORT
6225 WEST CENTURY BOULEVARD
LOS ANGELES, CA 90045**

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, Executive Officer
Tammy Graver, Board Liaison
Ben Bodea, Continuing Education Coordinator
Katie Le, Education Coordinator

FULL BOARD MEETING - 9:00 a.m.

- 1. Call to Order and Quorum established.**
- 2. Opening Remarks.** MS welcomed and thanked everyone for attending.
- 3. Approval of Board Meeting Minutes**

May 23, 2014 – Motion was made but withdrawn by JK and accepted by JZ to table these minutes until November 14th Board Meeting.

June 13, 2014 – JK made the motion to approve as submitted and Jamie seconded the motion. The vote was unanimous to approve.

June 27, 2014 - JK made the motion to approve as submitted and JZ seconded the motion. The vote was unanimous to approve.

4. Chair's Report.

MS went to Taiwan this summer, hosted by the professional association in Taiwan. He was also invited to spend a few days in Korea and visited the Korean National Research Institute. He shared some of his observations. In both Taiwan and Korea they have a single payer system so it is not uncommon for practitioners to see up to 70 to 80 patients a day. Herbal services become a separate income for clinics and hospitals. After a licensee passes their exam, they have to join an association and show membership in order to be licensed. Schooling there is more centralized than in California.

5. Executive Officer's Report.

- **Staff Update** – Three staff: one education coordinator, one enforcement coordinator and one licensing technician have been hired. “Did You Know” tips for licensees were created and will be included in the letters to new licensees, renewals and exam participants pertaining to the rules, deadlines and processes. This was one of the Strategic Plan objectives—to create an informational series for licensees. Department of Investigation has offered to have one of their staff assist in inputting cases into the computer, assist with processing intake of cases and drafting citations so more citations will be done. The addition of a staff person in education will help us look at school applications, create files on where people are behind in giving us annual reports, pending applications, approvals for CE's, CE providers, or tutorials.
- **Budget Update** – TT pointed out that two years ago we were spending about 750,000 under our budget and now that number is reduced to 195,000. With the addition of new staff, which isn't reflected in these budget numbers, we may, expenditure-wise, go over our revenues in this next year. Budget-wise we're right on the verge of going beyond our budget. Going beyond our budget into our reserve, we will be working with DCA on fees and increases.
- **Exam: Occupational Analysis update** – September 21st is the last day for people to submit their occupational analysis. We need more completed responses. Putting the questionnaire on line, increasing the time period and the fact that it was sent out to 8,800 active licensees didn't seem to improve the number of responses received compared to 2008. Once completed the analysis of the actual survey will be written up and the report would be on target for being released to the board by February. MS requested that those in the audience are encouraged to impress the membership of the associations to complete the survey; it only takes about an hour to an hour and a half to complete.

- **Enforcement: Data Report** – Department of Investigation is lending one of their staff to do intake which is helping us to not fall behind in our intake. She is also capturing in real-time in the computer as opposed to retroactively putting into the computer.

CLOSED SESSION.

6. **Pursuant to Government Code Section 827, the Board will meet in closed session to consider a petition for an order compelling a psychiatric evaluation and physical examination.**

OPEN SESSION – Announcement Regarding Closed Session.

7. **Western Association of Schools and Colleges, Senior College and University Commission (WASC) accreditation presentation by Melanie Booth, Vice President.**

Melanie Booth gave a presentation on accreditation. She explained the difference between regional, national, institutional, and programmatic accreditation. She detailed the components of accreditation to understand the differences in structure and in the requirements. This also included the standards of accreditation and articulating how an institution becomes WSCUC accredited and why they might want to seek accreditation.

8. **Accrediting Council for Independent Colleges and Schools (ACICS) accreditation presentation by Joseph E. Gurubatham, Ed.D., Senior Vice President.**

Mr. Gurubatham presented information about what ACICS is, how they conduct their business, the business of accreditation and who can be considered for accreditation as well as highlights of their requirements. He explained that in contrast to WASC, ACICS took a prescriptive approach to accreditation. ACICS is the oldest accreditation organization.

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

The Board was presented with proposed language and a memo from staff explaining the requirements for implementation of BPC 138. This proposed regulation would require that all licensed acupuncturists post a consumer notice in their offices that states that they are licensed by the California Acupuncture Board and includes the contact information for the Board for consumers. MS noted there had been discussion about posting the notice in other languages. JZ asked about the difficulty in posting in others languages; TT noted there would be no standardization and that the Board would be required to then provide translation which would add cost. Board Counsel Walker agreed and then noted the proposed language was based directly upon BPC section 138.

KC made the motion that licensees post in English only. KC amended his motion to approve the proposed regulatory language, in English, as specified in the Board meeting packet. HA seconded the motion and the vote was passed unanimously. MS asked for comment from the Board Members or the public; no comments made. MS made a motion to direct staff to commence the rule-making process and to delegate to the Executive Officer the authority to make any non-substantive changes. JK seconded the motion and it passed unanimously. This was one of the recommendations from the Sunset Review Committee for the Board to complete by the next Sunset Review.

10. Strategic Plan Action Plan Update.

TT prepared a handout that reviewed the sunrise action plan for 2014-2017 highlighting what has been achieved. Also noted on the handout is the completion dates. Some of the Board members suggested that the issues brought up in the Sunrise Review be included in the Strategic Action Plan as well. No action taken on suggestion.

11. Legislative Update - SB 1246

Amendments to the bill that were done on August 19th and also on August 22nd were included in the board packet as well as the assembly appropriations analysis. TT reviewed the changes in both of the amendments for the Board. These changes won't be taking effect until 2017, so the Board will go through another Sunrise/Sunset Review process before these changes go into effect. Ongoing dialogue with the legislature and administration will continue.

12. Regulatory Update.

- **Acupuncture Advertising Guidelines** - Planned for OAL submission by spring 2015, with 45 day public comment period to follow.
- **Continuing Education Ethics Requirement** - Planned for OAL submission by Summer 2015, with 45 day public comment period to follow.
- **Consumer Protection Enforcement Initiative (CPEI)** – At the Agency; 45 day comment period ended 6/30/14 with public hearing held. Final rulemaking package submitted to DCA Director for approval with OAL submission to follow.
- **Sponsored Free Health Care Events** – Planned for OAL submission October 2014, with 45 day public comment period to follow.
- **Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation** – At the Administration DCA stage before filing; date to Legal Counsel was changed to Sept. 11th.
- **Hygiene guidelines** – Package under staff development. Planned for OAL submission by Fall 2015.
- **Prostitution Prevention regulation** –Planned for OAL submission by December 2014, with 45 day public comment period to follow.

13. Future Agenda Items.

The Executive Officer evaluation should be put on the November agenda.

14. Public Comment on Items Not on the Agenda.

There was a comment about CAOMA and that every Chinese organization in Southern California works with CAOMA. They all want to work with the Acupuncture Board, the Legislator, the schools--everybody working together. Additional comments were made regarding what Boards are able to approve schools.

Another member of the public brought up the fact that CPR recertification is not required for license renewal and requests that the Board address this issue. All other Boards do require this.

There was a comment about a proposed situation that a constituent Board member meets with their elected representative to discuss a bill that their legislator is authorizing which directly affects the Board, and during the meeting a staff meeting committee consultant who is developing the Board's language, calls-in and participates in the meeting. How would the Board view the member's conversation with the consultant? There was an intention expressed to follow up for clarification.

15. Adjournment

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

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

www.acupuncture.ca.gov

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