



**ACUPUNCTURE BOARD**  
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**Members of the Board**

**Dr. Amy Matecki**, M.D., L.Ac.,  
President, Licensed Member  
**Kitman Chan**, Vice President,  
Public Member  
**John Harabedian**,  
Public Member  
**Ruben Osorio**,  
Public Member  
**Vacant**, Licensed Member  
**Vacant**, Licensed Member  
**Vacant**, Public Member

**ACUPUNCTURE BOARD MEETING**  
**Public Board Meeting**  
***Approved Meeting Minutes***  
**June 28 & 29, 2018**

**LOCATION:**  
Handlery Hotel San Diego  
The Tower Room  
950 Hotel Circle North  
San Diego, CA 92108

**Board Members Present**

Dr. Amy Matecki, M.D., L.Ac, President, Licensed Member  
Kitman Chan, Vice President, Public Member  
John Harabedian, Public Member  
Ruben Osorio, Public Member

**Staff Present**

Benjamin Bodea, Executive Officer  
Erica Bautista, Administrative Coordinator  
Salwa Bojack, Legal Counsel  
Kristine Brothers, Enforcement Coordinator  
Jay Herdt, Education Coordinator  
Marc Johnson, Policy Coordinator  
Tammy Stadley, Exam Analyst

**Guest List on File**

**Full Board Meeting – Thursday, June 28, 2018**

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

Board President Amy Matecki (Matecki) called the meeting to order at 9:30 a.m.  
Policy Coordinator Marc Johnson (Johnson) called the roll.

Members Present: 4 – Matecki, Chan, Harabedian, Osorio.

*4-0 Quorum established*

**2. President's Remarks (Dr. Matecki)**

President Matecki had nothing to report.

**3. Public Comment on Items Not on the Agenda (Dr. Matecki)**

Public Comment: None

**4. Petition for Reinstatement of Acupuncture License – Brian Kim (aka Byung Chang Kim) – 9:30 a.m.**

The Board heard the petition for reinstatement of acupuncture license for Byung Chang Kim (aka Brian Kim).

Public Comment: None.

**5. Petition for Early Termination of Probation – Kyung Kim (AC# 14723) – 11:00 a.m.**

The Board heard the petition for early termination of probation for Kyung Kim.

Public Comment: None

**CLOSED SESSION (Dr. Matecki)**

**6. Pursuant to Government Code section 11126(c)(3), the Board will convene in closed session to deliberate on a decision to be reached in the above Petitions.**

The Board went into closed session at 12:40 p.m. to deliberate on the above petitions.

**RECONVENE OPEN SESSION (Dr. Matecki)**

The Board resumed open session at 2:30 p.m.

**7. Review and Approval of October 20, 2017 Board Meeting Minutes (Johnson)**

Johnson presented the Board meeting minutes from the October 20, 2017 public meeting. Changes were made on page one for the '4-1 quorum' listed, and global changes were made to capitalizations of 'Board' and spelling out of all acronyms.

Public Comment: None.

**MOTION:**

Vice President Kitman Chan (Chan) motioned to approve the October 20, 2017 Board Meeting Minutes with changes made here today, and to delegate authority to the Executive Officer to make technical, non-substantive changes. Board Member Ruben Osorio (Osorio) seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

## **8. Review and Approval of November 17, 2017 Board Meeting Minutes (Johnson)**

Johnson presented the Board meeting minutes from the November 17, 2017 public meeting. Changes were made on page one for the '4-1 quorum' listed, and global changes were made to capitalizations of 'Board' and spelling out of all acronyms.

Public comment: None.

### **MOTION:**

President Matecki motioned to approve the November 17, 2017 Board Meeting Minutes with changes made here today, and to delegate authority to the Executive Officer to make technical, non-substantive changes.

Board Member John Harabedian (Harabedian) seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

## **9. Review and Approval of December 15, 2017 Board Meeting Minutes (Johnson)**

Johnson presented the Board meeting minutes from the December 15, 2017 public meeting. He noted the meeting was mostly a strategic plan session for the Board. Changes were made on page two for the '4-1 quorum' listed, and global changes were made to capitalizations of 'Board' and spelling out of all acronyms. On page three, item number eight, a change was made to note that no future agenda items were raised by the public.

Public comment: None.

### **MOTION:**

Member Harabedian motioned to approve the December 15, 2017 Board Meeting Minutes with changes made here today, and to delegate authority to the Executive Officer to make technical, non-substantive changes.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

## **10. Review and Approval of March 30, 2018 Board Meeting Minutes (Johnson)**

Johnson presented the Board meeting minutes from the March 30, 2018 public meeting. This was the second strategic plan meeting for the Board. A change was made on page three to spell out acronyms.

Public comment: None

**MOTION:**

President Matecki motioned to approve the March 30, 2018 Board Meeting Minutes with changes made here today, and to delegate authority to the Executive Officer to make technical, non-substantive changes.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

**11. Review and Approval of April 13, 2018 Board Meeting Minutes (Johnson)**

Johnson presented the Board meeting minutes from the April 13, 2018. A change was made on page three to spell out acronyms.

Public Comment: None

**MOTION:**

Member Osorio motioned to approve the April 13, 2018 Board Meeting Minutes with changes made here today, and to delegate authority to the Executive Officer to make technical, non-substantive changes.

Vice President Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

**12. Recess until Friday, June 29, 2018 at 9:00 a.m. (Dr. Matecki)**

President Matecki called the meeting into recess at 3:00 p.m., until Friday, June 29, 2018 at 9:00 a.m.

**Full Board Meeting – Friday, June 29, 2018**

**13. Call to Order, Roll Call, and Establishment of Quorum (Dr. Matecki)**

President Matecki called the meeting to order at 9:00 a.m. Johnson called the roll.

Members Present: 4 – Matecki, Chan, Harabedian, Osorio. 4-0

Quorum re-established.

**14. President's Report (Dr. Matecki)**

President Matecki thanked the Board, Board staff, and the public for attending.

## **15. Public Comment on Items Not on the Agenda (Dr. Matecki)**

A commenter wanted the Board to accept students' peer reviewed articles and research for academic credit. He also asked the Board to clarify transfer credit for Biology courses.

A commenter also wanted the Board to discuss transfer credit issues with Biology and Statistics.

A commenter noted support for computer-based testing and noted there was confusion among students on how it would be implemented.

A commenter provided an update on an effort by acupuncture groups to merge into one association. He noted the group has succeeded in incorporating and is looking to be operational by September 2018.

Two comments were made supporting Assembly Bill 3142 (the Board's sunset bill).

## **16. Executive Officer's Report (Bodea)**

Executive Officer Benjamin Bodea (EO Bodea) gave his report to the Board.

### (A) Staff Update:

EO Bodea reported the Board was in the process of hiring a staff services manager, and that the licensing technician position remains vacant and would be filled in the coming months.

### (B) Budget Update:

EO Bodea reported the Board was currently about \$300,000 under budget but was looking at the bottom line. Vice President Chan noted the Board's pending structural imbalance and was concerned about budget reserves dwindling in the next two years. He wanted to see a fee increase rolled out soon. EO Bodea agreed and stated the Board would complete a fee study next year.

### (C) Outreach Update:

EO Bodea reported he participated in Chinese Medicine Day on March 18, 2018 in San Francisco, and also in Acupuncture Day at the State Capital.

Public Comment: None.

## **17. Enforcement Report (Brothers)**

Enforcement Coordinator Kristine Brothers (Brothers) gave the Enforcement report.

### (A) Q1 17-18 Enforcement Report

She started with first quarter fiscal year 2017/2018, with 34 complaints received and 51 closed or referred to investigation. There were 50 investigations initiated, 139 pending at the close of the quarter, and 57 investigations closed, with an average process time

of 154 days. Vice President Chan noted the spike in unprofessional conduct during the quarter and wanted to know why. Brothers replied that the number captured all of the incoming applications for the exam. President Matecki asked that more information be given on the number of re-testers other Boards have.

#### (B) Q2 17-18 Enforcement Report

Brothers reviewed the second quarter of fiscal year 2017/2018. She reported 78 investigations were initiated and 149 were pending at the close of the quarter; 68 investigations were closed, which resulted in the average process time of 172 days.

#### (C) Q3 17-18 Enforcement Report

For third quarter fiscal year 2017/2018, she reported 45 complaints received and 43 investigations initiated, 134 pending, and 58 closed, and a process time in 240 days.

EO Bodea noted Enforcement staff was participating in the business modernization process which are affecting process times; Member Harabedian commented on the need for more enforcement staff to keep the process times down.

#### Public Comment:

A commenter wanted the Board to take action on dry needling, which he felt has taken on a greater urgency since physical therapists and chiropractors were performing with minimal training.

A commenter agreed with the first and was also concerned about athletic trainers performing dry needling.

A commenter stated dry needling was acupuncture, and a federal lawsuit was being pursued.

A commenter urged the Board to keep high standards.

### **18. Education Report (Herdt)**

Education Coordinator Jay Herdt (Herdt) gave the Education Report.

#### (A) Status of Curriculum Reviews:

Herdt noted there were 34 approved training programs and 23 were in full compliance with two programs that have completed clinical corrective actions. Seven training programs have submitted clinical corrective actions and are pending staff review of their curriculum, and three new programs have received curriculum approval.

#### (B) Continuing Education and Audit Update:

Herdt reported that the Board has resumed continuing education (CE) audits starting where it left off in the 2015/2016 fiscal year audit process, with six months of CE audit notices sent out to date. He also highlighted that staff are selecting two months' worth of audits every month until the backlog was addressed.

The Board processed 3,196 applications for CE courses, and there were 548 CE providers.

There were 43 active acupuncture tutorial programs in process.

#### (C) Sunset Review Recommendations:

Herdts explained that Board staff have identified issues to be considered by the Board pertaining to changes and the impact of the language of Business and Profession Code (BPC) section 4927.5, resulting from the language in SB 1246. He noted confusion by approved training programs as to when they could begin training students in the clinic, and when they would be recognized as “approved educational and training programs” that are able to qualify students for the California Acupuncture Licensing Exam (CALE). He also highlighted the lack of statutory requirement of a site visit, upon initial accreditation, by Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). Herdt then reviewed ACAOM’s accreditation timeline.

Herdts highlighted an issue of accountability for schools in operating their clinics, and one option identified would allow the Board to put together the various approvals needed before a school could begin operation. He also identified several areas of regulation which needed to be updated, including Sections 1399.435, 1399.438, and 1399.439. An additional issue identified was a review of curriculum, which is required by statute to be completed within 30 days. However, the costs for doing so are borne by licensees, not applicants. This was also noted as a Sunset Review issue.

President Matecki assigned the issues to the Education Committee for further study.

#### Public Comment:

A commenter referred to the high number of CE providers and courses, and the gray area of live and online courses. His college has been providing courses since the 1970s and has seen the changes; he wanted the Board to look closer at the technology and the hands-on component of the training.

A commenter wanted an increase in the CE provider fee and hoped for a four-year Board sunset extension.

A commenter felt increasing provider fees would be a burden on schools, especially those which offer courses for doctorate level students and, also, commended the Board for requiring pre-accreditation for schools.

A commenter wondered how the Board could collect information on the programs and felt clinic supervisors should be protected.

Another commenter updated the board on a unification effort for acupuncture associations.

Vice President Chan wondered if online acupuncture courses had a safeguard to make sure students were paying attention to the course. EO Bodea replied this could be looked into by the Education Committee.

### **19. Examination Report (Stadley)**

EO Bodea referred to the recent Spring 2018 exam statistics, noting they were broken down by school, first time versus re-testers and language. Discussion commenced on pass rates. Vice President Chan commented on the need for better preparation of student by acupuncture schools and wondered if there were some guidelines for a school to better identify the weaknesses the student does not understand. He wanted to see a limit on the amount of times an applicant can re-test. EO Bodea reported the Board has discussed a limit on re-testers of the exam, and that it may be an item for the Exam Committee to review. President Matecki agreed. Member Harabedian noted the low pass rates for attorneys and felt there was more of a need for applicants to be able to pass the exam, and to go through the process of the exam to weed out those who should not be treating patients. He felt the topic was a good conversation to have.

Exam Analyst Tammy Stadley (Stadley) reported on the Board's upcoming transition to Computer-Based Testing for the CALE. She noted there were questions about the change and that the Board would be placing more information on its website. Stadley explained that the exam itself was not changing and that applicants will still need to meet the same qualifications to be eligible for the exam. Applicants will now be able to take the exam at test sites throughout California; Stadley said she expected this new system to go live in October. EO Bodea added that the Board would no longer accept or reward conditional approvals for the exam, and that the Board would only accept applicants who have completed the required curriculum and all other requirements.

#### Public Comment:

A commenter wondered how the exam statistics would be published after the change.

A commenter asked the Board to reconsider a six-month wait period for a re-taker for the exam.

A commenter felt this was a significant step for the Board.

A commenter asked if the fees were going to change and if the Board would be having the test taken in one sitting, or as modules on different days.

A commenter agreed with reconsidering the six-month waiting period and asked about which transcripts to send.

A commenter asked about application timelines.

A commenter wanted to make sure California kept its high standards and a quality test.

#### **20. Regulatory Update (Johnson)**

Johnson provided an update on the following regulatory rulemaking packages currently under development by the Board. He noted that the four existing rulemaking packages were due to be reviewed by staff and Legal Counsel.

Johnson stated that recommendations will be made to the Board at a future public meeting regarding whether the rulemaking packages should be continued, rolled into another package, or abandoned.



(A) Title 16, CCR §1399.451(a) –

Hand Hygiene Requirements

(B) Title 16, CCR §1399.455 –

Advertising Guidelines: Display of License Number in Advertising

(C) Title 16, CCR §1399.469.4 –

Prohibited Sexual Acts

(D) Title 16, CCR §1399.482.2 –

Continuing Education Ethics Requirement

Public Comment: None.

## **21. Discussion and Possible Board Action on Current Legislation (Johnson)**

Johnson reported on legislative bills of interest to the Board. He set out how positions on legislation are taken and how the Legislature would be notified of the positions.

(A) AB 767 (Quirk-Silva): Master Business License Act

Board staff recommended a watch position on the bill due to the uncertain nature of how it may affect the Board.

### **MOTION:**

Member Harabedian motioned for the Board to take a watch position on AB 767.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

(B) AB 1659 (Low): Healing arts boards: inactive licenses

Johnson noted it had no opposition in the Legislature.

Board staff recommended a support position on AB 1659 as the bill was not controversial and gives the Board another tool for public protection.

### **MOTION:**

President Matecki motioned for the Board to take a support position on AB 1659, and to direct the Executive Officer to inform the Legislature of the Board's position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

(C) AB 2138 (Chiu and Low): Licensing boards: denial of application: revocation of licensure: criminal conviction

Johnson described the overall purpose of AB 2138, which covers denial of application for licensure, revocation or suspension of licenses, and the role of criminal convictions in application for licensure. He reviewed some of the potential effects of the bill on Board operations, including restrictions on denying, revoking or suspending the license on the grounds an applicant has been convicted of a crime; narrowing the information on background checks available to the Board and increases in workload due to regulatory and practical effects on the Board.

Board staff recommended an oppose position due to the bill not being in line within the Board's mandate of public protection.

**MOTION:**

Member Harabedian motioned for the Board to take an oppose position on AB 2138, and to direct the Executive Officer to inform the Legislature of the Board's position.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

(D) AB 3142 (Committee on Business and Professions): Acupuncture Licensure Act: Acupuncture Board

This bill is the Board's sunset bill and extends operations of the Board until 2021. Johnson noted it was a two-year sunset extension, not a four-year sunset extension as originally proposed.

Board staff recommended a support position.

Public Comment:

A commenter asked what needed to be done to receive a four-year extension.

**MOTION:**

Vice President Chan motioned for the Board to take a support position on AB 3142, and to direct the Executive Officer to inform the Legislature of the Board's position.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

(E) SB 762 (Hernandez): Healing arts licensee: license activation fee: waiver

Johnson reported this bill was amended after the agenda publication date and is no longer of interest to the Board.

(F) SB 1448 (Hill): Healing arts licensees: probation status: disclosure

Johnson reported that SB 1448 would require licensees to notify patients in writing of their probationary status.

Board staff recommended a watch position due to the uncertain impact of the proposed bill on licensees.

**MOTION:**

Vice President Chan motioned for the Board to watch SB 1448 and for the Executive Officer to watch bill developments.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

Public Comment: None.

**Lunch break was taken at 12:28 p.m. Board meeting resumed at 1:16 p.m.**

**22. Discussion and Possible Board Action on 2018-2022 Acupuncture Board Strategic Plan (Bodea)**

EO Bodea provided background on the 2018-2022 Acupuncture Board Strategic Plan (Strategic Plan), which will guide Board operations from 2018-2022. He noted that two public meetings were held on the Strategic Plan, and it comprises input from Board members, staff, a stakeholder survey, and the public. He reviewed the document page by page and clarified it was considered a five-year plan. Member Harabedian offered a change to a footnote from 2021 to 2022. On Objective 1.3, Vice President Chan added the word ‘California’ for clarity; Board agrees.

Public Comment:

A commenter asked for clarity on the potential requirement for TOEFL score. EO Bodea suggested a change listing TOEFL be required for people not taking the exam in English, but the terminology was left as is.

Board discussion resumed with Objective 5.2 regarding informing the public via newsletter as to what the newsletter would contain and how it would be formatted. The objective was reworded to ‘develop and release a digital newsletter to inform, update, and educate the public on the acupuncture profession’. Objective 6.2 was changed to ‘IT solution’.

Public Comment:

A commenter asked how the newsletter would be distributed. EO Bodea replied it would be posted on the website or sent via email when developed.

Board discussion resumed. A section referring to a message from the Board President and EO on page four of the draft Strategic Plan was removed since there was no material for that section. No further changes were proposed.

Public Comment:

No further public comment was made on the item.

**MOTION:**

Member Osorio motioned to approve the Strategic Plan, with the changes made here today, and to delegate to the EO the authority to make non-substantive changes.

Vice President Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Harabedian – Yes; Osorio – Yes.

**4-0 motion passes.**

**23. Discussion and Possible Board Action on Proposed Acupuncture Board 2018 Update to Disciplinary Guidelines and Implementation of Uniform Standards Related to Substance-Abusing Licensees (Brothers and Johnson)**

Johnson opened on the item, which originally was to include changes to the text of the regulation in California Code of Regulations Section 1399.469, changes to the Disciplinary Guidelines (Guidelines) document and changes to the separate Uniform Standards (Standards) document.

(A) Proposed text to amend the title of Division 13.7 of Title 16 of the California Code of Regulations; create new Article 6.1 of Chapter 13.7 of Title 16 of the California Code of Regulations; create new Article 6.2 of Chapter 13.7 of Title 16 of the California Code of Regulations; and amend Section 1399.469 of Article 6.2 of Chapter 13.7 of Title 16 of the California Code of Regulations

Johnson explained the Board would only be reviewing and making changes to the Guidelines at this meeting and hoped to bring back the other two items at a future Board meeting as they were not finalized yet.

(B) Acupuncture Board Disciplinary Guidelines (Rev. June 2018)

Johnson noted the Board has been working on revising the Disciplinary Guidelines (Guidelines) for many years and described how the changes between different versions were notated within the Board packet. Changes already approved by the Board at the February 20, 2017 meeting are listed as version 1 (V1) and proposed changes for the current meeting are listed as version 2 (V2) in the Board packet.

Brothers began review of additions as part of V2 of the Guidelines. The introduction on page four and five added a reference to the Uniform Standards, and on page six under 'general considerations' added items eight and nine to provide for the Board's review of respondent's acceptance of responsibility of their actions and respondent's honesty during the proceedings. On page seven, another reference to the Uniform Standards

was added; on page eight, optional condition two, a reference to the most current DSM manual was added and an additional term as a footnote to the condition was added.

Member Harabedian asked about the difference between the psychotherapy and psychiatric evaluation terms; Brothers responded that either can be a condition, and a psychiatric evaluation can be used to recommend more ongoing psychotherapy. Discussion commenced on whom can be a “Board approved mental health professional” and how it should be defined in the Guidelines. Brothers pointed out the Board already had a list of Board-approved providers; EO Bodea proposed the addition of “or psychiatrist” to the conditions. Board agrees. Brothers referred to optional condition seven - practice restrictions – which was rewritten to be less limiting. She also suggested adding ‘Respondent shall notify all present and future employers of the restrictions imposed on their practice while on probation’ into the condition for more specificity; Board agreed.

Brothers referred to term and optional condition ten – alcohol and drug abuse treatment program; she noted that V2 added that the Board would accept a recovery program taken under court order within the last three years. Member Harabedian asked about accepting the recovery program and felt there should be a practical application to it; he felt three years was too long and suggested one year. Board agrees. Legal Counsel Bojack recommended that the footnote added to the condition, which refers to the Standards being used ‘in any probationary order’, be changed to ‘in lieu of any probationary order’.

Brothers suggested the change to also affect conditions 11 and 12; Board agreed. She then noted that modifications to optional condition 11 which removed 12-step meetings as part of the treatment program and made them their own standalone term. In optional condition 12, she noted the removal of ‘marijuana’ due to the legalization for medicinal purposes. Member Harabedian referred back to condition four and wanted to add ‘California licensed’ to denote who can be a practice monitor in California. ‘California’ was also added to ‘licensed acupuncturist’ under optional condition 15.

Legal Counsel Bojack suggested changing the order of conditions, listing standard conditions first and then optional conditions. These alterations would also affect wording of several sections. Board agreed with these changes. Brothers noted modifications in V2 to standard condition 16, obey all laws and standard condition 17, quarterly reports. She then noted changes to standard condition 18, which was renamed ‘monitoring program’ and the respondents shall not have contact with any witnesses. Standard condition 19, which was changed to allow the Board to request interviews with or without prior notice and requiring payment for cost recovery during a period of tolling as altered as part of standard condition 21. EO Bodea offered a change to condition 21 altering conditions for tolling which must not exceed 30 days outside the state; Board agreed.

President Matecki raised the issue of probationers teaching as part of CE courses - it is already prohibited in regulations, but it should be added to the Guidelines for clarity; Board agreed. It was also added to standard condition 22. A minor wording change was made to standard condition 24.

Legal Counsel Bojack proposed two new separate conditions for notification to patients and notification to employers. Member Harabedian felt both could be optional conditions and it was a discussion worth having. Brothers agreed but raised the concern about notification to employers possibly driving probationers out of business. She also noted consumer safety was number one with this condition. Legal Counsel Bojack then raised a 'no solo practice' condition, which used to be part of the Guidelines, but is not included in the current version. Board requested that staff research language and bring back at a future meeting. On page 23, the section was renamed 'Penalty Recommendations'. Legal Counsel Bojack recommended listing BPC section 480 and 490 on page 24, recommended action by violations, since both are commonly used; Brothers pointed out the Board already used BPC Section 4955(b) for discipline instead of 490. Board requested that staff research adding language and bring back at a future meeting.

Member Osorio asked about unprofessional conduct and the treatment of minors and wondered if a form could be incorporated; Legal Counsel Bojack replied such a form would be more of an existing law, rather than a disciplinary condition. EO Bodea noted Board staff would look into what governs the treatment of minors. On page 28, Brothers pointed out a global change in the Guidelines that added listing of a special condition relating to substance abusing licensees to applicable violations. An additional global change revised the numbering of conditions to optional and standard conditions. Legal Counsel Bojack noted that BPC sections 4935 and 4936 were not included in the Guidelines; Brothers replied that Section 4935 is a criminal misdemeanor, which she believed the Board would not take action on. Section 4936 would often be cited back to Section 4955, which was already listed. She felt it would not be used as a sole violation, but it could be added in if the Board felt it was needed. Board agreed.

#### Public Comment:

A commenter asked the Board to provide more detail for misleading false advertising as an M.D.

A second commenter noted the differences in doctorate titles.

Board discussion resumed. On page 32, Brothers noted a reference added in V2 to BPC section 480; on page 39 a reference is added to Government Code (GC) section 11520. On page 40, the language was rewritten stating the Board is not interested in retrying facts of a case. On page 41, another reference to GC section 11520 was added. EO Bodea concluded the review by informing the Board that the changes made here today would be incorporated and would be brought back at the next meeting with all changes made in single strikethrough with highlights to denote all the changes.

#### Public Comment:

A commenter raised the option of including qualified billing monitors who specialize not just in acupuncture.

Board agreed and requested staff research the option.

### (C) California Acupuncture Board Uniform Standards Related to Substance-Abusing

## Licensees (June 2018)

Johnson explained the Board would only be reviewing and making changes to the Guidelines at this meeting and hoped to bring back the other two items at a future Board meeting as they were not finalized yet.

### **24. Future Agenda Items (Dr. Matecki)**

Board members did not have any future agenda items.

#### Public Comment:

A commenter wanted further disclosure on the use of the title ‘Dr.’ on the website.

A commenter wanted further review on curriculum requirements and clinic hour requirements.

A commenter asked the Board to disclose investigations into schools to allow students to be aware.

A commenter asked the Board to review the issue of CE provider quality.

### **25. Adjournment.**

Meeting was adjourned at 3:53 p.m.