



## BOARD MEETING MINUTES April 7, 2023

### LOCATION:

Web Ex Teleconference

#### Staff Present

**Benjamin Bodea**, Executive Officer  
**Ryan Marcroft**, Legal Counsel  
**Kayla Watson**, Legal Counsel  
**Jay Herdt**, Licensing Manager  
**Marisa Ochoa**, Central Services Manager

#### Members of the Board

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

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

Meeting commenced at 9:10 a.m.

Roll call taken. All members present except Board Member Li. Quorum established.

### Item 2 – President’s Remarks

President Harabedian welcomed members, staff, and the public to the meeting.

### Item 3 – Approval of Minutes

Board members reviewed the minutes from the December 2022 meeting. The moderator noted that Board Member Li joined the meeting.

#### MOTION

Board Member Matecki motioned to approve the December 2022 meeting minutes.  
Board Member Chen seconded it.

No public comment.

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

6-0

**Motion Passes**

### Item 4 - Executive Management Report

#### (A) Strategic Plan Announcement

Sarah Irani and Ann Fisher, from SOLID, introduced themselves as facilitators for the upcoming Strategic Plan and provided the Board an overview of the process.

## **(B) Budget Update**

Based on estimations from the seventh fiscal month, the Acupuncture Board's (Board) funds are in good condition with a healthy reserve. Executive Officer Benjamin Bodea (E.O. Bodea) stated that the Board's reserves will be peaking this year at 12.7 months in reserve and then anticipated to start declining.

## **(C) Staffing Update**

The Board has filled the vacancy for the second Enforcement Analyst position as well as the licensing Office Technician position. The Board may also look to reclassify the Special Investigator position to support additional technical services. Lastly, the Board welcomed a new legal counsel, Kayla Watson.

## **(D) Business Modernization (BizMod) Update**

The Board continues to work with the DCA's Office of Information Services Software vendor, inLumon, and other DCA boards to develop and refine the Connect licensing management system. The Board is now working through the continuing education module and will be moving on to the enforcement module in the fall of 2023.

## **(E) Licensing Report Q1 FY 2022-23**

Mr. Herdt reviewed the data for Licensing, Continuing Education, Tutorial, training programs, and exam results.

Board Member Kim inquired about any trends in the exam applications and licensing renewal data for a one-year period. Mr. Herdt responded that staff will look to gather data to identify any trends.

Board Member Chen asked if retakers of the California Acupuncture Licensing Examination can still pass despite multiple attempts. Mr. Herdt responded that the Board does not have hard data on the subject but that applicants may retest as often as they like if they don't pass.

## **(F) Enforcement Report Q1 FY 2022-22**

E.O. Bodea reviewed the complaints/convictions and investigations data for quarter two of 2022-23 Fiscal Year (October 1 – December 31, 2022).

Board Member Chen remarked that mail votes for enforcement cases are becoming more frequent and that staff and the Attorney General's Office are doing a good job.

## **Item 5 - Legislative Report – Reviewed bills with positions taken, or new bills**

Policy Coordinator Kristine Brothers (Brothers) discussed AB 1264, the Sunset Review bill but that there were no amendments introduced yet and no position to take now. The Board then heard and discussed AB 1751, Opioid prescriptions, and SB 544, teleconference meetings.

**AB 1751** – Staff recommended a Support position.

The Board discussed centered on how beneficial this bill would be to patients in managing pain. It was also discussed further that the bill increases awareness and access to nonpharmacological treatments such as acupuncture.

Public Comment

A public comment stated that this is a great bill for the profession and the consumer. That he supports and hopes that the Board members will also support the bill.

**MOTION**

*Board Member Chen moved that the Acupuncture Board take a Support position with respect to AB 1751 [Gibson] as introduced on February 17, 2023, for the reasons discussed by members and as reflected in the staff memo.*

Board Member Kim seconded

**Vote**

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

**6-0**

**Motion Passes**

**SB 544** – Staff recommended a Support position.

The Board discussed the benefits of meeting in person versus remotely and that ultimately, they would like to have an option to meet, both, in-person and remotely

Public Comment

A public comment stated that remote meetings are not nearly as effective as meeting in person and that public participation has been down the last three years.

**MOTION**

*Board Member Matecki moved that the Acupuncture Board take a Support position with respect to SB 544 [Laird] as amended on March 20, 2023, for the reasons discussed by members and as reflected in the staff memo.*

Board Member Li seconded

**Vote**

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

**6-0**

**Motion Passes**

Brothers provided the staff recommendation that the Board take a watch position on

the following bills: AB 883, AB 996, AB 1028, AB 1707, SB 259, SB 345, SB 372, and SB 802 as provided in the staff memo and for the reasons reflected in the legislative report and/or discussed by members and staff.

#### Public Comment

A public comment was made about AB 1264. E.O. Bodea responded that it doesn't address the practice or the scope of acupuncture, but rather the continued regulation of the profession by the Acupuncture Board.

#### **MOTION**

*Board President Harabedian moved that the Acupuncture Board take a Watch position with respect to AB 883, AB 996, AB 1028, AB 1707, SB 259, SB 345, SB 372, and SB 802, for the reasons reflected in the staff memo.*

Board Member Li seconded

#### **Vote**

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

**6-0**

**Motion passes**

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The Board recessed from 11:20 a.m.-11:35 a.m.

Roll Call taken at 11:35 a.m.

#### Members Present

6 Present: Harabedian, Osorio, Chen, Kim, Li, Matecki

*6-0 Quorum*

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#### **Item 6 – Regulatory Report**

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

#### **Item 7 – Discussion and Possible Approval of 2023 Background Paper for the Sunset Report**

Board President Harabedian started off by thanking Board Members Osorio and Matecki, staff, and E.O. Bodea for a fruitful Sunset Hearing.

E.O. Bodea opened on the item, which is the Board's official response to questions

raised by the Joint Business and Professions Committees as a result of the Board's 2023 Sunset Review. EO Bodea conducted the review issue by issue.

For Issue Number 5, Board Member Kim asked if the Board has enough to initiate the auditing, to which E.O. Bodea responded by saying it is contingent on the staff workload and that this is being tracked closely.

For Issue Number 8, Board Member Kim asked if there is any position or comment from schools. EO Bodea responded by stating that he hasn't heard anything from schools specifically on this matter and is not aware of any formal position from the schools. Board Member Chen commented that it would be good for acupuncture students to be utilized in certain acupuncture functions.

#### Public Comment

A public comment stated that despite the fee increases, the quality of the wall and pocket licenses are poor with the pocket license prone to tearing and quick deterioration making it not look like an authentic license.

Another public comment echoed the first commenter's sentiment on the wall and pocket license. They added that students can be utilized for assistance in private clinics. The commenter also brought up CE Provider fees and CE audits.

#### **MOTION**

*Board Member Matecki motioned to approve the responses to the background paper with the technical and grammatical changes noted and submit to the Joint Business and Professions Committees as a formal response.*

Board Member Chen seconded

#### **Vote**

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

**6-0 motion passes**

#### **Item 8 – Announcement of Election of Officers at Next Board Meeting**

E.O. Bodea announced that the election will be taking place at the next board meeting. Board Member Matecki thanked the current Board President Harabedian and Board Vice President Osorio. She also sends her appreciation to E.O. Bodea for his leadership.

#### Public Comment

A public comment acknowledged Board President Harabedian and the Board Vice-President Osorio for the work that they've done.

A public comment congratulated both the Board and staff for their excellent work.

### **Item 9 – Public Comments for Items Not on the Agenda**

First commenter expressed concern about a trend around the country where medical doctors are passing legislation to take away acupuncturists and other health care providers from calling themselves doctors or using the title Dr. in front of their name.

Second commenter brought up the topic of tutorial programs that are allowed in the profession and that the Board should look at the standards that affect tutorial programs and its commercialization.

Third commenter raised the issue of Acupotomy.

E.O. Bodea stated that the tutorial program has been brought up as an item to look into and recommends it as an upcoming strategic plan item. The Board is hoping to have the summary and review of the stakeholder meeting on the curriculum of the training programs at a future board meeting.

E.O. Bodea clarified that Acupotomy is a special type of acupuncture which involves a scalpel function to the existing acupuncture needle.

Board Member Kim commented that he had a chance to attend a program relating to human dissection anatomy in Korea last February, and he found a very limited use of the .5-millimeter scalpel. The scalpel is used to break out muscle fascia or other tissue that has been fused.

### **Item 10 – Future Agenda Items**

Board Member Kim would like to have more discussion on issues relating to Sunset Review, licensing, and education. The discussions can be made prior to a formal board meeting.

Board Member Chen wishes to revisit the minimum competency of license applicants.

Board Member Matecki brought up the issue of entry level in the profession and acupuncturist's degrees. She also wants to address the accessibility of the Clean Needle Technique certification and educational competence of license applicants.

A public comment was made about education and financial opportunities of practitioners.

### **Item 11 – Closed Session**

The Board convened to a closed session to evaluate the performance of the Executive Officer.

### **Item 12 – Adjournment**

President Harabedian adjourned the meeting at 1:53 p.m.