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**ENFORCEMENT COMMITTEE MEETING
APPROVED MEETING MINUTES
March 6, 2025**

LOCATION:

1625 North Market Boulevard
Suite 102
Sacramento, CA 95834

Remote Access via Web Ex Teleconference

Staff Present

Benjamin Bodea, Executive Officer
Brennan Meier, Legal Counsel
Jay Herdt, Licensing Manager
Kristine Brothers, Policy Coordinator
Enrico Garcia, Administrative Coordinator
Marisa Ochoa, Central Services Manager, Remote

Members of the Committee Present

Ruben Osorio, Chair
Dr. Yong Ping Chen, L.Ac., Ph.D.

Item 1 – Call to Order and Roll Call

Meeting commenced at 10:12 a.m. Roll call taken. All members present.

Item 2 – Chair’s Opening Remarks

Chair Ruben Osorio (Chair Osorio) welcomed members, staff, and the public to the California Acupuncture Board (Board) Enforcement Committee meeting.

Item 3 – Discussion and Possible Action on Updating Consumer’s Guide to Acupuncture Brochure

Executive Officer Benjamin Bodea (E.O. Bodea) introduced a draft version of the brochure, *A Consumer’s Guide to Acupuncture and Asian Medicine*, with updates aligning the text with the Board’s role, especially consumer protection. E.O. Bodea emphasized the brochure’s focus on informing patients of their rights, expectations during treatment, and available recourse in case of violations. Chair Osorio agreed the brochure meets its intended purpose and benefits both consumers and stakeholders. Committee Member Dr. Yong Ping Chen (Member Chen) praised the effort, recalling the original brochure from 20 years ago and stressing the ongoing need for public education about acupuncture. Member Chen encouraged updates reflecting current practices and the evolution of the profession. E.O. Bodea reiterated the balance between consumer information and not overstepping the Board’s authority, encouraging the profession to produce its own informational materials on the practice and application of acupuncture.

Public Comment

The first commenter expressed frustration that significant content from the brochure had been removed or altered without clear explanation. They advocated for a thorough review and collaborative revision process rather than approving the draft as-is, emphasizing the need for the guide to more fully represent modern acupuncture, beyond vague or outdated descriptions, and to include essential safety information. Lastly, they urged the Board to delay approval and organize a follow-up meeting to ensure the final version both informs and protects the public more effectively.

The second commenter emphasized the need for a modern, engaging format especially post-pandemic, to better reach younger audiences. They stressed the importance of informed consent and questioned how consistently it is used in the field. They commended the effort to update materials and urged that the final product be visually appealing and easy to understand.

E.O. Bodea clarified that the current document under discussion is a draft intended to spark stakeholder input, not a final version. He noted. The goal is to create a message geared toward consumers of acupuncture, not practitioners. Practitioners should work with their professional associations to create their own materials offering more info on the specifics of the practice.

The first commenter made an additional comment to highlight a common issue in the acupuncture profession, uncertainty about what practitioners are legally allowed to do especially in gray areas. The commenter emphasized that professionals often look to the Board, not associations, for guidance. They closed by stressing the need for clear guidance to avoid unintentional violations, especially for those at the entry level of the profession.

The third commenter highlighted that acupuncture has a scientific basis, not just philosophical roots, and that this approach would help both patients and practitioners better understand the practice, making it more accessible to consumers.

The fourth commenter highlighted that acupuncture integrates both traditional and modern medical knowledge and involves more than just needling; requiring individualized diagnosis and treatment.

The fifth commenter spoke about the cultural gap in understanding traditional Chinese medicine, emphasizing the importance of explaining expectations, root-cause treatment, and balancing the body's systems to American audiences.

The sixth commenter noted that they had not been receiving meeting announcements and found the Board's website confusing, especially regarding meeting times and agenda items.

The second commenter made an additional comment noting that younger consumers are more interested in knowing what acupuncture can treat rather than how it works, especially given the prevalence of various health conditions and medications. The commenter stressed the importance of promotional materials for the profession but questioned the cost and effectiveness of printed booklets, suggesting that digital formats may be more practical and adaptable.

The seventh commenter raised concerns about unlicensed use of dry needling and recommends regulatory oversight. Additionally, the commenter proposed replacing the term "Asian massage" with the traditional Chinese term "Tui Na" to reduce confusion.

The eighth commenter emphasized the importance of consumer awareness in both protecting the public and promoting the profession suggesting using pamphlets or small materials to explain acupuncture's benefits.

The sixth commenter made an additional comment emphasizing the need for the brochure to be comprehensive, clear, and educational, helping patients understand both the traditional and modern aspects of acupuncture, and include insurance information, scientific evidence, regulatory guidance, and integration with Western medicine.

The ninth commenter emphasized the importance of educating consumers on dry needling and how it differs from other needle treatments even using the same needle.

Item 4 – Discussion and Possible Action on Top Ten Enforcement Violations in the Practice of Acupuncture

E.O. Bodea presented the *Top Ten Enforcement Violations in the Practice of Acupuncture*. The violations such as offenses such as practicing without a license, negligence, sexual misconduct, among others. He emphasized the importance of informed consent and clear communication with patients. Member Chen commended the staff for the clear summary, highlighting its value in protecting the public and guiding practitioners. Chair Osorio added that enforcement is costly and time-consuming, so improving awareness and outreach, such as updating educational materials, could help reduce violations and enhance public protection.

Public Comment

The first commenter expressed concerns about regulatory clarity in acupuncture practice, particularly around scope of practice like the use of lasers. They further questioned the effectiveness and cost of wall licenses, requesting it be reviewed in future Board discussions.

The second commenter highlighted the importance of a disciplinary database which helps boards track practitioners with prior violations. They warned of increasing malpractice issues, especially involving burns and pneumothorax, urging more practitioners to understand the laws and patient communication to reduce liability.

The third commenter raised a potential healthcare fraud related to the misuse of time-based Current Procedural Terminology (CPT) codes, in group acupuncture settings. They explained that some providers, under pressure to see more patients, might be encouraged to bill codes that require a minimum time of one-on-one care without meeting those requirements. The commenter asked the Committee whether such issues would be of interest to them even if no arrest or conviction had occurred. E.O. Bodea and Legal Counsel Brennan Meier clarified that they could not offer legal advice, directing the commenter to consult a legal counsel or professional associations.

The fourth commenter asked whether the list of acupuncture violations was compiled based on frequency.

The fifth commenter expressed their interest on the requirement of reporting malpractice settlements over \$3,000.

The sixth commenter appreciated the updated acupuncture regulations, emphasizing the importance of including California law and ethics in continuing education.

The seventh commenter stressed the importance of ethical education suggesting the violations list be visibly posted in clinics to ensure compliance and public safety.

Item 5 – Public Comments for Items Not on the Agenda

The first commenter presented a proposal to the Board aimed at modernizing California's outdated acupuncture tutorial program. The commenter proposed transforming the program into a structured 300-hour clinical externship with the new model offering acupuncture school students enhanced hands-on clinical experience under seasoned mentors and addressing current gaps in practical training.

The second commenter expressed concerns about the certification and exam standards for Clean Needle Technique certificates, noting that not all programs follow the Council of Colleges of Acupuncture and Herbal Medicine guidelines consistently, leading to potential qualification issues. They're also concerned with the quality of free CEU courses offered by some schools/individuals which might undermine associations.

Item 6 – Future Agenda Items

Public Comment

The commenter noted inconsistencies in how transcript evaluations are handled for exams, particularly regarding the standards used by different credential evaluation companies. They emphasized the need for continued advocacy around dry needling, reinforcing that it falls within the scope of acupuncture and should not be considered a separate or new practice. Lastly, they proposed implementing residency programs for graduates and licensed practitioners to ensure high-quality, confident clinical practice.

Item 7 – Adjournment

Chair Osorio adjourned the meeting at or around 12:19 p.m.