

## **ACUPUNCTURE BOARD Executive Officer's Report**

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**Agenda Item:** 7.0  
**Date:** February 2011

- **Board Updates**

There has been a lot happening these days with the transition to a new Governor and all the behind the scenes activities that are related to such a transition, e.g., changing all the letterhead to reflect the Governor, counting cell phones (we had 3 but gave up 2 exceeding the 50% request), wrapping up projects, etc.

The Board currently has three vacant positions. Two of those vacancies are our front line phone positions, which has had a significant adverse impact on the entire office. As previously mentioned, a hiring freeze is still in effect. The only individuals we are allowed to interview must be currently employed by the Department at the Office Technician level. Of the 50 or so applications I have received, not one has been employed by the department.

In an attempt to temporarily handle the answering of phones due to the vacancies, we changed the phone system to have a main message that gave callers the choice of what program they wanted by selecting a number. Apparently that system has not provided the necessary service and we have requested assistance from the department's telecom unit to have the phone ring directly on everyone's desk.

All DCA employees, including board members, are required to receive biennial Sexual Harassment Prevention (SHP) training. I've received information from the department that most of our members are due for SHP training. Attached is information regarding this training as well as a list of the approved vendors that provide the SHP training. In that I'm required to notify the department of our compliance plan by April 4, 2011, please let me know ASAP what training class you will be taking.

Things are still moving forward for the Board's relocation to the new building at DCA headquarters. I'm happy to report that they have pushed back the move until at least August. The cost of the move along with the increase in rent will have a significant impact to the Board's budget. Currently the Board pays approximately \$1.50 a sq. ft. for 3,132 net usable square feet. At the new location, the rent will be \$2.25 a square foot for 3,539 square feet.

- **DCA Update**

The Director of DCA has been conducting conference calls for Board Chair persons and Executive Officers on a monthly basis to keep the Boards in the loop of issues facing DCA today and issues that effect how the Boards operate. Attached please find the agenda for the most recent conference call on February 8<sup>th</sup> as well as notes from the January conference call.

- **Budget Update**

On February 9, 2011, Governor Jerry Brown issued a press release calling off the previous administration's "short-sighted" proposal to see and leaseback 11 state properties. The Governor stated the sale and leaseback proposal was short-sighted and would have cost taxpayers billions of dollars in the long-run. He further stated the selling and leasing back of the state's buildings for one-time gains is not prudent. To replace the one-time revenue this would have generated, the Governor proposed amending his budget proposal to include borrowing \$830 million from special fund reserves. What this means to our program is they are borrowing \$5 million from the Acupuncture Board reserves effective July 1, 2011. Attached you will find an analysis of our fund condition which reflects the \$5 million dollar loan. We have been advised that all loans will be paid back by FY 2013-14 with interest.



## MEMORANDUM

**DATE:** February 14, 2011

**TO:** All Executive Officers  
All Division and Bureau Chiefs

**FROM:** Kimberly Kirchmeyer, Acting Chief Deputy Director  
Executive Office *Kimberly*

**SUBJECT:** Mandatory Sexual Harassment Prevention (SHP)  
Training Compliance Plan

In accordance with the DCA Sexual Harassment Prevention (SHP) Policy (EEO 09-02), and to ensure compliance with Assembly Bill (AB) 1825, all DCA employees are required to receive biennial Preventing Sexual Harassment training.

This week you will receive a spreadsheet from the Equal Employment Opportunity (EEO) Office that lists the names of employees in your Board, Bureau, Division, or Program and the dates training was completed for each employee through January 31, 2011. The names highlighted in yellow are out of compliance, as the EEO Office does not have a record of SHP training compliance for the named employee(s).

You may need to update your spreadsheet to remove names of employees who inadvertently selected your Board, Bureau, Division, or Program when completing the training or those who have left your Board, Bureau, Division, or Program.

I am requesting your support in ensuring that all Managers, Supervisors, Board and Commission Members, Rank and File, and Temporary Employees (Retired Annuitants, Proctors, Seasonal Employees, and Student Assistants) complete this training. After reviewing your spreadsheet, please submit a plan of action in response to this memorandum to advise the EEO Office of your proposed actions and the date(s) SHP training will be completed for the employee(s) that are currently out of compliance. If any of the employees highlighted on the list are off work due to an extended leave of absence, please note their anticipated return to work date on your compliance plan. Please provide your compliance plan to the EEO Office on or before April 4, 2011.

Please be aware that our contract with the vendor that provided online training has expired. Please see the attached list of vendors that provide SHP training that meet the requirements of AB 1825. Please contact Mary Tarango, EEO Specialist at 916-574-8283 or Latania Robinson, EEO Officer at 916-574-8281, with any questions related to this request.

## PREVENTING SEXUAL HARASSMENT TRAINING PROVIDERS

### **SHAW VALENZA LLP**

**Course Title:** *Preventing Harassment and Other EEO Issues at Work: It's All About Respect (AB 1825 Compliance)*

**Delivery Method:** Online and in class

Sacramento: February 15, 2011

Webinar: April 14, 2011

Sacramento: June 14, 2011

Webinar: August 16, 2011

Sacramento: October 18, 2011

Webinar: December 13, 2011

**For More Information Contact:**

Shaw Valenza LLP

520 Capitol Mall, Suite 630

Sacramento, CA 95814

Email: [rstover@shawvalenza.com](mailto:rstover@shawvalenza.com)

Web Page: <http://www.shawvalenza.com>

Phone: (916) 326-5150

Fax: (916) 497-0708

### **STATE PERSONNEL BOARD**

**Course Title:** *Sexual Harassment Prevention*

**Delivery Method:** In class Sacramento

April 7, 2011 8:30 a.m. - 11:30 am

**For More Information Contact:**

(916) 653-2085

### **WORKPLACE ANSWERS INC**

**Course Title:** *Sexual Harassment Prevention for California Supervisors*

**Delivery Method:** Online

**For More Information Contact:**

Workplace Answers

One Montgomery St., Suite 2350

San Francisco, CA 94104

Email: [bferrari@workplaceanswers.com](mailto:bferrari@workplaceanswers.com)

Web Page: <http://www.workplaceanswers.com>

Phone: (415) 814-6016

Fax: (415) 449-6882



DEPARTMENT OF CONSUMER AFFAIRS

**DCA Director and Board/Committee  
Communication Session  
Agenda**

**Tuesday, February 8, 2011**

**9:00 a.m. – 10:00 a.m.**

**Conference Call**

**Conference Call # - (866) 633-7693**

**Participant Code - 5680540#**



**DCA:**

**Brian Stiger, Kim Kirchmeyer, Doreathea Johnson, Paul Riches, Pam Wortman, Bev Augustine,  
Debbie Balaam, LaVonne Powell, Cindy Kanemoto**

**Boards and Committees (Board/Committee President/Chair and Executive Officer) Invited:  
Acupuncture Board, Board of Behavioral Sciences, Dental Board, Dental Hygiene Committee,  
Medical Board, Naturopathic Committee, Board of Occupational Therapy, Board of Optometry,  
Osteopathic Medical Board, Board of Pharmacy, Physical Therapy Board, Physician Assistant  
Committee, Board of Podiatric Medicine, Board of Psychology, Board of Registered Nursing,  
Respiratory Care Board, Speech-Language Pathology and Audiology and Hearing Aid Dispenser  
Board, Board of Vocational Nursing and Psychiatric Technicians, Veterinary Medical Board**

## **Agenda**

- **Welcome / Roll Call**
- **Transition**
- **Hiring Freeze**
- **Cell Phone Reduction Executive Order**
- **Vehicles Executive Order**
- **Performance Measures and Targets**
- **Lunch Break during Board Meetings**
- **Attorney General Liaison at Board Meetings**
- **SB 1441 Uniform Standards**
- **Travel**
- **Roundtable Discussion**
- **Next call will be on March 8, 2011**



DEPARTMENT OF CONSUMER AFFAIRS

DCA Director and Board/Committee

Communication Session  
NOTES

Tuesday, January 11, 2011  
9:00 a.m. – 10:00 a.m.  
Conference Call



**DCA Attendees:**

Brian Stiger, Kimberly Kirchmeyer, Paul Riches, Cindy Kanemoto, Debbie Balaam, & Bev Augustine

**Boards and Committees (Board/Committee President/Chair) attendees:** Elise Froistad, Dr. Bruce Whitcher, Alex Calero, Barbara Yaroslavsky, Dr. Lee Goldstein, Stan Weisser, Dr. Geraldine O'Shea, Dr. Sara Takii, Dr. Karen Wrubel, Dr. Richard Sherman, Jeannine Graves, Lisa O'Connor, Todd D'Braunstein, & Dr. Stephanie Ferguson

**Transition – Brian Stiger**

- Brian Stiger stated that Bill Young had retired and that he has asked Kimberly Kirchmeyer to fill in as Acting Chief Deputy Director
- DCA continues to comply with the hiring freeze directive. However Director Stiger stated that he is going to suggest that Agencies be able to perform promotions in place for current employees.
- DCA was not mentioned in the Governor's Budget specifically but it will have to address the Governor's directive to cut the number of cell phones by 50% and justify the vehicles currently in DCA's fleet.

**Continuing Competency – Brian Stiger, Kimberly Kirchmeyer, Dr. Wrubel, and Jim Rathlesberger**

- Brian Stiger indicated the importance of continuing competency and Kimberly Kirchmeyer stated that the Podiatric Medical Board had legislation that became effective in 1998 that provided for continuing competency for podiatrists.
- Section 2496 of the Business and Professions Code identifies the manner in which a podiatrist has to comply with continuing competency.
- The number of complaints has drastically decreased since continuing competency was implemented.
- The Board identified multiple pathways which assisted with encouraging compliance from the licensee.
- The profession has accepted the continuing competency because it is a professional standard.
- There should be more outreach to the public letting them know that the professions do perform continuing education.
- DCA will hold a separate meeting focused solely on continuing competency.

**Performance Measures – Bev Augustine**

- The 2<sup>nd</sup> quarter statistics for the performance measures are due January 19<sup>th</sup>.
- DCA will provide a draft by January 26<sup>th</sup> and hope to have them placed on the DCA Internet by February 1<sup>st</sup>.
- DCA will send the link to all Board Presidents.

**Interim Credit Card Solution – Debbie Balaam**

- Debbie Balaam explained that the DCA has identified a way to allow online renewals until the BreZE project is implemented.
- The Physical Therapy Board was the pilot project and is now using this interim solution.
- This new process is available to those who do not currently allow online renewals, however, there are about 6 Boards waiting for this program.

- This process requires at least a 3-month time frame for implementation once it begins because of the timing for the credit card company.
- DCA will send out materials to the Board Presidents regarding this solution.

**SB 1441 Uniform Standards – Brian Stiger**

- Director Stiger strongly encouraged all the Boards to comply with the Uniform Standards.
- This may be an item that comes up during the Sunset Review Hearings.

**Miscellaneous**

- DCA received a public records act request from KCRA requesting how much money was spent by DCA Boards and Bureaus on promotional materials over the last 3 years.
- Director Stiger encouraged Boards to move forward with getting contracts in place for their expert consultants.

Next call is February 8<sup>th</sup>

**DCA List:**

- Send out the information on continuing competency from the Board of Podiatric Medicine
- Set up a meeting solely for continuing competency
- Send out information on the interim credit card solution
- Send link for the Performance Measurements

# 0108 - Acupuncture Analysis of Fund Condition

Prepared 2/9/11

(Dollars in Thousands)

## CY 2010-11 Approved Budget

Proposed FY 11-12 GF Loan with repay in FY 13-14

|   | Actual<br>2009-10 | CY<br>2010-2011 | Governor's<br>Budget<br>BY<br>2011-2012 | BY+1<br>2012-2013 | BY+2<br>2013-2014 | BY+3<br>2014-15 |
|---|-------------------|-----------------|---|-------------------|-------------------|-----------------|
| <b>BEGINNING BALANCE</b>                                    | \$ 4,745          | \$ 5,286        | \$ 5,448                                | \$ 459            | \$ 384            | \$ 5,255        |
| Prior Year Adjustment                                       | \$ 40             | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| Adjusted Beginning Balance                                  | \$ 4,785          | \$ 5,286        | \$ 5,448                                | \$ 459            | \$ 384            | \$ 5,255        |
| <b>REVENUES AND TRANSFERS</b>                               |                   |                 |   |                   |                   |                 |
| Revenues:   |                   |                 |   |                   |                   |                 |
| 125600 Other regulatory fees                                | \$ 38             | \$ 40           | \$ 40                                   | \$ 40             | \$ 40             | \$ 40           |
| 125700 Other regulatory licenses and permits                | \$ 836            | \$ 893          | \$ 893                                  | \$ 893            | \$ 893            | \$ 893          |
| 125800 Renewal fees   | \$ 1,446          | \$ 1,691        | \$ 1,604                                | \$ 1,604          | \$ 1,604          | \$ 1,604        |
| 125900 Delinquent fees                                      | \$ 11             | \$ 12           | \$ 11                                   | \$ 11             | \$ 11             | \$ 11           |
| 141200 Sales of documents                                   | \$ -              | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| 142500 Miscellaneous services to the public                 | \$ 2              | \$ 2            | \$ 2                                    | \$ 2              | \$ 2              | \$ 2            |
| 150300 Income from surplus money investments                | \$ 31             | \$ 54           | \$ 52                                   | \$ 4              | \$ 3              | \$ 51           |
| 150500 Interest Income From Interfund Loans                 | \$ -              | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| 160400 Sale of fixed assets                                 | \$ -              | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| 161000 Escheat of unclaimed checks and warrants             | \$ 3              | \$ 3            | \$ 3                                    | \$ 3              | \$ 3              | \$ 3            |
| 161400 Miscellaneous revenues                               | \$ -              | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| Totals, Revenues  | \$ 2,367          | \$ 2,695        | \$ 2,605                                | \$ 2,557          | \$ 2,556          | \$ 2,604        |
| Transfers from Other Funds                                  |                   |                 |   |                   |                   |                 |
| GF 11-12 Loan Repayment                                     |                   |                 |   |                   | \$ 5,000          |                 |
| Transfers to Other Funds                                    |                   |                 |   |                   |                   |                 |
| Proposed GF P Proposed GF Loan                              |                   |                 | \$ -5,000                               |                   |                   |                 |
| Totals, Revenues and Transfers                              | \$ 2,367          | \$ 2,695        | \$ -2,395                               | \$ 2,557          | \$ 7,556          | \$ 2,604        |
| Totals, Resources   | \$ 7,152          | \$ 7,981        | \$ 3,053                                | \$ 3,016          | \$ 7,940          | \$ 7,859        |
| <b>EXPENDITURES</b>   |                   |                 |   |                   |                   |                 |
| Disbursements:  |                   |                 |   |                   |                   |                 |
| 8840 FSCU (State Operations) - DOF update                   | \$ 2              | \$ 5            | \$ 3                                    |                   |                   |                 |
| 8860 FSCU (State Operations)                                | \$ -              | \$ -            | \$ -                                    | \$ -              | \$ -              | \$ -            |
| 8880 Financial Information System for CA (State Operations) |                   | \$ 2            | \$ 11                                   |                   |                   |                 |
| 1110 Program Expenditures (State Operations)                | \$ 1,864          | \$ 2,529        | \$ 2,580                                | \$ 2,632          | \$ 2,685          | \$ 2,739        |
| BreEZe funding realignment                                  |                   | \$ -3           |   |                   |                   |                 |
| Total Disbursements   | \$ 1,866          | \$ 2,533        | \$ 2,594                                | \$ 2,632          | \$ 2,685          | \$ 2,739        |
| <b>FUND BALANCE</b>   |                   |                 |   |                   |                   |                 |
| Reserve for economic uncertainties                          | \$ 5,286          | \$ 5,448        | \$ 459                                  | \$ 384            | \$ 5,255          | \$ 5,120        |
| Months in Reserve   | 25.0              | 25.2            | 2.1                                     | 1.7               | 23.0              | 22.0            |

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2011-12



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# 'Battlefield acupuncture' aiding concussion victims

ANCIENT CHINESE  
PRACTICE COUNTERS  
EFFECTS OF BOMBS

BY SAEED SHAH  
sshah@mcclatchydc.com

CAMP LEATHERNECK, Afghanistan — The U.S. military is applying an ancient Chinese healing technique to the top modern battlefield injury for American soldiers, with results that doctors here say are "off the charts."

"Battlefield acupuncture," developed by Air Force physician Col. Richard Niemtzw, is helping heal soldiers with concussions so they can return more quickly to the front lines.

At Camp Leatherneck, an enormous Marine Corps base in southern Afghanistan's Helmand province, a military doctor's consulting room has dim little Christmas lights arranged across the ceiling and new age music playing.

Cmdr. Keith Stuessi asks his patients to relax in a darkened chamber and then gently inserts hair-thin needles into special points on their body: between the eyebrows, in the earlobe, on the top of the head, into the webbed part of the hand between the thumb and fingers, and on top of the feet between the first and second metatarsal. The needles may look gruesome, but they don't hurt.

Stuessi, a Navy doctor whose rank is equivalent to lieutenant colonel, treats concussions, a mild brain trauma.

"I'm seeing pretty incredible results," said Stuessi, who's based at the Marine Corps' Camp Pendleton, near San Diego. "In my heart I think this will, down the road, become one of the standards of care."

Homemade bombs called improvised explosive devices, or IEDs, are the leading killer of coalition troops in the Afghan war. Even those without visible injury, but who were close to a blast, can feel the pressure wave from the explosion rush through their bodies. A concussion is caused by the pressure wave traveling through the brain, without anything necessarily hitting the head.

Some personnel are knocked unconscious and ruptured eardrums are common. Even those who don't black out can have the same debilitating aftereffects: dizziness, loss of balance, ringing in the ear, crushing insomnia,



The webbed part of the hand between the thumb and fingers is one of several spots on the body where the extremely thin needles are inserted into the skin. "I'm seeing pretty incredible results," said Stuessi. "In my heart I think this will, down the road, become one of the standards of care."

an aversion to light and a pounding headache. It typically takes two weeks to recover from the concussion, Stuessi said.

Gunnery Sgt. Williams, a 36-year-old Marine from Brunswick County, N.C., who said he wouldn't give his first name out of superstition, was 10 days in from a concussion he received in Musa Qala, in northern Helmand, when he arrived in Stuessi's office.

Climbing down off a roof, during a mission to set up a new patrol base, a soldier three feet in front of him stepped on an IED — and had to have both legs amputated below the knee.

Williams was knocked unconscious for about 10 seconds and suffered a grade-three concussion, the most severe, though he was otherwise unhurt. Others realized something was wrong when he started talking nonsense and he was flown to a hospital.

The next day, Williams had all the symptoms of concussion: a severe headache, poor balance, dizziness and excess sensitivity to light. Worse, he couldn't sleep. On the fourth day after the incident, the most grueling day for the headache, Stuessi suggested he try acupuncture.

"I didn't know much about acupuncture, but I was willing to try anything to get back (to duty)," Williams said. "That night, I slept for about 10 hours, and when I woke, the headache wasn't as severe."

Williams has had four acupuncture sessions with Stuessi and is sleeping

well. Sleep is the most important cure for concussion.

"It (acupuncture) relaxes me a lot. I always feel good after the treatment," Williams said. "The headache is gone. There's still some ringing in my ear and I'm still working on the balance."

Stuessi has treated 50 patients with acupuncture at the specialist Concussion Restoration Care Center at Camp Leatherneck. He describes the results as "phenomenal." After one treatment, patients are often getting a full night's sleep and the headache is greatly reduced.

"People will always be skeptical. I may not be able to explain what's happening at a cellular level, and some of the effect could be placebo, but if the pain goes away, I don't care too much about that," said Stuessi.

Stuessi said he thought it worked by adjusting the "neural pathways" in the body.

Scientific studies on acupuncture haven't been able to prove its effectiveness. But Stuessi isn't alone in using it in the U.S. military. The Navy alone has trained about 50 doctors in acupuncture, Stuessi said.

The Air Force uses the technique to dampen the pain for wounded soldiers during long flights back to the United States.

Saeed Shah is a McClatchy special correspondent based in Islamabad.