



Draft
**ACUPUNCTURE BOARD
MEETING MINUTES**

DCA Headquarters, Sacramento

FULL BOARD MEETING
August 25, 2011

Members Present

Robert Brewer, Public Member, Chair
Charles Kim, Public Member
Anyork Lee, L.Ac,
Paul Weisman, Public Member
Nancy Carroll, L.Ac.
Frank He, L.Ac

Staff Present

Janelle Wedge, Executive Officer
Spencer Walker, Staff Counsel
Kristine Brothers, Enforcement Coordinator
Benjamin Bodea, Education Coordinator

Guest List on File

1. Call the Meeting to Order

Quorum Established. George Wedemeyer is not present. Meeting called to order at 8:52 AM

2. Board Heard Hearing for Petition for Early Termination of Probation
Petitioner: Ching Hua Cheng

3. Board Heard Hearing for Petition for Reinstatement of Surrendered License
Petitioner: Dong Hyun Chang

4. Board Heard Hearing for Petition for Reinstatement of Revoked License
Petitioner: Je Wan Whon

5. C LOSED SESSION

6. Approval of February 24, 2011 Meeting Minutes

**ANYORK LEE MOTIONS TO APPROVE THE FEBRUARY 24, 2011
MEETING MINUTES. PAUL WEISMAN SECONDS.
6 – 0 – 0. MOTION PASSES.**

7. Chair's Report

Chair Brewer shared that the Department has asked the Acupuncture Board to initiate another 5% cut in operating costs. The Department has asked that the Board focus on its Enforcement cases. This has taken more of the Board's time especially since the Board has been operating at 66% staff occupancy.

Chair Brewer noted that the Blue Ribbon Panel has not met as they must meet the same requirements as Board Meetings but with the current budgetary requirements prevent the Board from moving forward. The Department has informed the office that they are looking for ways for the Board to conduct these meetings as well as to hire additional staff in light of the hiring freeze.

Chair Brewer thanked LaVonne Powell for her service with not only the Board but with the Department. She has retired from state service and she will be missed.

8. Executive Officer's Report

Janelle Wedge gave the Executive Officer's Report to the Board.

9. Sunset Review

Executive Officer, Janelle Wedge, asked the Board how they would like to approach the completion of the Sunset Review. Spencer Walker stated that other Boards have formed committees. Janelle Wedge noted that the report is due November 1st. Robert Brewer and Nancy Carroll volunteered to be a part of the Committee. Hugh Morrison asked if the Sunset Review will be available for public Review. Legal Counsel Spencer Walker responded that it will be viewable after it has been submitted.

10. Enforcement Business

a. Enforcement Case Report

Kristine Brothers gave the Board the Enforcement Case Report.

11. Education Business

a. Golden State University

Education Coordinator Benjamin Bodea presented the material requested by the Board at the previous meeting of Golden State University. Robert Brewer asked Benjamin if the numbers are within the Board's requirements. Benjamin replied that they have met the Board's requirements and are ready eligible to be voted on by the Board for approval. Anyork Lee noted that the school looks good now but that as schools grow they lose their ability to have quality education. Robert Brewer remarked that Golden State University has met all the requirements for approval and that their viability years from now is not the question. He continued noting that although this is a challenge of schools as they grow, it is a separate issue that should be addressed at a different time.

PAUL WEISMAN MOTIONS TO APPROVE GOLDEN STATE UNIVERSITY.

ROBERT BREWER SECONDS. 4 – 0 – 2.

CHARLES KIM AND ANYORK LEE ABSTAIN.

MOTION PASSES.

12. Examination Business

a. August 16, 2011 Examination

Janelle Wedge read to the Board the report on the recent Examination. The passing score workshop is being carried out on this day and results will be in shortly.

b. Educators as Subject Matter Experts

Janelle Wedge mentioned that several members of the public have requested that this topic be placed on the Agenda. To clarify the position of the Board on this issue Janelle Wedge noted the Department's policy on not allowing Educators as Subject Matter Experts. As such, the Acupuncture Board will adhere with the same policy.

c. Discussion on Continuing Multi-Language Exam

Spencer Walker addressed the Board with the State's position and thus the Board's is that as officials of the State of California the Board shall take all steps necessary to insure that the role of English as the Common language of California shall be preserved and enhanced. He also noted a report addressing bilingual proficiencies among CA health care professionals prepared for by the Center of Health Professions at the University of California, San Francisco. He noted that on Page seven of the report, that most US healthcare workers are trained and or tested in English with one exception, all healthcare professionals licensed in California are required to take their licensing test in English. The one exception is Acupuncture. Spencer Walker was alarmed at that fact and raised the question of why the Acupuncture Board's Licensing Exam is not inline with the California constitution. Spencer Walker wants to begin discussion to repeal California Code Regulations section 1399.441, the section that authorizes the Board to offer the exam in other languages. Once that is done, all California Boards will be offering their licensing their exams in English. The regulatory process will take one year. If the Board would like to offer more time the Board can add a subsection affording the schools more time by specifying a date of adoption. Robert Brewer added that he would like to also see a time limit and an English proficiency requirement for all current licensees. Spencer Walker noted that the proficiency requirement for already licensed practitioners could be added through CE. Bill Mosca, of CSOMA, urges the Board to separate the multi-lingual exam issue from the continuing education issue. Jacques MoraMarco of Emperor's College agreed with Bill Mosca. Sunny Kim of Golden State University stated that Korean or Chinese language should be allowed for the tests as those languages are the cultures in which this medicine developed but the Board should require an English proficiency exam. Several members of the public voiced that removal of the multi-language exam will severely limit the student pool, thus reducing school income. The number of practitioners schooled overseas that are now teaching in these languages at California schools would severely drop thus limiting the knowledge pool in this state. Robert Brewer addressed the public that this is being brought up to start the process and discussion will ensue once the Board has motioned for its approval.

NANCY CARROLL MOTIONS TO BEGIN THE REGULATORY PROCESS TO REPEAL CR16.D13.7.S1399.441. FRANK HE SECONDS. 5 – 1 – 0. MOTION PASSES.

13. Future Agenda Items

Chair Brewer would like to see staff come back with language for English Proficiency as a CE requirement. Member Weisman asked to have Ethics as a CE requirement on the next agenda as well as ethics class required for licensees that have been disciplined. Member Lee would like the Board to re-evaluate the Criteria for School Approval. Member Kim would like the Board to re-evaluate the criteria for schools keeping their approval, including clinical tests. Bill Mosca would like to see SB 628 on Traumatology discussed at the next meeting. Jacques MoraMarco would like the Board to address no longer publishing the Booklist as well as the process of how books are selected.

14, Public Comments

AKAMAK introduced themselves as well as their new president to the Board. The organization urged the Board to consider switching to a laminated or plastic license as the paper one falls apart to easily. Ron Zaidman of Five Branches University asked about the publishing of the February Exam Statistics. Janelle Wedge noted that due to the challenge with the Korean Exam in February Board & OPES Staff looking at how to present the information without being misleading. Jacques MoraMarco stated that the statistics for the other languages should be able to be released. Hugh Morrison of NGAOM asked for the Board to define the term Curriculum as used in section 1399.434 & 1399.439 as it applies to the Acupuncture Board approving programs. Several candidates from of the Korean Exam in February gave the Board a packet of information regarding the exam along with unanswered questions from that exam.

15. Adjournment

Chair Brewer called the meeting adjourned at 4:19pm.