



Approved August 25, 2006

**ACUPUNCTURE BOARD
MEETING MINUTES**

May 23, 2006
Department of Consumer Affairs
Sacramento, CA

**Full Board Meeting
Tuesday, May 23, 2006**

Members Present

*Steven Tan, M.D. Chair
Kenny Cherng, L.Ac., Vice Chair
Adam Burke, L.Ac.
Peichin Cheng
Cary Nosler*

Staff Present

*Janelle Wedge, Interim Executive Officer
LaVonne Powell, Legal Counsel
Nancy Molinar, Education Coordinator
Christie Loftin, Examination Coordinator
Robin Saenz, Enforcement Coordinator*

Members Absent

Guest List on File

1. **Call to Order and Establishment of a Quorum (J. Wedge, Interim Executive Officer)**
Interim Executive Officer, Janelle Wedge, called the Acupuncture Board (Board) meeting to order at approximately 8:40a.m. Roll was taken and a quorum was established.
2. **Welcome and Introduction of New Board Members**
Ms. Wedge introduced the new members and welcomed the returning members to the Board.
3. **Election of Officers for 2006**
LaVonne Powell, Legal Counsel explained the process to nominate new Board officers.

KENNY CHERNG MOVED AND PEICHIN CHENG SECONDED THE MOTION TO ELECT STEVEN TAN AS CHAIR. PASSED UNANIMOUSLY.

STEVEN TAN MOVED AND PEICHIN CHENG SECONDED THE MOTION TO ELECT KENNY CHERNG AS VICE CHAIR. PASSED UNANIMOUSLY.

4. **Committee Assignments**
Ms. Wedge gave an overview of the executive, enforcement, education and examination committees. The members were advised they should consider which committee they would like to be on and at the next meeting the committees could be established.

5. Interim Executive Officer's Report – Janelle Wedge

Ms. Wedge introduced the staff and announced the promotion of Robin Saenz to Enforcement Coordinator. She reported the Office of Examination Resources is preparing to conduct an Occupational Analysis, which is usually conducted every three to five years. The Board members were reminded they are required to complete a sexual harassment prevention training course and for the new members orientation training. The Department of Finance has notified the Board that a loan repayment of \$1.5 million is pending the Governor's approval.

6. Approval of December 2, 2005 Meeting Minutes

**CARY NOSLER MOVED AND KENNY CHERNG SECONDED THE MOTION TO APPROVE THE DECEMBER 2, 2005 MINUTES.
PASSED UNANIMOUSLY.**

7. Approval of March 20, 2006 Meeting Minutes

**CARY NOSLER MOVED AND PEICHIN CHENG SECONDED THE MOTION TO APPROVE THE MARCH 20, 2006 MINUTES.
PASSED UNANIMOUSLY.**

8. Discussion Regarding Recruitment of New Executive Officer

Ms. Powell explained the process in hiring a new executive officer. A committee is established to advertise, screen the applications, reduce the candidate pool to two to four individuals and then the interview would be during a closed session of a board meeting. The department will assist with the personnel issues. Ms. Wedge indicated she may be interested in the position.

**CARY NOSLER MOVED AND PEICHIN CHENG SECONDED THE MOTION TO APPOINT A TWO-PERSON SUB COMMITTEE FOR THE HIRING OF THE NEW EXECUTIVE OFFICER.
PASSED UNANIMOUSLY.**

9. Administrative Business – (Discussion/Action)

a. Budget Report

Ms. Wedge reviewed the budget and indicated it would remain the same for next year.

b. Legislation

- 1. AB 2152 an act to amend Sections 4935 and 4947 of the Business and Professions Code, relating to acupuncture (Chan).** *This bill would have required physicians and surgeons, dentists and podiatrists to meet certain education and examination requirements in order to practice acupuncture within the scope of his or her license.*

Ms. Wedge reported the bill had failed passage.

Public Comment: Neil Miller, L.Ac, Acupuncture and Integrated Medicine Specialists (AIMS) asked the Board to work with other Boards on the educational requirements.

- 2. AB 2287 an act to amend Section 4600 of the Labor Code, relating to workers' compensation (Chu).** *Under the Labor Code relating to workers' compensation, this bill would define acupuncture treatment to mean treatment based upon these guidelines or prior to the adoption of these guidelines, the specified guidelines*

published by the Council of Acupuncture and Oriental Medicine Association and the Foundation for Acupuncture Research.

Ms. Wedge reported the bill was still going through the committees.

Public Comment: None

STEVEN TAN MOVED AND SECONDED THE MOTION TO SUPPORT A WATCH POSITION. PASSED UNANIMOUSLY.

3. **AB 2821 an act to amend Sections 27, 101, 130, 144, 149, 4925, 4927, 4928, 4928.1, 4961, 4970, and 4975 of the Business and Professions Code, relating to acupuncture (Huff).** *This would change the name of the Acupuncture Board to the California Asian Medicine Board.*

Ms. Wedge reported the bill is still going through the committees and has received no opposition yet. Mr. Burke has concerns what Asian medicine means and will it include medicine from other countries such as India. He indicates the concern that it could be confusing to the public. Mr. Cherng was concerned about the other medicines it may or may not include. Ms. Powell indicated the Board can be called what ever is decided, but it won't change the scope of practice of a licensed acupuncturist. Mr. Tan indicated the name should reflect the medicine.

Public Comment: Mr. Miller had concerns regarding Asian medicine and Asian massage and what is in the best interest of the public. Tom Haines, Pacific College of Oriental Medicine would like to take California out of the name of the Board and call it Asian Medical Board. He indicated the Little Hoover Commission referred to us as a medicine, would like to get the word in our name. An York Lee, L.Ac. has concerns with using the term Asian massage it should be tui-na, what we call the Board is not important, we need to defend our profession.

PEICHIN CHENG MOVED AND KENNY CHERNG SECONDED THE MOTION TO SUPPORT A WATCH POSITION. PASSED UNANIMOUSLY.

4. **AB 3014 an act to amend Section 4937 of the Business and Professions Code, relating to acupuncture (Koretz).** *This would define Asian massage.*

Ms. Wedge reported the bill has passed the assembly business and professions committee and is in it's third reading on the assembly floor. Mr. Tan supports the spirit of clarifying the term. Mr. Burke stated "tui-na" is a pillar of Chinese medicine and maybe the word massage needs to be removed from law.

Public Comment: Mr. Miller indicated the term "Asian massage" has no definition in law, would like the law to read "tui-na". David Hirsh, Office of Senator Koretz would like to work with the Board in finding a reasonable solution to move the bill forward. He indicated their office has tried to work with the California Acupuncture and Oriental Medicine Association, but feels it is at a standstill. Mr. Lee feels tui-na has the full definition needed.

CARY NOSLER MOVED AND STEVEN TAN SECONDED THE MOTION TO SUPPORT WITH AMENDMENTS. PASSED UNANIMOUSLY.

5. **SB 1476 an act to amend Sections 1742, 2460, 2570.4, 2570.19, 2602, 2668, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3516.1, 3685, 3710, 3716, 4001, 4003, 4034, 4163, 4169, 4800, 4804.5, 4928, 4934, 4990.1, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7200, 7215.6, 7810, 7815.5, and 8000 of, to add Section 2660.5**

to and to repeal Section 4163.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor

(Figuroa). *The portion of this bill that pertains to the Acupuncture Board would extend the Board's sunset date from July 1, 2008 to July 1, 2009.*

Ms. Wedge reviewed the status of SB1476.

Public Comment: None

6. Any other bills of interest to the Board

Ms. Wedge indicated there currently were no other bills of interest to the Board.

c. Proposed Regulatory Amendments to Title 16, California Code of Regulations, Sections 1399.489, 1399.489.1, 1399.490 and 1399.491

KENNY CHERNG MOVED AND PEICHIN CHENG SECONDED THE MOTION TO APPROVE THE PROPOSED REGULATORY AMENDMENTS TO TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 1399.489, 1399.489.1, 1399.490 AND 1399.491. PASSED UNANIMOUSLY.

d. Overview of Strategic Planning – Travis McCann

Travis McCann Department of Consumer Affairs gave an overview of the strategic planning process. Mr. McCann indicated the last Board strategic planning session was held in 2002. The meeting is not a closed session meeting.

10. Enforcement Business – (Discussion/Action)

a. 2005/2006 Mid Year Enforcement Case Report

Ms. Wedge reviewed the enforcement information provided in the packet. She explained the percentage doesn't change much year to year and that the complaint process is very user friendly.

11. Examination Business – (Discussion/Action)

a. March 7, 2006 California Acupuncture Licensing Examination Statistics

Christie Loftin, Examination Coordinator, reviewed the information provided in the packet regarding the March 7, 2006 California Acupuncture Licensing Examination statistics.

Public Comment: Mr. Haines requested the exam results list the areas of fault.

12. Educational Business – (Discussion/Action)

a. Life University

Ms. Molinar, Education Coordinator, reviewed the school site visit report provided in the packet. The site visit team consisted of Nancy Molinar, Education Coordinator, Janelle Wedge, Interim Executive Officer and Kenny Cherng, L.Ac. and Board Member. Present from Life University were Benjamin Choi, University President and Hugh Morrison, Director of Admissions and Clinic Director. One of the concerns the site visit team had was the positions Mr. Morrison holds. It was noted he is currently listed as Director of Admissions and Clinic Director. Based on the job description of the Director of Admissions it was determined the responsibilities were not being fulfilled by Mr. Morrison. Mr. Morrison's response indicated he is only the Director of Admissions on paper and the person responsible for the duties was actually Mr. Samuel Lee. Mr. Cherng had concerns regarding the progress notes form being used by the school. The school provided an updated form and it was determined to be acceptable. Another concern was the financial resources of the school. This concern is based on the limited amount of time the financial

wherewithal is guaranteed to the university and the fact it is provisional based on if the Trans National Association of Christian Colleges and Schools grants the university candidacy accreditation. Ms. Molinar indicated that although there were a few concerns the school was a positive environment, has an opportunity to grow and recommended full approval be granted.

KENNY CHERNG MOVED AND CARY NOSLER SECONDED THE MOTION TO GRANT FULL APPROVAL TO LIFE UNIVERSITY. PASSED UNANIMOUSLY.

b. China International Medical University (CIMU)

Ms Molinar reviewed the school site visit report provided in the packet. The site visit team consisted of Nancy Molinar, Education Coordinator, Janelle Wedge, Interim Executive Officer and Marcia Trott, Senior Education Specialist, Degree Unit for the Bureau of Private Post Secondary and Vocational Education (BPPVE). At the May 27, 2005 Board meeting the Board gave the school a 6-9 month time period to correct the noncompliance issues and issued a directive to the Executive Officer to revisit the school. Many of the concerns outlined in the report by Ms. Molinar have persisted since November 19, 2002. Currently, CIMU has 10 students, in review of their files many discrepancies were found. There is no full time staff at CIMU, the library is outdated and does not have the Boards current recommended reading list. CIMU has been in non-compliance with the City of Alhambra Business License and Regulations since leasing the building in February 2002. The site visit team had requested CIMU to have their financial documents ready for review. CIMU did not have any of the requested documents for the site visit team to review which included, profit and loss statements, balance sheets, income tax return for 2005, federal statements for 2005 and the budget for 2005/2006. The annual report for CIMU has not been filed with the Board since 2002, therefore CIMU is in non-compliance with the California Code of Regulations, section 1399.439 (a) and (d). Ms. Trott was present to answer questions and review her report, which was provided in the packet. Ms. Trott indicated the university has no evidence of financial stability, which is a serious concern and recommends the matter be forwarded to BPPVE's Enforcement Unit. CIMU requested the agenda be adjusted so that they could attend the meeting. The board did accommodate their request, however no representatives were present during the review of the site visit report. The representatives did arrive after the board had finished with this agenda item.

Public Comment: Frank Popov, Former Secretary at CIMU and Current Student indicated all students have been advised to look for other schools to attend and believes there is a prospected buyer for the school.

CARY NOSLER MOVED AND PEICHIN CHENG SECONDED THE MOTION TO NOTIFY CHINA INTERNATIONAL UNIVERSITY THE BOARDS INTENT TO REVOKE THEIR SCHOOL APPROVAL AT THE AUGUST 2006 BOARD MEETING PENDING DEFINITIVE EVIDENCE THAT INFORMATION PROVIDED BY THE SITE VISIT TEAM WAS INCORRECT. PASSED UNANIMOUSLY.

c. Pending School Site Visits

Ms. Molinar reviewed the pending school site visit list. Ms. Powell reported the Board members are no longer available for school site visits. The staff will need to establish a list of subject matter experts, licensees, to conduct the site visits.

Public Comment: An York Lee, L.Ac. and Patricia Yeh, Alhambra Medical University indicated they are looking forward to the Boards site visit as soon as possible. They hope to integrate their students with the local hospitals.

d. Amend Regulations to Allow Online Courses for Acupuncture Training Programs

Ms. Wedge reported the Board needs to consider the current regulations regarding online courses for acupuncture training programs. Dr. Tan suggested this be an agenda item for the Education Committee meeting.

13. Set Remaining 2006 Acupuncture Board Meeting Dates and Locations

Ms. Wedge indicated the Board needed to choose dates and locations for the remaining 2006 Board meetings. The following dates and locations were chosen:

August 25, 2006 Los Angeles/Orange County

November 2-3, 2006 Sacramento

14. Public Comment Period:

Mr. Haines requested the Board consider the recognition of the doctorate program which would allow out of state licensed acupuncturist to work in California during their time in the program. He would also like to request the issue regarding the professional titles of “OMD”, “DOM”, “DAOM”, etc. be put on the next board meeting agenda.

Michele Lau, Council of Acupuncture and Oriental Medicine Associations,(CAOMA), commented regarding AB 3014.

15. CLOSED SESSION: Pursuant to Government Code Section 11126(c)(3) to discuss/take action on disciplinary actions.

16. Open Session/Adjournment

The California Acupuncture Board meeting adjourned at approximately 3:14 PM.