



FINAL

**California Acupuncture Board
Meeting Minutes**

November 14, 2014

**Embassy Suites San Diego-La Jolla
Embassy Ballroom
4550 La Jolla Village Drive
San Diego, CA 92122**

Board Members Present

Michael Shi, L.Ac, President, Licensed Member
Kitman Chan, Vice President, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member
Hildegard Aguinaldo, Public Member – absent
Francisco Hsieh, Public Member – absent

Legal Council

Spencer Walker

Staff Present

Terri Thorfinnson – Executive Officer
Tammy Graver – Board Liaison

- 1. Call to Order and Quorum established.**
- 2. Opening Remarks** – Michael announced that Hildy and Francisco were unable to attend the Board meeting.

3. Approval of Board Meeting Minutes for:

February 14, 2014 – Jeannie made a motion to approve the minutes and Jamie seconded the motion. The motion passed unanimously.

May 23, 2014 – Kitman made a motion to approve the minutes and Jeannie seconded the motion. The motion passed unanimously.

September 12, 2014 – Jeannie made a motion to approve the minutes and Jamie seconded the motion. The motion passed unanimously.

4. **Chair's Report** – Michael announced that the “Chair” and “Vice-Chair” titles will now be “President” and “Vice President”. He also brought up the point that the Committees have not been meeting due to work being done for the Sunset Review. However, Committee meetings will be resuming. School site visits are in the process of taking place, one has already been done at a university downtown Los Angeles and a couple more are scheduled before the end of the year. There are currently five or six members on the site visit team and they are looking for more experienced experts to join the team. Terri and staff have been very busy with the backlog of site visits to be done. Jeannie expressed interest in joining the site visit team. There is a backlog of eight schools in terms of new applications to be approved by the board. There are 38 approved schools and all of those are on the list for follow-up enforcement visits, since we've never have done follow-up enforcement visits.
5. **Executive Officer's Report.**
 - **Staff Update** – One staff member retired so Terri is in the process of recruiting and also reclassifying that position. Terri is also in the process of creating some temporary support staff for enforcement and education.
 - **Budget Update** – Personnel has an increase due to three people that were hired in July, which did not show up on past budgets. An increase in staffing also brings with it a proportional increase in overhead for DCA expenditures. Enforcement is also ramping up so costs have increased. The surplus is significantly decreasing as a result of increased staffing, increased workload for enforcement, exam, education and overhead. The Board is approaching a structural deficit that we will have to address with a combination of fee increases and creation of new fees. We have not increased our fees. We need more staff so we will need to increase revenues.
 - **Exam: Occupational Analysis Update, August 2014 exam statistics** – OPES is preparing the analysis of the survey results that they received and those are scheduled to be on time, presented and released in February. August CALE: We are showing that the first time test takers are passing at higher rates in the 70's than the re-takers.
 - **801 form and Canadian training programs** – The Board approved these issues but they did not get into our Sunrise bill. As a result, we will have to address them in future legislation. Terri will work with the B & P Committee to see if they're considered non-controversial and if they can be added to what they call their omnibus bill.
 - **Enforcement: Data Report** – There is a spike in our complaints, in the volume because we started sending out our citations, something that we have held back with. These have a very strict time frame so Terri has to make sure that she has availability. This number will be continuing to increase.
6. **Presentation on National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) by CEO, Kory Ward-Cook, PhD., MT (ASCP), CAE**

Kory gave a broad overview of what the NCCAOM does, discussing their certification programs and their testing program. Also discussed was how they provide services to all the states in the US, and could provide these services to California. Kory also explained about professional ethics and the disciplinary committee, which is a major area with the states. Kory's presentation and additional documents can be found at acupuncture@dca.ca.gov. There was discussion about whether California licensed acupuncturists could be grandfathered in NCCAOM certification

if it is determined to eliminate the CALE. “Grandfathering” would require a statutory change, but would not be allowed for accreditation purposes. However, if the audit of the national certification exam determines the exam to be substantially equivalent, then NCCAOM contends that it would not be “grandfathering.”

7. Legislative Update.

TT explained that these signed bills could have some impact on us. There is a summary of each bill, and the actual bill language and bill analysis that went through the legislature, included in the following link: acupuncture.ca.gov under November 14, 2014 board meeting “materials”.

SB 1246 (Lieu) Acupuncture Board Sunrise Legislation

AB 1702 (Patterson) Delay of Denial of Licensure Due to Incarceration

AB 2396 (Bonta) Denial of Licensure for Prior Convictions

AB 2720 (Ting) Requires State Agencies to Record Individual Votes in Meeting Minutes

SB 1159 (Lara) Professions and Vocations: License Applicants: Federal Tax ID

SB 1243 (Lieu) Professions and Vocations: Meeting Notice for Webcasts

SB 1256 (Mitchell) Medical Services: Credit for Consumers

JZ requested that the Board share the DCA list of bills tracked so the Board is given the opportunity to take position on them.

8. Regulatory Update.

- Acupuncture Advertising Guidelines – In progress
- Continuing Education Ethics Requirement – In progress
- Consumer Protection Enforcement Initiative (CPEI) – At DCA
- Sponsored Free Health Care Events – In progress
- Uniform Standards Related to Substance Abuse and Recommended Guidelines for Disciplinary Orders and Conditions of Probation – Making changes related to updated disciplinary guidelines
- Hygiene guidelines – In progress
- Prostitution Prevention regulation – In progress

CLOSED SESSION.

- 9. Pursuant to Government Code Section 11126(a) (1) the Board will meet in closed session to conduct the annual evaluation of the Executive Officer.**

OPEN SESSION – Announcement Regarding Closed Session.

10. Future Agenda Items

Jeannie asked why CPR certification is not required for license renewal and requests that the board address this issue. It has been brought up by the public several times and she would like this on the February 20, 2015 agenda.

Jamie asked that Terri give a quick update of the Sunset Review tasks and items that have been completed to make sure we are on track. He also would like an update on the Strategic Planning for 2015 so we stay on track.

11. Public Comment on Items Not on the Agenda.

The following issues/concerns were brought up by the public:

Can the Board and the legislature rectify the issue of what Asian massage means? The scope of practice in the statute states that Acupuncturists are allowed to do Asian massage with no further explanation of what that is.

Concern was brought up regarding a board member meeting with a Senator and staff members of the Governor's office.

Another comment was for the Board to consider adding the NCCAOM as an option to the current California licensing exam for licensure in California.

A request was made that the Board have reciprocity where California licensed acupuncturists can receive certification so they can practice in other states.

Exam security was brought up and Terri answered the concern that candidates don't have access to the afternoon exam.

A comment was made about California education being the best in the country and not sure changing exams is the issue. California's is unique because of its scope, training to be a primary care provider and we need to continue to strengthen standards.

One person asked for assistance related to curriculum requirements and exam eligibility. Staff assisted her following the meeting.

A request for the consumer guide to be available, since it has not been available for almost two years.

The meeting was adjourned at 12:05p.m.

**THE AGENDA, AS WELL AS BOARD MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD'S WEBSITE AT**

www.acupuncture.ca.gov

Please Note: Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you need additional reasonable accommodations, please make your request no later than five (5) business days before this meeting. Please direct any questions regarding this meeting to the Board Liaison, Tammy Graver at (916) 515-5204; FAX (916) 928-2204