



CALIFORNIA ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

**California Acupuncture Board
Public Board Meeting
APPROVED Meeting Minutes
Wednesday, September 21, 2016**

**LOCATION:
PACIFIC COLLEGE OF ORIENTAL MEDICINE
ROOM 100
7445 MISSION VALLEY ROAD
SAN DIEGO, CA 92108**

Board Members Present

Hildegarde Aguinaldo, President, Public Member
Jamie Zamora, Vice President, Public Member
Kitman Chan, Public Member
Dr. Michael Corradino, DAOM, Licensed Member
Jeannie Kang, L.Ac, Licensed Member

Board Member Absent

Francisco Hsieh, Public Member

Legal Counsel Present

Kelsey Pruden

Staff Present

Ben Bodea, Acting Executive Officer
Kristine Brothers, Enforcement Coordinator
Jay Herdt, Education Coordinator
Marc Johnson, Policy Coordinator

Acupuncture Board Members

*Hildegarde Aguinaldo, President, Public Member
Jamie Zamora, Vice President, Public Member
Kitman Chan, Public Member
Dr. Michael Corradino, DAOM, Licensed Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Vacant, Licensed Member*

FULL BOARD MEETING - 9:30 AM

Agenda Item #1 – Call to Order, Roll Call and Establishment of a Quorum

Hildegarde Aguinaldo (Aguinaldo), Board President, called the meeting to order at 9:45am. Marc Johnson (Johnson) called the roll. Hildegarde Aguinaldo – present; Jaime Zamora – present; Kitman Chan – present; Dr. Michael Corradino – present; Francisco Hsieh – absent; Jeannie Kang – present. **5-0 Quorum established.**

Agenda Item #2 – Opening Remarks and Announcement (Aguinaldo)

President Aguinaldo welcomed everyone to the meeting and thanked Pacific College of Oriental Medicine for their hospitality and hosting the meeting.



Agenda Item #3 – Petition for Reinstatement of Surrendered License (9:35 AM):

The Board heard the petition for reinstatement of a surrendered license by Dong Hyun Chang (Case # PRRL-1A-2015-172).

The Board then went into closed session at 12:35pm.

Agenda Item #4 – Pursuant to Government Code Section 11126 (c) (3) the Board will convene in closed session to deliberate on the Petition and take action on disciplinary matters.

The Board met in closed session on this item.

Agenda Item #5 – Pursuant to Government Code Section 11126 (a) (1) the Board will meet in closed session to consider the possible selection, appointment or employment of an Executive Officer.

The Board met in closed session on this item.

Open session resumed at 4:53pm.

Upon resumption, President Aguinaldo announced that Agenda Items #6 (President's Report), #7 (Executive Officer and Staff reports) and #9 (Consideration and possible action on proposed amendments to Title 16, CCR Sections 1399.469 – Uniform Standards Related to Substance Abuse) would be continued to the next Public Board meeting due to time constraints.

(Taken out of order) Agenda Item #10 – Consideration and possible Approval of Acupuncture Training Programs (Herdt)

10a. Health Medicine School (HMS) – Sunnyvale, CA

Jay Herdt (Herdt) announced that HMS's application was being tabled upon recommendation of Legal Counsel. HMS was aware the application was to be tabled.

10b. Institute of Clinical Acupuncture and Oriental Medicine (ICAOM) – Honolulu, HI

Herdt reported on ICAOM's application to become a Board approved acupuncture training program, noting the school has been operating since 1996, and was fully accredited by the Accreditation Commission for Acupuncture and Oriental Medicine



(ACAOM) in 2002. Herdt reported ICAOM is in full compliance with California requirements with staff recommending approval of the application.

A representative from ICAOM noted she was pleased to see the application passing staff review.

*MOTION: Vice President Jamie Zamora (Zamora) made a motion to approve ICAOM as a Board approved acupuncture training program. Member Kitman Chan (Chan) seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – YES; Corradino – YES; Hsieh – ABSENT; Kang – YES. **MOTION PASSES 5-0-1.***

10c. Maryland University of Integrative Health (MUIH) – Laurel, Maryland

Herdt reported on MUIH's application to become a Board approved school. He commented that MUIH originally had a number of non-compliance issues but through corrective actions, MUIH is now in full compliance with California requirements. Staff recommended approval of the application.

There was no public comment.

*MOTION: Vice President Zamora made a motion to approve MUIH as a Board approved acupuncture training program. President Aguinaldo seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – YES; Corradino – ABSTAIN; Hsieh – ABSENT; Kang – YES. **MOTION PASSES 4-0-1-1.***

President Aguinaldo thanked the staff for their hard work on the school applications and complimented the new, streamlined format of the school approval materials.

(Taken out of order) Agenda Item #8 – Consideration and possible action on Title 16, CCR Sections 1399.434, 1399.434, 1399.437 and Repeal of CCR Section 1399.436 – Implementation of SB 1246 (Johnson)

Johnson began with a brief overview of the SB 1246 rulemaking package so far. The Board approved revised language at the August 31, 2016 public Board meeting which was released for a 15-day public comment period. He noted one letter was received during the public comment period from Ron Zaidman, DAOM, President and CEO of Five Branches University, regarding the proposed changes to 1399.433(h) and 1399.434(h).

Dr. Zaidman, in his comments, said that “during the initial 700 hours of clinical instruction, the student shall remain in the direct line of sight of the clinic supervisor at all times when the patient is being diagnosed and/or treated’ assumes that patients in America are okay being treated in a large, common treatment room, community clinic style. While some patients may accept this, the majority of patients

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want privacy and a private room. In brief, striking, 'Thereafter, for a second period of 275 hours the clinic supervisor shall be physically present at the needling of the patient' would, in the view of our academic leadership and faculty, assure the highest education and clinical training, and would maximize patient safety". Staff recommended rejection of the comment and the proposed Board response was read aloud.

MOTION: Vice President Zamora made a motion to accept staff's recommendation to reject the comment as it relates to CCR Sections 1399.433(h) and 1399.434(h). Board Member Corradino seconded the motion. MOTION REINDED; VOTE NOT TAKEN.

Public Comment was taken on the item. Bill Mosca, CSOMA, speaking on behalf of Dr. Zaidman, felt the proposed language does make substantial changes to clinical supervision. He also felt the Initial Statement of Reasons for SB 1246 did not note the clinical supervision change. Jack Miller, PCOM, felt the decision was hasty and stated if such a decision was made by his school it would be questioned by their accreditor. He felt this change would be costly and such costs would be passed onto his students.

Dr. Yun Kim, Emperor's College, felt the proposed change was essentially requiring a one-on-one supervisor for students, which she felt was almost impossible. She asked for additional time to see what other professions do and what their best practices are before making such changes. Jacques MoraMarco, also from Emperor's College, appreciated the Board's diligent work in trying to maximize consumer protection. He noted the words 'direct supervision' seemed to come from the Chiropractic Board. An-York Lee, L.Ac, called into question of the quality of supervision being provided to interns and had concerns about the cost. Dr. Bob Damone, SCUHS, urged the Board to extend the comment period on the proposed change to allow for research and to look at what other health care professions are doing.

President Aguinaldo asked about options for the regulation. Johnson explained that due to statutory requirements the regulation needed to be in place by January 1, 2017. Legal Counsel Kelsey Pruden (Pruden) also explained that the proposed Board response was specifically tailored to the comment received during the 15-day comment period, and explained how the Board can respond to the comment by using the staff recommendation, or go another direction. President Aguinaldo noted an additional comment in Dr. Zaidman's letter about needling, which she felt was related to the public comments received today. IEO Bodea suggested removing the double underlined language referring to 'physically present', reverting the proposed regulation to the regulatory language already in place, which would still be considered a regulatory change, and taking up changes to the existing supervision language at a later date in an effort to not delay this regulatory package further.

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Counsel Pruden agreed but noted there would need to be an additional fifteen day public comment period on the proposed language and another Board meeting to consider any comments received about it.

Discussion commenced on further changes to the language and the timing. Johnson reminded the Board that statutorily the Board had to have the regulations in place by January 1, 2017. Vice President Zamora felt the Board had dealt with the issue enough and that the Board had met its requirements in posting for public comment for 60 days. Counsel Pruden recommended making a decision on this text immediately since the deadline was coming up. President Aguinaldo noted all of the single underlined language was the original and the public comment was against the recently proposed changes, which are double underlined. She felt the Board should partially reject and partially accept his comment. Counsel Pruden clarified the motion for adopting the language in 1399.433(h) and 1399.434(h) by removing all double underlined text and reverting to the single underlined text. She read aloud the updated language with the changes discussed here.

*MOTION: President Aguinaldo made a motion to change the language in 1399.433(h) and 1399.434(h) by removing all double underlined text and reverting to the single underlined text, and to delegate to the Executive Officer the authority to make technical changes and complete the rulemaking file if no adverse comments are received. Board Member Michael Corradino seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – ABSTAIN; Corradino – YES; Hsieh – ABSENT; Kang – YES. **MOTION PASSES 4-0-1-1.***

*MOTION: President Aguinaldo made a motion to partially accept the comment relating to 700 hours of clinical instruction and partially reject the comment relating to 275 hours. Vice President Zamora seconded the motion. Vote: Aguinaldo – YES; Zamora – YES; Chan – ABSTAIN; Corradino – YES; Hsieh – ABSENT; Kang – YES. **MOTION PASSES 4-0-1-1.***

Agenda Item #11 – Public Comment for items not on Agenda (Aguinaldo)

The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))

Public comments were taken on items not on the agenda.

A commenter asked the Board about schools reporting minor curriculum changes.

Another commenter appreciated the location of this Board meeting and would like to see it happen here again.

A third comment was made in appreciating the Board's work.

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A comment was also made about herbal formula requirements in the national exam.

Agenda Item #12 – Future Agenda Items

Board Member Chan asked about revising the licensing renewal form to include more space to list CEUs and other information.

Board Member Corradino asked for the two items from the Board's Research Committee be examined in the future.

Agenda Item #13 – Adjournment

Adjournment at 6:08 PM.