



Draft
**ACUPUNCTURE BOARD
EXAM COMMITTEE
MEETING MINUTES**

DCA Headquarters 2, Hearing Room, Sacramento, CA

Teleconference Meeting Location

3710 Grand Avenue
Oakland, CA 94610

April 22, 2013

Members Present

*AnYork Lee, L.Ac., Chair
Charles Kim, Public Member, Vice Chair
Michael Shi, L.Ac. (Via teleconference line)*

Staff Present

*Terri Thorfinnson, Executive Officer
Spencer Walker, Staff Counsel*

Guest List on File

*Awet Kidane Bruce Little
Sonja Merold
Bob Holmgren*

1. **Call to Order of Examination Review Committee – 9:00 a.m.**
Chair announced that after closed session they would open the Public Meeting.

CLOSED SESSION

2. **Pursuant to Government Code Section 11126(c)(1), the Board Will Meet in Closed Session to discuss the validity of the August 2012 California Acupuncture Licensing Examination with the Independent Reviewer of the August 2012 California Acupuncture Licensing Examination (CALE) Investigation Findings Report.**

OPEN SESSION

3. **Announcement Regarding Closed Session.**
4. **Independent Reviewer's Findings Regarding the August 2012 California Acupuncture Licensing Examination (CALE) Investigation Findings Report**

Chair Lee welcomed Chief Deputy Director Awet Kidane and invited him to comment. Mr. Kidane thanked the Board for the opportunity to speak and went on to explain the background information that led to the Department of Consumer Affairs (DCA) to conduct an independent review of the August exam. The Board did a review of the exam. Subsequently, the department decided to **do an Independent** Review of the exam. The department contracted with Commission on Teacher Credentialing to do an independent review of the findings of the Executive Officer's Exam Investigation Report. After reviewing all the available evidence Mr. Little found that the OPES staff and the Acupuncturist Subject Matter Experts involved in assisting the OPES staff in examination, development, and in the setting of the passing score for the August 2012 CALE adhered to acceptable professional guidelines and procedures.

One board member that needs to be released at 10:00. No questions from the board.

Public Comment:

- Concerns expressed about exam results despite the Board's investigation.
- Complaints about the late posting of exam results and the low pass rate.

The Independent Reviewer Mr. Little is asked to explain the low pass rate. The cut score is developed by convening a panel of the subject matter experts and having a facilitator, typically a psychometrician or a test development expert facilitate that meeting. What they typically do they discuss the policy of the policy making board which is to protect the public and to identify and describe what a minimally competent practitioner looks like, what kinds of knowledge, skills and abilities they would have in order to work as an entry level practitioner their first day on the job. So once they have those descriptions then they look at the blueprint so they understand that all the items on the test do align to the blueprint and then they make some judgment about each item on the test and it's usually a numerical judgment that describes what proportion of the minimally competent practitioners would get any particular item right. Then they take a sum of those numbers and that's the recommended passing score. It's pretty straight forward actually.

The Board commented that problem is with the re-takers and that should be our focus to answer why so many re-takers are failing. That is still not explained. The Executive Officer's report and the Independent Review both conclude there is nothing wrong with the exam. For the public to understand and the schools to understand, we should recount and if the answers/ results come out the same we should put a closure to this issue.

MS (Kim, Lee) A motion was made and seconded for this committee to request the Board to ask of DCA to recount the re-takers by hand and then by machine.
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Public Comment:

- Concern expressed that in studying Chinese Medicine different teaching materials say different things and the recommended reading list was taken away. The Board referred the person to the November meeting webcast when OPES did a presentation.
- Support motion to recount the exam.

OPES staff was asked to explain how the passing score is set.

Sonya Merold: When we develop the process and go through the passing score workshops we do not focus on the number of people who pass or fail. We determine that the exam was developed appropriately. When

we correct the exams, we run them through the scantron machine multiple times to ensure the accuracy of the results. Bob Holmgren was asked to explain further. Each exam is scored twice. Those two files are compared statistically and any cases where the two forms are identical they're moved over to the scoring file. Any cases where there's a discrepancy in the two scanning forms those papers are pulled and a determination is made what the actual intention of the candidate was. Sometimes there are smudge marks, double marks, poor erasures, things like that. Judgment is made about those cases. There are a very small number of those cases where that happens and we believe that the end result of this double scanning is a very accurate depiction of what is on the scantron forms. So I don't think it would be of any particular value to re-scan those forms but we certainly could do that.

There was some discussion about which is more accurate—a hand count or have computer scan exam. OPES staff indicated that hand counting is a time and staff intensive endeavor and recommended instead to check a random sample. Then there was discussion about what was the right percentage to sample and it was suggested 10% would produce an accurate sample size. There was also concern that computers were more accurate than humans, but the committee settled on a recount.

To answer concerns raised that the Board's exam statistics by school were inaccurate, the Chair asked schools to present in writing proof of the error. This concern was raised before, but no schools presented actual data indicating an error.

Motion on the floor amended to recount the entire CALE for the August 2012 and in addition manually count one out of every 33 scantron sheets for the manual count to match and bring results back to the Board and have OPES present the results at the Board meeting. This motion is recommended to the full Board. Vote: 2-0-1.

Public Comment:

Thank the Board for doing the recount, but accused the Board of having inaccurate numbers. The board asked her to produce the documentation to back up her statement. Mr. Little was asked to comment on why the pass rate was so low. He explained that he is familiar with OPES's exam process and methods and from his review there is not a problem with the rescanning/rescoring. He cautioned everyone not to expect different results, just because you don't like the results.

5. Adjournment. Motion to adjourn the meeting at 11:40.

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

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