



CALIFORNIA ACUPUNCTURE BOARD

Draft

MEETING MINUTES

May 23, 2013, 8:30 a.m.

**HOTEL WHITCOMB
WHITCOMB BALLROOM
1231 MARKET STREET
SAN FRANCISCO, CA 94103**

Board Members Present

Anyork Lee – Chair, Licensed Member
Charles Kim – Vice Chair, Public Member
Michael Shi, Licensed Member
Paul Weisman, Public Member
George Wedemeyer, Public Member

Board Legal Counsel

Spencer Walker

Staff Members Present

Terri Thorfinnson, Executive Officer
Tammy Graver, Board Liaison
Terry Sinkovich, Examination Coordinator
Kristine Brothers, Enforcement Coordinator
Ben Bodea, Education Coordinator
Marc Johnson, Licensing/Regulation Coordinator

Call to Order and Establishment of a Quorum

Anyork Lee, Board Chair called the meeting to order at 8:45 a.m. and a quorum was established.

Pledge of Allegiance

Roll Call

Tammy Graver, Board Liaison called the roll. Robert Brewer was absent from the meeting. All other board members were present.

Petitions for Early Termination of Probation:

Dixie Shannon Wall (Case No. PETP-1A-2010-45)
Gratch Grigoryan (Case No. PETP-1A-2005-136)

CLOSED SESSION

Pursuant to Government Code Section 11126(c)(3) the board convened in closed session to deliberate on the Petitions and take action on disciplinary matters.

OPEN SESSION – Announcement Regarding Closed Session

Approval of February 19, 2013 Board Meeting Minutes

Motion: Michael Shi moved that the minutes of 2/19/13 be approved as amended.
Second: George Wedemeyer seconded the motion.

Chair Report

Anyork Lee spoke about the two site visits that he, Terri and Ben conducted in Arizona and New York. They will be conducting more site visits in California in the coming months.

Executive Officer's Report

- ❖ **Staff Update**
New staff were introduced: Tammy was introduced to the board members as the new board liaison; Monique Von Schimmelmann who has been hired as an OT and has been learning licensing. A licensing position will be posted shortly. Additional staff for enforcement and education is needed. Terri would also like to hire an additional enforcement person as well as an additional education staff person.
- ❖ **Budget**
Charles requested a copy of the policy guidelines for vacation and sick leave of employees
- ❖ **Education: School site visits**
There will be site visits for school that have requested CAB approval as well as site visits for approved schools. These schools were supposed to have revisits but those never happened in the past.
- ❖ **Exam: Occupational Analysis, audit of national certification exam**
It is time for a new occupational analysis--it has been 5 years since the last one was completed. We have started preliminary administrative work for the Occupational Analysis. It is a three-stage process that involves input from the profession, subject matter experts (SME) workshops and survey of the profession. I will know more after I meet with Office of Professional Examination Services (OPES) and will announce the launch at a later date.

Following the completion of the Occupational Analysis, the Board will conduct an audit of the CALE and the NCCAOM exam. This cannot occur until after the 2013 Occupational Analysis has been completed.

- ❖ Enforcement: Data Report
Kristine gave a report covering the Enforcement cases for the fiscal year 2012-2013.

Committee Reports

- ❖ Enforcement: Update
See above
- ❖ Exam Review: Recommendation for August 2012 CALE
The results of the investigation by E.O. and Independent Review found the exam was valid, accurate and reliable. OPES presented the results of the hand scoring that was done as requested in the 4/20/13 Exam Independent Investigation Review meeting. There were no differences found between the first scoring of this test and the scoring that was conducted again by OPES. Conclusion: no issues were found with the exam.
- ❖ Exam: Update & Education: Update
Committee still discussing what is to be done to address low test scores and the School oversight. Staffing shortage remains an issue for site visits.

Legislation Update Bill List

- ❖ SB 218 Yee Traumatology
- ❖ AB 808 Fong Practical Acupuncture Licensing Exam Requirement

SB 218 Yee Traumatology

Concern was expressed by board and public about this bill. Some concerns were that this bill would cost the Acupuncture Board a significant amount of money and that the understaffed Acupuncture Board did not need the added workload. A related concern expressed about the way the bill funded the program, which was the lack of potential traumatologists to support a fee-funded program. There was also concern about the insufficient training requirements and grandfather clause being a big loophole that would exempt traumatologists from fulfilling training requirements. Board members indicated that they had not changed their opposition to the bill since that last time it was introduced. Public comment was in opposition to the bill and urged the Board to take an oppose position. The Chair spoke in favor of the bill.

Motion: Michael Shi moved to oppose the old bill SB218 Traumatology and reserve the right to review the new language of the new bill and then decide the position of the board. Paul Weisman seconded the motion. Vote: 4-0-1 Charles, Paul, George and Michael – yes to oppose the bill; Anyork – no to oppose the bill

Petitions Pursuant to B & P Code Section 4967(b) – (Discussion/Action)

- ❖ Mike Sung Soo Kim (license cancelled 12/1/02)

He is requesting a new license without taking the exam. He has completed the 50 CEU's.

Motion: Charles Kim moved to issue Mike Sung Soo Kim a license and was seconded by Paul Weisman. Vote: 4-1-0

- ❖ Marlena Louisa Isidro (license cancelled 8/20/12)

She is requesting a new license without taking the exam. Completing 50 CEU's was a financial burden. She only has completed four CEU's. Paul Weisman wants on the record that after Marlena Louisa Isidro completes the 50 CEU's that he will vote for her to get a license. She was advised by the board to come back once she has completed the required 50 CEU's within two years.

Motion: Charles Kim moved to deny the petition and George Wedemeyer seconded. Vote: 5-0-0

Future Agenda Items

Charles brought up that some schools have not filed an annual report for 2011 and 2012. Those schools should be called and request that they send a representative to the next board meeting to explain why they did not file an annual report.

Anyork Lee asked that all future agenda items be sent to him and also to the Executive Officer

Public Comment

Several speakers spoke in opposition to the bill claiming the math did not work for fees to support the program because there were few traumatologists to pay fees. It was pointed out that traumatologists would have to pay thousands of dollars in fees to support the cost of the program. There was opposition to the Acupuncture Board or acupuncturists having to financially support the program. There was also concern that the Acupuncture Board was understaffed and this program would only add additional strain to the Board. There was concern expressed over the grandfather clause being a loophole of allowing traumatologists from outside the country to qualify for certification without any additional training or certification exam. Several speakers urged the board members to take a position on the bill in opposition.

Several speakers expressed concern over the fact that Anyork Lee testified in support of SB 218 Traumatology bill. Some even called for his resignation. Anyork Lee wanted to respond to the public comment and re-opened the issue. Spencer clarified that he could re-open the Legislative item and that it could be an action item. Anyork Lee explained that he testified as a in his private capacity as a licensee, not as Chair of the Acupuncture Board. He said that Senator Leland Yee introduced him as the Chair of the Board. He made it clear in his opening testimony that he was not representing the Board.

Michael Shi expressed concern over Anyork's testimony. He moved to oppose the bill.

Adjournment

Anyork Lee adjourned the meeting at 3:30 p.m.

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