



## **NOTICE OF ACUPUNCTURE BOARD EDUCATION COMMITTEE MEETING**

**WEDNESDAY, DECEMBER 14, 2016**

**Upon conclusion of the Research Committee until completion of business**

### **LOCATION:**

**ELIHU M. HARRIS STATE OFFICE BUILDING  
MEETING ROOM #2  
1515 CLAY STREET  
OAKLAND, CA 94612**

### **Education Committee Members**

*Jamie Zamora, Chair, Public Member*  
*Kitman Chan, Public Member*  
*Dr. Michael Corradino, L. Ac., DAOM,*  
*Licensed Member*  
*Jeannie Kang, L. Ac., .Licensed Member*

### **AGENDA**

#### **EDUCATION COMMITTEE MEETING**

- 1. Call to Order and Establishment of a Quorum**
- 2. Approval of September 25, 2015 Education Committee meeting minutes (Zamora)**
- 3. Discussion and Possible Action of Acupuncture Board ethics continuing education requirement for licensees (Johnson); Possible Recommendation to Board**
- 4. Future Education Committee Agenda Items**
- 5. Public Comment for Items Not on the Agenda**  
*The Committee 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))*
- 6. Adjournment**

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.

**THE FULL BOARD AGENDA, AS WELL AS COMMITTEE MEETING MINUTES, CAN BE FOUND  
ON THE ACUPUNCTURE BOARD'S WEBSITE AT  
[www.acupuncture.ca.gov](http://www.acupuncture.ca.gov)**

Please Note: Committee 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

# **#2 – Approval of September 25, 2015 Meeting Minutes**

***Draft Minutes***  
**September 25, 2015**

**NOTICE OF ACUPUNCTURE BOARD  
EDUCATION COMMITTEE MEETING**

A webcast of this meeting can be found at:  
<https://www.youtube.com/watch?v=m5IBDdhMbjQ>

**Department of Consumer Affairs  
1625 North Market Blvd  
First Floor Hearing Room  
Sacramento, CA 95834**

**Los Angeles Teleconference Location  
Lewis Brisbois Bisgaard & Smith LLP  
633 West Fifth Street, Suite 4000  
Los Angeles, CA 90071**

**San Diego Teleconference Location  
Pacific College of Oriental Medicine (PICOM)  
7445 Mission Valley Road, Suite 105  
Conference Room # Anex 2  
San Diego, CA 92108**

**Committee Members Present**

Kitman Chan, Chair, Public Member  
Michael Shi, L.Ac, Licensed Member  
Francisco Hsieh, Public Member  
Dr. Michael Corradino, DAOM, Licensed Member  
Jamie Zamora, Public Member

**Committee Member Absent**

Jeannie Kang, L.Ac, Licensed Member

**Staff Present**

Terri Thorfinnson - Executive Officer  
Katie Le – Education Coordinator  
Van Martini – Office Technician



## **EDUCATION COMMITTEE MEETING - 10:00 a.m.**

### **1. Call to Order and Quorum established**

### **2. Opening Remarks**

Kitman welcomed and thanked everyone for attending the Education Committee Meeting.

### **3. Public Comment for Items not on the Agenda**

No public comments from Los Angeles and Sacramento meetings. A public comment from San Diego requested to have Acupuncture Assistants to be considered into the profession for Future Agenda.

### **4. Approval of Minutes:**

**May 29, 2015** – The minutes from May 29, 2015 were approved as submitted. Jamie made the motion to approve and Michael seconded the motion. Kitman, Dr. Corradino, Jamie, Francisco, and Michael voted yes to approve the minutes. Motion passed 5-0.

**July 21, 2015** – Jamie made the motion to approve the minutes with the amendment to include student names and exam's scores on our future agenda items. Michael seconded the motion. Kitman, Dr. Corradino, Jamie, Francisco, and Michael voted yes to approve the minutes. Motion passed 5-0.

### **5. It was recommended that the order of the agenda should be changed to consider agenda item 6 first.**

#### **Agenda item 6: Consideration and possible action regarding Title 16, California Code of Regulations (CCR) section 1399.434 curriculum standards for training beginning after 1/1/05 related to implementation of SB 1246.**

Terri reviewed the memo and proposed language in the meeting materials. The first proposed change is to revise the language in this section so that it complies with SB 1246. In order to comply with SB 1246, all language referring to board approval of schools has been removed. The wording is added that reflects the Board's authority to approve the curriculum. A minor change proposed is moving the curriculum hour's requirements at the end of this section to the opening paragraph for clarity. In addition, No. 4 was added to Subsection (h) underneath Clinical Practice 950 hours; this is done by separating No. 3 into two sections to make it more readable. There were no public comments.

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- Michael made the motion to approve the language to be recommended to the Board by the Education Committee. Jamie seconded the motion. Kitman. Dr. Corradino, Jamie, Francisco, and Michael voted yes. Motion passed 5-0.

**6. Agenda item 5: Consideration and possible action regarding proposed regulatory language to establish standards for education training and clinical experience outside the United States pursuant to Business and Professions Code section 4939 related to the implementation of Senate Bill SB 1246.**

She explained that the Board was given the authority to create regulations and standards to evaluate foreign training and clinical experience completed outside the United States effective January 1, 2017. Terri reviewed the proposed regulatory language to reflect the Board's new authority to establish the standards for the approval of education, training, and clinical experience received outside of the United States and that proposes the same curriculum standards as the domestic curriculum standards. Essentially, both types of applicants, foreign and domestic, will be evaluated based on the same curriculum standards. However, a new section for foreign trained applicants is needed for implementation of SB 1246 to reflect this new authority. Additionally, this section remains the same as the curriculum standards in 1399.434 with minor revisions. There was agreement among Committee members that the current curriculum standard should be adopted and be the same standard for evaluating foreign applicants. There were no public comments.

- Jamie made the motion to approve the recommended amendment for Title 16 CCR Section 1399.433. Dr. Mike Corradino seconded the motion. Kitman. Dr. Corradino, Jamie, Francisco, and Michael voted yes. Motion passed 5-0.

**7. Consideration and possible action regarding Title 16, CCR Section 1399.436 curriculum standards for training beginning prior to 1/1/05 related to implementation of SB 1246.**

Terri reviewed the memo and proposed language in the meeting materials. She explained that Title 16, California Code of Regulations (CCR) 1399.436 contains the curriculum standards that apply to those who enrolled in their training prior to 2005 which only requires 2348 hours of training compares to 3000 hours in the current standard of 1399.434 promulgated in 2005. This regulation contains a curriculum standard that is in conflict with the statute as of January 1, 2017. The staff recommended the Education Committee recommend to the Board to approve the proposed repeal of Title 16, CCR Section 1399.436. There was agreement

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among Committee members to repeal this section. There were no public comments.

- Jamie made the motion to recommend the proposed amendment Title 15 CCR Section 1399.436. Michael seconded the motion. Kitman. Dr. Corradino, Jamie, Francisco, and Michael voted yes. Motion passed 5-0.

**8. Consideration and possible action regarding Title 16, CCR Section 1399.437 curriculum standards for training beginning prior to 1/1/05 related to implementation of SB 1246.** The President clarified that this agenda item is a combination of agenda item 8 and 9.

Terri reviewed the memo and proposed language in the meeting materials. She explained that SB 1246 authorizes the Board to approve curriculum. Hence there is the need to create a new regulatory process for approving curriculum. The proposed language sets forth the curriculum approval process and required documentation.

The proposed new process is as follows: 1) Pursuant to BPC Section 4927.5 (b), applications that are incomplete shall not be deemed received; 2) Incomplete applications will be deemed abandoned if not completed within 30 days' notice of missing requirements. 3) An application submitted subsequent to the abandonment of a former application shall be treated as a new application. In addition, this regulation also requires prior Board approval of any curriculum changes pursuant to BPC Section 4927.5. This is to prevent any unapproved, non-compliant course work from being taught to students while attending schools with Board approved curriculum. Terri explained that it also prevents students be denied admission to take the California Acupuncture Licensing Examination (CALE) because they do not meet the Board's curriculum standards. The staff recommends to the Board to approve the proposed regulatory language.

There were concerns about the fact that sometimes there are minor changes to the coursework prior to every semester and that this is a common practice in most institution. Legal counsel explained that starting January 1, to be approved, the schools have to be approved by the other accrediting bodies. This regulation makes it clear to the schools that when they change the curriculum, it is a new curriculum, and the Board needs to approve it.

Katie Le, Education Coordinator, explained that when schools make subtle changes as in making a course hour from 45 hours to 30 hours, the Board still

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needs the changes to be documented and approved because the staff uses the course by course list to determine whether students have met the curriculum requirements to be eligible to take the licensure exam. Without this requirement, there is ambiguity that can lead to applicants being denied to take the licensure exam because the school made changes to the curriculum that were not approved by the Board. Terri added that there will be no school site visits with the implementation SB 1246, so the Board relies on an entirely accurate, real-time course list with exact content and hours.

There were public comments echoing the same sentiment over changes that the schools should be able to make minor changes to their curriculum without triggering another approval process. Katie reiterated that the changes needing approval are curriculum changes to the Board's required curriculum. Various motions were made to modify the changes requiring board approval, but were rescinded.

- Michael moved to approve the recommended language. Francisco seconded the motion. Dr. Corradino opposed the motion. Kitman, Jamie, Francisco, and Michael voted yes. Motion passed 4-1.

**9. Consideration and possible action regarding proposed regulatory language for reporting of approved curriculum compliance Title 16, CCR Section 1399.439.1.**

There was no item for this although it was listed on the Agenda.

**10. Future Agenda Items**

There were no Future Agenda Items.

**11. Adjournment: 12: 20 p.m.**

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# **#3 – Discussion of Acupuncture Board Ethics Continuing Education Requirement**



<b>DATE</b>	December 14, 2016
<b>TO</b>	Education Committee Members
<b>FROM</b>	Marc Johnson, Policy Coordinator
<b>SUBJECT</b>	CCR Section 1399.489.2 – Continuing Education: Course in Professional Ethics

**Issue:**

Board review of approved regulatory language for Title 16, California Code of Regulations (CCR) Section 1399.489.2 – Continuing Education: Course in Professional Ethics. Language was originally approved by the Board at the November 11, 2012 public board meeting.

**Action items for the Board:**

1. Discussion of potential changes to previously approved continuing education ethics requirements for acupuncture licenses.
2. Development of regulatory language for potential referral to the full Board.

**Text of originally approved language:**

*1399.489.2 Continuing Education: Course in Professional Ethics.*

*An acupuncturist shall take no less than four (4) hours of continuing education in professional ethics every two years to meet his or her continuing education requirements.*

**Background and discussion:**

This rulemaking package was initially approved by the Board at the November 11, 2012 public Board meeting, with the goal of development of the rulemaking package and filing with OAL by September 2016. Recently, staff and Legal Counsel commenced review of all pending regulatory actions, including 1399.489.2, and recommend the regulation should be re-examined, discussed in committee and defined further. Executive Officer Ben Bodea referred the issue to the Education committee for further development at the October 26, 2016 public meeting.

Staff feels there are several potential issues for consideration by the committee:

1. This CE requirement will be considered a Category 1 per CCR § 1399.483 (D).

2. Should the Board make specific which laws and regulations need to be adhered to? Should this consideration include an overview of applicable federal laws – for example, HIPPA, medical jurisprudence, and/or an overview of California laws and regulations pertaining to Acupuncture?

3. Does the Board need to better define what “professional ethics” are? For example, the American Medical Association, a professional association, publishes a ‘code of medical ethics’.