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Members of the Board

Dr. Amy Matecki,
M.D., L.Ac., President
Kitman Chan,
C.P.A., Vice President
John Harabedian, Esq.
Ruben Osorio
Dr. Yong Ping Chen,
Ph.D., L.Ac.
Hyun “Francisco” Kim,
M.S., L.Ac.
Shu Dong Li, Ph.D.

BOARD MEETING DRAFT Meeting Minutes June 26, 2020

LOCATION:

Web Ex Teleconference

Board Members Present

Dr. Amy Matecki, M.D., L.Ac, President, Licensed Member
Kitman Chan, C.P.A., Vice President, Public Member
John Harabedian, Esq., Public Member
Dr. Yong Ping Chen, Ph.D., L.Ac., Licensed Member
Hyun “Francisco” Kim, M.S., L.Ac., Licensed Member
Shu Dong Li, Ph.D., Public Member
Ruben Osorio, Public Member

Staff Present

Benjamin Bodea, Executive Officer
Fred Chan-You, Legal Counsel
Jay Herdt, Licensing Manager
Kristine Brothers, Policy Coordinator
Alex Dodge, Policy, Legislative, and Regulatory Affairs Analyst

Guest List on File

Full Board Meeting – Friday, June 26, 2020

1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)

Board President, Dr. Amy Matecki (President Matecki), called the meeting to order at 9:44 a.m.

Policy Coordinator, Kristine Brothers (Brothers), called the roll.

Members Present:

June 26, 2020 Acupuncture Board Meeting
Meeting Minutes



7 Present – Matecki, Chan, Harabedian, Chen, Kim, Li, and Osorio.

7-0 Quorum Established

2. President's Remarks (Dr. Amy Matecki, President)

President Matecki addressed the challenges that have come out of the current coronavirus pandemic. She thanked Governor, Gavin Newsom and Department of Consumer Affairs' Director Kimberly Kirchmeyer for their leadership and continued care for all those affected by such an unprecedented crisis. President Matecki went on to thank Executive Officer, Ben Bodea, and staff for their diligence and flexibility in maintaining board operations in light of the changing work environment over the past three months. She recognized the hardship those entering the acupuncture profession are facing during the pandemic.

President Matecki also expressed her gratitude to former public Board member, Bradley Cimino, and former Board Legal Counsel, Salwa Bojack, for their service to the Board. New licensed member, Dr. Yong Ping Chen, L.Ac. and new Board Legal Counsel, Fred Chan-You were welcomed and introduced.

3. Public Comment on Items Not on the Agenda (Dr. Amy Matecki, President)

The following comments were made:

- First commenter spoke on behalf of the California Acupuncture and Traditional Medicine Association, CalATMA, requesting that an emergency task force be formed by the Board to review emerging clinical studies and evidence on the efficacy and safety of traditional Chinese medicinal herbs in the treatment of COVID-19. The commenter requested that the task force be formed as soon as possible so the recommendations from their findings be provided by September 15, 2020.
- Second commenter discussed how the known risk factors for severe COVID-19, which are chronic lung disease, diabetes and metabolic syndromes, and heart disease, can be greatly benefited through traditional Chinese medicine care. The commenter urged the Board to consider and adopt the proposal for establishing a COVID-19 task force



- Third commenter explained how the California State Oriental Medical Association, CSOMA, wants to ensure that licensed acupuncturists fall into the category of essential workers in any newly created definition, and its relevancy during the pandemic. The commenter requested how the Board plays a role in these discussions.

The second item discussed was CSOMA's stance on AB 1665, the Athletic Trainer Bill, namely their concerns for public safety regarding the fact that there was an omission of the practice of acupuncture included in the bill under Section 2697.14. A request was made that the Board also take an objection to the omission. The commenter also brought up AB 1850, Worker classification: independent contractor versus employee, inquiring about the Board's position on the bill.

Lastly, the commenter expressed CSOMA's support of California adopting the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) exam as the state license standard and wanted to see a future agenda item where the Board discusses its position on the matter.

- Fourth commenter requested that an emergency task force be set up to study the use of traditional Chinese medicine and a particular herbal medicine in the fight against the COVID-19 virus. The commenter emphasized that such a task force is designed to protect the public which is in line with the purpose of the Board. The commenter elaborated that the relationship between the Board and the task force is limited to the task force providing critical information to a public body during a pandemic. The commenter's final request was that the formation of a task force be placed on the agenda for a stakeholder meeting within thirty days.
- Fifth commenter discussed the initiative behind the task force and requested the Board move forward with the task force as it can highlight the studies that show the efficacy of TCM and herbal medicine in treating COVID-19 all over the world.
- Sixth commenter wants to see the Board discuss its position on the new title for the acupuncture profession recently set by the Accreditation Commission for Acupuncture and Oriental Medicine (ACCAOM). The other comment made was on the recent budgetary reviews done by the government which may take out acupuncture from Medi-Cal. The



commenter wanted to express concern over this possibility since a lot of Medi-Cal patients use acupuncture for treatment of pain in lieu of opiates.

- Seventh commenter raised concern over the new title established by ACAOM. The commenter also showed support for research and studying herbs regarding the task force but wanted to emphasize that studying the efficacy of herbs does not fall under the Board's purview. This point was used to highlight that most acupuncturists are not aware of what the Board does and the commenter requested that the Board communicate directly with all acupuncturists on a quarterly basis rather than going through the professional associations.
- Eighth commenter supports the proposal for a task force brought to the Board and would like to see work being done for the public to be aware of the potential that Chinese herbal medicine may play in the continued exploration and fight against COVID-19.

4. Preview and Possible Approval of the August 15-16, 2019 Board Meeting Minutes (Dr. Amy Matecki, President)

MOTION:

Member Harabedian motioned to approve the August 15-16, 2019 minutes.

Member Osorio seconded the motion.

Vote: Matecki - Yes; Chan - Yes; Chen – Yes; Harabedian – Yes; Kim - Yes; Li – Yes; Osorio – Yes.

7-0 motion passes

Public Comment

A commenter urged the Board to review the minutes to see all of the ideas raised to place on future agendas.

5. Executive Officer's Report (Ben Bodea, Executive Officer)

(A) COVID-19 Update

Executive Officer Ben Bodea (EO Bodea) echoed President Matecki's sentiments regarding the Governor's office, the Governor, the Department, the Director,



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and staff who have all been monumental in carrying the Board through the pandemic. It was emphasized that Board business continues to be conducted during these trying times.

EO Bodea explained that PSI testing sites were closed from March through May, and recently reopened on May 15th to allow testing for acupuncture applicants. The Governor issued an executive order allowing licensees to submit continuing education within six months of their expiration date. The order ends June 30th but he indicated that the Governor may renew the executive order.

EO Bodea pointed to other jurisdictions such as the Governor, the Center for Disease Control, Department of Public Health, and local Departments of Health, who have authority over establishing who can or cannot practice, if acupuncturists are allowed to reopen, and how they are to reopen in their region. It was encouraged that those acupuncturists who want to continue practicing, contact these various agencies to be sure they comply with the guidelines or restrictions in place.

EO Bodea explained that the pandemic has also created some challenges for educational and training programs specific to the clinic supervision requirements. It was explained that ACAOM created an exemption for schools, which has been modified, so the Board is working with Legal counsel to provide guidance on the matter. He said the issue needs to be scheduled with the Education Committee and then taken to the Board for consideration.

(B) Budget Update – Fund Condition

EO Bodea provided an analysis of the Board's fund condition which showed the Board to be structurally imbalanced, but also shows a reserve which was built up over the last 30 years. The Board has not increased its fees in over 30 years all the while the cost of business has increased especially in the last decade with an increase in licensees. A trend analysis was conducted showing an increase mainly between 2014 and 2017 and has now started to slow. EO Bodea reacquainted Board members with the fee study conducted last year and its report which resulted in seeking fee increases through legislation. EO Bodea stated the new fees are incorporated in the trailer bill and staff is hopeful it will pass and become effective on January 1, 2021.

(C) Staff Update Regarding Vacancies

EO Bodea announced the departure of the Board's Central Services Manager,



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Matt Nishimine; explained the need to be offsite for a period of time in late 2019 to address the procurement of a new licensing and enforcement IT system; and, how the pandemic has slowed the hiring process to fill the vacancies. However, the process should resume after this Board meeting.

It was announced that the Board's cashier and seasonal clerk were leaving for promotional opportunities. There is also a vacancy for the Board's Enforcement Analyst and hiring for that position will be a priority for the new Central Services Manager. EO Bodea also announced that the Policy Coordinator has returned from family leave.

(D) Board Member Services Update

Previously, in August it was announced that tailored training sessions of Board functions would be set up for Board members, however, setting that up was put on hold due to the exit of the Central Services Manager and COVID. EO Bodea explained that staff's attention would turn back to providing this training when resources are freed up again.

(E) Business Modernization Update

EO Bodea provided a report on the status of the Business Modernization project explaining that much of his time was spent out of the office from October 2019 through January 2020 working at the Department of Technology along with three other DCA programs and DCA IT staff conducting assessments of the final offers. Demonstrations of the possible systems were provided in November, to which they went into negotiations with the vendors, and then a contract was finalized in January. Project implementation started soon after and the project was handed off to the Acting Assistant Executive Officer and Licensing Manager, Jay Herdt. EO Bodea explained that he delegated the authority of the Assistant Executive Officer in October to Herdt to oversee staff during the time he was away dedicated to the business modernization project.

Herdt provided a summary of the project explaining that the Board is in the development of the minimal viable product (MVP) phase of the implementation. Herdt explained that MVP, or the first services to be offered, will provide for applicants to apply for the exam or for licensees to complete their license renewals online and pay for these applications with debit and credit cards. MVP will also allow an online renewal process for those licensees going from active to active and inactive to inactive. The launch date may be in the



fall of 2020 with an exact date to be announced soon.

(F) AB 434 Web Accessibility Requirements of State Agencies

EO Bodea provided an explanation of AB 434 which requires state programs to have all of the documents they have posted on their website accessible and compliant with the American with Disabilities Act (ADA). The law also requires that all historical documents posted to the web retroactively be made compliant as well. EO Bodea explained the project to digitize all of the Board's currently posted documents on its website will cost roughly between \$20,000 and \$30,000 dollars. It was further stated that staff is receiving training now on how to create web accessible documents. He wanted to bring attention to members when additional fees affect the Board, specifically how it impacts the need to increase the Board's fees. He also explained that if the fees are increased by the fee bill passing, then the fee range starting at the floor level will go into effect. The Board would be able to establish higher fees, if necessary and below the fee cap, in regulation once the statute has passed.

Public Comment

A commenter requested clarification on whether the discussion of the clinical portion of an educational and training program would be held at a public Education Committee. The number of the trailer bill was also requested.

6. Enforcement Report (Ben Bodea, Executive Officer)

(A) Q1, FY 19-20 Enforcement Report

(B) Q2, FY 19-20 Enforcement Report

(C) Q3, FY 19-20 Enforcement Report

EO Bodea presented the enforcement data and statistics from quarters one (Q1), two (Q2), and three (Q3) of fiscal year 19-20. Vice President (VP) Chan questioned why the continuing education (CE) provider violation complaints were higher during Q3 when compared to Q1 and Q2. EO Bodea explained that as a result of the Board's CE audit on licensees, a number of provider violations are being discovered, such as non-compliance with the CE certificates that are issued. There were 26 citations issued to CE providers during Q3 which allows the Board to work with the providers to correct these non-compliances.



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VP Chan also asked why the amount of fraud complaints were so high during Q2 when compared to Q1 and Q3. VP Chan specifically wanted to know if the rise in fraud is a new complaint trend that should be addressed by CE. EO Bodea explained there was not an event that triggered the rise in fraud cases during this time that he is aware of, it's just how the complaints were received during the quarter. He also offered that it may be capturing the result of a criminal conviction for insurance fraud, which can take a long time to make it through the criminal justice system.

EO Bodea also provided that the Board is focusing its regulatory efforts on AB 2138 and is still finetuning the mandatory CE ethics requirement that was approved last year by the Board in response to VP Chan's concern about the rise in fraud possibly requiring CE to address. EO Bodea also stated the regulations related to A 2138 also incorporate fraud as an actionable criminal conviction. VP Chan asked staff to watch for a possible trend in the increase of fraud cases since Q2's fraud cases were so high. EO Bodea assured the Board that staff will keep their eyes on a possible trend, but also pointed to Q3 already showing a decrease in fraud cases.

President Matecki asked about a possible discrepancy she observed between the complaints received as reported in the Q1 performance measures and the total complaints received reported in the Enforcement Report. EO Bodea stated he would review those discrepancies with enforcement staff and report back to the Board. President Matecki also congratulated staff for meeting performance measure targets. She also echoed VP Chan's concerns regarding the increase in fraud cases.

Public Comment

A commenter voiced concerns over certain CE providers offering cheap and low-quality courses which attract a lot of licensees due to the low prices. It was explained that licensees do not give much concern for the topic because they just want the units for license renewal, so the quality of the teaching is poor. The commenter suggested that this issue be investigated by asking for the attendance sheets and doing a lottery style of staff sitting in on the course to better regulate the problem. The commenter also suggested that licensees be required to complete two hours of medical ethics as part of their 50 hours for renewal.

7. 2019 Acupuncture Board Annual Report (Ben Bodea, Executive Officer)



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- (A) *FY 18/19 Staffing Updates*
- (B) *FY 18/19 Accomplishments*
- (C) *FY 18/19 Licensing Statistics*
- (D) *FY 18/19 Enforcement Statistics*

EO Bodea presented the DCA's 2019 Annual Report which has reports for all DCA programs. It is released by the end of the calendar year, every year. EO Bodea showed the Board's information, including its accomplishments and program licensing and enforcement data.

8. Licensing Report (Jay Herdt, Licensing Manager)

- (A) *Q1, FY 19-20 Licensing Report*
- (B) *Q2, FY 19-20 Licensing Report*
- (C) *Q3, FY 19-20 Licensing Report*

Herdt started with the Licensing Unit report and a quick update on the Business Modernization project. He indicated the official go live date for acupuncture license renewal and initial exam and licensing applications will be August 26, 2020. Herdt also explained that staff is working on digitizing all licensing records so it will free up space in the office and provide for searchable records.

Herdt then moved into presenting the Licensing Reports for Q1, Q2, and Q3. The reports showed the total licenses for each quarter broken down by license status, including license applications approved and denied, and license renewals. Herdt also presented data on continuing education providers and course applications. He explained that after the onset of the COVID-19 pandemic all live CE courses were cancelled and had to be moved to webinars. This sudden need has been addressed by staff at the CE desk to move a number of live courses to live webinars. Herdt further pointed out that a lot of licensees have not been able to practice during the pandemic and so CE courses are cancelling because licensees cannot afford CE.

As a result of the Governor's executive order, which allowed the Director of DCA to waive statutory and regulatory requirements as needed, there was a department-wide CE waiver that allowed licensees renewing between March 31st to June 30th the ability to defer their continuing education compliance for



six months. This change has affected CE providers.

The examination report showed the totals for initial exam applications received and initial exam applications approved and closed. Herdt also reported on the total first-time test takers, re-test test takers, and the total exam test takers for all three quarters. Herdt noted the Board is seeing a decrease in re-test exam takers and indicated that most test-takers are first-time test takers.

Herdt also provided the California Acupuncture Licensing Examination (CALE) results and explained that the Board will be posting these results on the Board's website twice a year to comply with the 180-day requirement. Herdt pointed out that the computer-based testing program has been very effective. He also said that PSI testing centers closed temporarily due to the pandemic but is able to test everyone now.

A recap of the Board's Acupuncture educational and training programs was also provided. Herdt offered that the Board is now seeing programs moving from a master's level program to a first professional doctorate program. He also announced that the education desks are fully staffed.

Herdt concluded his report with statistics on tutorial programs for quarters one through three.

Public Comment

First commenter commended Herdt on his contributions and how he was an asset to the Board.

Second commenter asked for clarification on the capacity of the testing sites and wanted to know if they were currently open.

Herdt responded indicating PSI testing sites are open and the Board has not received any reports of scheduling or capacity problems despite the testing sites ensuring physical distancing.

9. Strategic Plan Progress Report (Ben Bodea, Executive Officer)

Originally agendized as item 11

EO Bodea presented the Board's Strategic Plan and provided a status for each item under all goal areas: Licensing, Enforcement, Education, Legislation and Regulation, Outreach, and Board Administration.



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EO Bodea noted the reason for items under Licensing have a status of pending start is because staff has turned its attention to critical regulations that need to go in effect, such as AB 2138 and the Board Disciplinary Guidelines. The business modernization project has taken up a lot of staff time as well.

EO Bodea moved on to Enforcement goals indicating the staff development and implementation of a CE provider audit was in progress. He also noted recruitment of subject matter experts was also in progress. He indicated that prior to the pandemic staff received an uptick in expert applications. Those applications are under review to see if they can be used for enforcement purposes and in other domains of the Board. EO Bodea also noted staff has resumed working on the Disciplinary Guidelines and Uniform Standards.

The report moved to the Education goals and a status was provided for all items. With regards to item 3.3, reviewing curriculum standards to ensure licensing entry level practice and consumer safety, EO Bodea indicated the Board is partnering up with the Office of Professional Examination Services to put together focus groups and surveys for licensees to inform us about trends in the profession.

EO Bodea explained that most of the legislation and regulation goals are pending. He stated the Board is in progress with updating regulations to align with statutory requirements which was initiated last year when SB 1246 was looked at and the removal of old curriculum standards in the regulatory language was approved. This rulemaking package will be after the Disciplinary Guidelines. EO Bodea also explained that the Board is in progress with implementing a continuing education course and monitoring fee structure, which was covered in the fee audit.

EO Bodea moved to the outreach goals and provided that staff is in communication with the Office of Public Affairs to develop and implement a communication plan. He also noted that due to recent changes and the need to pivot, staff has not been able to turn their attention to updating and publishing an information brochure, but currently it is under review.

A recap of statuses was provided for the Board administration goals. EO provided the Board is in compliance with conducting an annual workload study to ensure adequate staffing levels. He further pointed out that the mapping processes goal is almost complete. Licensing and enforcement processes were mapped in Spring of 2018 and staff continues to map administrative processes.



The fee study goal was completed and presented at the August 2019 Board meeting. EO Bodea explained that staff submitted the 360-day follow up report in February 2020 and will be working with DCA's internal audits in the next few months wrapping up the audit.

To address item 6.5, expand targeted training and materials to educate Board members on Board governance and subject matter, EO Bodea indicated this was placed on hold so staff can address current emergencies. However, staff still wants to move forward on this and welcomes any suggestions Board members have.

Public Comment

First commenter pointed out there was a curriculum competency task force in the past. The task force determined that 3,800 hours of curriculum competent education was what was needed to meet the needs of the profession. It was noted as we have more and more doctoral programs and no standardization there, it's important that we visit this curriculum standards issue. It was recommended that another task force be formed to look at setting curriculum standards, determine what the scope is, and what is going on in terms of advancements in the profession.

Second commenter requested the formation of a committee to look at Chinese medicine's efficacy to control the virus be added to the strategic plan if possible.

10. Discussion and Possible Action Regarding the Repeal of Title 16 Division 13.7 Article 1.5 (Free & Sponsored Health Care Events) (Ben Bodea, Executive Officer)

Originally agendized as item 12

EO Bodea explained the free and sponsored health care events statute took effect in 2011 and in 2018, the law was stricken. The regulations the Board have pursuant to this law have no effect so initially staff was told by Legal Counsel to bring the matter to the Board for approval to repeal the regulations. EO Bodea noted in recent discussions with both Legal Counsels, we have determined and have been advised, we no longer need the Board's approval. Therefore, EO Bodea indicated staff will be moving forward to work with the Office of Administrative Law to remove this from the Board's laws and regulations.



11. Legislative Report (Alex Dodge, Policy Analyst)

Originally agendized as item 9

(A) Report of 2020 Legislative Calendar

Alex Dodge, Policy Analyst (Dodge) started out with going over the Legislative calendar for the Assembly and Senate.

(B) Report of 2020 Legislative Bills of Interest to the Board

Alex Dodge, Policy Analyst (Dodge) presented and introduced the bills moving through the Legislature that are of interest to the Board. He provided a recap of the Board's positions on three separate bills from the previous year that are still in session.

(i) AB 613 (Low) Professions and vocations: regulatory fees

The Board previously took a support position on Assembly Bill (AB) 613 (Low), which has not been acted on for some time and will likely not pass. AB 613 would allow the Board's within the Department of Consumer Affairs to raise fees based on rises in the Consumer Price Index.

(ii) AB 778 (Low) Acupuncture: Continuing education

The Board previously took a support position on AB 778 (Low) which requires the Board to establish procedures for the approval of continuing education providers. The bill is currently with the Senate on inactive file.

(iii) AB 888 (Low) Opioid prescriptions: Information: Nonpharmacological treatment for pain

AB 888 (Low) extends requirements that require prescribers discuss the risks of opioids and the availability of other non-pharmalogical treatments, including acupuncture, prior to the first subscription of opioids. The Board previously took a support position on this bill. It is in the Senate Business, Professions and Economic Development Committee.

Public Comment

First commenter noted after speaking with the author of AB 888, the bill has been pulled. The commenter also asked if the Board sends position letters to the Legislature to which EO Bodea confirmed staff does.



Second commenter asked if the Board knew if there are any plans to reintroduce the bill next year since AB 888 may be dead.

Third commenter indicated that CalATMA issued support of AB 888 and the commenter encouraged the Board's continued support of the bill.

(iv) AB 1263 (Low) Contracts: Consumer services: Consumer complaints

The Board took a support position on this bill because it supports consumer protection by prohibiting healing arts licensees from placing non-disparagement clauses in contracts with patients preventing them from filing complaints.

MOTION:

Member Harabedian motioned that the Acupuncture Board take a support position on AB 1263 (Low), as amended on January 6, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

VP Kitman seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(v) AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

The Board took no position on AB 1616, which requires programs in DCA that post information on its website about a revoked license due to criminal convictions to update or remove information about the revoked license within six months of the Board receiving an expungement order related to the conviction.

(vi) AB 1665 (Bonta) Athletic trainers

The Board took an oppose unless amended position on AB 1665, which would create a board of athletic training within the Department of Consumer Affairs and enact the Athletic Training Practice Act. Dodge explained that the bill currently lists some similarly-situated healing arts professions that the athletic trainer scope exempts. This clause prevents the athletic training profession from encroaching into these other professions. It was pointed out that acupuncture is not listed in the bill, which is why staff recommended oppose unless amended



since the bill's current language does not address the necessary education to protect the public in the delivery of acupuncture services.

MOTION:

President Matecki motioned that the Acupuncture Board take an oppose unless amended position on AB 1665 (Bonta), as amended on February 24, 2020, to exclude the Acupuncture Practice Act commencing at Business and Professions Code (BPC) section 4925 with the understanding that the acupuncture license requires over 3,000 hours of education. And this is in the interest of protecting the public. Additionally, for clarification, the Board views dry needling as acupuncture and California law views dry needling as acupuncture.

VP Kitman seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

First commenter stated it appears that it is approved for an athletic trainer to use dry needling for treatment in California. Dry needling is a technique used by a qualified acupuncturist. The commenter expressed concern for consumer safety and stated an athletic trainer should get adequate acupuncture training like an acupuncturist.

Second commenter expressed support for an oppose unless amended position with the specific caveat that insertion of a needle into body tissue be excluded from any scope of practice that is allowed to athletic trainers without adequate training.

Third commenter supported the Board's oppose unless amended position and offered the following amendments for the Board's consideration, "Item G, Amendment G. Perform acupuncture (including dry needling) or traditional Chinese and Asian medicine, including Chinese herbal medicine, unless licensed as an acupuncturist as defined in subsection (c) of Section 4927."

Fourth commenter supports President Matecki's concern for consumer safety regarding adequate training for anyone who needles consistent with acupuncture. The commenter stated acupuncturists are required 3,000 hours so on behalf of American Association of Chinese Medicine and Acupuncture



(AACMA), the commenter strongly opposes the bill.

(vii) AB 1850 (Gonzalez) Worker classification: employees and independent contractors

The Board took an oppose unless amended position on AB 1850. This bill originally revised the application of Dynamex for photographers, photojournalists, freelance writers, editors, and newspaper cartoonists, but has expanded to exclude additional classes from certain applications of worker classification law. Staff recommended an oppose unless amended position so the bill can also exempt acupuncturists from the more rigid Dynamex test. Acupuncturists often work as independent contractors so by specifying that acupuncturists be exempt, their work classification can be determined by the Borello test.

MOTION:

Member Harabedian motioned that the Acupuncture Board take an oppose unless amended position on AB 1850 (Gonzalez), as amended on May 12, 2020, to exclude the acupuncturists from the Dynamex test.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(viii) AB 1909 (Gonzalez) Healing arts licensees: Virginity examinations or tests

The Board took a watch position on AB 1909, which would prohibit healing arts licensees from performing an examination or test on a patient for the purpose of determining whether the patient is a virgin. Violations of the provisions would constitute unprofessional conduct and be grounds for disciplinary action by the licensing board. Staff recommended a watch position as it is impacting what healing arts professionals in California are allowed to do but may not necessarily impact acupuncturists.

Public Comment

First commenter explained that the bill seemed to be gender specific and was not germane to men or people who identify male. The commenter supported a watch position as the bill does not relate to acupuncture.



Second commenter wanted to see the Board take a support position on the bill to make it clear the Board wants to protect people from being violated in this way.

Third commenter wanted to see the Board take a support position to make our stance known and keep people safe.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 1909 (Gonzalez), as amended on January 8, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(ix) AB 2028 (Aguiar-Curry) State agencies: Meetings

The Board took no position on AB 2028, which would require state bodies subject to the Bagley-Keene Open Meeting Act, like the Board, to post all relevant background documents online at least 48 hours prior to a public meeting or when the Board members get it, whichever is earlier.

(x) AB 2113 (Low) Refugees, asylees, and immigrants: Professional licensing

The Board took a watch position on AB 2113, which would require programs within DCA to expedite and assist the initial licensure process for an applicant to supply satisfactory evidence that they are a refugee granted political asylum or have a special immigrant visa as specified. This bill would authorize programs to adopt regulations necessary to administer these provisions. Dodge explained that the Board already processes license applications quickly. If there is any lag time, it is usually due to the foreign evaluation transcript process. Since the Board is already expedient in processing license applications, but the bill would affect the Board, staff recommended a watch position be taken.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 1909 (Gonzalez), as amended on January 8, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.



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Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter supported the Board's watch position and commended the Board on the excellent job they do on reacting quickly.

(xi) AB 2185 (Patterson) Professions and vocations: Applicants licensed in other states: reciprocity

The Board took an oppose position on AB 2185, which would require each program at DCA to issue a license to an applicant who is married to or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces stationed in California if the applicant holds an out-of-state license in good standing in the discipline and practice level. Dodge raised concerns with the bill regarding it creating a pathway for out-of-state trained people who don't meet California's higher 3,000-hour standard. Staff recommended an oppose or oppose unless amended position to the Board based upon this issue and a potential consumer safety concern.

MOTION:

Member Harabedian motioned that the Acupuncture Board take an oppose position on AB 2185 (Patterson), as amended on May 13, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

First commenter recommended the Board take an oppose unless amended to exclude licensed acupuncturists from the bill because it shows the Board is willing to work with the author.



Second commenter showed support for Member Harabedian's motion to oppose because the Board should hold California's standards for licensure for any reason someone comes to California to practice. The commenter felt there should not be any exception to holding people to the higher standards.

(xii) AB 2214 (Carrillo) Administrative Procedure Act: notice of proposed action

The Board took an oppose position on AB 2214, which would require a state agency, including the Board and other programs under DCA, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to an Office of Administrative Law (OAL). Dodge explained that there is already ample time during the time the Board first adopts regulatory language and when a rulemaking package is filed with OAL. In addition, there is the 45-day comment period for when a rulemaking is noticed to the public. Dodge raised concerns that the amount of work required to post documents in compliance with the proposed law does not add anymore benefit for the public. Dodge also explained the process between the Board and OAL when a rulemaking is filed, stating that initial period of time is used for technical cleanup and back and forth, so this requirement hampers that process.

MOTION:

Member Osorio motioned that the Acupuncture Board take an oppose position on AB 2214 (Carillo), as introduced on February 12, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xiii) AB 2411 (Nazarian) Healing arts licensees: Remuneration: Drug or device companies: disclosure

The Board took a watch position on AB 2411, which would require a healing arts licensee who receives payment from a drug or device company to disclose the amount and source orally and in writing to each patient before they use the prescription drug or device. Staff recommended a watch on this bill. Dodge explained staff was not sure if the requirements would apply to herbs but



surmised they would apply to the devices that acupuncturists use in rendering treatment. It's a consumer transparency bill so staff recommended the Board take a watch position.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on AB 2411 (Nazarian), as amended on February 18, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Li seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xiv) AB 2631 (Cunningham) License fees: Military partners and spouses

The Board took a watch position on AB 2631, which would require programs within DCA to waive initial or original licensing fees for spouses and domestic partners of active duty military members. Dodge explained there is not data on how much of the acupuncture community here in California are active duty military with spouses or partners, but staff recommend a watch position on this bill.

MOTION:

VP Chan motioned that the Acupuncture Board take a watch position on AB 2631 (Cunningham), as amended on February 18, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter stated although they supported all that the military does, they did not support the bill and felt that if someone is living in California, regardless of marital status, they should be expected to pay the same licensing fees and meet all of the California requirements.



(xv) AB 2704 (Ting) Healing arts: Licensees: Data collection

The Board took a watch position on AB 2704, which would standardize the licensee demographic data that must be collected by all healing arts boards. Several board-specific data requirements would be repealed. Aggregate information collected must be posted on each board's website and provided to the Office of Statewide Health Planning and Development. Dodge explained this process and requirement will be a lot easier for the Board once we get through BizMod and start to be able to accept online license applications. Dodge further pointed out the Board is already required to collect some of this data, which is why staff recommended a watch position.

MOTION:

President Matecki motioned that the Acupuncture Board take a watch position on AB 2704 (Ting), as amended on May 14, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xvi) AB 2748 (Fong) Consumer credit reports: Security freezes: Protected consumers

Dodge explained to the Board this bill has been gutted and amended and no longer relates to acupuncture. Therefore, there was no discussion and no position taken.

(xvii) AB 2978 (Ting) Department of Justice: arrest and conviction records: review

The Board took no position on AB 2978. Dodge explained the bill relates to last year's bill AB 1076, that the Department of Justice (DOJ) beginning January 1, 2021, to review state-wide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, criminal conviction records withheld from disclosure or modified. Current law defines individuals are eligible for this relief among other criteria if the arrest or conviction occurred on or after January 1st, 2021. Dodge pointed out that this bill, instead, moves the eligibility date back to January 1, 1973; moving it back about fifty years.



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Public Comment

A commenter expressed no concern with the bill taking the look back period to 40 years since it is unlikely the Board would be concerned with a conviction that old anyway.

(xviii) AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: military spouses: Licenses

The Board took an oppose position on AB 3045, which would require certain programs within DCA to issue licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions. Standards for acupuncture licensure vary widely from state to state, for this reason, staff recommended the Board take an oppose position to this bill.

MOTION:

Member Kim motioned that the Acupuncture Board take an oppose position on AB 2214 (Carillo), as introduced on February 12, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter stated an opposition to the bill, as well, and expressed the need for the Board to uphold the same educational and exam standards that are required for all California licensees despite who they are married to.

(xix) AB 3298 (Brough) Frauds of medical credentials: penalty

The Board took a support position on AB 3298, which would increase the maximum fine from \$6,000 to \$10,000 for certain types of healing arts license fraud, including selling or offering to sell a healing arts degree or diploma, making false statements as part of an application, or violating the security of an examination. Dodge indicated it's of great benefit to the Board that we do what we can to maintain the integrity of the Board's degree and diploma verification



process. The legislature thinks that increased penalty will aid in that, which is why staff is recommending the Board take a support position.

EO Bodea added that the Board has had problems in the past with authenticating foreign documents from certain institutions and feels this additional deterrent will increase public protection by ensuring everyone is meeting California standards and not getting in by fraud. Member Chen also expressed her support for the bill and the motion to support.

MOTION:

Member Chen motioned that the Acupuncture Board take a support position on AB 3298 (Brough), as introduced on February 21, 2020, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

VP Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter showed support for Member Chen's support motion stating we have an ongoing difficulty with verifying overseas and offshore credentials. The commenter stated there is a need to enable the Acupuncture Board all probable and available remedies to clarify this and maintain standards in California.

(xx) SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: wait times

The Board took no position on SB 878, which would require each licensing program within DCA to prominently display on its website the current average time frame for processing initial or renewal license applications for each license it offers. Dodge explained he felt this bill was probably not intended for the Board as we already have a two or three-day turnaround time in processing applications. Due to this, the bill would likely not impact the Board much. Staff recommended a watch position.

Public Comment



A commenter expressed a support for the bill and spoke to applicants anxiously awaiting the status of their license applications. The commenter stated there should not be any delay and would like to see regulatory boards turn these applications around more quickly.

(xxi) SB 937 (Hill) State agencies: Web accessibility

The Board took a watch position on SB 937, which would allow state agencies to remove documents from the internet in the case that they are inaccessible, as long as they cite why they're doing it. Dodge further explained the bill gives boards and agencies a chance to remove things without getting in trouble and gives them a chance to make documents accessible to anyone in order to get them back up online.

MOTION:

Member Kim motioned that the Acupuncture Board take a watch position on SB 937 (Hill), as introduced on February 6, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

A commenter expressed support for the bill and wants to see the Board support ADA compliance to accommodate disabled licensees who may be blind or deaf. The commenter also raised the concern of licensees' business websites being compliant with ADA as well.

EO Bodea clarified the purpose of the bill stating the bill is to provide the agency the authority to remove a document which is posted on its website only on the basis that it is out of compliance with web accessibility. At that point, it is legal for the agency to remove it to make it accessible and compliant then put it back up.

(xxii) SB 1097 (Durazo) Medical services: Credit or loan

The Board took a watch position on SB 1097, which would strengthen provisions included in SB 639 that bars healing arts licensees from charging treatments or



costs to an open-ended loan provided by a third party. Dodge pointed out that it is conducive to some precarious and unethical situations. Therefore, the legislature is stepping in and making it clear that they do not want healing arts licensees utilizing these types of loans with their consumers. Staff recommended a watch position as it is unknown how prevalent these types of arrangements are, but if they exist among licensees, the bill would make an impact.

Public Comment

A commenter offered that the acupuncture profession does not really offer patients taking out loans, but recommended the Board take a watch position to see where the bill goes.

Member Chen also showed her support for the watch position

MOTION:

Member Chen motioned that the Acupuncture Board take a watch position on SB 1097 (Durazo), as introduced on February 19, 2020, for the reasons discussed by members and staff and as reflected in the staff memo.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(xxiii) SB 1432 (Glazer) Clinical laboratories

The Board took no position on SB 1432, which would require clinical laboratories to notify DCA via email whenever improper specimen handling or storage occurs. The bill would also require DCA to post on their website a document for that purpose which has been developed by the Department of Public Health. Dodge explained a no position is recommended and the bill was brought to the Board as the bill may affect the facilities the Board uses for laboratory services.

Public Comment

A commenter commended the Board for reviewing 23 different bills and complimented Dodge for the great work he did in presenting and preparing all of the analysis for the bills.

12. Discussion and Possible Action regarding the following Rulemaking



Packages (Alex Dodge, Policy Analyst)

Originally agendized as item 13

Dodge introduced the rulemaking item explaining that what the Board has before them is a proposal with the negotiated changes between DCA and OAL. Dodge indicated the Board has already voted on language that would effectuate a statute put into law by AB 2138. However, since this has been brought before the board previously back in March of last year, staff has been informed by OAL that the language that was adopted, which is what a lot of the other DCA boards have also used, is not sufficient to their standards. Therefore, DCA and OAL worked together to negotiate language that everyone agrees upon and would implement AB 2138 correctly.

Making the changes outlined in the memo and presented today would allow staff to re-notice the rulemaking and continue through the regulatory process and resubmit the language that OAL will approve as opposed to now, where this language is not to OAL's liking.

Board's regulatory Legal Counsel, Clay Jackson (Counsel Jackson) provided some background for the Board regarding Veterinary Medical Board being the trial Board to take its AB 2138 rulemaking package to OAL first. Counsel Jackson stated it looked like the package was going to go through without a hitch, but then OAL stated the language was not sufficient and required the Veterinary Medical Board to withdraw their package and re-file after the deficiencies were addressed. All of the healing arts boards have modeled their language off of the Veterinary Medical Board so the changes that are brought to the Board today are the changes their attorney worked on and were recently resubmitted to OAL.

i) Adopt Section 1399.469.4 Substantial Relationship Criteria under Title 16, California Code of Regulations (CCR)

Dodge went through the memo pointing out each change in CCR section 1399.469.4. The Board needs to add references to the correct codes for unprofessional conduct in our licensure act. Staff has added references to Business and Professions Code sections 4955, 4955.1, and 4955.2. Dodge stated that is the only substantive change made to subsection (a) aside from removing the "or" before division because it is turning it into a list.



CCR section 1399.469.4(b), staff has changed subdivision to subsection. Dodge explained that it has the same criteria which the board voted on originally, we are just using the correct term subsection instead of subdivision. Further changes include 1399.469.4(b) subparagraph (1), (2), and (3) where staff removed the use of semicolons and, instead, replaced those with periods. This necessitated the removal of the word "and" as well because it's not a list anymore.

Dodge also pointed out the only difference from what the materials in the Board packet show for subsection (c) of 1399.469.4 is the need to remove "but is not limited to" in subsection (c) as well as the commas before and after it because it is not necessary.

Dodge identified additional changes to the text where staff makes a reference to the Acupuncture Licensure Act. This essentially says if you are breaking any of the laws in the Acupuncture Licensure Act, then that is going to be substantially related to the duties of an acupuncturist. And then convictions of crime involving physical dishonesty, which sums up the changes to substantial relationship criteria, CCR section 1399.469.4.

ii) Adopt Section 1399.469.5 Denial of Licensure under Title 16, California Code of Regulations

Dodge provided that staff made some technical changes to this section and rephrased subsection (b). Continuing onto subparagraphs (1) through (6), staff made changes to conform to OAL's preferences. The word "gravity" is now used instead of the word "severity". Additionally, the word "subsection" is used in place of the word "subdivision".

Counsel Jackson explained to the Board why the proposed regulation incorporates the term "professional misconduct". It is a new term implemented by AB 2138 but does not appear in the Board's regulations or under DCA law anywhere else, as the term "unprofessional conduct" has always been used. If the regulations didn't use this exact term, then AB 2138 could not be implemented.

iii) Adopt Section 1399.469.6 Criteria for Rehabilitation- Suspensions or Revocations under Title 16, California Code of Regulations

Dodge outlined the changes made to CCR section 1399.469.6 indicating a general Business and Professions Code citation was added for suspensions and revocations. Staff also removed "and is presently eligible for a license" for fear



that it could be misinterpreted. Subsection (b) was restated in a similar manner to that which staff did in CCR section 1399.469.5.

Dodge indicated there were several technical changes to subparagraphs one through six. Subsection (c) was added, which talks about what the Board shall evaluate as evidence of rehabilitation when considering a petition for reinstatement.

Counsel Jackson explained a bit about the timing of AB 2138, since the law becomes effective July 1, 2020. He stated DCA only has two packages ready for review and COVID has kind of been a blessing for OAL because it gives them two additional months to review all of the packages that will be coming in from other DCA programs. Counsel Jackson stated these packages will not be considered late because of this change brought by COVID. Counsel Jackson also stated that if the Board follows the criteria in determining actions and treats applicants according to the regulation, even though they are not implemented, that should be fine. Dodge accentuated the fact that all of the changes brought to the Board have been negotiated with OAL so staff cannot proceed without the Board providing their approval.

MOTION:

President Matecki motioned that the Acupuncture Board approve proposed regulatory text for Title 16 CCR sections 1399.469.4, 1399.469.5, and 1399.469.6 and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a revised rulemaking process, make any non-substantive technical or grammatical changes to the package, and set the matter for a hearing with the exception of the deletion of the phrase, "but is not limited to", in subsection (c) of Section 1399.469.4.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment



A commenter noted a disfavor for the bill and expressed concern over Board's ability to exercise discretion to deny a license if they feel the public would be at risk.

13. Regulations Update (Alex Dodge, Policy Analyst)

Originally agendized as item 10

i) Substantial Relationship and Rehabilitation Criteria (Title 16 CCR sections 1399.469.4, 1399.469.5, 1399.469.6)

Board approved new language today, June 26, 2020. After the Initial Statement of Reasons is updated, then the language can be re-noticed with OAL.

ii) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)

Board staff is preparing this package for DCA Legal review.

iii) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.415, 1399.416, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439)

Initial rulemaking package is currently in production and should be ready for DCA Legal review soon.

iv) Application Process, Criteria, and Procedures for Approval of a Credential Evaluation Service (Title 16 CCR sections 1399.411, 1399.413, 1399.414, 1399.415, 1399.416, 1399.416.1, 1399.416.2)

Licensing Unit staff are currently working on language for this proposed rulemaking and it is expected to be submitted for review at the next Licensing and Exam Committee.

v) Board Fee Schedule (Title 16 CCR sections 1399.460, 1399.461, 1399.462)

Dodge explained that the fee needs to go through in statute prior to putting the fees in regulation. However, he stated the rulemaking package is almost ready for DCA Legal review.

vi) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419.3)

This package is still under development.

vii) Continuing Education Requirements (Title 16 CCR sections 1399.483,



1399.489)

A status was not provided.

(B) Board Regulations Progress Tracker

EO Bodea then went through the Board regulation tracking document which illustrates the status of all regulatory packages.

14. Consumer and Professional Associations Reports

First association wanted to know when the current Board will take a position on the issue of moving to the national exam.

Second association noted that CSOMA is pleased there were no Medi-Cal cuts to acupuncture benefits in the most recent budget. CSOMA organized its first national COVID-19 townhall event in partnership with other industry experts. CSOMA will be continuing to organize free webinars for members. Its board has met four times in 2020 and membership has increased eleven percent since the COVID restrictions in March. CSOMA would like to continue to build relationships and combine lobbying initiatives to advance the profession.

Third speaker indicated he will be reaching out to five or six different associations as well as social media to communicate about the Board meeting and attempt to unite the profession. The speaker went on to say he is a consumer advocate and wants to connect with different acupuncturists. He explained that most of the associations have not grown over the year with the exception of CSOMA. He indicated that membership has fallen by 85% for CalATMA. He wanted to be sure people understand the role of the Board. The speaker will continue efforts to unite the profession to work with the Board for purposes of protecting the public and expanding the profession and making access to acupuncture better.

The third speaker later added that CalATMA has a new website that makes it easier to reach out to members. He indicated that NCCAOM has a new lobbyist, David Quackenbush, who is great to work with and will be expanding efforts to increase communication amongst the various associations to eliminate a lot of the disinformation that's going on.

Fourth association represents AACMA and indicated they are working with other associations and trying to make it to where acupuncturists can treat Medicare patients without Medical Doctor supervision. AACMA also wrote letters to the



White House in an attempt to help treat COVID-19 patients but did not receive a response. They continue to try and support the public during the pandemic.

Member Kim touched on a few of the subjects brought up by the associations like Medicare coverage and the issues he has faced in practice. He encouraged the associations to come together and form one association in order to accomplish things.

Member Chen echoed Member Kim's recommendation on the professional associations uniting. She also spoke highly of CalATMA. Member Chen wanted to address herbal medicine and the idea of publicizing that acupuncturists have the most training in herbs since it is not exclusive to acupuncturists.

Public Comment:

A commenter expressed concern over Board members' membership with other associations and how that may influence them one way or another and voice it on social media platforms. He wanted to know about the rules for these types of communication.

15. Election of Board President and Vice-President (Ben Bodea, Executive Officer)

Dr. Amy Matecki was elected as Board President.

MOTION:

Member Harabedian motioned to elect Dr. Amy Matecki as Board President.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

Two commenters showed support for Dr. Matecki for President.

Member Kitman Chan was elected as Board Vice President.

MOTION:

Member Harabedian motioned to elect Member Kitman Chan as Board Vice



President.

Member Li seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Chen – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment

Two commenters showed support for Member Chan for Vice President.

16. Establishment of the 2020 Meeting Calendar (Ben Bodea, Executive Officer)

The Board set future Board meeting dates for August 27 – 28, 2020 and November 19 – 20, 2020.

17. Future Agenda Items and Meeting Dates (Dr. Amy Matecki, President)

Member Chen would like to see the Board look at establishing a task force to research herbs to help the public against COVID-19. She also would like to look at the quality of herbs. She would like there to be more communication and information provided to the consumer about the profession.

First commenter requested that the topics of bleeding, Asian massage, and new technologies, including lasers, light, and injection therapy, be added to a future agenda. He also wants to see a curriculum competency team, or a meeting be agendized to discuss curriculum competencies.

Second commenter wants to see the Board form a committee to address two things: guidelines for professional standards and public safety.

Two additional commenters also expressed interest in the Board discussing the term Asian massage.

18. Adjournment (Dr. Amy Matecki, President)

Meeting Adjourned at 5:41 PM PST.