



ACUPUNCTURE BOARD MEETING AGENDA

Thursday and Friday December 17 and 18, 2020

Day One

Thursday, December 17, 2020

12:00 p.m.

TO

5:00 p.m.

(OR UPON COMPLETION OF BUSINESS)

LOCATION:

Web Ex Teleconference

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ed50ff8947dedd335de1d74240b9d297d>

Important Notices to the Public

The Acupuncture Board (Board) will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on at website listed under Location (see above) on the day of the meeting:

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Pursuant to the provisions of Governor Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA

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Members of the Board

Action may be taken on any item listed on the full board meeting agenda.

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

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1. **Call to Order, Roll Call, and Establishment of Quorum for Day One (Dr. Amy Matecki, Board President)**

2. President's Remarks (Dr. Matecki)

- Welcoming message and meeting information

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

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7(a).)

4. Update from the DCA (DCA Representative)

5. Discussion and Possible Action on the Waiver for Clinical Distance Education (Herdt)

6. Discussion and Possible Action on the Regulatory Language for Licensed Acupuncturist Practice of Telehealth (Herdt)

7. Review and Possible Approval of the August 27, 2020 Board Meeting Minutes (Dr. Matecki)

8. Discussion and Possible Action regarding Regulations as a result of AB 2138 Licensing Boards to Amend 16 CCR §§ 1399.469.4, 1399.469.5, and 1399.469.6: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction

9. Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, CCR § 1399.469 (Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees and the Incorporation of SB 1448 and AB 2138)

10. Establishment of the 2021 Board Meeting Calendar (Bodea)

11. Future Agenda Items (Dr. Matecki)

12. CLOSED SESSION

13. Pursuant to Government Code Section 11126 (a) (1), the Board will Meet in Closed Session to conduct an Evaluation of the Executive Officer

14. Return to OPEN SESSION

15. Adjournment of Day One



ACUPUNCTURE BOARD MEETING

Day Two

FRIDAY, December 18, 2020

9:30 a.m.

TO

5:00 p.m.

(OR UPON COMPLETION OF BUSINESS)

LOCATION:

Web Ex Teleconference

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e8c75656436d450bb9858188c7cec675c>

16. **Call to Order, Roll Call, and Establishment of Quorum for Day Two**
(Dr. Amy Matecki, Board President)
17. **President's Remarks (Dr. Matecki)**
 - Welcoming message and meeting information
18. **Public Comment on Items Not on the Agenda (Dr. Matecki)**

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7(a).)
19. **Executive Officer's Report (Ben Bodea, Executive Officer)**
 - (A) Budget Update - Fund Condition
 - (B) Staffing Update
 - (C) Business Modernization Update
20. **Enforcement Report – Q1, FY 20-21 (Bodea)**
21. **Licensing Report – Q1, FY 20-21 (Jay Herdt, Licensing Manager)**
22. **Legislative Report of 2020 Legislative Bills of Interest to the Board**
(Kristine Brothers, Policy Coordinator)

- i) **AB 2113 (Low) Refugees, asylees, and immigrants: Professional licensing**
- ii) **AB 3330 (Calderon) Department of Consumer Affairs: boards: licensees: regulatory fees.**
- iii) **SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait times**
- iv) **AB 778 (Low) Acupuncture: Continuing education**
- v) **AB 888 (Low) Opioid prescriptions: Information: Nonpharmacological treatment for pain**
- vi) **AB 1263 (Low) Contracts: Consumer services: Consumer complaints**
- vii) **AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**
- viii) **AB 1665 (Bonta) Athletic trainers**
- ix) **AB 1850 (Gonzalez) Worker classification: employees and independent contractors**
- x) **AB 1909 (Gonzalez) Healing arts licensees: Virginity examinations or tests**
- xi) **AB 2028 (Aguiar-Curry) State agencies: Meetings**
- xii) **AB 2185 (Patterson) Professions and vocations: Applicants licensed in other states: reciprocity**
- xiii) **AB 2214 (Carrillo) Administrative Procedure Act: notice of proposed action**
- xiv) **AB 2411 (Nazarian) Healing arts licensees: Remuneration: Drug or device companies: disclosure**
- xv) **AB 2631 (Cunningham) License fees: Military partners and spouses**
- xvi) **AB 2704 (Ting) Healing arts: Licensees: Data collection**
- xvii) **AB 2978 (Ting) Department of Justice: arrest and conviction records: review**
- xviii) **AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: military spouses: Licenses**
- xix) **AB 3298 (Brough) Frauds of medical credentials: penalty**
- xx) **SB 937 (Hill) State agencies: Web accessibility**
- xxi) **SB 1097 (Durazo) Medical services: Credit or loan**
- xxii) **SB 1432 (Glazer) Clinical laboratories**

23. Regulations Update (Brothers)

(A) Review of the Board's Submitted 2020 Rulemaking Calendar

- 1) Substantial Relationship and Rehabilitation Criteria
(Title 16 CCR sections 1399.469.4, 1399.469.5, 1399.469.6)**
- 2) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure
(Title 16 CCR section 1399.469)**
- 3) 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)**
- 4) 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)**
- 5) Board Fee Schedule
(Title 16 CCR sections 1399.460, 1399.461, 1399.462)**
- 6) Application for Retired Status; Retired Status
(Title 16 CCR section 1399.419.3)**
- 7) Continuing Education Requirements
(Title 16 CCR sections 1399.483, 1399.489)**

(B) Board Regulations Progress Tracker

- 24. Discussion of 2021 Implementation of the requirement for Wall Licenses (Brothers)**
- 25. Discussion of 2021 Implementation of the New Acupuncture Board Fees (Bodea)**
- 26. Consumer and Professional Associations Reports**
- 27. Future Agenda Items (Dr. Matecki)**
- 28. Adjournment of Day Two (Dr. Matecki)**

Informational Notes:

Discussion and action may be taken on any item on the full board meeting agenda. The agenda, as well as any available Board meeting minutes and materials, can be

found on the California Acupuncture Board website: www.acupuncture.ca.gov.

The time and order of agenda items are approximate and subject to change at the discretion of the Board President; agenda items scheduled for a particular day may be moved or continued to an earlier or later noticed meeting day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting at:

<https://thedcapage.wordpress.com/webcasts/>.

Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please follow the log-in instruction listed above. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time for the same meeting. (Gov. Code, §§ 11125, 11125.7(a).)

Board 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 are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact the Board at (916) 515-5200; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.