



Draft
**ACUPUNCTURE BOARD
MEETING MINUTES**

DCA Headquarters 2, Sacramento

FULL BOARD MEETING
February 16, 2012

Members Present

Anyork Lee, L.Ac., Chair
Charles Kim, Public Member, Vice Chair
Robert Brewer, Public Member
Paul Weisman, Public Member
George Wedemeyer, Public Member

Staff Present

Janelle Wedge, Executive Officer
Spencer Walker, Staff Counsel
Benjamin Bodea, Education Coordinator

Guest List on File

1. Call Meeting to Order and Establishment of Quorum

Quorum was established. Meeting called to order at 8:50am

2. Election of Officers

An York Lee was elected Chair. Charles Kim was elected Vice-Chair.

3. HEARING: Petition for Early Termination of Probation or Modification
Petitioner: Raul L. Caoili (Case No. PETP-1A-2009-30)

4. Closed Session

5. Approval of November 17, 2011 Meeting Minutes

CHARLES KIM MOTIONED TO APPROVE THE NOVEMBER 17, 2011 MEETING MINUTES.
PAUL WEISMAN SECONDED. 5 – 0 – 0 MOTION PASSED.

6. Executive Officers Report

Executive Officer Janelle Wedge presented her report to the Board

7. Legislation Update

a. SB 628 (Yee) – Chinese Medicine Traumatology

At the last meeting the Board voted to oppose this bill. As of this morning there have been no further movements on this bill.

b. AB 1431 (Committee on Accountability and Administrative Review) – Government Reports

This bill will repeal 4934.1 which was the provision that required an extensive review by the little Hoover Commission. It is a section of law that no longer is used.

8. Enforcement Business

a. Enforcement Case Report

Janelle Wedge presented the Board with the Enforcement Case Report.

b. Blue Ribbon Panel Task Force Report

Hugh Morrison inquired on the status of the Blue Ribbon Panel. Member Brewer responded that staff shortages and state budgetary constraints have hindered the ability of the panel to meet. Member Brewer noted that the Education Committee meeting that occurred on February 15, 2012 settled many of the questions the Panel was tasked with.

9. Education Business

a. Education Committee Report

Member Brewer reported that the Education Committee consists of himself and Chair AnYork Lee and was given feedback by CE Providers, Schools and professional associations. The committee has met three times including yesterday and has drafted recommendations for the Board.

The first recommendation is to add an additional 360 hours to the training programs curriculum with 120 hours focused on Anatomy including Cadaver work and dissection, 120 hours of pathophysiology with laboratory work and 120 hours of orthopedic examination based on Tui Na and Traditional Asian Medicine. The committee recommends that schools be given 2 years to ramp up to the additional hours required.

The second recommendation is to institute a requirement that all practitioners, new and old, take a one-time CE course focusing on ethics as it pertains to the practice and business of acupuncture. An additional course on changes in practice law and updates is recommended to be required to practitioners such that they are kept up to date with changes in the law that may affect their practice.

The third recommendation would be to re-examine the fee structure currently in place for CE providers as they currently only pay \$150 every two years to offer as many courses as they can

apply for. Increasing the fees or instituting a per class fee could help generate revenue for greater CE Course oversight.

The fourth recommendation is to allow CE courses that are offered to Doctors or Nurses in a hospital setting be offered to Acupuncturists for CE credit.

The fifth recommendation is to hire a subject matter expert on contract to review the syllabi for all the ethics and jurisprudence courses that are currently offered by the approved schools of the CA Acupuncture Board to insure they are current commensurate with the current laws. A subject matter expert is recommended to review current approved schools classes on how to review lab reports. This expert is to be a dual licensed health professional to have the best knowledge of both modalities, eastern and western.

The final recommendation is to draft legislation such that special funded offices are exempt from the restrictions placed on general funded offices. This will allow special funded offices to carry out their job.

Member Weisman asked if TOEFL requirements were discussed. Member Brewer stated that the issue was deemed an issue for the Examination Committee.

Chair Lee shared that these issues will be voted on at the next meeting once they have been noticed to the public. Bill Mosca suggested that imposing programmatic accreditation could add a more rigorous oversight to the programs. Chair Lee stressed that the Education Committee will address many of the concerns tasked to the Blue Ribbon Panel. Chair Brewer asked Janelle to set up two meetings for the Education Committee that would not be subject to the Open Meeting Act.

CHARLES KIM MOTIONED TO ALLOW THE EDUCATION COMMITTEE TO MEET WITHOUT BEING SUBJECTED TO THE OPEN MEETING ACT. PAUL WEISMAN SECONDED. 5 – 0 – 0. MOTION PASSED

CHARLES KIM MOTIONED THAT THE CHAIR HAS THE DISCRETION TO CHANGE THE CONSTITUTION OF THE PANEL AS HE PROPOSES. PAUL WEISMAN SECONDED. 5 – 0 – 0. MOTION PASSED

Chair Lee announced that parties interested in participating in the Education Committee should send their request to him via the Executive Officer, Janelle Wedge.

b. Proposed Regulatory Language to add Ethics CE Requirement

Member Weisman stated that there are two other boards in the DCA that do have ethics requirements. He proposed that the language be changed so that it can be voted on at the next meeting such that licensees take 6 hours of ethics CE in a two year licensing period. Counsel Walker stated that on March 19, of 1999, the Acupuncture Board repealed regulation that required four hours of medical ethics and practice management. Member Brewer stated that the Education Committee had reached a compromise to hammer in the consequences of unethical behavior while not forcing all practitioners to take every two years what a vast majority of practitioners already follow. Chair Lee asked that the Education Committee take this up and come back to the next meeting with proper language. Bill Mosca drew the Board's attention to internationally trained licensees that qualify for the exam via the foreign applicant route. These applicants that pass are not held to the ethics requirements that we require of our training programs. He recommended that the Board impose some ethics requirements on these applicants. The Board could require that they take an ethics class here in California prior to taking the exam. Member Kim felt that this should be a requirement the Board institutes. Jacque MoraMarco pointed out that several decades ago, foreign applicants were required to do a nine month internship at an approved program. Hugh Morrison commented that the high rate of under and unemployment places financial pressure on new licensees to practice unethically. Member Kim shared that several cities have placed a moratorium on the practice of acupuncture within city limits since they are having problems

with the ethical practice of acupuncture in those clinics. Bill Mosca commented on Member Kim's comment that the cities were actually allowing licensed acupuncturists to open new clinics, he was not sure who else would be opening such clinics but ultimately it was the city trying to clamp down on prostitution happening under the guise of Acupuncture.

10. Examination Business

a. Examination Committee Report

Janelle Wedge stated that at the last meeting an Examination Committee was established with AnYork Lee and Robert Brewer. Member Brewer commented that no information had been forwarded to the Examination Committee and thus, no meeting has been held. Bill Mosca asked if the Committee will be meeting. Chair Lee replied that the Education business is currently more important. Member Kim asked that the Board Examination Committee meet before the next meeting.

b. February 23, 2012 Examination

Janelle Wedge reported on the upcoming examination. Member Wedemeyer asked that the Executive Officer provide the Board with the number of out of state applicants for the exam.

11. Future Agenda Items

Member Weisman asked to agendize the issue of ethics, especially for foreign applicants. He also asked that the CE ethics be agendized as well. Counsel Walker suggested that the Education Committee meet more than 10 days prior to the next Board meeting so Janelle Wedge can properly alert the public for the Board to take action on the Committee's recommendations. Hugh Morrison asked that the issue of prostitution be addressed. Member Weisman replied that he is gathering a group that will address the enforcement issue of prostitution in Acupuncture Clinics. Member Kim asked to agendize the scope of acupuncture advertising.

12. Public Comments

Several public attendees stepped forward to speak against the Board moving to an English-Only Licensing exam. The loss of cultural assets and the loss in translation of source concepts were major themes stated in opposition to the English-Only licensing exam. One speaker supported an English Only Licensing exam. They stressed that currently the required TOEFL scores are too low compared to other fields. They also stressed to see the reciprocity given by other countries to English Only practitioners practicing in those countries. Another commented that the original intent of the multi-language exam was to help grandfather foreign practitioners when licensing was just beginning. A public comment addressed that there should be a pathway for foreign educators to visit, practice and teach in this state. Another suggestion was that if an English-test is ultimately decided, it is important to allow several years for currently matriculated students to finish their programs in the language they've started studying in.

13. Closed Session

The Board entered closed session to evaluate the Executive Officer.

14. Adjournment

Meeting adjourned at 2:46pm.