



ACUPUNCTURE BOARD

1747 North Market Boulevard, Suite 180, Sacramento, CA 95834
(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov

Draft
**California Acupuncture Board
Meeting Minutes
November 14, 2013**

**Sheraton Gateway Los Angeles Hotel
6101 West Century Boulevard, Los Angeles, CA 90045**

Board Members Present

Michael Shi, Chair, Licensed Member (MS)
Kitman Chan, Vice Chair, Public Member (KC)
Hildegarde Aguinaldo, Public Member (HA)
Francisco Hsieh, Public Member (FH)
Jeannie Kang, Licensed Member (JK)
Jamie Zamora, Public Member (JZ)

Board Legal Counsel

Spencer Walker (SW)

Staff Members Present

Terri Thorfinnson, Executive Officer (TT)
Terry Sinkovich, Examination Coordinator (TS)
Ben Bodea, Education Coordinator (BB)
Kristine Brothers, Enforcement Coordinator (KB)
Marc Johnson, Policy and Regulatory Coordinator (MJ)

1. Call to Order 8:35am and Established Quorum
2. Opening Remarks. Michael Shi (MS) began meeting by thanking everyone Spencer Walker (SW), Board Staff, Public members. He asked everyone to remember the Philippines. Hilde Aguinaldo has family there. Keep them in your prayers.
3. Petition for Reinstatement of Surrendered License: Dong Hyun Chang (Case No. PRRL-1A-2013).
4. **Closed Session.**
5. Closed Session to Evaluate Executive Officer tabled for next meeting.
6. Approval of Minutes for:
 - May 23, 2013 tabled

- October 25, 2013 minutes approved 6-0. Motion JK, seconded KC.

7. Chair's Report. Michael Shi (MS) emphasized that it is a new Board and there is a learning process. He noted that the Board should not go back and do the work that the old Board has done. We need to move on as the new Board. He discussed the Board's intention to have dialog with the profession. He explained that it is important that new ideas be discussed throughout the profession and with professional associations. The profession is better served if ideas are well developed before they are presented to the Board for consideration. It is a burden to the Board to hear issues that have not been properly vetted by the profession.

The Occupational Analysis (OA) process is in the early stages – It sets the framework for our entry level requirement in the profession. Not everyone is familiar with our profession so participation in this process has not been abundant. We hope for much better participation. We are planning a series of stakeholder meetings to create a forum for input.

8. Executive Officer Report. Terri Thorfinnson (TT)

The Occupational Analysis (OA) occurs once every 5 years and now is the time to conduct an analysis. The Board is in the process of securing dates for stakeholder meetings. We will send dates to stakeholders and schools. E-mails are needed so we can reach licensees more effectively. The goal of these stakeholder meetings is to have a discussion about what the profession does and how the exam evaluates competency. The Office of Professional Exam Services (OPES) wants interaction and feedback. The first meeting we are looking at is December 2013.

Enforcement – In response to questions from the Board at the last meeting about how to understand the enforcement data, a graph was presented illustrating case aging to show how long it takes to complete a case. JK had requested to see what the enforcement data of caseload looked like over time. It was explained that now we are in the process of completing old cases, so those cases will show up in the aging timeline. It was pointed out that the data related to averages only involve a small number of cases, so the average would not show anything meaningful. TT explained that we are unable to show the exact number of cases that make up each quarter average in graph form—so we either see the average or the actual numbers, not both at the same time. This year we are closing old cases; and for the rest of the year our data will reflect these old cases and show a long time to process cases. Cases that we have processed this year have been done within the performance measures but they will not show up in our time line until future years or quarters when they are closed. So, in real time the Board is doing its job in enforcement, but our numbers still don't meet our performance measures.

Current cases are in a system for hearing and prosecution but until they are closed they are not reflected in our performance measure average. The delay that contributed to our increased processing time is related to our only enforcement staff being out one year and cases scheduled for hearing can take one year to schedule, thus increasing the timeline by a year, even if all other phases were timely. The Board asked if we need more staff and could we get more staff to address this enforcement. TT The Board needs more staff and we've applied to get more staff through the Budget Change Proposal (BCP) process.

Public Comment: Bill Mosca mentioned that he talked with TT about the OA and the importance of it. He indicated that he would work together with the Board to increase participation and provide translations into both Chinese and Korean.

9. Heidi Lincer –Hill, Chief, Office of Professional Exam Services (OPES) presented an OA Power Point presentation. Following the presentation, there were questions about subject matter experts (SMEs). The stakeholder meeting will provide the opportunity for schools and associations to provide input and all are encouraged to participate. Output equals input. OPES makes the final decisions about SMEs. Stakeholders are different than SMES in this process; SMEs are licensees, whereas, stakeholders can include licenses, schools, associations, consumers.

10. Establish Board Priorities for Assignment to Committees

Committees

Executive – The Executive Committee is a very important committee and will have a lot of work to do. Some agenda items have to do with legislative. Evaluation for our Executive Officer. Other issues are budget. The expertise of the committee was highlighted including a Certified Public Accountant with budget experience being an asset. Managing our finances in a way that is much more efficient will be a priority for this committee.

Education Committee - The Education Committee will be doing a lot of work from the Strategic plan – there are a lot of issues. The Board has identified training programs and competency as key issues. The Board intends to work with schools, associations and licensees on education related issues. There is the issue of the number of continuing education providers—there is one CE provider for every 10 licensees. Another key priority will be reviewing the education curriculum. Our focus will be to improve education down to the nuts and bolts.

Enforcement Committee – Review of regulations, disciplinary guidelines. HS recommended that the committee look at developing policies and procedures. The administrative manual does give some guidelines and that is where revisions could be made. SW – that would have to be an agenda item. JK one of the things I want to look its regulations of other board to get ideas on what areas we need to make improvements.

Exam Committee – One ongoing agenda item is our plan to audit the national certification examinations once the occupational analysis has been completed. FH accepted the chairmanship since he was not present at the last meeting.

Public comment

One of the comments suggested the Board shift from prescriptive based curriculum to competency based training. Schools need to discuss this issue among themselves.

There was a Board discussion about committee meeting frequency and logistics of having an L.A. based teleconference meeting site. MS explained that the committee locations would not travel to different locations as the Board meetings do, for logistical reasons they will be in Sacramento. The committees are open and we encourage stakeholders to attend. SW made clear that teleconference sites must be noticed on the agenda for public attendance. Other boards have

teleconference location meetings, but no staff travels to those sites. The board members are responsible for the logistics at teleconference meeting sites. It was recommended to have teleconference sites in a state building, which would be rent free and not need a contract. Meeting contracts require 6 weeks lead time to set up. It was decided to try to set up a teleconference meeting at one of the state office buildings in L.A.

11. Board Process for School Approvals.

TT - provided synopses of current process. The Board has done this process differently in the past. It did not include the education committee. Prior to 2006 there was a utilization of the Education Committee. Currently, we are still utilizing the site team but we added a subject matter expert who was a board member (licensed). The policy question is should the Education Committee be the one to review the site visit for school approval? The Boards in the past have not had the EO make this decision.

JZ- From start to finish how long does it take? TT- Schools are waiting 4-5 years. Site visit is 3-5 days. Technically there would be a backlog in site visits done and they would be referred to education committee. BB-There are 6 schools awaiting Board approval. BB – There have been 2-3 school site visits done in the last 3-5 years. Once the desk review is done, there has been a site visit. The Board has not conducted enforcement visits.

12. Regulatory Update

The regulatory Update is part of our regular update. At the last meeting, we added advertising guidelines which is still in the research phase. We added two new regulatory packages from last meeting: the Uniform Standards related to substance abuse and that updated our disciplinary guidelines and the Consumer Protection Enforcement Initiative. All regulatory packages are in the research and preparation stage.

13. Legislative Update.

TT presented bill list. TT explained why SBX1 was on the bill list. TT asked Bill Mosca to explain why acupuncture was not added to Medi-cal optional benefits. He explained that in 2009 acupuncture was defunded as an “optional benefit” due to budget cuts. Under the ACA, acupuncture was added as an “essential benefit” but SBX1 which implemented the ACA did not add acupuncture to Medi-Cal as an optional benefit despite the fact that other optional benefits were refunded.

Public comment: none.

Closed session and lunch reconvene at 2pm

14. Requests Pursuant to B & P Code Section 4967(b)

Cancelled license request #1: Jason Blalack (has a couple of handouts)

MS Kristine is going to give us a quick lesson. The next two candidates who are coming up had their licenses cancelled as a result of not renewing their licenses within 3 years. The following conditions must be met in order for a license to be reinstated:

1. Pass check for criminal background
2. Retake the CALE
3. Pay the examination fee

KB- Did not see a live scan in his record, so I sent him finger print cards.

Mr. Blalack: In private practice in Boulder CO since 2002. He wrote a book on herbal medicine. He has written 15 journal articles on Chinese herbal medicine and has also taught in two colleges in the Colorado area. He has had a full-time private practice. He has no immediate plans to move to California. His notice is to have it in place in case he decides to move to CA in the future. CE provider Bamboo Grove.

KC – You have requested to the Board to waive the exam. You are requesting for us to waive this based on your qualification? Answer: I did pass the Board on the first time with a very high score.

MS- How many hours of CEUs have you done? Answer: KB- 127.5 that is CAB approved.

Candidate would be happy to make up the difference. JK- Made the observation that he signed his own CEUs Bamboo Grove. HA- Can you give an overview of your clinical practice? Answer: He sees 40-45 patients per week, has two rooms, treats autoimmune conditions, get referrals from MDs, treating pretty complicated cases. Practices several days a week and spend two days writing. I have spent almost a year's time working with various clinics in China. JZ - Public member. Is this requirement acting as a deterrent?

Francisco Hsieh speaking in Chinese.

MS – I motion to approve with the stipulation that you pass the fingerprint requirement and retake the CEUs that you signed for Bamboo Grove. FH seconded. Unanimous vote 6-0.

Public Comment Character witness: G Sperber – graduation from PCOM, kept an eye on his career. He is a regular and consistent contributor to the herbal academy, his translation and knowledge is very well-respected.

JK- motion to have Board approved units in 3 months and 50 % of totality of CEUs. HA seconded. Vote 6-0.

Cancelled License Request #2: Benham Hekmatnia - Requesting waiver. He was Biology major – substance abuse projects. Provided acupuncture services for low income patients. In the 2nd year we had a lady. One of their substance abuse candidates. Worked in exam development team. In 1990 he worked with many substance abuse programs. Over 20 years of private practice. He served as a program coordinator for HIV/AIDS medicine. He provides free seminars to substance abuse programs. He provides CEUs. He works with EDD for state license drug counselor. He claims that the last time he received his renewal notice was in 2008. At the time, he did not have enough CEUs. He sent check for the renewal fee. He claims that he did not receive a renewal application from the Acupuncture Board in 2010. He has had malpractice insurance, so he questioned why he had that if his license was not renewed. He claimed that he was not trying to say it is their fault. He takes full responsibility. He has paid the price for my mistake financially and emotionally. He does not know why the renewal application was not sent to him.

SW – You have to demonstrate that you are competent to practice. You cannot use the cancellation of your license as the basis. JZ – You are asking us to waive the test? SW- you have to focus on competency not on whether the license was cancelled by mistake. Focus on why you are competent to practice. JZ - Did you not renew your license because you did not receive the notice or because you did not renew? KB- in 2008 when he was up for renewal he paid late in 2009 but, he did not provide CEUs. There is a notice that was sent out based on insufficient renewal.

MS – maybe it would benefit you to come back and base it on your competency. This can be tabled for this meeting and you can come back to the next meeting and be prepared to say you are competent. He submitted 100 CEUs, 86 were board approved. HA – requested that he provide the

Board with 150 hours of CE. JK – At the time of renewal, he was short the required number of CEUs for renewal. KB- Once the CE hold is in place that is when a letter is supposed to go out automatically. JK – he needs complete 150 CEUs of which you have completed 86. HA -Move to deny his petition to reinstate license HA. JK 2nd motion. Motion approved 6-0.

15. **Future agenda items.**

Future agenda items.

JZ in Feb or March update on sunset review

Public Comment for future agenda items.

Yun Kim- Emperor's College – discussions for deadline for submitting paperwork.

Katherine Niemiec - I request the Phoenix institute be added to the agenda.

PUBLIC COMMENT

Concern was expressed over the Board publishing the entire school approval applications due to open meetings requirements. It was requested that any corrective actions and comments be included as part of the record and redact all information that is confidential or not required for approval.

There was support expressed for the Board conducting an audit of the national certification exam, but the person didn't think it wise to wait until the occupational analysis was completed. One comment urged Board be public and transparent in audit process.

Concern from CALE United Front was expressed about the August 2012 CALE results and a packet of information was presented to the Board and requested this issue be put on a future agenda. Dae Sun Hong raised concerns that there is no formal curriculum that teaches western herbs and felt this should be mandatory in acupuncture curriculum. For Acupuncture schools that teach botanical herbs that are grown locally, they are doing a great disservice to their profession. No formal curriculum about western herbs. It should be mandatory in Acupuncture training program curriculum.

Bill M said this is the best board in 10 years. Inactive status makes it so a licensee is exempt from CEU requirement. Twenty years of inactive licensed

Meeting adjourned at 4:45pm