

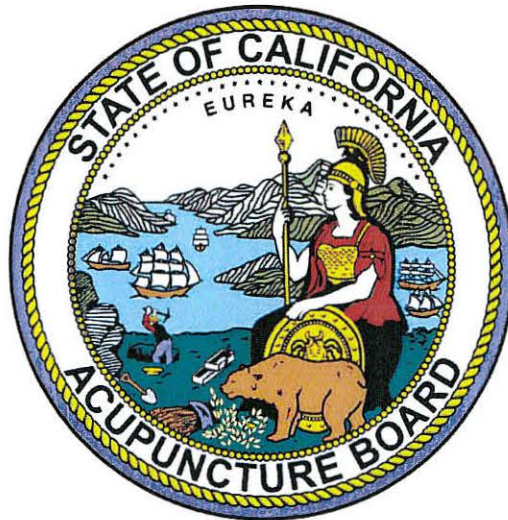
**California Acupuncture Board
Committee Meetings**



April 18, 2014

EDUCATION COMMITTEE MEETING

April 18, 2014



Board Members

Michael Shi (Chair)

Kitman Chan

Francisco Hsieh

Jeannie Kang

Jamie Zamora

Staff Member

Ben Bodea – Education Coordinator



NOTICE OF ACUPUNCTURE BOARD EDUCATION COMMITTEE MEETING

**April 18, 2014
(REVISED LOCATION)**

**Department of Consumer Affairs
1747 North Market Blvd.
Old Location: Ruby Room
New Location: HQ2 Hearing Room
Sacramento, CA 95834**

**Teleconference Meeting Location:
Jeannie Kang, L.Ac., Licensed Member
Jamie Zamora, Public Member
Junipero Sera State Building
320 W. Fourth Street, 7th Floor Conference Room
Los Angeles, CA 95834**

AGENDA

EDUCATION COMMITTEE MEETING - 9:00 a.m.

- 1. Call to Order and Establishment of a Quorum**
- 2. Opening Remarks**
- 3. Review School Approval Process and Current Regulations**
 - **1399.437 Documentation Required for Approval**
 - **1399.438 Suspension or Revocation of Approval**
 - **1399.439 School Monitoring; Records; Reporting**
 - **Review of training program application**
- 4. Stakeholder Meeting Issues:**
 - **How to improve education and training programs**
 - **New entrants need better training**
- 5. Future Agenda Items**
- 6. Adjournment**

Education Committee Members

*Michael Shi, L.Ac, Chair, Licensed Member
Kitman Chan, Vice Chair, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

**THE AGENDA, AS WELL AS COMMITTEE MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD'S WEBSITE AT
www.acupuncture.ca.gov**

Please Note: Committee meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you need additional reasonable accommodations, please make your request no later than five (5) business days before this meeting. Please direct any questions regarding this meeting to the Board Liaison, Tammy Graver at (916) 515-5204; FAX (916) 928-2204



DATE	April 18, 2014
TO	Education Committee
FROM	Executive Officer
SUBJECT	Review of School Oversight and Enforcement Regulations

Review Education Oversight and Enforcement Regulations

Reviewing all of the Education Regulations is an objective of the Strategic Plan. The goal of the review is to identify gaps, need for clarity, or revisions in school oversight and enforcement regulations. The regulations for your review are sections 1399.437, 1399.438, and 1399.439. The current school approval, oversight and enforcement regulations may need some revisions to eliminate some vagueness in the wording and provide guidance on various situations that impact education oversight and enforcement.

Policy Review:

The current school approval, oversight and enforcement regulations are separated into three sections. Section 1399.437 deals with school approval. Section 1399.438 deals with suspension, probation or revocation of a school’s approval status. Section 1399.439 deals with school monitoring and enforcement.

There are several places the Committee can begin their review. First, there are paragraphs in some of the sections that would provide clarity if they were also included in the other sections. Such as “all student records shall be maintained in at least English. This provision is in section 1399.439, but it should also be added to section 1399.437.

Section 1399.437 (Documentation Required for Approval) could be revised to provide more detailed process of review. Are there additional materials or factors the Board should be reviewing and basing its decision upon? The site visit checklist should be incorporated into this section by reference. The site visit process should be better defined to include follow-up site visits for in-state schools to evaluate the school’s clinic within a specified time frame. Should in-state schools be granted conditional approval based on the follow-up site visit inspection of their clinic? Reimbursement by schools for both visits should be added.

The school approval application should be revised to address incomplete applications. Currently, they would go to the committee for determination to return the application. There is no process for incomplete applications nor is there any timelines for incomplete applications. The responsibility of completeness of the applications is on the schools/ training programs, not the Board.

Section 1399.438 (Suspension or Revocation of Approval) should be moved to come after the school approval and school monitoring sections. This section should specify the process for revocation, suspension and probation. There should be some language added about the process such as: a) The Board shall provide schools with adequate notice of any violation prior to revoking or placing a school on probation or suspending approval. b) The Board shall provide notice of the grounds for the Board's action for revocation, suspension or probation. c) The Board shall provide acupuncture training programs an opportunity to appear before the Board. This would remove the vagueness of the process. Additionally, more detailed language specifying time lines for corrective action such as within six months the school must submit a corrective action plan to eliminate non-compliance. Corrective action shall be confirmed through a site visit inspection, travel expenses paid by training program.

Section 1399.439 (School Monitoring; Records; Reporting) should be amended to add subdivisions related to a school changing its name, ownership, mergers, institutional changes such as loss or receipt of accreditation or approval with the reasons why. Language should be added that provides for immediate notification to the Board of the change and provides a process for the Board to determine whether the change constitutes grounds for revocation of approval or provides a specific process that allows the Board to conduct a site visit and evaluate whether the change constitutes grounds for revocation of approval or conditional approval until impact can be assessed. Should there be a fee to cover the costs of such evaluation? There should be a separate provision for travel reimbursement provision for site visit. This would be separate than the language that exists for monitoring because changes in institutions are different than non-compliance and should have their own provisions and process.

A provision should be added to require schools to notify the Board of any enforcement action against the school by another agency. A process for an enforcement review that could include a site visit should be included.

Here's the language currently used by BPPE:

71630. Application for Change of Name.

(a) An institution seeking to change its name shall complete the "Change of Name" form (NAME rev. 2/10) to obtain prior authorization. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the code it shall be signed and dated by the signatory(ies) required by section 71380, for an institution approved under section 94890 of the code it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

....." (Date) (Signature)"

(b) The application shall include:

- (1) The name, school code, address, and telephone and fax numbers of the institution;*
- (2) The proposed new name;*
- (3) A detailed explanation of the reasons for the proposed change in name;*
- (4) Copies of advertising and other statements to be disseminated to the public in any manner by the institution or its representatives that announce or use the proposed name;*
- (5) The name, address, email address, and telephone and fax numbers of the institution's contact person for the purpose of this application; and*

(6) Any additional information required by the Bureau pursuant to section 71340.

(c) An institution that has been granted an approval to operate by means of accreditation shall notify the Bureau of the substantive change within 30 days of that change on the Change of Name form by completing section (b)(1) and (b)(5) of this section, and shall attach certification from the institution's accreditation agency demonstrating that the substantive change was made in accordance with the institution's accreditation standards, and complies with the Act and this Division.

Note: Authority cited: Sections 94803 and 94895, Education Code. Reference: Sections 94893, 94894, 94895, 94896 and 94930.5, Education Code.

Discussion: The Committee should review the above suggestions for each section and identify additional gaps, vagueness that can be addressed.

Action: If the Committee agrees that changes should be made to the above sections, motions should be made recommending to the Board that it adopt the recommendations.

NOTE: If the Board adopts the recommendations, Board staff will work with Board Counsel to draft language for Board review and action.

Attached. School Approval Application for review

Title 16, Article 3.5 Acupuncture Training Programs

1399.437. Documentation Required for Approval.

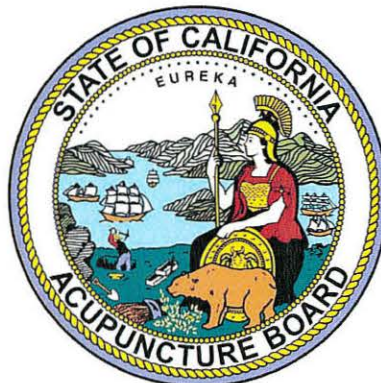
Educational institutions or programs seeking approval of an acupuncture training program shall provide the board with such documents and other evidence as may be necessary for the board to determine the actual nature and extent of the training offered, including but not limited to, catalogues, course description, curricula plans, and study bulletins.

1399.438. Suspension or Revocation of Approval.

The board may deny, place on probation, suspend or revoke the approval granted to any acupuncture training program for any failure to comply with the regulations in this article, the Acupuncture Regulations or the Acupuncture Licensure Act.

1399.439. School Monitoring; Records; Reporting.

1. (a) Every approved acupuncture school shall be required to submit to the board within sixty (60) days after the close of the school's fiscal year a current course catalog with a letter outlining the following: 1) any courses added/deleted or significantly changed from the previous year's curriculum; 2) any changes in faculty, administration, or governing body; 3) any major changes in the school facility; and 4) a statement regarding the school's financial condition, which enables the board to evaluate whether the school has sufficient resources to ensure the capability of the program for enrolled students.
2. (b) If determined necessary an on-site visit by representatives of the board will be made to the school to review and evaluate the status of the school. The school will be required to reimburse the board for direct costs incurred in conducting such review and evaluation.
3. (c) All student records shall be maintained in at least English.
4. (d) Each approved acupuncture school shall report to the board within 30 days any substantial changes to the facility and/or clinic(s), and curriculum required in this section.



Department of Consumer Affairs

Acupuncture Board

**APPLICATION
FOR
SCHOOL APPROVAL**

2014

1747 N. Market Blvd, Suite 180

Sacramento, CA 95834

(916) 515-5200

(916) 928-2204

www.acupuncture.ca.gov

TABLE OF CONTENTS

I.	School Name and Address	1
II.	Administration	2
III.	Ownership / Officers	4
IV.	Legal Authority to Operate the School	5
V.	Enrollment of Students	6
VI.	Student Affairs	8
VII.	Education Program Leading to Acupuncture Degree	10
VIII.	Faculty	12
IX.	School History and Campus	13
X.	Clinical Teaching Facilities	15
XI.	Herbology	17
XII.	Library	18
XIII.	Resources and Finances	20
XIV.	Research	23
	Checklist	24

SECTION I

APPLICATION FOR SCHOOL APPROVAL

All items of information are mandatory. If the information you are providing is further supplemented on an attached document (i.e., school catalog, forms, etc.), you may either identify each supplement by utilizing 'tabs' to reference the appropriate section in the application, or you may choose to place the supplemented information directly in back of the appropriate application section. Failure to provide any of the requested information will result in the application being considered as incomplete. The application will not be reviewed until all information requested has been received.

NOTE: If you are requesting approval for a **BRANCH** campus, you must file a separate school application. Branch campus' are considered institutions with independent administrative functions from the parent institution and it is usually located a fair distance away. Branch campus' typically accommodate independent admissions and student body; provides student counseling; has separate core faculty; carries a full TCM Program curriculum; and it is financially independent of the parent institution.

Whereas, satellite campus do not require a separate school application and are defined as training facilities that are within a short distance from the parent institution; administration and admission services are centralized at the parent institution; faculty is shared at both campuses; and students receive training at both the parent and satellite campuses; however, the majority of training is completed at the parent campus. In addition, satellite campuses do not offer a total TCM Program curriculum and these campuses may not always be financially independent of the parent institution.

APPLICATION DATE _____

NAME OF SCHOOL: _____

A. Address of the physical location of the school campus:

Street address: _____

City, State, Zip: _____

B. School phone number(s): () _____ () _____

Fax number: () _____ () _____

E-Mail: _____

C. Mailing address (if different from above):

Street address: _____

City, State, Zip: _____

SECTION II

ADMINISTRATION (Include an organizational chart as well as copies of resumes and job descriptions of all of the following):

A. Name and Title of School President/Director:

Direct Phone Number: _____ E-mail: _____

B. Name and Title of Contact Person or Administrator (if different from above):

Direct Phone Number: _____ E-mail: _____

C. Name and Title of Chief Administrative Dean:

Direct Phone Number: _____ E-mail: _____

Responsibilities: _____

D. Name and Title of Chief Academic Dean/Officer:

Direct Phone Number: _____ E-mail: _____

Responsibilities: _____

E. Name and Title of Registrar:

Direct Phone Number: _____ E-mail: _____

Responsibilities: _____

F. Name and Title of Chief Financial Officer:

Direct Phone Number: _____ E-mail: _____

Responsibilities: _____

SECTION III

OWNERSHIP / OFFICERS:

A. Type of Ownership: Individual Partnership Other

B. Name of Ownership (the Individual, Partnership [name partners]):

C. Enclose a copy of papers required to file in your state relating to ownership.

D. Board of Directors:

<u>Name</u>	<u>Title</u>	<u>Occupation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(i) How often do the Board of Directors meet? _____

(ii) Enclose copies of the Board Minutes for the past year preceding the date of your application.

E. Officers:

<u>Name</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SECTION IV

LEGAL AUTHORITY TO OPERATE THE SCHOOL

A. Date of School Opening: _____

B. Indicate the type of State approval you possess in order to operate (enclose a copy of each validated approval).

Type of Approval: Full Conditional

State Agency/Department granting this approval: _____

Date approval was granted: _____ Date approval expires: _____

C. Enclose a copy of the state requirements for approval/authorization from the above agency so that we may know at what level your school has been approved.

[The Acupuncture Board reserves the right to request any and all applications and reports at a later date.]

D. Current student enrollment for each training or degree program(s):

<u>Program</u>	<u>Date Program Started</u>	<u>No. of Students Enrolled</u>	<u>Degree to be Awarded</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Indicate the program(s) requested for Acupuncture Board approval:

SECTION V

ENROLLMENT OF STUDENTS

A. Requirements for Admission to the Program (briefly describe the selection process for entering students beginning with receipt of the application forms and ending with enrollment. Cite all criteria for selection.)

B. Are entrance requirements published in the school catalog? Yes No
(If not, where are the requirements listed? _____)

C. How do you verify the admission requirements?

D. Do you accept transfer credits for past education and/or experience received prior to admission to your school? Yes No

If yes, explain methods and criteria for such credit (attach additional pages as necessary):

E. Are all selection criteria established by official faculty/school authority? Please describe.

F. Enrollment (only for those students enrolled in the program that school is seeking approval for):

	<u>Total Students</u>	<u>1st Year Students</u>	<u>2nd Year Students</u>	<u>3rd Year Students</u>	<u>4th Year Students</u>	<u>Graduate Students</u>
20 _____	_____	_____	_____	_____	_____	_____
20 _____	_____	_____	_____	_____	_____	_____
20 _____	_____	_____	_____	_____	_____	_____
20 _____	_____	_____	_____	_____	_____	_____

G. Number of students to withdraw from Program in the four years: _____

H. Student fees charged by school:

1. Tuition per Academic Year (for full-time students): \$ _____

[Tuition per unit: \$ _____]

2. List all other fees:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

TOTAL CHARGED BY SCHOOL \$ _____

SECTION VI

STUDENT AFFAIRS

A. Who is in charge of Student Affairs?

Name _____

Title _____

Direct Phone No.: _____ E-mail: _____

B. Student Records:

1. Where are central files kept that contain student records (e.g., Dean's or Registrar's Office)?

2. Please indicate which records are used and attach a sample copy of each form:

Student Application (Transcripts, Letter of Recommendations, Interviews, Resumes, Exams, etc.)

Academic Record

Student Attendance Form

Faculty Comments or Recommendations

Student Contract

Other - Please specify

3. What measures has the school taken to protect and prevent record loss in the event of fire/theft, etc.

4. Are all records available to each student for feedback on performance and/or correction of errors? Yes No Explain process:

5. Describe briefly how the student is evaluated (letter grade, pass-fail, or other methods):

6. Describe student grievance process:

7. Describe sexual harassment policy:

SECTION VII

EDUCATIONAL PROGRAM LEADING TO ACUPUNCTURE DEGREE (if more than one program is offered, describe the one being submitted for approval):

- A. Total duration of the program in weeks: _____
Weeks in the first year: _____
Weeks in the second year: _____
Weeks in the third year: _____
Weeks in the fourth year: _____
Other year(s): _____
- B. Total number of hours required for graduation: _____
- C. Total number of years: _____
- D. Type of system school is on: Quarter Semester Trimester
- E. Number of weeks in a school term: _____
- F. Hours per credit/unit: _____
- G. Enclose a copy of the school catalog.
- H. Enclose a Course Schedule for the most recent and/or upcoming school term (see Appendix A).
- I. Enclose a Course Outline/Syllabus for each class offered in your school program (see Appendix B).
- J. Enclose copies of the forms used for student, instructor, and clinic supervisor evaluations.
- K. Describe the administration's evaluation mechanism process used to determine the effectiveness of the theoretical and clinical programs.
- L. Indicate how your curriculum meets the Acupuncture Board requirements by completing the form included as Appendix C.

M. Indicate what prerequisites are required for entry into your program.

N. Complete the following:

<u>Electives Offered</u>	<u>Course Names</u>	<u>Hours</u>
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SECTION VIII

FACULTY

A. List all instructors and the courses they teach. Also include instructors at satellite campus(s) and clinic(s). Indicate whether instructors are employed full or part-time (attach additional sheets as necessary):

<u>Instructor</u>	<u>Degrees or Licenses</u>	<u>Course Title(s) and Number</u>	<u>Time Base FT / PT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Attach the resume and current job description of each of the faculty member(s) who have responsibility for direction of each course, learning exercise, demonstration, clinical internship or other activity of the education program. This must include:

1. Full name and faculty title
2. Outline of educational experience
3. Previous occupational experience, including other schools
4. List of publications, if any
5. Other evidence of scholarly activity (e.g., research grants, fellowships)

C. Attach a description of the criteria for faculty appointments.

D. Attach a copy of your standard faculty contract.

E. Do you have a faculty handbook? Yes No
If yes, please attach a copy.

SECTION IX

SCHOOL HISTORY AND CAMPUS

A. Provide a brief history of the school campus (i.e., when it was opened, changes that have taken place through time, etc.)

B. What is the school's projection for future growth?

C. Enclose a copy of the school's 'Mission Statement'

D. Teaching Facilities:

<u>List each Classroom</u>	<u>Location (Building Name)</u>	<u>Number of Seats</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Number and type of teaching aids (computers, projectors, recorders, etc.);

<u>Quantity</u>	<u>Type of Teaching Aid</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

F. School Facility: Attach photographs of the school's teaching facilities; other campus facilities; or pages from brochures, floor plans, and/or diagrams.

G. What is the process/policy for school advertisement. Please attach copies of advertisements for the past three years.

SECTION X

CLINICAL TEACHING FACILITIES

(On a separate sheet of paper, please provide the following information)

A. School Clinic

1. Name of Clinical Director and direct phone number
2. Ratio of clinical supervisors to students
3. Description of curriculum plan, how students are supervised, administered and evaluated at these sites.
4. Attach a description of an intern's clinical activities in relation to a typical working day performing the following: (a) Practice Observation; (b) Diagnosis and Evaluation; and (c) Supervised Practice
5. Do you have a clinic handbook for your clinical students?

Yes

No

If yes, attach a copy.

B. Satellite Campus

(Facilities owned and operated by the school that provide curriculum training)

1. Number of satellite campuses and clinical teaching facilities
2. Addresses
3. Name of Clinical Director and direct phone number
4. Ratio of clinical supervisors to students
5. Description of curriculum plan, how students are supervised, administered and evaluated at these sites.
6. Attach a description of an intern's clinical activities in relation to a typical working day performing the following: (a) Practice Observation; (b) Diagnosis and Evaluation; and (c) Supervised Practice.
7. Do you have a clinic handbook for your clinical students?

Yes

No

If yes, attach a copy.

C. Satellite Clinic

(Facilities that are owned and operated by the school for clinic training only)

1. Complete the Clinic Site Visit Form (Appendix D)
2. Full description of the protocol used for providing student supervision at each of the three stages of clinical instruction in your clinical program: (a) Practice Observation; (b) Diagnosis and Evaluation; and (c) Supervised Practice.
3. Percentage of all clinical instruction completed at clinic: _____ %
4. What type of grading mechanism is used for clinical instruction: (i.e., Pass/Fail or Letter-grade).
5. Attach a description of an intern's clinical activities in relation to a typical working day performing the following: (a) Practice Observation; (b) Diagnosis and Evaluation; and (c) Supervised Practice.
6. Do you have a clinic handbook for your clinical students?

Yes

No

If yes, attach a copy.

SECTION XI

HERBOLOGY

- A. Are Bulk Herbs available for student instruction? Yes No

If yes, how many different types? _____

Quantity of each herb? _____

Where is the Herb Dispensary located? _____

Herb Dispensary Manager's Name: _____

- B. Please describe your methods for enforcing quality control over herbs prescribed.
- C. Attach a list of your herbs by Chinese character and Latin pharmaceutical name.

SECTION XII

LIBRARY

A. Name of Librarian: _____

B. Total Number of Volumes in Library: _____

C. Number of Volumes by Language:

English _____
Chinese _____
Japanese _____
Korean _____
Other (specify) _____

D. Number of books by Subject Matter:

_____	Western Sciences (Biology, Chemistry, Physics, Psychology, Anatomy, Physiology, Pathology)
_____	Nutrition and Vitamins
_____	Medical Terminology
_____	Clinical Sciences
_____	Western Pharmacology
_____	Traditional Oriental Medicine
_____	Diagnostic Procedures of Eastern and Western Medicine
_____	Philosophy of Eastern and Western Medicine
_____	Acupuncture Anatomy and Physiology
_____	Acupuncture Techniques
_____	Acupressure
_____	Qi Gong and Tai Chi Chuan
_____	Herbology
_____	Practice Management and Ethics

E. Attach a list of library books and journals in English (title, author, publisher and date of publication).

F. Number of Staff:

- 1. Professional, Full-Time _____
- 2. Professional, Part-Time _____
- 3. Non-Professional, Full-Time _____
- 4. Non-Professional, Part-Time _____

G. Facility:

- 1. Library's total square-footage _____
- 2. Hours library is opened _____
- 3. Are the following areas available:
 - a. Reading Area _____
 - b. Offices _____
 - c. Staff Workspace _____
 - d. Conference Rooms _____
 - e. Audi-Visual Rooms _____
 - f. Study Carrels _____
 - g. Other (specify) _____

SECTION XIII

RESOURCES: FINANCES (for past three (3) years)

A. Define Fiscal Year _____

B. Expenditures: List the top five major areas of expenditures (i.e., buildings, faculty, administrative staff, equipment).

<u>Summary of Operations</u>	Fiscal Yr _____ (Current Year)	Fiscal Yr _____ (Last Year)	Fiscal Yr _____ (Previous Year)
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____

C. Income: List the top five major areas of income (i.e., regular operating programs, tuition fees, gifts, grants, research, etc.).

<u>Summary of Operations</u>	Fiscal Yr _____ (Current Year)	Fiscal Yr _____ (Last Year)	Fiscal Yr _____ (Previous Year)
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____
NET SURPLUS / DEFICIT:	\$ _____	\$ _____	\$ _____

D. Endowment (if any):

1. Estimated total current market value: \$ _____
2. Has the Corpus of Endowment been increasing or diminishing during the past five years?

E. Fiscal Reserves:

- 1. Operating Reserves \$ _____
- 2. Unexpectedly Restricted Funds:
 - Gifts \$ _____
 - Designated Funds \$ _____

F. Does the School have any standing indebtedness? Yes No

G. Deficit vs. Surplus:

Considering the past three years, what has been the trend in income-expenditures? If deficits have occurred, what has been the source of funds used to balance fiscal accounts? What are the prospects for the next five years?

H. Reduction/Increase of Income:

Do you anticipate any significant changes in any major source of income?

I. Operating income by source of funds:

Current Estimate
(most recent figures available)

Student Tuition and Fees	\$ _____
General School Funds	\$ _____
Gifts:	
Alumni	\$ _____
Voluntary Health Agencies	\$ _____
Foundations	\$ _____
Business and Industry	\$ _____
Individuals	\$ _____
Other:	
Professional Fees - Income from Faculty Clinical Practice	\$ _____
From Teaching Hospitals or Clinics	\$ _____
Sales or Service of Educational Departments	\$ _____
Auxiliary Enterprises	\$ _____
Recovery of Indirect Costs-All Sponsored Programs	\$ _____
Sponsored Teaching and Training Grants	\$ _____
_____	\$ _____
_____	\$ _____

J. Operating funds are administered by (mark the appropriate box):

- University
- Private Organizations
- Other

K. Summary of expenditures for the School (see Appendix E).

SECTION XIV

RESEARCH

A. Describe any research institutes operated by or in close association with the school. Include the major emphasis of the institute, its source of funding, total professional staff, budget and relationship to the schools:

B. Describe any interdepartmental research efforts not reported by individual departments:

C. Total number of research projects undertaken by faculty:

<u>Title of Project</u>	<u>Principal Investigator</u>
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FORWARD ALL MATERIAL AND APPLICATION FEE OF \$1,500.00 TO:

**California Acupuncture Board
1747 N. Market Blvd., Suite 180
Sacramento, CA 95834**

APPLICATION FOR SCHOOL APPROVAL

CHECKLIST

- Application Fee: \$1,500.00 (Certified Check or Money Order made payable to the Acupuncture Board)
- 1 copy of the completed Acupuncture Board Application for School Approval that should include the following documents:
 - Administration Organization Chart, Resumes, and Job Descriptions (See Section II)
 - Ownership Document (See Section III)
 - Board Minutes (for one year) (See Section III)
 - State Approval to Operate School (See Section IV)
 - State Requirements for Approval/Authorization (See Section IV)
 - Student Record Forms (See Section VI)
 - School Catalog (See Section VII)
 - Course Schedule (See Section VII and/or Appendix A)
 - Course Outline/Syllabus (See Section VII and/or Appendix B)
 - Forms Used for Student, Instructor, and Clinic Supervisor Evaluations (See Section VII)
 - Evaluation Mechanism which Determines the Effectiveness of Theoretical and Clinical Programs (See Section VII)
 - How Curriculum Meets Acupuncture Board Standards (See Section VII and Appendix C)
 - Resumes and Job Descriptions for Faculty Members (See Section VIII)
 - Description of the Criteria for Faculty Appointments (See Section VIII)
 - Standard Faculty Contract (See Section VIII)
 - Faculty Handbook (See Section VIII)
 - School's Mission Statement (See Section IX)
 - Photographs of the School's Teaching Facilities; Other Physical Facilities; or Pages from Brochures, Floor Plans, and/or Diagrams (See Section IX)
 - Advertisements for the Last Three Years (See Section IX)

- School Clinic (See Section X)
- Satellite Campus (See Section X)
- Satellite Clinic (See Section X and/or Appendix D)
- Methods for Enforcing Quality Control Over Herbs Prescribed (See Section XI)
- List of Herbs by Chinese Character and Latin Pharmaceutical Name (See Section XI)
- List of Library Books and Journals in English (See Section XII)
- Summary of Expenditures for the School (See Section XIII and/or Appendix E)

APPLICATION PROCESSING

The time required to process a completed application depends upon a variety of factors, the most significant of which are the sufficiency of the program and the clarity of the application and supporting documents. For this reason, it is important that you assemble your application in a binder with a table of contents and tabbed index sections.

When an application is deemed complete by this office, an on-site inspection will be scheduled by the Education Coordinator. A written report will be presented to the Board regarding the findings of the site visit and the full Board will then make the final determination.

Total processing time may take six months to one year.

CURRICULUM for _____ YEAR _____

**The Acupuncture Board Curriculum Requirements, per California Code of Regulations Section, 1399.434.
Criteria for approval of the Acupuncture and Oriental Medicine Training Programs (effective January 5, 2005)**

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(a) Basic Sciences350 hours				
(1) General Biology;				
(2) Chemistry, including organic and biochemistry;				
(3) General Physics, including a general survey of biophysics;				
(4) General psychology, including counseling skills;				
(5) Anatomy—a survey of microscopic, gross anatomy and neuroanatomy;				
(6) Physiology---a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry;				
(7) Pathology and Pathophysiology—a survey of the nature of disease and illness, including microbiology, immunology, psychopathology, and epidemiology;				
(8) Nutrition and vitamins.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(b) Acupuncture and Oriental Medicine Principles, Theories and Treatment....1,255 Hours				
(1) Acupuncture and Oriental Medicine Principles and Theories				
(A) Oriental Medicine Principles and Theory;				
(B) Acupuncture Principles and Theory;				
(C) Oriental Massage (Tui Na or Shiatsu) Principles and Theory;				
(D) Chinese Herbal Medicine Principles and Theory, including relevant botany concepts (This subject area shall consist of at least 450 hours of instruction);				
(E) Acupuncture and Oriental Medicine Diagnosis;				
(F) Acupuncture and Oriental Medicine Specialties, including dermatology, gynecology, pediatrics, ophthalmology, orthopedics, internal medicine, geriatrics, family medicine, traumatology, and emergency care;				
(G) Classical acupuncture and Oriental medicine literature, including Jin Gui, Wen Bing/Shang Han, Nei Jing;				
(H) Modern acupuncture and Oriental medicine literature.				
(2) Acupuncture and Oriental Medicine Treatment				
(A) Integrated acupuncture and Oriental medicine diagnostic and treatment procedures;				
(B) Acupuncture techniques and treatment procedures, including electroacupuncture;				
(C) Oriental massage (e.g., Tui Na or Shiatsu), acupressure and other techniques utilizing manual therapy and mechanical devices;				

(D) Exercise therapy, including breathing, qi gong and taiji quan;				
(E) Herbal prescription, counseling and preparation;				
(F) Oriental and Western clinical and medical nutrition, dietary and supplement prescription and counseling;				
(G) Cold and heat therapy, including moxibustion and ultrasound;				
(H) Lifestyle counseling, and self-care recommendations				
(I) Adjunctive acupuncture procedures, including bleeding, cupping, gua sha, and dermal tacks;				
(J) Acupuncture micro therapies, including auricular and scalp therapy;				
(K) Hygienic standards, including clean needle techniques. The clean needle technique portion of this subject shall use as its primary reference the most current edition of the "Clean Needle Technique Manual" published by the National Acupuncture Foundation, or an equivalent standard, which has been approved by the Board. Students shall successfully complete the clean needle technique portion of the hygienic standards subject prior to performing any needling techniques on human beings;				
(L) Equipment maintenance and safety;				
(M) Adjunctive acupoint stimulation devices, including magnets and beads.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(c) Clinical Medicine, Patient Assessment and Diagnosis.....240 hours				
(1) Comprehensive history taking;				
(2) Standard physical examination and assessment, including neuromusculoskeletal, orthopedic, neurological, abdominal, and ear, nose and throat examinations, and functional assessment;				
(3) Pharmacological assessment, emphasizing side-effects and herb-drug interactions;				
(4) Patient/practitioner rapport, communication skills, including multicultural sensitivity;				
(5) Procedures for ordering diagnostic imaging, radiological, and laboratory tests and incorporation the resulting data and reports;				
(6) Clinical reasoning and problem solving;				
(7) Clinical impressions and the formation of a working diagnosis, including acupuncture and Oriental medicine diagnoses, and the World Health Organization's international classification of diseases (ICD-9);				
(8) Awareness of at-risk populations, including gender, age, indigent, and disease specific patients;				
(9) Standard medical terminology;				
(10) Clinical sciences—a review of internal medicine, pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition and public health;				
(11) Clinical medicine—a survey of the clinical practice of medicine, osteopathy, dentistry, psychology, nursing, chiropractic, podiatry, naturopathy, and homeopathy to familiarize practitioners with the practices of other health care practitioners with the practices of other health care practitioners.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(d) Case Management.....90 hours				
(1) Primary care responsibilities;				
(2) Secondary and specialty care responsibilities;				
(3) Psychosocial assessment;				
(4) Treatment contraindications and complications, including drug and herb interactions;				
(5) Treatment planning, continuity of care, referral, and collaboration;				
(6) Follow-up care, final review, and functional outcome measurements;				
(7) Prognosis and future medical care;				
(8) Case management for injured workers and socialized medicine patients, including a knowledge of workers compensation/labor codes and procedures and qualified medical evaluations;				
(9) Coding procedures for current procedural codes, including CPT and ICD-9 diagnoses;				
(10) Medical-legal report writing, expert medical testimony, and independent medical review;				
(11) Special care/seriously ill patients;				
(12) Emergency procedures.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(e) Practice Management.....45 hours				
(1) Record keeping, insurance billing and collection;				
(2) Business written communication;				
(3) Knowledge of regulatory compliance and jurisprudence (municipal, California, and federal laws, including OSHA, Labor Code, Health Insurance Portability and Accountability Act of 1996 (HIPAA);				
(4) Front office procedures;				
(5) Planning and establishing a professional office;				
(6) Practice growth and development;				
(7) Ability to practice in interdisciplinary medical settings including hospitals;				
(8) Risk management and insurance issues;				
(9) Ethics and peer review.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(f) Public Health.....40 hours				
(1) Public and community health and disease prevention;				
(2) Public health education;				
(3) A minimum of eight (8) hours in first-aid and adult/child cardiopulmonary resuscitation (CPR) from the American Red Cross, American Heart Association or other organization with an equivalent course approved by the board;				
(4) Treatment of chemical dependency;				
(5) Communicable disease, public health alerts, and epidemiology.				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(g) Professional Development.....30 hours				
(1) Research and evidence based medicine;				
(2) Knowledge of academic peer review process;				
(3) Knowledge and critique of research methods;				
(4) History of medicine				

TOTAL CLOCK HOURS _____

Acupuncture Board Requirement	COURSE NUMBER (per school catalog)	CATALOG PAGE NO.	CLOCK HOUR	COURSE UNIT
(h) Clinical Practice.....950 hours				
(1) Practice Observation (minimum 150 hours)—supervised observation of the clinical practice of acupuncture and Oriental medicine with case presentations and discussion;				
(2) Diagnosis and evaluation (minimum 275 hours)—the application of Eastern and Western diagnostic procedures in evaluating patients;				
(3) Supervised practice (minimum 275 hours)—the clinical treatment of patients with acupuncture and oriental medicine treatment modalities listed in the Business and Professions Code section 4927(d) and 4937(b).				
(i) A board approved training program shall consist of at least 2,050 hours of didactic and laboratory training and at least 950 hours of supervised clinical instruction. The course work shall extend over a minimum period of four (4) academic years, eight (8) semesters, twelve (12) quarters, nine (9) trimesters, or thirty-six (36) months.				

TOTAL CLOCK HOURS _____

TOTAL PROGRAM CLOCK HOURS _____

Clinic/Lab Equipment:

<i>Item</i>	<i>Quantity</i>	<i>Item</i>	<i>Quantity</i>
Treatment Rooms		Models	
Handwashing Facilities		Skeletons	
Acupuncture Tables		Electroacupuncture Machines	
Waste Containers		Stethoscope	
Waste Container Service		Sphygmomanometer	
Intern Work Area		Disposable Needles	
Reference Books		Autoclave	
Restrooms		Acupuncture Charts	
Herbs (Raw)		Cups	
Herbs (Patents)		Alcohol/Cotton	
Herbs (Bottled)		Patient Gowns	
Moxa			

What is the temperature setting of the room where the herbs are stored? _____

Is the humidity level of the room appropriate for storing herbs? Yes No

Do the herbs appear in good condition? If expiration dates are available, please verify _____

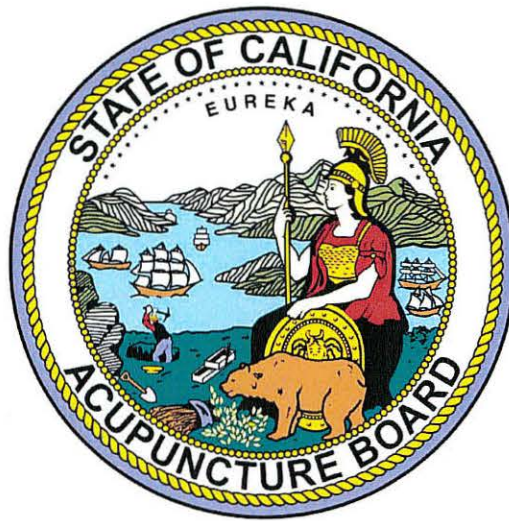
Are the disposable needles within expiration dates? Yes No

Sterilization Process—provide a copy of policies and procedures.

Committee Meeting Notes

EXAMINATION COMMITTEE MEETING

April 18, 2014



Board Members

Francisco Hsieh (Chair)

Hildy Aguinaldo

Michael Shi

Staff Member

Terry Sinkovich – Exam Coordinator



NOTICE OF ACUPUNCTURE BOARD EXAM COMMITTEE MEETING

**April 18, 2014
(REVISED LOCATION)**

**Department of Consumer Affairs
1747 North Market Blvd.
Old Location: Ruby Room
New Location: HQ2 Hearing Room
Sacramento, CA 95834**

**Teleconference Meeting Location:
Hildegarde Aguinaldo, Public Member
Junipero Sera State Building
320 West Fourth Street, 7th Floor Conference Room
Los Angeles, CA 95834**

Exam Committee Members

*Francisco Hsieh, Chair, Public Member
Hildegarde Aguinaldo, Public Member
Michael Shi, L.Ac, Licensed Member*

AGENDA

EXAM COMMITTEE MEETING - Upon adjournment of the Education Committee Meeting

- 1. Call to Order and Establishment of a Quorum**
- 2. Opening Remarks**
- 3. February 20, 2014 Exam Results Update**
- 4. Budget Change Proposal for Audit of NCCAOM Exam**
- 5. Cap on the Number of Times Repeat Test Takers Take CALE Policy Change**
- 6. Future Agenda Items**
- 7. Adjournment**

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

**THE AGENDA, AS WELL AS COMMITTEE MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD'S WEBSITE AT**

www.acupuncture.ca.gov

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**California Acupuncture Board
February 2014 Examination Results**

FIRST TIME TAKERS ONLY					
	English	Chinese	Korean		Total
Passed	152	54	40		246
Failed	88	35	25		148
Total	240	89	65		394
Pass Rate	63%	61%	62%		62%
RE-EXAMINEES ONLY					
	English	Chinese	Korean		Total
Passed	19	13	6		38
Failed	85	28	35		148
Total	104	41	41		186
Pass Rate	18%	32%	15%		20%
OVERALL					
	English	Chinese	Korean		Total
Passed	171	67	46		284
Failed	173	63	60		296
Total	344	130	106		580
Pass Rate	50%	52%	43%		49%

FEBRUARY 2014 EXAMINATION RESULTS STATISTICS BY SCHOOL

SCHOOL	1st TIME TAKERS			OVERALL (includes re-examinees)		
	# Passed	# Failed	PASS %	# Passed	# Failed	PASS %
<i>Academy of Chinese Culture & Health Sciences</i>	8	5	62%	8	11	42%
<i>Academy of Oriental Medicine at Austin</i>	1	0	100%	1	0	100%
<i>Acupuncture & Integrative Medicine College, Berkeley</i>	12	4	75%	13	7	65%
<i>Alhambra Medical University</i>	7	3	70%	8	7	53%
<i>American College of Acupuncture & Oriental Medicine</i>	1	0	100%	2	0	100%
<i>American College of Traditional Chinese Medicine</i>	23	6	79%	24	7	77%
<i>Bastyr University</i>	2	1	67%	3	1	75%
<i>California Trinity University (formerly Kyung San)</i>	0	0	N/A	0	5	0%
<i>Dong-guk University, California</i>	19	8	70%	22	23	49%
<i>Emperor's College of Traditional Oriental Medicine</i>	10	9	53%	13	11	54%
<i>Five Branches University</i>	27	19	59%	29	28	51%
<i>Golden State University</i>	2	0	100%	3	0	100%
<i>Kingston University</i>	0	0	N/A	0	2	0%
<i>Kyung San University</i>	0	0	N/A	0	3	0%
<i>National College of Naturopathic Medicine</i>	2	0	100%	2	0	100%
<i>New England School of Acupuncture</i>	0	1	0%	0	1	0%
<i>Nine Star University of Health Sciences</i>	1	1	50%	1	2	33%
<i>Oregon College of Oriental Medicine</i>	3	3	50%	3	3	50%
<i>Pacific College of Oriental Medicine</i>	39	17	70%	41	24	63%
<i>Samra University</i>	1	2	33%	1	5	17%
<i>Santa Barbara College of Oriental Medicine</i>	0	1	0%	0	2	0%
<i>South Baylo University</i>	35	15	70%	41	55	43%
<i>Southern California University of Health Sciences</i>	7	3	70%	4	6	40%
<i>Southern CA Univ. School of OM & Acupuncture</i>	3	5	38%	11	14	44%
<i>Southwest Acupuncture College</i>	0	2	0%	0	2	0%
<i>St. Luke</i>	0	2	0%	0	3	0%
<i>Stanton University</i>	1	3	25%	1	8	11%
<i>Traditional Acupuncture Institute</i>	0	0	N/A	0	1	0%
<i>University of East West Medicine</i>	9	9	50%	12	17	41%
<i>YoSan University of TCM</i>	8	8	50%	8	10	44%
<i>Tutorials</i>	1	1	50%	2	1	67%
<i>Foreign Equivalency</i>	24	20	55%	31	37	46%
GRAND TOTAL	246	148	62%	284	296	49%



DATE	April 18, 2014
TO	Exam Committee
FROM	Executive Officer
SUBJECT	Audit of NCCAOM exam Budget Change Proposal

Budget Change Proposal for Auditing NCCAOM Exam

The purpose of this memo is to inform the Board about the nature and reason for this one time expenditure increase request. The Board is submitting a Budget Change Proposal (BCP) asking for appropriation authority for the audit of the national certification examination. The reason for this BCP is that the audit will require an interagency contract with the Office of Professional Examination Services (OPES) that will cost the Board approximately \$80,000. Since this is a one-time budget expense, it is not currently budgeted nor is the Board able to simply add it to our budget ourselves. All budget appropriations must be approved by both the Legislature and Governor in an approved budget. The government process for one time expenditures is this budget change proposal process. Since it is a contract for services, we are only seeking appropriation authority. In effect, we are asking to increase our total budget authority in Fiscal Year 2015-16 by \$80,000, so we have the money to cover the contract expense of the audit.

The process starts with a BCP which is submitted to Department of Consumer Affairs (DCA) for approval. If the concept is approved, the Board is given permission to submit a Budget Change Proposal that has more detail. The request is given to DCA for review and if approved, goes to Agency, and if approved goes to Department of Finance (DOF) and the Governor's Office (GO) for review and approval. If approved by the Governor, the request is included in the Governor's proposed FY 2015-16 Budget to be released in early January 2015.

Discussion:

The prior Board committed to hiring OPES to audit the national certification exam last year. This Board stated in its Sunset Review Report approved October 25, 2013 that the Board committed to conduct an audit of the national certification exam. As a result, the Board is committed to expending the funds to hire OPES to conduct the audit upon completion of the occupational analysis (OA). The Board is required to conduct regular evaluations of its licensing exam which OPES conduct for the Board. Every five years OPES is required to conduct an OA, which they are currently doing to for the Board. The audit must always be preceded by a current OA, so that it can compare the scope of each exam. The OA is scheduled for completion February 2015. The audit will begin upon completion of the OA. There is no action required. This is just an update.

Committee Meeting Notes

ENFORCEMENT COMMITTEE MEETING

April 18, 2014



Board Members

Hildy Aguinaldo (Chair)

Kitman Chan

Jeannie Kang

Staff Member

Kristine Brothers – Enforcement Coordinator



NOTICE OF ACUPUNCTURE BOARD ENFORCEMENT COMMITTEE MEETING

**April 18, 2014
(REVISED LOCATION)**

**Department of Consumer Affairs
1747 North Market Blvd.
Old Location: Ruby Room
New Location: HQ2 Hearing Room
Sacramento, CA 95834**

**Teleconference Meeting Location:
Hildegarde Aguinaldo, Chair, Public Member
Jeannie Kang, L.Ac, Licensed Member
Junipero Sera State Building
320 West Fourth Street, 7th Floor Conference Room
Los Angeles, CA 95834**

Enforcement Committee Members

*Hildegarde Aguinaldo, Chair, Public Member
Kitman Chan, Vice Chair, Public Member
Jeannie Kang, L.Ac, Licensed Member*

AGENDA

Enforcement Committee Meeting - Upon adjournment of the Exam Committee

- 1. Call to Order and Establishment of a Quorum**
- 2. Opening Remarks**
- 3. Review Acupuncture Standards of Practice regulations in Article 5:**
 - **Condition of Office- section 1399.450**
 - **Treatment Procedures- section 1399.451**
 - **Treatments Outside the Office- section 1399.452**
 - **Record Keeping- section 1399.453**
 - **Single Use Needles- section 1399.454**
 - **Advertising- section 1399.455**
- 4. National Practitioner Data Bank. Should the Board contract with National Practitioner Data Bank as recommended by the Sunset Review Committee?**
- 5. Future Agenda Items**
- 6. Adjournment**

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

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ACUPUNCTURE BOARD

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



DATE	April 18, 2014
TO	Enforcement Committee
FROM	Executive Officer
SUBJECT	Review of Enforcement Standard of Care Regulations

Review of Standard of Care Regulations

The Board's strategic plan included an objective for the Board to review its enforcement regulations to see if there were gaps, clarity needed, additional or revised provisions needed to address issues not specifically or adequately addressed in the current regulations. Additionally, the Board should evaluate whether the regulations adequately address all standard of care issues.

Article 5 Standard of Care regulations include the following sections: 1399.450 - **Condition of Office**, 1399.451 - **Treatment Procedures**, 1399.452 - **Treatment Outside the Office**, 1399.453 - **Record Keeping**, 1399.454 - **Single Use Needles**, 1399.455 - **Advertising**. I am excluding for this policy review discussion 1399.456 **Use of the Title "Doctor"** because this regulation will need to be repealed as a result of a bill that codified the regulation in statute.

Standard of Care Policy Issues:

To begin the issue identification and policy discussion, the Committee can look for any need for clean-up language. The next layer of review is to identify specific issues that need further clarity or issues that are not currently addressed in the standard of care regulations that need to be addressed.

One of the obvious clean-up issues is the inconsistency of the language in section 1399.450 (b) with the single needles requirement in section 1399.454. Since single needle use is the standard, provisions for sterilized needles are inconsistent with this requirement and should be deleted. There are other references that use the word sterile needles that should be replaced with single use needles to be consistent with the current standard. The Condition of Office—section 1399.450 is the section that we are amending to include the prostitution prevention regulatory language the Board approved last meeting. Thus, it will be added to this section once implemented. Are there any other issues related to condition of office that the Board should consider including in this section?

Treatment Procedures—section 1399.451 is the section that the Board recently amended to update the hygiene standard. Are there any other treatment procedures that are not addressed? What about the use of gloves—an issue that has been raised as a public health issue. Is there a need to include something about changing sheets between patients? Should there be privacy standard related to draping of patients?

Treatment Outside the Office—section 1399.452 provides for the use of "sterile needles" rather than "single use needles." This is inconsistent with the single use needle standard. Additionally, shouldn't the provision require sterile instruments in sterile airtight container in (a)? Are there unique situations outside the office that need to be addressed in this section?

Record Keeping – 1399.454 is a provision that could be enhanced with additional language providing what information should be kept in records. There is no mention of "assessment" or "diagnosis" that should be included along with "treatment" information. Without assessment and diagnosis, it would be difficult to determine the appropriateness of treatment. Should there be a TCM Zhen Fu diagnosis? Should there be notes includes justifying treatment? Should there be notes for "each patient visit? In the Board's enforcement actions, it would be helpful to have more specificity about what should be contained in records. Poor record keeping is a frequent disciplinary action. Therefore, having a more specific records standard would improve enforcement.

Advertising – section 1399.455 is a provision that regulates advertising. The Board has already approved one change to require licensees to display their license number in all advertising with an exemption of school clinics. Are there addition advertising requirements needed?

Proposed Regulatory Language: Once the Committee identifies issues and revisions, staff will draft language.

Recommendation: There are opportunities for clean-up language related to replacing all references to sterile needles with single use needles so there is a consistent standard. Requiring the inclusion of assessment and diagnosis for each visit for record keeping would clarify the standard for record keeping.

Attached: Standard of Care Regulations

Title 16, Article 5. Standards of Practice

1399.450. Condition of Office.

1. (a) Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have a readily accessible bathroom facility in accordance with Title 24, Part 2, Building Standards Code Sections 494A.1 and 1994 Uniform Building Code Section 2902.3.
2. (b) In all offices where non-disposable needles are used, there shall be functioning sterilization equipment.

1399.451. Treatment Procedures.

In treating a patient, an acupuncturist shall adhere to the following procedures:

1. (a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments, and between patients.
2. (b) All instruments shall be sterilized before and between uses in a manner which will destroy all microorganisms. All needle trays which contain sterile needles shall also be sterile. Each time instruments are sterilized, the acupuncturist shall use a tape or strip indicator which shows that sterilization is complete.
3. (c) Acupuncture points, where needles are to be inserted, shall be cleaned with an appropriate antiseptic before insertion of the needle.
4. (d) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or penetrate the tissues in order to excise such a needle.
5. (e) Any complication, including but not limited to, hematoma, peritonitis or pneumothorax arising out of acupuncture treatment shall be referred immediately to a physician or dentist or podiatrist, if appropriate, if immediate medical treatment is required.
6. (f) Acupuncture shall not be performed using hypodermic needles.
7. (g) All instruments to be discarded shall be disposed of safely.
8. (h) Needles shall be disposed of by placing them in a sealed, unbreakable container marked "Hazardous Waste" and disposed of in accordance with state and local law.

1399.452. Treatments Outside the Office.

1. (a) Any acupuncturist who provides acupuncture treatment outside the office shall carry the required sterile needles and other instruments in a sterile airtight container.
2. (b) All standards of practice applicable to treatment outside the office shall be adhered to by the acupuncturist providing such treatment.

1399.453. Record keeping.

An acupuncturist shall keep complete and accurate records on each patient who is given acupuncture treatment, including but not limited to, treatments given and progress made as a result of the acupuncture treatments.

1399.454. Single Use Needles.

An acupuncturist shall use needles labeled for single use only that meet the requirements of federal regulations 21 CFR Part 880.5580 (61 FR 64617, December 6, 1996). It shall constitute unprofessional conduct for an acupuncturist to use a needle more than once.

1399.455. Advertising.

1. (a) A licensed acupuncturist may advertise the provision of any acupuncture services authorized to be provided by such licensure in a manner authorized by Section 651 of the code so long as such advertising does not promote the excessive or unnecessary use of such services.
2. (b) It is improper advertising as provided in Section 4955 of the code to disseminate any advertising which represents in any manner that the acupuncturist can cure any type of disease, condition or symptom.
3. (c) It is improper advertising as provided in Section 4955 of the code to disseminate any advertising of a practice, technique or procedure which is not within the scope of the practice of acupuncture as defined in Section 4927 and 4937 of the code and which is the unlawful practice of medicine.



ACUPUNCTURE BOARD

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(916) 515-5200 FAX (916) 928-2204 www.acupuncture.ca.gov



DATE	April 18, 2014
TO	Enforcement Committee
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	National Practitioner Databank (NPDB) Query Information

Issue:

The Sunset Review Committee background paper for the Board's 2013 Sunset Review has recommended that the Board start querying the National Practitioner Databank (NPDB) continuously, or at minimum, conduct periodic checks of sets of licensees to ensure protection of the public.

Problem:

All licensing, certification and regulatory agencies over acupuncturists nationwide are required to report disciplinary actions to NPDB. In addition, insurance companies, health networks, and certain employers are also required to report malpractice and other adverse actions to NPDB. Currently, the Board has not participated in NPDB's querying system to learn of these disciplinary and other adverse actions. Insurance companies are also required by Business and Professions Code section 801 to report malpractice judgments and settlements over \$3,000 directly to the Board. However, without querying, the Board is reliant on self-reporting from licensees during their renewal and self-reporting on examination applications from applicants to report any in-state or out-of-state disciplinary actions taken. The largest barrier the Board has faced in the past with conducting regular NPDB queries is cost.

There is a significant cost to contract for access to National Practitioner Data Bank queries; The Board must first consider and decide if the Board should contract for these services and, and if so, which option to choose.

Background:

The Board reviews its examination application to screen those applicants that have prior healing arts disciplinary action for evaluation purposes. There are four separate questions on the examination/licensure application that asks if the applicant was ever denied a healing arts license anywhere in any state or country, voluntarily surrendered a healing arts license, or had a healing arts license disciplined. The application also asks if the applicant was ever charged with unprofessional conduct or another unlawful activity. If an applicant reports yes on any of these questions, it is referred to enforcement for further review. After additional information is evaluated, the Executive Officer then determines if the applicant will be granted or denied a license after passing the exam.

The Board screens the renewal application and process to learn of any disciplinary actions or license denied by another licensing authority of this state, out-of-state, and out-of-country for current licensees. Both the examination and renewal applications require the individual to sign under penalty of perjury that those statements are true and correct.

In the past, the Board has looked into querying capabilities with NPDB but always ran into logistical problems with terms of payment, as you can only use a credit card or electronic fund transfers for the service. The other barrier is the cost for querying the Board's applicant and licensee population.

The NPDB charges \$4.75 per query for a one-time query. For a continuous query it is \$3.25 and covers the cost of enrolling one practitioner in the Data Bank for one year. There are a total of 12,862 clear licensed acupuncturists. Additionally, the Board receives roughly around 800 new applicants for the exam every year. If the Board enrolled in continuous query, it would initially be about \$41,801.50. Thereafter, the annual cost would increase by about \$2,600 after enrolling each applicant. This increase could be offset by licenses regularly getting cancelled or disciplinary actions revoking licenses. If the Board just conducted continuous queries on a select group of applicants or licensees, most likely out-of-state (1,666 out-of-state licensees), the annual cost would roughly be about \$5,414.50. If a one-time query is performed on just out-of-state applicants the annual cost for approximately 20 applicants would roughly be about \$95. However, these queries will not capture licensees or applicants that are dually licensed as an acupuncturist and another healing arts practitioner within the state. When the Board phases over to the BreEZE system, there should be more connectivity with other healing arts Boards to be able to see disciplinary actions on other license types.

An additional issue is how to pay for these services. A survey was sent out to other healing arts boards to see what kind of querying they do with NPDB and how they pay for this service. As an example, the Respiratory Care Board does not participate in continuous querying, and only conducts single queries on out-of-state applicants. The Respiratory Care Board uses a Cal Card to pay for their one-time queries and had to revise their memorandum of understanding (MOU) for the Card to include these services. The other barrier is the cost of continuous querying exceeding the maximum balance of the Board's Cal Cards currently in use. If the Board decides to enroll in continuous querying, staff would need to work with the Department of Consumer Affairs (DCA) to determine an appropriate method of payment that will work for DCA and NPDB.

Discussion:

The Board needs to ensure public protection with some level of NPDB querying so it's not entirely reliant on applicant and licensee self-reporting. The cost of each type of querying annually and the challenges associated with payment should also be considered.

Cost options.

There are several options for query access that have different costs and provide different levels of access. For purposes of the discussion, the Committee needs to decide whether to choose continuous query or individual query access. Continuous query provides the most complete query access compared to individual queries. Continuous queries allows for constant reporting of those licensees for which we pay to have continuous query access. This option provides the best enforcement coverage and information. With individual query access, the Board is only provided a point in time

query access to individual licensees, not continuous year round reporting as continuous query access provides. So, continuous versus individual query services is the first decision.

Out- of - state vs All Licensees.

The second decision relates to having query access for all licensees or just out of state licensees. The consideration here is cost and coverage. Just querying out of state licensees involves fewer in number and significantly less cost than querying all licensees. There may be little gap in just querying out of state licensees because the Board would have the benefit of access to California agencies. The big gap would be out of state agencies reporting to the Board. Other boards strike the balance in cost and coverage by having continuous query access for out of state only licensees.

The cost difference for out of state continuous query would be approximately \$5414.50 compared to continuous query access to all of the licensees that would cost \$41, 801 with an estimated annual increase of \$2600.

Given the lack of enforcement coverage that individual query access provides, it is not a good option for the Board to pursue even though it may be less costly. The cons are that it provides limited query access and it is unclear how the Board would determine which individuals to query. The option that strikes a balance in cost and enforcement coverage is continuous queries of just out of state licensees. The gap in this option would be from dually licensed individuals in state.

Recommendation: The Committee approve the Board enrolling in the NPDB querying system for continuous querying of just out-of- state licensees.

Committee Meeting Notes



NOTICE OF ACUPUNCTURE BOARD EXECUTIVE COMMITTEE MEETING

April 18, 2014

(REVISED LOCATION)

Department of Consumer Affairs
1747 North Market Blvd.
Old Location: Ruby Room
New Location: HQ2 Hearing Room
Sacramento, CA 95834

Teleconference Meeting Location:
Jeannie Kang, L.Ac., Licensed Member
Jamie Zamora, Public Member
Junipero Sera State Building
320 West Fourth Street, 7th Floor Conference Room
Los Angeles, CA 95834

Executive Committee Members

Michael Shi, L.Ac, Chair, Licensed Member
Kitman Chan, Vice Chair, Public Member
Francisco Hsieh, Public Member
Jeannie Kang, L.Ac, Licensed Member
Jamie Zamora, Public Member

AGENDA

EXECUTIVE COMMITTEE MEETING - Upon adjournment of the Enforcement Committee

1. Call to Order and Establishment of a Quorum
2. Opening Remarks
3. Additional Staffing and Facilities Expansion Needs
4. How Should the Board Expand its Outreach to Address Sunset Review Committee Concerns?
5. Board Training Needs
6. Future Agenda Items
7. Adjournment

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

**THE AGENDA, AS WELL AS COMMITTEE MEETING MINUTES, CAN BE FOUND ON THE
ACUPUNCTURE BOARD'S WEBSITE AT**

www.acupuncture.ca.gov

Please Note: Committee meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you need additional reasonable accommodations, please make your request no later than five (5) business days before this meeting. Please direct any questions regarding this meeting to the Board Liaison, Tammy Graver at (916) 515-5204; FAX (916) 928-2204

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DATE	April 18, 2014
TO	Executive Committee
FROM	Executive Officer
SUBJECT	Budget Change Proposal Request for Additional Staff

Budget Change Proposal Request for Additional Staff

Background:

This is a follow-up request for additional staff that was not included in last year’s request. Last year the Board requested 6.5 additional personnel years (PYs), but only received approval for 3 PYs. Those three positions included: 1 Associate Governmental Program Analyst (AGPA) for Education, 1 AGPA for Enforcement, and 1 Office Technician (OT) for Licensing. These positions were approved to address the fact that the workload for each of these functions exceeded the staffing levels. In addition, the Sunset Review Committee specifically recommended the Board seek additional staff to perform its Education oversight and enforcement, enforcement and licensing. The workload for Education Oversight and Enforcement exceeds the current staffing levels even with the 3 additional positions. Thus, the Board is seeking to request additional staffing to meet the current workload demands.

Education. Education Oversight and Enforcement includes: school approval, oversight and enforcement; approval and oversight of Tutorials; Continuing Education (CE) oversight and enforcement. This workload is estimated to be equivalent to 6 PYs, but the staffing level is only 1 PY staff. With the additional staff, there will be one staff to handle school and tutorials and one staff to handle continuing education provider and course approvals and audits of licensees and CE providers. Even with the additional staff, it is anticipated that there will be a need for an additional OT for schools and tutorials to handle data input of applications, annual reports, communication between schools and tutorial supervisors and students. There is a tremendous amount of clerical work for education that is currently performed by the APGA. Additionally, the Continuing Education Analyst will need clerical support to update course approval lists monthly, post to the website, update the approved provider lists, and answer phones, emails, letters and faxes.

An additional AGPA position for Education Enforcement is needed to conduct routine CE audits of all licensees to ensure they have completed the requisite number of CEs as claimed in their renewals. The Board has struggled to complete these routine audits. Furthermore, the staffing limitations have prevented the Board from being able to conduct audits of CE providers. A routine audit of both Licensees and CE providers is a full time position. To adequately staff Education Oversight and Enforcement the Board will need an additional **3 education staff: 1 AGPA and 2 OTs.**

Enforcement. Enforcement includes intake of complaints and cases, investigation, prosecution and final disciplinary disposition. The current estimated workload for Enforcement is 4.6 PYs. This function is being performed by .7 PY staff. With the additional 1 AGPA staff, there is still a need for additional enforcement staff to meet the workload demands. The Board is seeking to reinstate a .5 PY Special Investigator position that it received 2 years ago but was lost in staff reductions drills. However, because this staff position was part of the Consumer Protection Enforcement Initiative (CPEI), the position was never eliminated. So, the Board is seeking to reinstate that .5 PY position and request an additional 1 PY Special Investigator. These classifications are unsworn trained investigators who can conduct investigations in the field. These 1.5 PYs would provide the Board with the staffing to conduct proactive unlicensed activity investigations around the state and through internet advertising searches. This is something that other Boards have instituted with great success in curbing unlicensed practice. These positions would be able to conduct unannounced visits to clinics, which would provide an enforcement presence that the Board does not currently have in communities throughout the state.

There is a need for an additional AGPA staff person to oversee probation and enforcement caseload. There is also a need for a clerical support staff to handle data input of 2 case management software systems, legal notices, service of process and letter to respondents, Department of Justice Attorneys and Administrative Law Judges. There is a more than a full time clerical workload that is current being done by the analyst level which makes them less efficient in the performance of their duties. This clerical level staff would be a full time Office Technician. The Board used to have 4 full time clerical positions—one for enforcement, one of education and two for the office management and Board meeting logistics and travel. The Board no longer has any of these clerical positions. In summary, enforcement needs **3 additional enforcement staff: 1 AGPA, 1 Special Investigator, 1 OT.**

Administration Management.

Presently, the Executive Officer (EO) is the direct supervisor for all staff. As the Board ramps up its school approval and enforcement site visits, the EO will be out of the office a significant amount of time thus requiring a managerial presence to conduct daily business. There is a need for a back-up manager who can take over staff supervision, oversee regulations implementation, manage contracts, procurement and administrative audits and requirements. As the Board ramps up its school approval and enforcement site visits, the EO will be out of the office a significant amount of time, thus requiring a managerial presence to conduct daily business. This position would be a Staff Services Manager I (SSMI) level staff to share the managerial duties with the EO. Furthermore, the Board needs 2 full time OT positions to oversee Board meeting logistics, Board member travel, pay and other requirements, provide administrative support for EO, conduct records retention policy, answer phones and emails, and assist with procurement. Currently the Board has 2 part time staff with permanent intermittent status who works .6 PYs with a 1500 hours per year cap. These positions need to be full time to handle the administrative needs of the office, to answer phones and provide customer service. In summary, administration and management need **3 additional staff: 1 SSMI, 2 OTs.**

Summary

3 education staff: 1 AGPA and 2 OTs.

3 additional enforcement staff: 1 AGPA, 1 Special Investigator, 1 OT.

3 additional staff: 1 SSMI, 2 OTs.

Total 9 PYs needed.

Facilities Expansion Needed.

With the addition of 3.5 new staff, the Board facility is full and cannot accommodate these additional 9 staff that are needed. I have contacted the DCA facilities about expanding to the second floor. Expansion would require 24 months to process request and build out space. This request is typically begun with a BCP which includes a request for facilities expansion which this BCP would include. In discussing the board's option with the facilities staff, the best option would be to expand upstairs in the same building but continue lease in current space. Although, the board staff would be split between two floors, that would be the simplest option to pursue. It is not possible to move to a larger space because the Board is locked into a lease. The current leased space costs \$115,000 per year. The additional new space will likely cost an additional \$50,000 to \$100,000 annually.

DCA will assist in calculating the exact staffing costs and facilities costs, so I do not yet have those numbers for you that estimate costs. This is intended to be an executive summary of staffing needs and facility needs.

ISSUE #8: Should the Board join professional regulatory associations?**Background:**

In the Sunset Review Report, the Board noted that it does not belong to any national, regional or local professional regulatory associations. The Committees believe that membership in such organizations is of value to the Board and the profession. Considering California has the largest population of acupuncturists in the nation, it is important for the Board to have a presence at these forums in order to ensure that the Board is well aware of current trends and practices in the profession.

Staff Recommendation:

The Board should advise the Committees why it does not belong to any professional regulatory associations. The Board should consider joining professional regulatory associations.

Committee Meeting Notes
