

# California Acupuncture Board Meeting

March 25, 2022

WebEx Conference Call



## **Board Members**

John Harabedian, Esq., President

Ruben Osorio, Vice President

Dr. Yong Ping Chen, L.Ac., Ph.D

Hyun "Francisco" Kim, M.S., L.Ac.

Dr. Shu Dong Li, Ph.D

Dr. Amy Matecki, M.D., L.Ac.



# **FBM Agenda**



## ACUPUNCTURE BOARD MEETING AGENDA

**Friday, March 25, 2022**

**9:30 a.m.**

**TO**

**5:00 p.m.**

**(OR UPON COMPLETION OF BUSINESS)**

**LOCATION:**

**Web Ex Teleconference**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mdf68113028f01f5f1b967311de4d325a>

### Important Notices to the Public

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

In accordance with Government Code Section 11133 and Governor Gavin Newsom's Executive Order N-1-22, this meeting will be held by teleconference with no physical public locations.

### ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE FULL BOARD MEETING AGENDA

#### **Members of the Board**

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

1. **Call to Order, Roll Call, and Establishment of Quorum  
(John Harabedian, Board President)**
2. **President's Remarks (Harabedian)**
  - Welcoming message and meeting information

3. Review and Possible Approval of the December 9 and 10, 2021 Board Meeting Minutes (Harabedian)
4. Executive Management Report
  - (A) Budget Update
  - (B) Staffing Update
  - (C) Facilities Update
  - (D) Business Modernization Update
  - (E) Licensing Report Q2 Fiscal Year 2021-2022
  - (F) Enforcement Report Q2 Fiscal Year 2021-2022
  - (G) Sunset Report Update
5. Legislative Report and Update of 2022 Legislative Bills of Interest to the Board (Ben Bodea, Executive Officer)
  - (A) Bills of Interest to the Board Carried Over from 2021
    - i. [AB 2](#) (Fong) Regulations: legislative review: regulatory reform
    - ii. [AB 29](#) (Cooper) State bodies: meetings
    - iii. [AB 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions
    - iv. [AB 810](#) (Flora) Healing arts: reports: claims against licensees
    - v. [AB 885](#) (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
    - vi. [AB 918](#) (Quirk-Silva) Acupuncture: licensure: examination
    - vii. [AB 1026](#) (Smith) Business licenses: veterans
    - viii. [AB 1236](#) (Ting) Healing Arts: licensees: data collection
    - ix. [AB 1386](#) (Cunningham) License fees: military partners and spouses
    - x. [AB 1468](#) (Cunningham) Prior authorization
    - xi. [SB 731](#) (Durazo) Criminal records: relief
    - xii. [SB 772](#) (Ochoa-Bogh) Professions and vocations: citations: minor violations
    - xiii. [AB 1498](#) (Low) Members of boards within the Department of Consumer Affairs: per diem
  - (B) Bills of Interest to the Board introduced in 2022
    - i. [AB 1604](#) (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications

- ii. [AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
- iii. [AB 1733](#) (Quirk) State Bodies: Open Meetings
- iv. [SB 1031](#) (Ochoa Bogh) Healing arts boards: inactive license fees.

**6. Regulations Update (Bodea)**

**(A) Review of the Board's Submitted 2022 Rulemaking Calendar**

- 1) Fee Waiver for Licensure of Military Spouses/Partners and Application for Licensure (Title 16 CCR sections 1399.413, 1399.419, new section 1399.?)
- 2) Temporary Licensure of Military Spouses/Partners (Title 16 CCR sections 1399.413, 1399.419)
- 3) Section 100 Clean-up Text and Forms ("B" for "b") (Title 16 CCR sections 1399.400 through 1399.489.1 inclusive)
- 4) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)
- 5) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.415, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439)
- 6) Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service (Adopt Text to Add Sections 1399.409, 1399.416.2, 1399.416.3, and 1399.416.4, and Amend sections 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, and 1399.419 419 in Title 16 of the CCR)
- 7) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419.3)
- 8) Continuing Education Requirements (Title 16 CCR sections 1399.483, 1399.489)
- 9) Standards of Practice for Telehealth Services (Title 16 CCR section 1399.452.1)
- 10) Hand Hygiene Requirements (Title 16 CCR section 1399.451)

**7. Discussion of Proposed Stakeholder Meeting on Acupuncture Curriculum Requirements (Bodea)**

**8. Discussion and Possible Action Regarding the Acupuncture Board's Executive Officer Salary Increase (Harabedian)**

## **8. Public Comments for Items Not on the Agenda (Harabedian)**

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

## **9. Future Agenda Items**

## **10. Adjournment**

### Informational Notes:

Discussion and action may be taken on any item on the full board meeting agenda. The agenda, as well as any available Board meeting minutes and materials, can be found on the California Acupuncture Board website: [www.acupuncture.ca.gov](http://www.acupuncture.ca.gov).

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

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting at: <https://thedcapage.wordpress.com/webcasts/>.

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

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

Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact the Board at (916) 515-5200; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant

at (800) 322-1700 or 7-1-1.

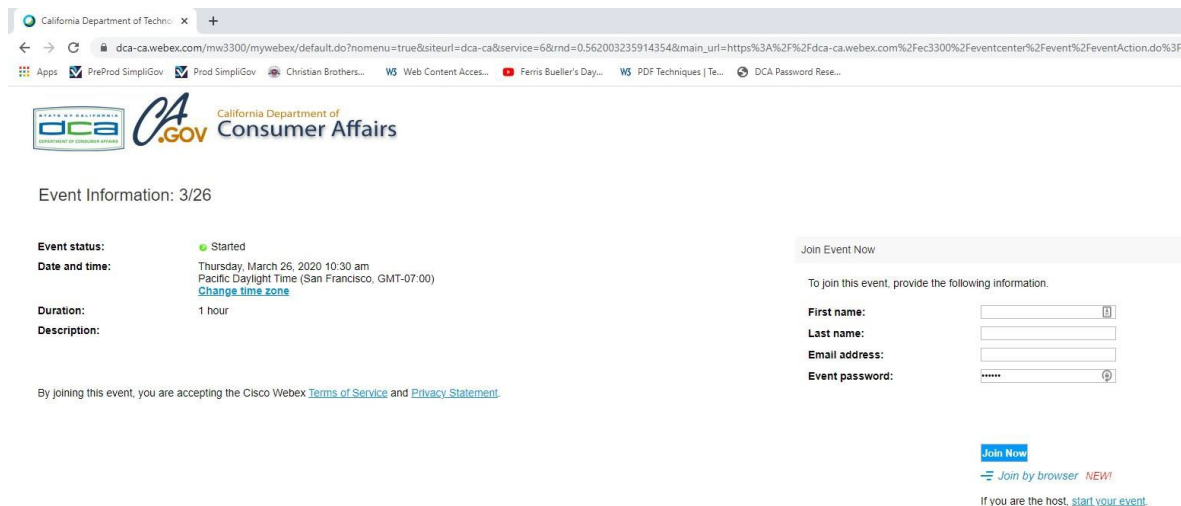
# HOW TO – Join – DCA WebEx Event

The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

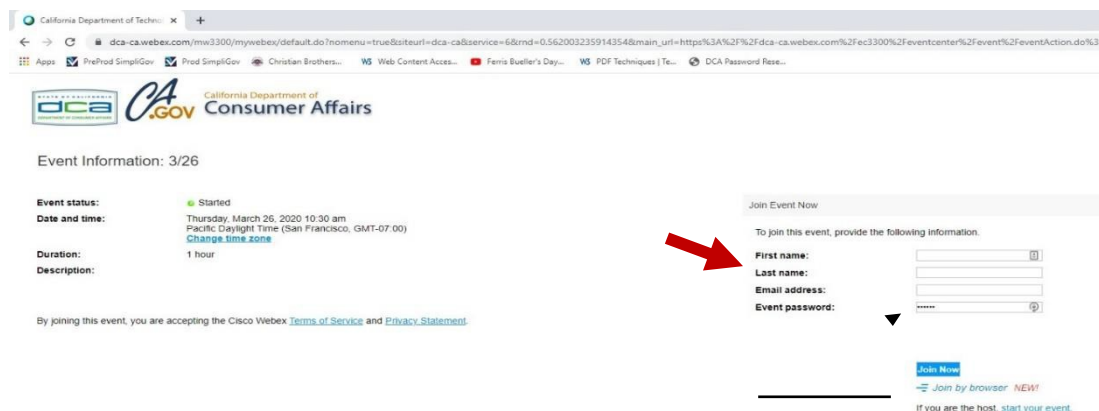
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

*NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.*





# HOW TO – Join – DCA WebEx Event

3. Click the 'Join Now' button.

*NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.*

Join Event Now

To join this event, provide the following information.

**First name:**

**Last name:**

**Email address:**

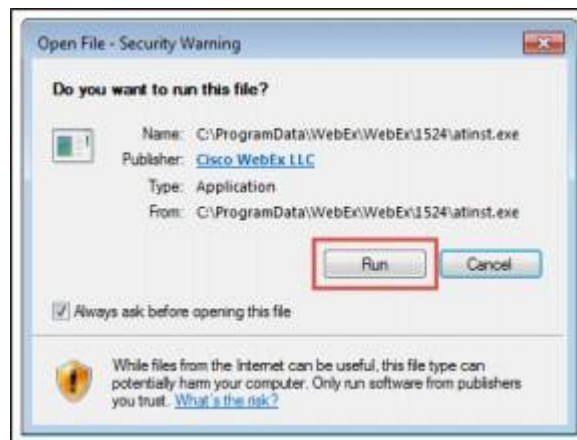
**Event password:**

**Join Now**

[Join by browser](#) **NEW!**

If you are the host, [start your event](#).

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

# HOW TO – Join – DCA WebEx Event

- To bypass step 4, click 'Run a temporary application'.

## Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

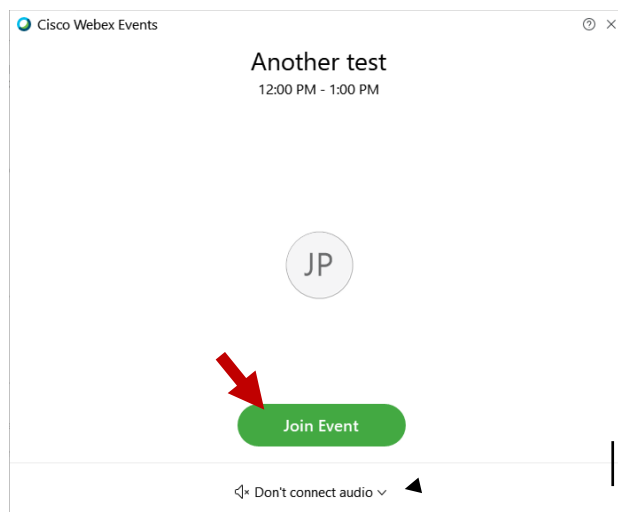
- A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

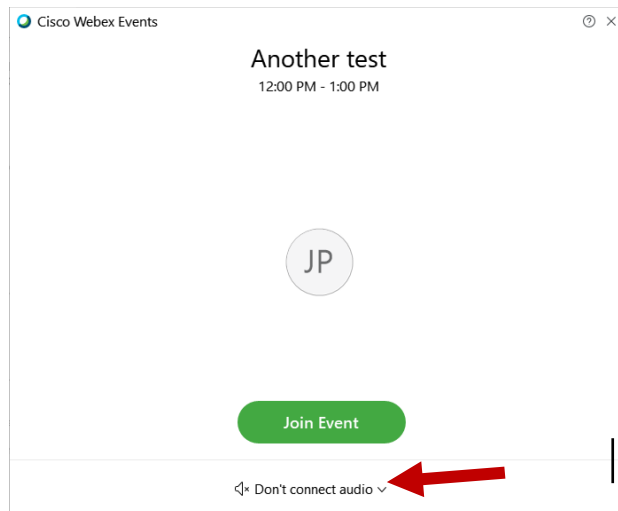
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

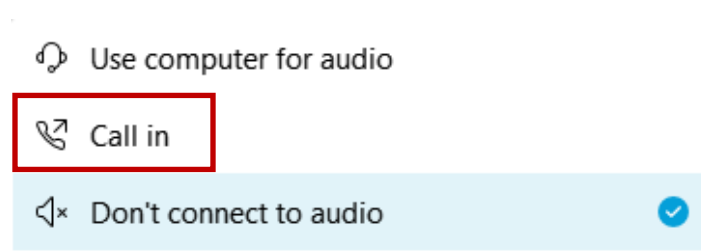


# HOW TO – Join – DCA WebEx Event

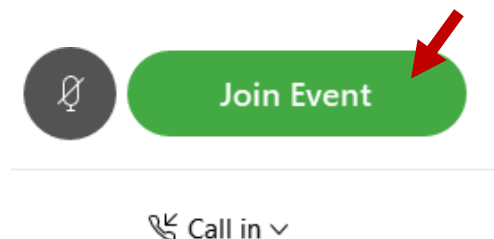
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



9. When the audio menu appears click 'Call in'.

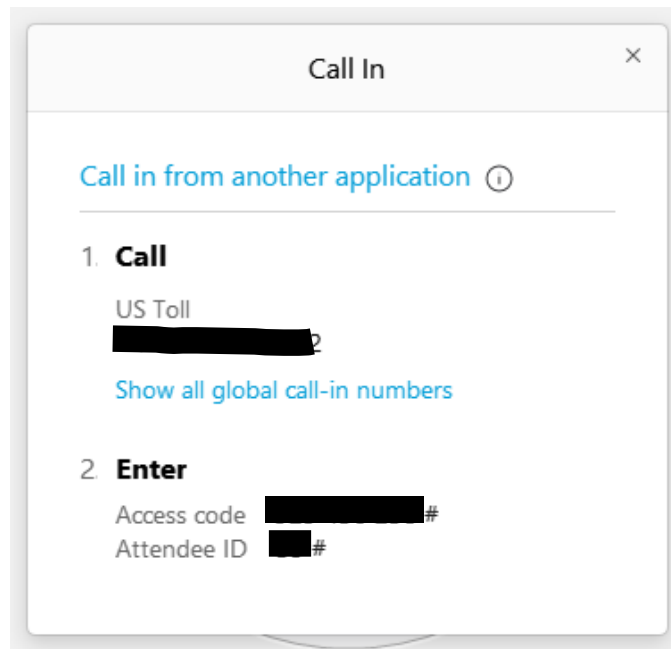


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



# HOW TO – Join – DCA WebEx Event

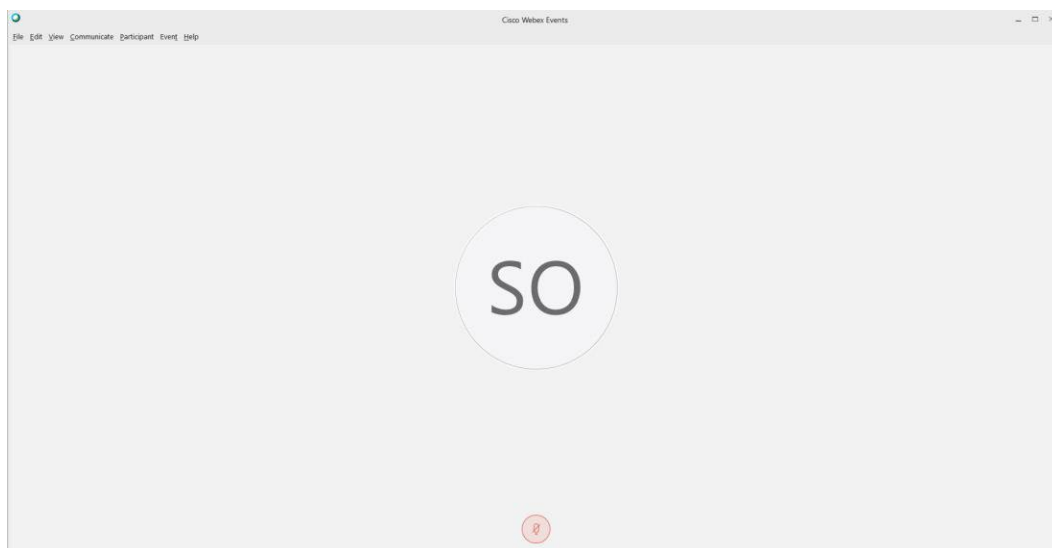
11. Call into the audio conference with the details provided.



*NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.*

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

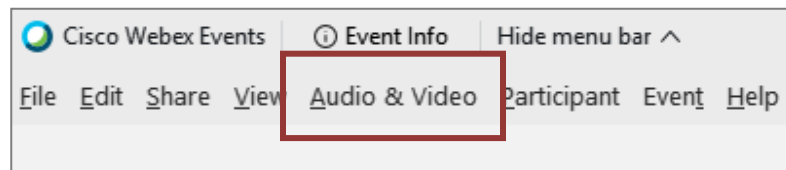


*NOTE: Your audio line is muted and can only be unmuted by the event host.*

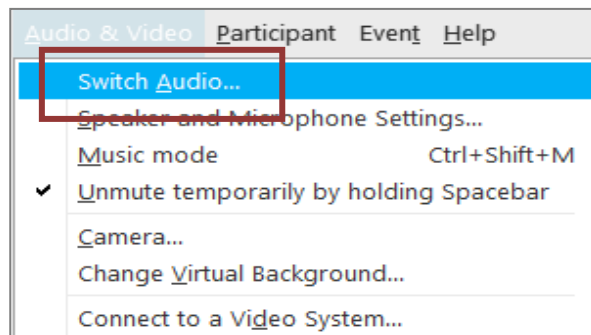
## Selecting Audio Connection After Joining

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

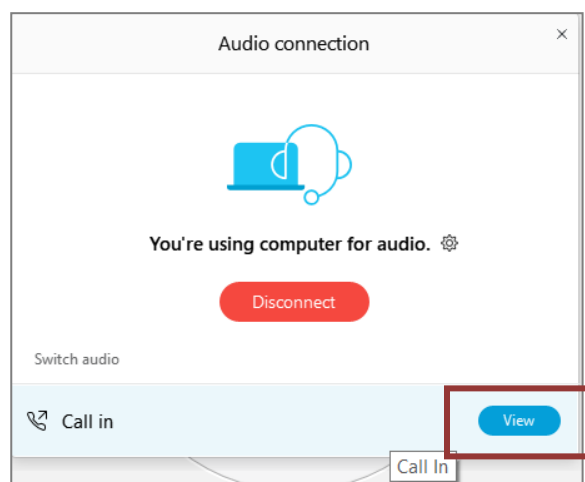
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

### Using the Question & Answer feature (Q&A):

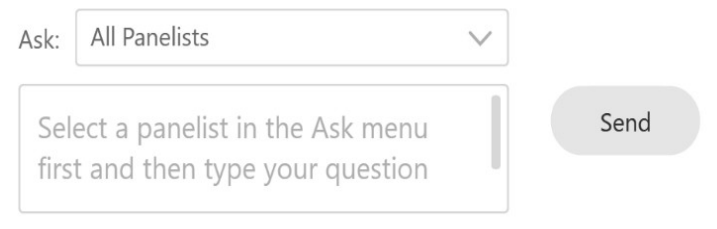
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

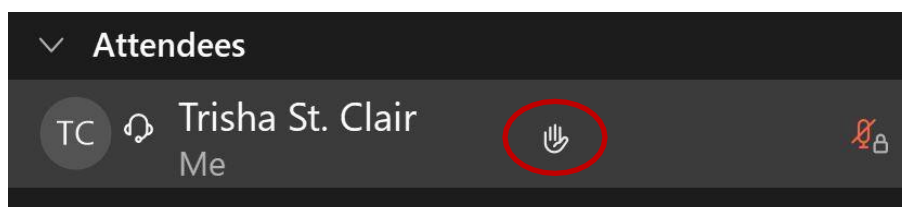
*NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.*

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



### Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.



Please click on the hand icon again once your comment has been presented to lower your hand.

# HOW TO – Join – DCA WebEx Event

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



*NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.*



# **3 -Meeting Minutes**





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**BOARD MEETING  
DRAFT Meeting Minutes  
December 9-10, 2021**

**LOCATION:**

Web Ex Teleconference

**Board Members Present**

Dr. Amy Matecki  
John Harabedian  
Dr. Yong Ping Chen, Ph.D.  
Hyun “Francisco” Kim  
Shu Dong Li, Ph.D.  
Ruben Osorio

**Members of the Board**

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

**Staff Present**

Benjamin Bodea, Executive Officer  
Fred Chan-You, Legal Counsel  
Heather Hoganson, DCA Legal  
Jay Herdt, Licensing Manager  
Marisa Ochoa, Central Services Manager  
Kristine Brothers, Policy Coordinator  
David Bruggeman, Policy Analyst

**Full Board Meeting – Thursday, December 9**

**1. Call to Order, Roll Call, and Establishment of Quorum (John Harabedian, President)**

Board President, John Harabedian (President Harabedian), called the meeting to order at 12:30 p.m.

Policy Analyst, David Bruggeman (Bruggeman), called the roll.

**Members Present**

6 Present – Harabedian, Osorio, Chen, Kim, Li, Matecki



6-0 Quorum Established

## **2. President's Remarks (President Harabedian)**

President Harabedian noted that item 14 on the agenda will not be discussed at this meeting, but he expected it will be addressed at the next Board meeting.

There was no Board member or Public Comment on the President's remarks.

## **3. Review and Possible Approval of the August 2021 Board Meeting Minutes (Harabedian)**

Dr. Matecki noted that the minutes for the August 2021 meeting had an error. In the section on the approval of the minutes for the June 2021 meeting, the minutes read March 2021 rather than June 2021.

There was no public comment.

### **MOTION**

*Member Matecki motioned to approve the August 2021 Board meeting minutes, amended to reflect that the minutes approved during that meeting were for the June 2021 meeting.*

Member Kim seconded the motion.

### **Vote**

**Yes:** Harabedian; Osorio; Chen; Kim; Li; Matecki

**6-0 motion passes**

## **4. Executive Officer's Report (Ben Bodea, Executive Officer)**

(A) Budget Update

Renee Milano from the Department of Consumer Affairs reviewed the Board's Fund Condition Statement and Expenditure Report. She noted that the Board faces a negative months in reserve balance in the 2025 timeframe, but Budgets did not currently consider it a problem, assuming that past reversions hold true moving forward.

(B) Staffing Update

Executive Officer Bodea noted that the Enforcement Coordinator left to take a position with another Board, and the position will be advertised soon. Additionally, the



half-time Special Investigator position may be advertised dependent on how Board funding looks.

#### (C) Facilities Update

The Board move is proceeding, with construction underway at the new location. The current move date is scheduled for January 11.

#### (D) Business Modernization Update

Sean O'Conner of the Office of Information Services presented on the progress to-date of the business modernization process. There have been three major software phases, and the following functions have been implemented: Initial, renewal, re-examination, and wall license applications; change of address; handling deficiencies in applications; and a visual indication of application status. The final phase is focused on implementing continuing education functions and adding functionality to what has already been implemented. Once everything has been implemented, the focus will shift to training staff to handle maintenance and other functions, in addition to ensuring the system can handle future changes to laws, regulations and policies.

#### (E) Licensing Report

Herdt reviewed the licensing statistics for the first quarter of the 2021-22 fiscal year (July 1-September 30, 2021). He noted that there has been a small decline in licensing numbers over the last few years. Additionally, there has been an increase in out-of-state students signing up for tutorials. The wall license is being implemented in phases, depending on when licensees renew.

Herdt next reviewed the examination statistics for the first half of calendar year 2021.

Member Matecki asked for more historical comparisons in the reports made available. President Harabedian asked how the pass rates for the exam and the number of test takers compared to previous years. Bodea noted a decline in test taker numbers, likely due to the pandemic. The pass rates were within the typical range – 65-75 percent. Herdt added that while the number of test takers is down, those who take the test are more likely to be ready for it.

Member Chen noted that tutorial test takers appeared to be doing well, even with concerns raised (during the Licensing Committee meeting) about entry requirements for tutorial students. Herdt noted that the tutorial does require more instruction hours, but the education and training programs have become more refined. Bodea noted that while the tutorial requirements may not include an associate's degree requirement, it doesn't mean the applicants lack for education. Member Kim asked



for details on the rise in out-of-state students registering for tutorials. Herdt confirmed that the Board does not approve out-of-state tutorials, and any tutorial supervisor must be an experienced California-licensed acupuncturist.

*(F) Enforcement Report*

EO Bodea reviewed the Complaints/Convictions and Investigations data for the first quarter of the 2021-22 fiscal year (July 1-September 30, 2021). Factors that influenced the numbers for this quarter include training of new staff, becoming familiar with new laws, a number of old cases and a decrease in the number of conviction and requests.

*(G) Strategic Plan*

EO Bodea noted that Board staff is proceeding with regulatory package development and with a curriculum review (the focus of the Licensing Committee meeting held earlier on December 9). In reviewing the social media requirements for outreach, Bodea noted that a requirement from Facebook would have staff disclose personal information, which is not an option. Staff will continue work with mailing lists, which will become more important as more license activity moves online.

*(H) Sunset Report Update*

The legislature passed SB 607, which included in part provisions delaying the Sunset Review of the Acupuncture Board one year.

There was no public comment on this item.

**5. Legislative Report and Update of 2021 Legislative Bills of Interest to the Board (Kristine Brothers, Policy Coordinator)**

Brothers reviewed the legislative calendar for 2022, noting that any two-year bills would need to move forward in January if they were going to become law. Any bills that are introduced in 2022 must be introduced by February 18.

Brothers then covered the bills that were passed into law that affect the Board and/or acupuncture licensees. These bills were: AB 107; AB 133; AB 361; AB 1273 and SB 607.

There were no Board Member questions or public comment on this item.

The Board recessed from 1:53 to 2:08

Roll Call taken at 2:09



### Members Present

6 Present: Harabedian, Osorio, Chen, Kim, Li, Matecki

6-0 Quorum

### **6. Regulations Update (David Bruggeman, Policy Analyst)**

Bruggeman provided an update on the Board's active regulatory packages. The major changes since the last meeting were:

- Approval of the package implementing regulations for AB 2138 (disciplining an applicant or licensee based on a criminal conviction or the underlying acts must be based on a substantial relationship with the qualifications, duties or functions of the profession). Those regulations went into effect on September 2, 2021.
- Addition to the calendar of a regulatory package cleaning up Board regulations. This package would proceed through the Section 100 process.
- Addition to the calendar of a regulatory package updating hand hygiene requirements for licensees.

Board members had no questions.

### **7. Public Comments for Items Not on the Agenda (Harabedian)**

The sole commenter offered their congratulations to the current and past President, and, expressed concern that there were no means to address errors with applications and/or payments for continuing education courses.

### **8. Adjournment of Day One**

Meeting Adjourned at 2:32 p.m., PST

### **Day Two, Full Board Meeting, December 10, 2021**

### **9. Call to Order, Roll Call and Establishment of a Quorum for Day Two (John Harabedian, President)**

The meeting was called to order at 9:34 a.m. PST.

Members Present

6 Present: Harabedian, Osorio, Chen, Kim, Li, Matecki



6-0 Quorum

#### **10. President's Remarks (Harabedian)**

President Harabedian expressed his thanks to the Board Members and members of the public for their contributions on the first day of the meeting.

No public comment was offered on this item.

#### **11. Occupational Analysis Report (OPES Staff)**

Sanja Durman-Perez presented material to the Board from the recent Occupational Analysis (OA) performed by the Office of Professional and Examination Services (OPES). The full report is available at the Acupuncture Board's website. Durman-Perez described what OPES does, the purpose of licensure examinations, and the methodology and results of the research OA. Such reports are required by state law every five to seven years, and they rely on subject matter experts to ensure that the examination reflects current practice and what is expected of entry-level licensees.

The Board recessed from 11:04 to 11:20

Roll Call taken at 11:21

##### Members Present

6 Present: Harabedian, Osorio, Chen, Kim, Li, Matecki

6-0 Quorum

#### **12. Report from Licensing Committee on December 9, 2021 Meeting and Any Possible Action on Recommendations (Dr. Matecki, Committee Chair)**

Licensing Committee Chair Matecki reviewed the Committee meeting that occurred the morning of December 9th. The focus was on a curriculum review of herbs and exercise therapy. The committee recommended that the full Board discuss the issue and call for a stakeholder meeting.

Board members were supportive of a stakeholder meeting. Member Kim noted an increased representation for herbs in the Occupational Analysis, and Member Chen noted that stakeholders have expressed interest in the topic over the last few meetings. Chen considers herbs an important option in the ongoing treatment of COVID.

Public Comment – Both commenters were in favor, and one expressed an interest in



having more opportunity for interaction than a Board meeting.

### **MOTION**

Member Matecki moved that the Board hold a stakeholder meeting and solicit input on curriculum requirements for herbs and exercise therapy.

Member Li seconded

### **Vote**

**Yes:** Harabedian, Osorio, Chen, Kim, Li, Matecki

**6-0 motion passes**

### **13. Presentation on Informed Consent Practices in Other Healing Arts Boards (Bruggeman)**

Bruggeman presented on research that he and Policy Coordinator Brothers did capturing the legal and regulatory requirements for several healing arts boards on informed consent for medical treatment.

President Harabedian noted that he would like to hear from associations and other stakeholders on this topic, though it doesn't have to be at this meeting. He considered it appropriate for them to take the lead on this issue.

Bodea noted that unlike other Boards, acupuncture licensure does not have medical malpractice requirements nor a high percentage of licensees involved with professional associations.

Member Chen noted that it was unclear how acupuncturist issues with informed consent compared to other licensee populations. Approaching this through continuing education may be a reasonable approach.

### **14. Regulatory Packages Requiring Board Review and Possible Approval or Other Actions (Brothers)**

#### **(A) Discussion and Possible Action to Reconsider Previously Approved Text, Authorize Initiation of a New Rulemaking and to Adopt New Text to Amend Section 1399.469 in Title 16 of the California Code of Regulations: Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees**

As noted earlier in the meeting, this item was tabled and will be considered at a future Board meeting.



### **15. Establish 2022 Meeting Calendar (Harabedian)**

The Board discussed meeting dates for 2022. Specific dates discussed were: March 24-25, June 16-17, September 15-16 and December 8-9.

It was noted that barring action by the Legislature or the Governor that these meetings would be in-person meetings.

The sole public commenter requested that the city for these Board meetings be identified as early as possible.

### **16. Public Comment on Items Not on the Agenda (Harabedian)**

Sole public commenter asked about opportunities for associations to report on their activities, something which has been an agenda item in past meetings. EO Bodea noted this particular agenda item would be a good place for such reports.

### **17. Future Agenda Items (Harabedian)**

Member Kim raised the topic of the stakeholder meeting and how the Board would prepare for it. President Harabedian noted it would likely be on the agenda for the next meeting or a subsequent meeting. EO Bodea noted that the stakeholder meeting would be separate from a regular Board meeting and that Board member attendance would be encouraged, but not required. Board member input would be sought for scheduling, though a specific commitment is unlikely before the state's public meeting processes stabilize following the pandemic. Member Chen asked how the activities of the stakeholder meeting would be reported, and asked about the status of the Board's requirements for ethics .

Public Comment – First commenter noted that many past suggestions for agenda items have not made it on the agenda, going back to the recommendations of the Little Hoover Commission. These items include changes to the scope of practice. Wanted to see doctoral education requirement as an agenda item.

Second and third commenters echoed the desire to have the doctoral degree be on the agenda. Expressed belief that requiring the degree would allow licensees to treat more patients and to have the same level of professionalism and respect as other healing arts disciplines.

President Harabedian asked about some of the agenda item requests made by the first commenter, while he also noted that many of those items require legislation.





Without a bill to respond to, the Board is limited in what it can do. It is also not obligated to place every requested item on the agenda.

Harabedian expressed uncertainty about how the Board could address requiring a doctoral degree for licensure. EO Bodea agreed, and wondered what the threat or harm would be that required the Board to demand action from the legislature. The profession is welcome to establish standards and work through curriculum authority to achieve that goal. The legislature had expressed little interest in raising barriers to entry. Current instruction hour requirements are significant. At present Board would only consider doctoral degrees in enforcement cases where there are charges of misrepresentation.

#### **18. CLOSED SESSION**

**Pursuant to Government Code Section 11126 (a) (1), the Board met in Closed Session to conduct the Annual Evaluation of the Executive Officer**

Closed Session started at 1:22 p.m.

#### **19. Return to Open Session (Harabedian)**

The Open Session resumed at 2:22 p.m. for Adjournment

#### **20. Adjournment of Day Two (Harabedian)**

President Harabedian adjourned the meeting at 2:26 p.m. PST.



# **4 - Executive Management Report**



# **4(A) Budget Report**

**0108 - Acupuncture Fund Analysis of Fund Condition (Dollars in Thousands)  
2022-23 Governor's Budget with 2021-22 FM 6 Projections**

	<b>PY 2020-21</b>	<b>CY 2021-22</b>	<b>BY 2022-23</b>	<b>BY +1 2023-24</b>	<b>BY +2 2024-25</b>
<b>BEGINNING BALANCE</b>	\$3,720	\$3,189	\$2,626	\$2,375	\$2,008
Prior Year Adjustment	\$301	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$4,021	\$3,189	\$2,626	\$2,375	\$2,008
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$15	\$33	\$55	\$55	\$55
4127400 - Renewal fees	\$2,401	\$2,728	\$3,108	\$3,108	\$3,108
4129200 - Other regulatory fees	\$106	\$324	\$159	\$159	\$159
4129400 - Other regulatory licenses and permits	\$539	\$720	\$708	\$708	\$708
4163000 - Income from surplus money investments	\$22	\$5	\$30	\$30	\$22
4171400 - Escheat of unclaimed checks and warrants	\$4	\$1	\$3	\$3	\$3
4173500 - Settlements and Judgements - Other	\$2	\$0	\$0	\$0	\$0
Totals, Revenues	\$3,089	\$3,811	\$4,063	\$4,063	\$4,055
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$3,089	\$3,811	\$4,063	\$4,063	\$4,055
<b>TOTAL RESOURCES</b>	\$7,110	\$7,000	\$6,689	\$6,438	\$6,063
Expenditures:					
1111 Program Expenditures (State Operations)	\$3,730	\$3,983	\$3,880	\$3,996	\$4,116
9892 Supplemental Pension Payments (State Operations)	\$43	\$43	\$43	\$43	\$43
9900 Statewide Pro Rata (State Operations)	\$148	\$348	\$391	\$391	\$391
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$3,921	\$4,374	\$4,314	\$4,430	\$4,550
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$3,189	\$2,626	\$2,375	\$2,008	\$1,513
Months in Reserve	8.7	7.3	6.4	5.3	4.0

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
Expenditures General Salary 4.55% increase.

Department of Consumer Affairs

Expenditure Projection Report

Acupuncture

Reporting Structure(s): 11110700 Support

Fiscal Month: 6

Fiscal Year: 2021 - 2022

Run Date: 01/31/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Projections to Year End	Balance	Prior Year Ratio	Straight Line Ratio	Lag Month
5100	PERMANENT POSITIONS	\$865,000	\$766,767	\$890,000	\$433,963	\$879,932	\$10,068	\$897,671	\$867,925	
5100	TEMPORARY POSITIONS	\$19,000	\$37,879	\$19,000	\$51,548	\$87,373	-\$68,373	\$162,846	\$103,096	
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$12,000	\$22,031	\$12,000	\$3,462	\$11,224	\$776	\$7,895	\$6,924	
5150	STAFF BENEFITS	\$536,000	\$419,088	\$524,000	\$257,231	\$512,493	\$11,507	\$519,750	\$514,462	
	<b>PERSONAL SERVICES</b>	<b>\$1,432,000</b>	<b>\$1,245,765</b>	<b>\$1,445,000</b>	<b>\$746,203</b>	<b>\$1,491,022</b>	<b>-\$46,022</b>	<b>\$1,588,162</b>	<b>\$1,492,407</b>	

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD	Projections to Year End	Balance	Prior Year Ratio	Straight Line Ratio	Lag Month
5301	GENERAL EXPENSE	\$79,000	\$16,870	\$57,000	\$1,081	\$14,234	\$42,766	\$3,272	\$5,197	
5302	PRINTING	\$18,000	\$5,909	\$18,000	\$3,041	\$17,866	\$134	\$10,803	\$31,126	
5304	COMMUNICATIONS	\$18,000	\$3,217	\$18,000	\$204	\$2,094	\$15,906	\$581	\$491	1
5306	POSTAGE	\$28,000	\$7,020	\$6,000	\$2,014	\$7,020	-\$1,020	\$0	\$14,040	
5308	INSURANCE	\$0	\$190	\$0	\$0	\$190	-\$190	\$0	\$0	
53202-204	IN STATE TRAVEL	\$34,000	\$10,396	\$34,000	\$5,263	\$15,161	\$18,839	\$15,599	\$10,526	
5322	TRAINING	\$4,000	\$0	\$4,000	\$3,000	\$4,000	\$0	\$0	\$6,000	
5324	FACILITIES	\$65,000	\$279,516	\$65,000	\$50,314	\$141,996	-\$76,996	\$0	\$6,371	
53402-53403	C/P SERVICES (INTERNAL)	\$1,672,000	\$289,050	\$502,000	\$54,620	\$161,316	\$340,684	\$109,771	\$109,239	
53404-53405	C/P SERVICES (EXTERNAL)	\$1,170,000	\$646,584	\$607,000	\$64,245	\$657,907	-\$50,907	\$155,356	\$208,433	
5342	DEPARTMENT PRORATA	\$959,000	\$848,853	\$1,043,000	\$770,250	\$1,043,000	\$0	\$845,008	\$1,540,500	
5342	DEPARTMENTAL SERVICES	\$334,000	\$356,366	\$334,000	\$89,665	\$336,402	-\$2,402	\$230,797	\$179,331	
5344	CONSOLIDATED DATA CENTERS	\$4,000	\$21,253	\$4,000	\$222	\$29,253	-\$25,253	\$15,865	\$444	
5346	INFORMATION TECHNOLOGY	\$43,000	\$22,633	\$36,000	\$648	\$107,148	-\$71,148	\$110,852	\$212,934	
5362-5368	EQUIPMENT	\$0	\$42,368	\$14,000	\$3,362	\$6,544	\$7,456	\$2,917	\$6,724	
5390	OTHER ITEMS OF EXPENSE	\$3,000	\$0	\$3,000	\$0	\$0	\$3,000	\$0	\$0	
54	SPECIAL ITEMS OF EXPENSE	\$0	\$11,983	\$0	\$0	\$11,983	-\$11,983	\$0	\$0	
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$3,298,000</b>	<b>\$2,562,207</b>	<b>\$2,745,000</b>	<b>\$1,047,817</b>	<b>\$2,556,116</b>	<b>\$188,884</b>	<b>\$1,500,821</b>	<b>\$2,331,355</b>	

<b>OVERALL TOTALS</b>		<b>\$4,730,000</b>	<b>\$3,807,972</b>	<b>\$4,190,000</b>	<b>\$1,794,020</b>	<b>\$4,047,137</b>	<b>\$142,863</b>	<b>\$3,088,983</b>	<b>\$3,823,762</b>	
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3.41%



**4(E)  
Licensing  
Report**

## FY 2021/22 Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Clear	12172	12132		
Active	8631	8548		
Inactive	2298	2304		
Delinquent	1243	1280		
Cancelled	85	89		
Initial AC License Applications Approved	93	74		
Initial AC License Applications Denied	0	0		
AC License Renewals	1253	1272		
Active Wall Licenses	1672	2007		
Initial Wall Licenses	718	600		
Wall License Renewals	13	14		

## FY 2021/22 Continuing Education Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
New CE Provider Applications Approved	6	14		
CE Provider Applications Denied	0	0		
Course Applications Received	371	565		
Course Applications Approved	368	562		
Course Denials	3	3		
Continuing Education Active Providers	477	436		

## FY 2021/22 Educational and Training Programs

Application for Board Approval of Curriculum (ABAC)	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
ABAC - Received	4	4		
ABAC - Incomplete	1	1		
ABAC - Approved	0	5		
Loss of Approval	0	0		

## FY 2021/22 Tutorial Training Programs

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Applications Received	7	4		
New Program Approvals	4	19		
Programs Completed	2	2		
Programs Terminated, Abandoned	1	0		

Total Approved Programs	38	55		
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**EXAMINATION RESULTS STATISTICS - FIRST TIME AND OVERALL**

**7/1/2021 - 12/31/2021**

APPROVED ACUPUNCTURE AND EDUCATIONAL TRAINING PROGRAMS	1ST TIME TAKERS			OVERALL (Includes Re-Takers)		
	#PASS	#FAIL	PASS %	#PASS	#FAIL	PASS %
Academy of Chinese Culture & Health Sciences	11	2	85%	12	3	80%
Acupuncture & Integrative Medicine College	7	3	70%	7	6	54%
Alhambra Medical University	11	0	100%	11	1	92%
American College of Acupuncture and Oriental Medicine	1	0	100%	1	0	100%
American College of Traditional Chinese Medicine at CIIS	9	0	100%	10	0	100%
Bastyr University	1	0	100%	1	0	100%
California Trinity University	0	0	0%	0	1	0%
Dongguk University Los Angeles	12	1	92%	14	2	88%
Emperor's College of Traditional Chinese Medicine	13	1	93%	15	1	94%
East West College of Natural Medicine	0	0	0%	0	1	0%
Five Branches University	18	3	86%	19	6	76%
National University of Natural Medicine	2	1	67%	2	1	67%
Oregon College of Oriental Medicine	1	0	100%	1	0	100%
Pacific College of Health and Science	25	5	83%	29	7	81%
Samra University	1	0	100%	1	0	100%
South Baylo University	26	5	84%	29	20	59%
Southern California University School of Health Sciences	1	1	50%	1	1	50%
Southwest Acupuncture College	1	0	100%	1	0	100%
Stanton University	0	0	0%	0	1	0%
University of East West Medicine	10	2	83%	12	4	75%
University of Herbal Medicine	2	1	67%	2	1	67%
Yosan University	6	2	75%	6	3	67%
Tutorials	3	1	75%	4	2	67%
Foreign	3	0	100%	4	3	57%
<b>GRAND TOTAL</b>	<b>164</b>	<b>28</b>	<b>85%</b>	<b>182</b>	<b>64</b>	<b>74%</b>

**EXAMINATION RESULTS STATISTICS - BY LANGUAGE****7/1/2021-12/31/2021**

<b>LANGUAGE</b>	<b>#PASS</b>	<b>#FAIL</b>	<b>PASS %</b>
Chinese	51	16	<b>76%</b>
English	113	42	<b>73%</b>
Korean	18	6	<b>75%</b>
<b>GRAND TOTAL</b>	<b>182</b>	<b>64</b>	<b>74%</b>



**4(F)  
Enforcement  
Report**





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<b>DATE</b>	March 2022
<b>TO</b>	Board Members
<b>FROM</b>	Ben Bodea, Executive Officer
<b>SUBJECT</b>	<b>Enforcement Update for Quarter 2 (Q2) FY 2021/2022: 10/1/21 – 12/31/21</b>

**COMPLAINTS/CONVICTIONS & ARRESTS**

DCA Category		Received
<b>Unprofessional Conduct</b>	<b>Sub-Total</b>	<b>8</b>
• <i>Offensive behavior</i>	2	
• <i>Failure to register place of practice</i>	1	
• <i>Record Keeping Violation</i>	1	
• <i>Minor harm</i>	1	
• <i>Threatening behavior</i>	1	
• <i>Misrepresentation as a Doctor</i>	1	
• <i>Patient abandonment</i>	1	
<b>Unlicensed/Unregistered</b>		<b>7</b>
<b>Criminal Charges/Convictions**</b>		<b>10</b>
• <i>Applicants</i>	2	
• <i>Licensees</i>	8	
<b>Sexual Misconduct</b>		<b>0</b>
<b>Fraud</b>		<b>0</b>
<b>Non-jurisdictional</b>		<b>4</b>
<b>Incompetence/Negligence</b>		<b>3</b>
<b>Unsafe/Unsanitary Conditions</b>		<b>1</b>
<b>Other</b>		<b>1</b>
<b>Substance Abuse/Drug &amp; Mental/Physical Impairment</b>		<b>0</b>
<b>Discipline by Another State Agency</b>		<b>0</b>
<b>Total</b>		<b>34</b>

The graph above shows the number of complaints received by complaint type for this quarter. When each complaint is logged into the database it is assigned a complaint type based upon the primary violation.

**INVESTIGATIONS\***

DCA Category	Initiated	Pending **	Closed
Unprofessional Conduct	8	59	7
Unlicensed/Unregistered	7	26	5
Criminal Charges/Convictions (includes pre-licensure)	10	22	4
Sexual Misconduct	0	5	3
Fraud	0	39	5
Non-jurisdictional	4	3	4
Incompetence/Negligence	3	39	3
Unsafe/Unsanitary Conditions	1	6	3
Other	1	4	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	0	1	0
<b>Total</b>	<b>34</b>	<b>204</b>	<b>34</b>

\* Includes both formal investigations by DCA category conducted by DOI and desk investigations by staff.

\*\* These numbers include current and previous quarters and the DCA Category may change after the investigation is initiated to better categorize the complaint.

# Enforcement Statistics Report

## Performance Measure (PM) 1 - Volume Convictions/Arrests received

Complaint/Convictions Received	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM1: Total Complaints Received	109	27	24			51	↓ -53%
PM1: Total Convictions/Arrest Received	29	10	10			20	↓ -31%
PM1: Total Received	138	37	34			71	↓ -49%

## PM2 - Intake Cycle Time - Avg time to open a complaint during the specified quarter.

Intake Cycle Time (Target: 10 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM2: Intake/Avg. Days	4.5	6	7			6.5	↑ 44%

## PM3 - Inv. Cycle Time - Avg number of days to complete the process for complaints investigated and not sent to AG for formal discipline (includes intake, investigation, and case outcome or non-AG formal discipline.

Investigation Cycle Time (Target: 200 Days)	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM3: All Investigations Closed	174	41	34			75	↓ -57%
PM3: Average Cycle Time Investigations	334	553	606			580	↑ 73%

The percentage below reflects the number of investigation cases closed in the respective quarters.

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	40%	16	11			36%	↓ -4%
91 - 180 Days	7%	1	0			1%	↓ -6%
181 Days - 1 Year (364)	14%	5	4			12%	↓ -2%
1 to 2 Years (365-730)	24%	6	3			12%	↓ -12%
2 to 3 Years (731- 1092)	11%	5	6			15%	↑ 4%
Over 3 Years (1093 +)	5%	8	10			24%	↑ 19%

The avg. time frame below is the total time to process citations that were closed within the respective quarter.

Citations	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Final Citations	22	2	1			3	↓ -86%
Average Days to Close	650.8	1354	436			895.0	↑ 38%

**PM4 Cycle Time-Discipline** Average number of days to close cases transmitted to the AG for formal disciplinary action, including formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG) Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PM4: Volume AG Cases	14	2	1			3	↓ -79%
PM4: Total Cycle Time	1039	1167	1322			1245	↑ 20%

	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
AG Cases Initiated	13	2	8			10	↓ -23%
AG Cases Pending	16	15	22			22	↑ 38%
SOIs Filed	0	0	0			0	⇒ 0%
Accusations Filed	6	1	2			3	↓ -50%
Total Closed after Transmission	14	3	1			4	↓ -71%
Revoked	3	0	0			0	↓ -33%
Voluntary Surrender	5	0	0			0	↓ -100%
Probation	6	2	1			3	↓ -50%
License Denied	0	0	0			0	⇒ 0%
Public Reprimand	0	0	0			0	⇒ 0%
Closed w/out Disciplinary Action	1	0	0			0	↓ -100%

The percentage below represents the number of cases assigned for discipline that closed in the specified quarter.

Total Orders Aging/Final Decision	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
Up to 90 Days	0%	0	0			0%	⇒ 0%
91 - 180 Days	7%	0	0			0%	↓ -7%
181 Days - 1 Year (364)	0%	0	0			0%	⇒ 0%
1 to 2 Years (365-730)	50%	1	0			33%	↓ -17%
2 to 3 Years (731- 1092)	7%	0	0			0%	↓ -7%
Over 3 Years (1093 +)	36%	1	1			67%	↑ 31%

Other Legal Actions	FY 2020/21	Fiscal Year 2021/22					Yr/Yr Change
	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD	
PC 23 Ordered	2	0	0			0	↓ -50%
Interim Suspension	0	0	0			0	⇒ 0%



# **5 -Legislative Report**



## 2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 10-21-2021

### DEADLINES

JANUARY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14** Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21** Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed
- Apr. 7** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27** **Floor Session only**. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27** Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to final approval by the Rules Committee

## 2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 10-21-2021

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).

**June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

**July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

**July 4** Independence Day.

**Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 12** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

**Aug. 15 - 31 Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

**Aug. 25** Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

**Aug. 31** Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

**Final Recess** begins at end of this day's session (J.R. 51(b)(3)).

### IMPORTANT DATES OCCURRING DURING FINAL RECESS

**2022**

**Sept. 30** Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

**Nov. 8** General Election.

**Nov. 30** Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

**Dec. 5** 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

**2023**

**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).



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<b>DATE</b>	March , 2022
<b>TO</b>	Board Members, Acupuncture Board
<b>FROM</b>	
<b>SUBJECT</b>	2021 - 2022 Pending CA Legislation of Interest

**Bills of Interest to the Board Carried Over from 2021**

**[Assembly Bill 2](#): Regulations: legislative review: regulatory reform - Fong**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would require state agencies to identify and resolve any regulations that are duplicative, overlapping, inconsistent or out of date no later than January 1, 2023 and report those regulatory revisions to the Legislature and Governor.

**Board Position:**

Watch

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**[Assembly Bill 29](#): State Bodies – Cooper**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would require a state body's meeting notice to include all writings and materials. This bill would require the writings and materials to be posted to the state body's website 72 hours in advance of the meeting or provided to any person who requests the writings or materials in writing. This bill would prohibit a state body from discussing those writings or materials, or taking action on an item, until the state body has complied with these provisions.

**Board Position:**

Watch

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**[Assembly Bill 646](#): Department of Consumer Affairs: boards: expunged convictions - Low**

**Status: Amended on 1/24/22 and ordered to third reading on 1/31/22.**

**Summary of Bill:**

This bill would require boards and bureaus under the Department of Consumer Affairs (Department) that post information on their online license search system about a revoked license, when the revocation is due to a criminal conviction, to update or remove information about the revoked license should the board receive an expungement order related to the

conviction. This bill would authorize a board to charge a \$25 fee to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost.

**Board Position:**

Watch

~~~

**[Assembly Bill 810](#): Healing arts: reports: claims against licensees - Flora**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would increase the minimum fine assessed to healing arts licensees for failing to report certain settlements, judgments, or arbitrations.

**Board Position:**

Support

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**[Assembly Bill 885](#): Bagley-Keene Open Meeting Act: teleconferencing - Quirk**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would amend the teleconferencing statutes of the Bagley-Keene Act to require public meetings held via teleconference to be both audibly and visually observable to the public. Additionally, this bill would clarify that only one primary physical meeting location need be disclosed and held open for public participation and affirm all members of the state body participating in the meeting remotely would still count towards a quorum.

**Board Position:**

Watch

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**[Assembly Bill 918](#): Acupuncture: licensure: examination - Quirk-Silva**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would require applicants to obtain a passing score on one or more examinations administered by the National Certification Commission for Acupuncture and Oriental Medicine, as determined by the board based on the skills, standards, and knowledge required for licensure pursuant to the act.

**Board Position:**

Oppose

~~~

**[Assembly Bill 1026](#): Business licenses: veterans - Smith**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would require boards and bureaus to reduce initial licensing fees for honorably-discharged veterans by 50 percent. Applicants would be required to submit satisfactory evidence they are an honorably-discharged veteran by providing a copy of a driver's license or identification card with the word "Veteran" printed on it.

**Board Position:**

Watch

~~~

**[Assembly Bill 1236](#): Healing arts: licensees: data collection - Ting**

**Status: Ordered to inactive file at the request of Assembly Member Ting. Bill is considered dead on inactive file.**

**Summary of Bill:**

This bill would standardize the licensee demographic data that must be collected by all healing arts boards. Several board-specific data collection requirements would be repealed. Aggregate information collected must be posted on each board's website and provided to the Office of Statewide Health Planning and Development.

**Board Position:**

Watch

~~~

**[Assembly Bill 1386](#): License fees: military partners and spouses - Cunningham**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would require boards and bureaus to waive initial license fees for military spouses.

**Board Position:**

Oppose

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**[Assembly Bill 1468](#): Prior authorization - Cunningham**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would amend sections of the Insurance Code and the Health and Safety Code concerning automated systems that make care decisions involving, among other fields, acupuncture and traditional medicine.

**Board Position:**

Watch

~~~

**[Senate Bill 731](#): Criminal records: relief - Durazo**

**Status: Assembly motion to reconsider continued.**

**Summary of Bill:**

This bill would continue recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

**Board Position:**

Watch

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**[Senate Bill 772](#): Professions and vocations: citations: minor violations - Ochoa Bogh**

**Status: Bill failed to pass out of its house of origin. Bill is considered dead.**

**Summary of Bill:**

This bill would prohibit the assessment of an administrative fine for minor violations if the licensee corrects the violation within 30 days. Minor violations are defined as those that did not pose a serious health or safety threat, were not willful, did not occur while on probation, and are not violations that the licensee has a history of committing.

**Board Position:**

Oppose

**Bills of Interest to the Board introduced in 2022**

**[Assembly Bill 1604](#): The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications - Holden**

**Status: Introduced 2/23/22**

**Existing Law:**

- Provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

**Summary of Bill:**

The relevant part of the bill affecting the Board would require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran; or who has a disability. The bill would apply these requirements only as vacancies on state boards and commissions occur.

**Board Impact:**

No impact. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation

**Fiscal Impact:**

No impact

**Staff Recommendation:**

No position. As Board membership typically includes at least one member of an underrepresented group as identified in the bill, staff sees no impact from this legislation.

~~~

**Assembly Bill 1662: Licensing boards: disqualification from licensure: criminal conviction - Gipson**

**Status: Introduced 1/18/22**

**Existing Law:**

- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline within the last seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made.
- Authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession within the last seven years for which the application is made, as specified.

**Summary of Bill:**

AB 1662 would do the following:

- Amend the law to authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.
- Amend the law to require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

**Board Impact:**

Under current law, the Board shall not require applicants to disclose any information or documentation regarding the applicant's criminal history. Therefore, there is not a question regarding an applicant's criminal history on the Board's applications for licensure. The Board is only authorized to request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation on a voluntary basis.

The Board currently relies upon the LiveScan results after a mandatory fingerprint background check of all applicants to determine which applicants have a criminal conviction within the last seven years to investigate further. This change in law from July 1, 2020 has greatly reduced the volume of applicant criminal history cases that Enforcement reviews. Below is a table showing the volume of applicant convictions received, volume of applicants approved for licensure, and volume of applicants denied for the last three fiscal years.

<b>FY</b>	<b>Applications w/convictions received</b>	<b>Applications w/convictions approved for licensure</b>	<b>Applications w/convictions denied</b>
<b>18/19</b>	33	27	0

19/20	27	21	0
20/21	11	8	0

There has been interest expressed by applicants in the past wanting to know up front, sometimes prior to enrolling in an acupuncture training program, if their criminal history will be a barrier to licensure when they become eligible. It is anticipated that the proposed provisions of AB 1662 will be well received by prospective applicants of an acupuncture license.

The proposed legislation does not make it clear if the Board may also request applicants who make these preapplication determination requests to voluntarily submit to fingerprinting prior to applying so the information issued by DOJ and FBI are also available to the Board. Otherwise, if the preapplication determination is authorized to be based solely on what the applicant provides, then the determination issued by the Board cannot be determined as final until the applicant submits to fingerprinting with the Board. Although applicants receiving a determination from the Board regarding their criminal history ahead of time will be beneficial to the applicants, the legislation may not provide full benefit if the Board's decision is not final and based upon their Criminal Offender Record Information (CORI) report.

It is anticipated that the provisions of this bill will add additional staff time and resources for the review of any preapplication determination requests. There is no guarantee that the prospective applicant submitting a request will in fact follow through and apply for licensure eventually. Therefore, this may result in a waste of staff time and resources. In addition, the bill does not mention the request process authorizes the Board to collect a fee, so the time spent on the process and service to the applicant is essentially provided for free.

The legislation also does not take into account convictions that may occur in the interim of receiving the Board's decision on the applicant's preapplication determination request and applying for licensure. If a subsequent conviction occurs, then there will need to be additional time for the review of the applicant's criminal history rendering the first determination invalid. In addition, if the Board cannot use the applicant's official CORI during the preapplication determination request process, then possibly an additional review will need to occur when the applicant applies with fingerprints and their CORI is received.

The benefit to applicants is apparent in that they will have the Board's determination regarding their criminal history upfront, which may result in cost savings to the applicant if investments in education can be avoided knowing they won't be eligible for licensure. However, the added benefit to public protection or improving Board processes or managing expenditures doesn't appear to be achieved.

**Fiscal Impact:**

It is anticipated the volume of the preapplication determination requests under the provisions of this bill will be similar to previous years' volume of applicant investigations prior to July 1, 2020, when the Board initiated cases based on applicant's self-disclosure in addition to CORI. The volume is also expected to be slightly higher with the assumption that prospective applicants not yet eligible for licensure or enrolled in an acupuncture program will also use this pathway in determining their education and career choices.

The volume is estimated to be between 35 and 50 preapplication determination requests annually. It currently takes Enforcement staff at the Associate Governmental Program Analyst (AGPA) level to complete an applicant investigation within 10 hours. This means the provisions of this bill may amount to 350 to 500 hours of AGPA time split between two Enforcement staff. Then there is also review time from the Executive Officer in making the final determination regarding a prospective applicant's qualification for licensure. This amounts to an hour per case



(35 to 50 hours of an EO's time). Based on last fiscal year's volume of applicant investigations, AGPA time amounted to 110 hours. This means AB 1662 could increase an AGPA's time spent on applicant investigations by 355%.

It is also estimated the Board will require regulations to further implement the request and review process as well as standardize the information/documentation required for the requests. The entire rulemaking process on one package can take approximately 40 hours of AGPA time annually. There will also be IT implementation costs associated with updating the Board's IT system to capture the new preapplication determination process electronically.

**Staff Recommendation:**

Watch

**[Assembly Bill 1733](#): State bodies: Open Meetings**

**Status: Introduced 1/31/22**

**Existing Law:**

- The Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body.

**Summary of Bill:**

AB 1733 would specify that a "meeting" held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

**Board Impact:**

If passed, the Board will be able to hold open and closed meeting by teleconference as specified. The Board would see a decrease in staff time for travel arrangements but would see an increase in staff time for the arrangement of web conference, webcast functionality and ensuring a physical location that is open to the public to participate. The bill currently does not specify region requirements for the bill. For cost efficiencies, the Board's goal for the required physical location would be to utilize the hearing room at the Department's headquarters.

**Fiscal Impact:**

The Board typically spend about \$10,000 for in person meetings and \$2,000 to hold remote meeting four to five times per year. This bill would result in a cost savings to the Board of \$8,000 by reducing costs for travel, hotel, room reservations. The bill does not clarify if physical locations need to be held in a specific region, so this was not factored into the costs. For cost efficiencies, the goal for the required physical location, is the hearing room at the Department's headquarters could be utilized.

**Staff Recommendation:**

Watch

**[Senate Bill 1031](#): Healing Arts Board: Inactive License Fees – Ochoa Bogh**

**Status: Introduced 2/15/22**

**Existing Law:**

- Requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board.
- Prohibits the holder of an inactive license from engaging in any activity for which an active license is required and requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

**Summary of Bill:**

This bill requires the renewal fee for an inactive license to be ½ of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

**Board Impact:**

Under current law, the Board charges the same dollar amount (\$500) for both active and inactive licensees. The Board would be prohibited from charging \$500 to inactive licensees and instead would be required to charge \$250 (half of the fee for an acupuncture license renewal). Staff will be required to update the Active/Inactive License Application but the workload to process the inactive licensees is estimated to remain the same. There will be IT implementation costs associated with updating the Board's IT system to capture the new inactive fee to process the application electronically.

**Fiscal Impact:**

On average, the Board has 2,206 inactive licensees that pay an inactive fee biennially or until they place their license back on active status. Reducing the inactive fee from \$500 to \$250 would create an annual revenue decrease of about \$275,750 to the Board's fund.

**Staff Recommendation:**

Oppose. This bill creates a significant decrease in revenue and significantly impacts the Board's fund condition without creating a decrease to the Board's workload.

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**6 -  
Regulatory  
Update**



**DEPARTMENT OF CONSUMERS AFFAIRS  
California Acupuncture Board  
2022 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING  
THE YEAR 2021**

**Subject: Licensure of Military Spouses/Partners**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.413,  
1399.419

**Statute(s) Being Implemented:** Business and Professions Code Section 115.5, SB  
607 (Min, Chapter 367 Statutes of 2021)

**Responsible Agency Unit:** Licensing Unit

**Contact Person and Phone Number:** David Bruggeman, 916-515-5200

**Notice Publication Date:** June 30, 2022

**Public Hearing Date:** September 30, 2022

**Adoption by Your Agency Date:** March 30, 2023

**To OAL for Review Date:** April 30, 2023

NEXT

**Subject: Licensure of Military Spouses/Partners**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.413,  
1399.419, (plus new section)

**Statute(s) Being Implemented:** Business and Professions Code Sections 115.6,  
115.8 and 115.9, AB 107 (Salas, Chapter 693 Statutes of 2021)

**Responsible Agency Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** June 30, 2022

**Projected Public Hearing Date:** September 30, 2022

**Projected Adoption by Your Agency Date:** March 30, 2023

**Projected To OAL for Review Date:** May 1, 2023

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2021**

**Subject: Regulatory Cleanup (Section 100 process)**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.400 through 1399.489.1 (inclusive)

**Statute(s) Being Implemented:** N/A

**Responsible Agency Unit:** Central Services Unit

**Contact Person and Phone Number:** David Bruggeman, 916-515-5200

**Projected Notice Publication Date:** N/A (Section 100 process)

**Projected Public Hearing Date:** N/A (Section 100 process)

**Projected Adoption by Your Agency Date:** N/A (Section 100 process)

**Projected To OAL for Review Date:** January 28, 2022

NEXT

**Subject: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines, Disclosure of Probation Status to Patients**

**California Code of Regulations Title and Sections Affected:** Creating newly titled Article 6.1 and 6.2 of Division 13.7 of Title 16. Amend 16 CCR 1399.469

**Statue(s) Being Implemented:** Business and Professions Code sections 315, 315.2, 315.4 (SB 1441, Ridley-Thomas, Chapter 548, Statutes of 2008) and Business and Professions Code section 4962 (SB 1448, Chiu, Chapter 570, Statutes of 2018)

**Responsible Board Unit:** Enforcement Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** June 30, 2022

**Projected Public Hearing Date:** September 30, 2022

**Projected Adoption by your Board Date:** March 30, 2023

**Projected To OAL for Review Date:** June 1, 2023

NEXT

**Subject: Align Curriculum Standards and Approval Related Regulations with Statute**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.415, 1399.416, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439

**Statue(s) Being Implemented:** Business and Professions Code sections 4925, 4927.5, 4933, 4937, 4938, 4939, 4940, 4941, and 4944; (SB 1246, Lieu, Chapter 397, Statutes of 2014) (AB 2190, Salas, Chapter 667, Statutes of 2016) (AB 3142, Low, Chapter 596, Statutes of 2018) (SB 1308, California Senate Business and Professions Committee, Chapter 655, Statutes of 1999)

**Responsible Board Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** September 30, 2022

**Projected Public Hearing Date:** December 10, 2022

**Projected Adoption by your Board Date:** June 30, 2023

**Projected To OAL for Review Date:** September 30, 2023

NEXT

**Subject: Application Process, Criteria, and Procedures for Approval of a Credential Evaluation Service**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.411, 1399.413, 1399.414, 1399.415, 1399.416, 1399.416.1, 1399.416.2, 1399.417, 1399.419

**Statue(s) Being Implemented:** Business and Professions Code sections 4938, 4939, 4944 (AB 2190, Salas, Chapter 667, Statutes of 2016) and sections 4940, 4941 (SB

1308, California Senate Business and Professions Committee, Chapter 665, Statutes of 1999)

**Responsible Board Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** September 30, 2022

**Projected Public Hearing Date:** December 10, 2022

**Projected Adoption by your Board Date:** June 30, 2023

**Projected To OAL for Review Date:** September 30, 2023

NEXT

**Subject: Application for Retired Status; Retired Status; Restoration**

**California Code of Regulations Title and Sections Affected:** Add 16 CCR 1399.419.3

**Statute(s) Being Implemented:** Business and Professions Code section 464 (AB 2859, Low, Chapter 473, Statutes of 2016)

**Responsible Board Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** September 30, 2022

**Projected Public Hearing Date:** December 10, 2022

**Projected Adoption by your Board Date:** June 30, 2023

**Projected to OAL for Review Date:** September 30, 2023

NEXT

**Subject: Continuing Education Requirement**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.483 and 1399.489



**Statute(s) being Implemented:** Business and Professions Code section 4945 (AB 1114, Yee, Chapter 648, Statutes of 2005)

**Responsible Board Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** December 15, 2022

**Projected Public Hearing Date:** March 30, 2023

**Projected Adoption by your Board Date:** September 30, 2023

**Projected to OAL for Review Date:** December 15, 2023

NEXT

**Subject: Standards of Practice for Telehealth Services**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.452.1

**Statute(s) being Implemented:** Business and Professions Code section 2290.5 (AB 415, Logue, Chapter 547, Statutes of 2011)

**Responsible Board Unit:** Licensing Unit

**Contact Person and Phone Number:** Kristine Brothers, 916-515-5200

**Projected Notice Publication Date:** December 15, 2022

**Projected Public Hearing Date:** March 30, 2023

**Projected Adoption by your Board Date:** September 30, 2023

**Projected to OAL for Review Date:** December 15, 2023

NEXT

**Subject: Hand Hygiene Requirements**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.451

**Statute(s) Being Implemented:** Business and Professions Code section 4955

**Responsible Agency Unit:** Enforcement Unit

**Contact Person and Phone Number:** David Bruggeman, 916-515-5200

**Projected Notice Publication Date:** December 15, 2022

**Projected Public Hearing Date:** March 30, 2023

**Projected Adoption by Your Agency Date:** September 30, 2023

**Projected To OAL for Review Date:** December 15, 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous  
Calendars:**

All rulemaking described on previous calendars have been listed on this calendar.



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|                |                              |
|----------------|------------------------------|
| <b>DATE</b>    | March, 2022                  |
| <b>TO</b>      | Acupuncture Board Members    |
| <b>FROM</b>    | Board Staff                  |
| <b>SUBJECT</b> | Regulatory Update March 2022 |

The following list displays the status of the Board's current regulatory packages:

**1. Fee Waiver for Licensure of Military Spouses/Partners and Application for Licensure (Title 16 CCR sections 1399.413, 1399.419, new section 1399.?)**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 12/21                        | 12/21                     |                                |                                |                                     |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package would implement SB 607 (Min, Chapter 367 Statutes of 2021) which allows (effective July 1, 2022) a fee waiver to qualified spouses or domestic partners of active duty service members stationed in California. The waiver would cover the licensure application fee and the initial or original license fee. The package also places the license application form in regulations.

The package is under development by staff and will be brought to the Board for review at an upcoming Board meeting.

**2. Temporary Licensure of Military Spouses/Partners (Title 16 CCR sections 1399.413, 1399.419)**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 12/21                        | 12/21                     |                                |                                |                                     |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package would implement AB 107 (Salas, Chapter 693 Statutes of 2021). The law establishes the option of temporary licensure for qualified spouses or domestic partners of active duty service members stationed in California. The temporary licenses would last 12 months or until the applicant is granted or denied a standard license.

The package is under development by staff and will be brought to the Board for review at an upcoming Board meeting.

**3. 16 CCR 1399.400 through 1399.489.1 (inclusive) Section 100 Clean-up Text and Forms (“B” for “b”)**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee | Board Approval | Staff & Legal Counsel Draft Package | Submit to OAL | OAL Determination |
|------------------------------|---------------------------|-----------------------------|----------------|-------------------------------------|---------------|-------------------|
| n/a                          | 9/21                      | n/a                         | n/a            | 10/21                               |               |                   |
| Effective Date               |                           |                             |                |                                     |               |                   |
|                              |                           |                             |                |                                     |               |                   |

This package would clean up regulatory language and forms for consistency. These changes would not be substantive and can be done through a Section 100 rulemaking process. The Board requested suggested language from the Regulatory unit. The changes would include replacing any instance of board (small b) with Board (capital B). Package was is anticipated to be filed with OAL in early 2022.

**4. Division 13.7, Article 6.1 and 6.2, Title 16 CCR sections 1399.469 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 11/28/2018                   | 2012                      | N/A                            | 3/28/19                        | 6/2019                              |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package reflects updates to the Board's Disciplinary Guidelines, which include incorporating relevant portions of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees. It brings Board regulations in line with SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) which required the development of the Uniform Standards.

The Board approved modified text and updates to Guidelines to align with AB 2138 at the December 2020 Board meeting. Following review from Legal Affairs Division, the Board will consider revised language an upcoming Board meeting.

**5. Disclosure of Probation Status to Patients – SB 1448**

**(Implemented through Disciplinary Guidelines Package – See #2)**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 11/28/2018                   | 2/2019                    | N/A                            | 3/28/19                        | 6/2019                              |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

These changes (included as part of the package on updating the Board’s Disciplinary Guidelines) will establish regulations consistent with SB 1448 (Hill, Chapter 570, Statutes of 2018), which requires licensees on probation pursuant to a probationary order made on or after July 1, 2019 to disclose that status to a patient or their guardian or health care surrogate prior to the patients first visit.

The initial draft of the ISOR is with Legal Affairs for review. Filing is anticipated (along with the Disciplinary Guidelines package) in mid 2022.

**6. 16 CCR 1399.415, 1399.434, 1399.435, 1399.437, 1399.438, 1399.439, Article 3.5: Align Curriculum Standards and Approval Related Regulations with Statute:**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 2/11/19                      | 2/11/19                   | 6/13/19                        | 8/15/19;<br>3/26/21            | 1/21/21                             |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package will make additional changes to regulations to ensure compliance with SB 1246 (Lieu, Chapter 397, Statutes of 2014). The law changed the Board’s authority from approving schools and colleges of acupuncture to approving education and training programs in acupuncture. It is the second package from the Board in connection with SB 1246.

The Board approved additional regulatory language at the March 2021 Board meeting. Regulatory package is currently under staff development.

**7. 16 CCR 1399.409, 1399.411, 1399.413, 1399.414, 1399.416, 1399.416.2, 1399.416.3, 1399.416.4, 1399.417, 1399.419: Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service:**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 11/28/18                     | 2018/2019                 | 3/25/21                        | 08/26/21                       |                                     |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package sets regulations for the Board to approve credential evaluation services for evaluating the foreign education of applicants for licensure including, amendments addressing the licensing examination, documentation required during the applications process, and applications for examination and re-examination.

The Board reviewed regulatory language at the March 2021 Board meeting and approved language changes at the March and August 2021 Board meetings. The regulatory package is currently being developed by staff. Filing is anticipated in late 2022.

**8. 16 CCR 1399.419.3: Application for Retired Status; Retired Status; Restoration**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 1/2020                       | 4/2019                    | 6/13/19                        | 8/16/19                        | 1/07/21                             |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package will establish a retired license status, and outline the restrictions of a retired license, as well as how to apply for one and how to restore a retired license to active status. The Board has authority to establish such a license status from BPC Section 464.

The Board approved regulatory language in August 2019, and the package is currently under development by staff and legal counsel.

**9. 16 CCR 1399.483, 1399.489: Continuing Education Requirements**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 1/2020                       | 3/2019                    | 3/29/19                        | 3/26/21                        | 3/26/21                             |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package will set requirements for continuing education in law and ethics for licensees (both in terms of the number of units and an end-of-class testing requirements) and clean up

existing language. While the Board has previously required law and ethics courses in continuing education for licensees, this has not been the case since 1999.

The Board approved regulatory language at the March 2021 Board meeting and the package is currently under development with staff.

**10. 16 CCR 1399.452.2: Standards of Practice for Telehealth Services**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| 1/1/21                       | 12/20                     | 12/17/20                       | 3/26/21                        | 3/26/21                             |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package will provide specific guidance and requirements for delivering acupuncture services via telehealth. This was prompted by the COVID-19 pandemic and the subsequent encouragement by the Governor through Executive Orders to use telehealth to maximize the abilities of California's health care workforce.

The Board approved regulatory language at the March 2021 Board meeting. The proposed language is with the Regulatory Unit for review.

**11. 16 CCR 1399.451: Hand Hygiene Requirements**

| Added to Rulemaking Calendar | Researching & Development | Language taken to Committee    | Board Approval                 | Staff & Legal Counsel Draft Package | Notice Published by OAL       | 45-Day Comment Period Ended |
|------------------------------|---------------------------|--------------------------------|--------------------------------|-------------------------------------|-------------------------------|-----------------------------|
| n/a                          | 2013                      | 1/2014                         | 2/2014                         | 2014                                |                               |                             |
| Hearing Held                 | Board Final Approval      | 15-Day Notice of Modified Text | Submitted to Agency for Review | Submitted to OAL for Review         | Filed with Secretary of State | Effective Date              |
|                              |                           |                                |                                |                                     |                               |                             |

This package was initially approved by the Board in February 2014 to update existing regulations and bring them up to then-current public health and health industry standards. Package was set aside for higher priority regulations and in October 2018 the Board restated its interest in proceeding with regulations. Package was again set aside for higher priority regulations. It is currently under review with the Regulatory Unit.