



BOARD MEETING MINUTES December 2, 2022

LOCATION:

Web Ex Teleconference

Staff Present

Benjamin Bodea, Executive Officer
Ryan Marcroft, Legal Counsel
Jay Herdt, Licensing Manager
Marisa Ochoa, Central Services Manager

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.

Item 1 – Call to Order, Roll Call, and Establishment of Quorum

Meeting commenced at 9:08 a.m.

Roll call taken. All members present. Quorum established.

Item 2 – President's Remarks

President Harabedian welcomed members, staff, and the public to the meeting.

Item 3 – Approval of Minutes

Board members reviewed the minutes from the August 2022 meeting.

MOTION

Hyun "Francisco" Kim motioned to approve the August meeting minutes.

Dr. Chen seconded it.

No public comment.

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

Motion Passes

Item Number 4 - Executive Management Report

(A) Budget Update

Based on estimations from the third fiscal month, the Acupuncture Board's (Board) funds are in good condition with a healthy reserve.

(B) Staffing Update

The Board has filled vacancies for the enforcement analyst and administrative analyst positions. The administrative analyst position was a lateral from within the office. The Board is now advertising for the second vacant enforcement analyst position. Additionally, the licensing office technician position is now vacant, and the Board is taking steps to fill this position.

(C) Business Modernization (BizMod) Update

The Board continues to work with the DCA's Office of Information Services, inLumon Software vendor, and board staff to develop and refine the Connect licensing management system. The Board has continued to refine exam and wall license renewal processes where a new print vendor processes the automated printing of the pocket and wall licenses. Also, recent efforts resulted in a limited release of the continuing education management system where CE providers can apply for new provider, provider renewal, and course applications online.

Board Member Kim asked if there is more traffic on the website compared to last year and Mr. Herdt responded that the Board is getting about seventy percent user adoption rate in terms of renewals.

(D) Licensing Report Q1 FY 2022-23

Mr. Herdt reviewed the data for Licensing, Continuing Education, Tutorial, training programs, and exam results. Mr. Herdt noted that the total active wall licenses are lagging behind what the Board expects. The Board will do outreach to improve compliance in that regard.

(E) Enforcement Report Q1 FY 2022-22

Executive Officer (EO) Bodea reviewed the complaints/convictions and investigations data for quarter one of 2022-23 Fiscal Year (July 1 – September 30, 2022). Board Member Matecki asked a question about the use of the title doctor and EO Bodea responded that the Board can create outreach material to inform the licensee population of any misunderstanding as well as reach out to their member organizations to ensure that they are using the title appropriately when they practice. EO Bodea also noted that this might be an excellent item for the strategic plan. Board Member Kim asked if the number of complaints decreased since the pandemic. EO Bodea confirmed.

Item 5 - Legislative Report – Reviewed bills with positions taken, or new bills

EO Bodea reviewed bills that have passed or been chaptered. There were no bills that required a new position.

Item 6 – Discussion and Possible Approval of 2022 Sunset Report

EO Bodea reviewed the 2022 Sunset Report along with the Board Members. Edits were made to the following Sections:

- a) Section 4: Legal Counsel proposed the edit on Question 21 to clarify that the Board has not denied a license based on a failure to disclose prior discipline as opposed to the Board cannot deny a license based on failure to disclose prior discipline.
- b) Section 10: Legal counsel proposed the edit on Question 69 regarding the waiver of the regulatory requirement that acupuncture students receive their clinical education in-person. Instead of “the board did not receive a response”, Legal Counsel proposed for the statement to read “the request was not approved but the matter can be appropriately handled through enforcement of curriculum requirements”, and,
- c) Section 12: Legal Counsel proposed the edit on Item 2 to include the word massage in the final sentence. The term “Asian Massage” in the scope includes “manual therapy and massage. This is being inclusive to inform the Legislature about what issues the Board are hearing.

MOTION

Hyun “Francisco” Kim motioned to approve the 2022 Sunset Review Report.

Dr. Matecki seconded it.

No public comment regarding the report.

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

Motion Passes

Item 7 – Public Comments for Items Not on the Agenda

A public comment identified that acupuncture has evolved to be a more accepted and respected health care option.

Another public comment asked the Board to review the tutorial program.

Board Member Matecki mentioned that acupuncture is covered by Medicare, and we will see more and more acupuncturists working in the hospital environment and communicating with other multi-disciplinary teams.

Board Member Kim stated that maybe the Board can have a more detailed look into the tutorial program and other requirements for curriculum review.

Board Member Chen agrees to review the tutorial program and do some comparison and to check the competency between different program licensees.

EO Bodea suggested that the topics raised during public comment, namely degree titles, the tutorial program, English competency, and acupuncture medical terminology, be considered for the strategic plan.

Item 8 – Future Agenda items

A public comment was received that the notion that English is related to competence is not correct. EO Bodea and Mr. Herdt addressed the issue stating that the public tends to speak English and medicine is generally delivered in English.

Board Member Kim asked that Dao (Knife) Needle be included as a future agenda item. He stated it is getting popular in Korea and China and that its use is spreading to the US.

Item 9 – Closed Session

There was not enough time for the Board to initiate the annual evaluation of the performance of the Executive Officer prior to the Board meeting and therefore this item was tabled to the next meeting.

Item 10 – Adjournment

President Harabedian Adjourned the meeting.