

# California Acupuncture Board Meeting

August 8, 2024



## **Board Members**

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



**Board Meeting  
Agenda**

1625 North Market Blvd., Suite N-219  
Sacramento, CA 95834  
P 916.515.5200 F 916.928.2204  
[www.acupuncture.ca.gov](http://www.acupuncture.ca.gov)



**CALIFORNIA ACUPUNCTURE BOARD  
FULL BOARD MEETING NOTICE AND AGENDA**

**Thursday, August 8, 2024**

**9:30 a.m. to 5:00 p.m. or upon completion of business**

**Physical Address:**

1625 North Market Blvd., Suite 102  
Sacramento, CA 95834

**Remote Access:**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mbd7566194d0df48323cbb3911df259c0>

*If joining using the link above*

Webinar number: 2482 521 9801

Webinar password: AB88

*If joining by phone*

+1-415-655-0001 US Toll

Access code: 2482 521 9801

Passcode: 2288

**The California Acupuncture Board will host an in-person meeting at the above time and address, pursuant to Government Code, sections 11122.5.**

**ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA**

**Members of the Board**

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

- 1. Call to Order, Roll Call, and Establishment of Quorum**
- 2. President's Remarks**
- 3. Public Comments for Items Not on the Agenda**

*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, 11125.3, 11125.7(a).)*

**4. Petition for Penalty Relief: Reinstatement of Revoked License: Yu-Tai Fu, PRRL 1A-2023-73**

**Closed Session**

**5. Pursuant to Government Code, section 11126, subd. (c)(3), the Board Will Meet in Closed Session for Discussion, Deliberation, and Possible Action on Petitions and Disciplinary Matters**

**Open Session**

**6. Review and Possible Approval of Board Meeting Minutes for March 22, 2024**

**7. Executive Management Report**

- (A) Budget Update
- (B) Strategic Plan Update
- (C) Licensing Report Q3 2023-24
- (D) Licensing Report Q4 2023-24
- (E) Enforcement Report Q3 2023-24
- (F) Enforcement Report Q4 2023-24
- (G) Business Modernization Update

**8. Department of Consumer Affairs Update**

**9. Accreditation Commission of Acupuncture and Herbal Medicine Update**

**10. Legislative Report**

- (A) Bills of Interest to the Board
  - i) [AB 796](#) (Weber) Athletic trainers
  - ii) [AB 1991](#) (Bonta) Licensee and registrant renewal: National Provider Identifier
  - ii) [AB 2269](#) (Flora) Board membership qualifications: public members
  - iii) [AB 2862](#) (Gipson) Department of Consumer Affairs: African American applicants
  - iv) [SB 1067](#) (Smallwood-Cuevas) Healing arts: expedited licensure process: medically underserved area or population

**11. Regulatory Report**

- (A) Disciplinary Guidelines; Uniform Standards for Substance Abusing Licensees; Probation Disclosure (Title 16 CCR section 1399.469)
- (B) Section 100 Terminology and Cross-reference Updates (Title 16 CCR sections 1399.415, 1399.438, and heading of Article of 3.5)
- (C) Align Curriculum Standards and Approval Related Regulations with Statute (Title 16 CCR sections 1399.434, 1399.435, 1399.437 and 1399.439)
- (D) Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service (Title 16 CCR sections 1399.409, 1399.411, 1399.413, 1399.414, 1399.416, 1399.416.2, 1399.416.3,

and 1399.416.4, 1399.417 and 1399.419)

- (E) Application for Retired Status; Retired Status (Title 16 CCR section 1399.419(3) and 1399.460)
- (F) Continuing Education: Law and Ethics Requirement (Title 16 CCR sections 1399.483 and 1399.489)
- (G) Standards of Practice for Telehealth Services (Title 16 CCR section 1399.452.1)
- (H) Hand Hygiene Requirements (Title 16 CCR section 1399.451)

## **12. Election of Officers**

## **13. Future Agenda Items**

## **14. 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 attend at a noticed location. 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, 11125.3, 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.

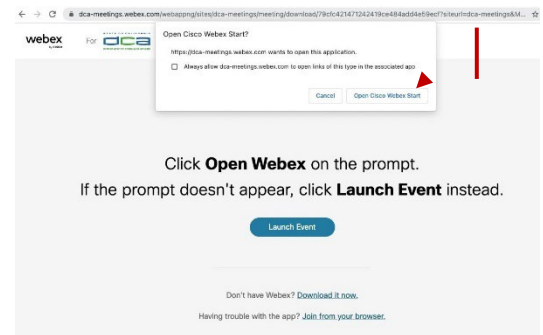
Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

### If joining using the meeting link

1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented.

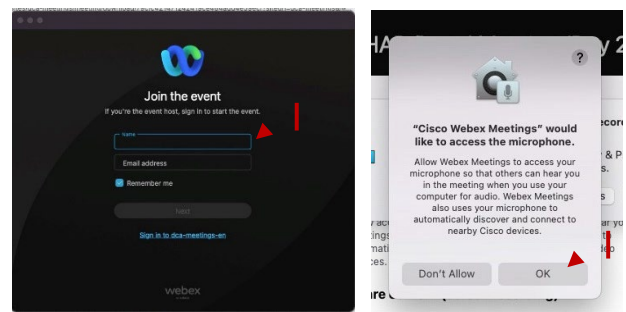
DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



3 Enter your name and email address.

Click “Join as a guest” .

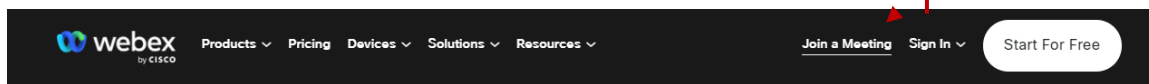
Accept any request for permission to use your microphone and/or camera.



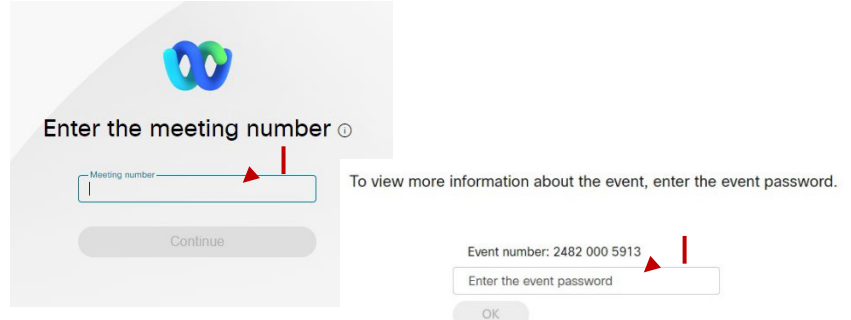
OR

### If joining from [Webex.com](https://www.webex.com)

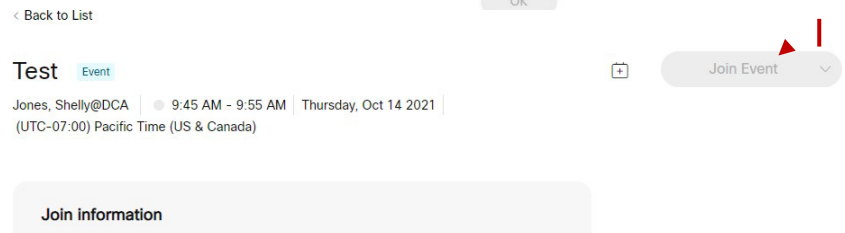
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue” . Enter the event password and click “OK” . This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event” .



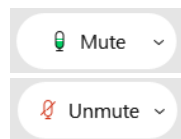
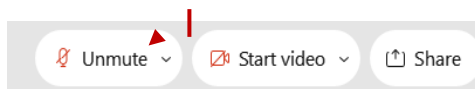
OR

### Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

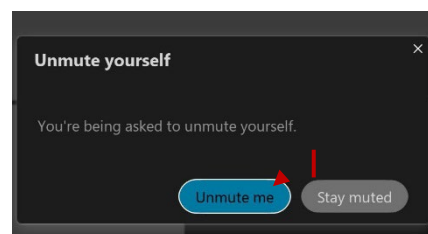
Microphone control (mute/unmute button) is located on the command row.



Green microphone = Unmuted: People in the meeting can hear you.

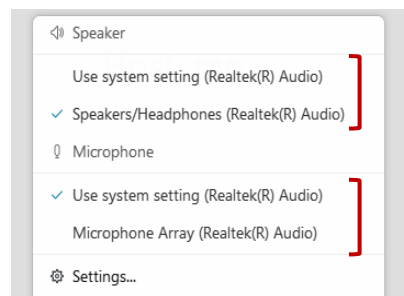
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



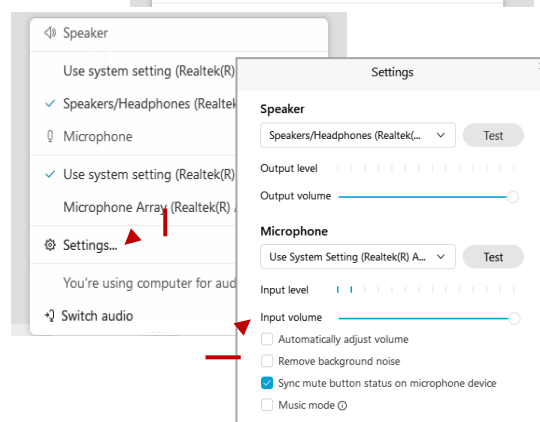
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

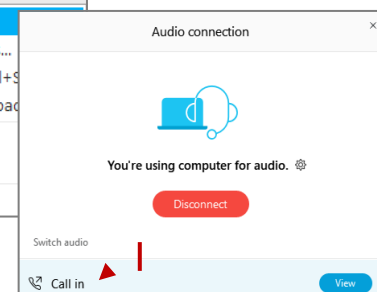
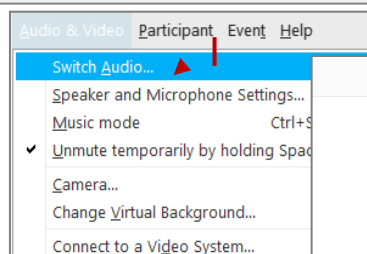
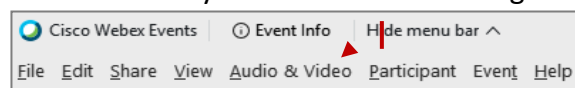
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the



directions.

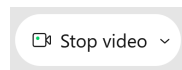
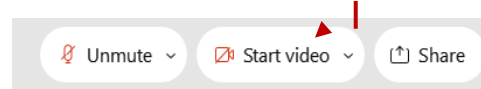
# Webex QuickStart

## Web Camera

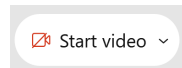
### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



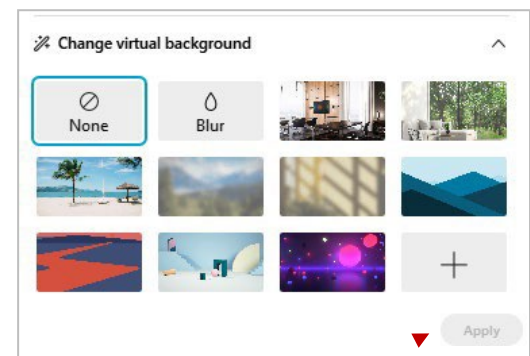
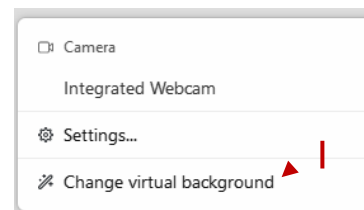
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

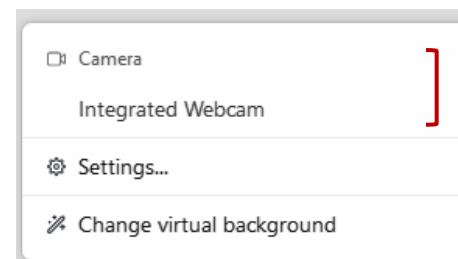
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.







**Board Meeting  
Minutes 3/22/24**

1625 North Market Blvd., Suite N-219  
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[www.acupuncture.ca.gov](http://www.acupuncture.ca.gov)



**BOARD MEETING  
DRAFT MEETING MINUTES  
March 22, 2024**

**LOCATION:**

1625 North Market Boulevard  
Suite 102  
Sacramento, CA 95834

**Remote Access** via Web Ex Teleconference

**Staff Present**

**Benjamin Bodea**, Executive Officer  
**Brennan Meier**, Legal Counsel  
**Jay Herdt**, Licensing Manager  
**Marisa Ochoa**, Central Services Manager  
**Kristine Brothers**, Policy Coordinator

**Members of the Board**

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

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

Meeting commenced at 9:12 a.m.

Roll call taken. All members present. Quorum established.

**Item 2 – President's Remarks**

Board President John Harabedian (President Harabedian) welcomed members, staff, and the public to the meeting.

**Item 3 – Review and Possible Approval of Board Meeting Minutes for October 26, 2023**

Board members reviewed the minutes from the October 26, 2023, meeting.

**MOTION**

Board Vice President Yong Ping Chen (VP Chen) motioned to approve the October 26, 2023, meeting minutes.

Board Member Amy Matecki (Matecki) seconded.

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

**6-0**

**Motion Passes**

## **Item 4 – Executive Management Report**

### **(A) Budget Update**

Brad Lencioni (Lencioni) from the Budget Office presented the Board's expenditure and revenue projections as well as the fund condition statement. Mr. Lencioni noted one of the main factors driving expenditure increase for the ensuing years is personal service adjustments which include general salary increases as well as employee compensation and retirement rate adjustments. The Budget Office will continue to monitor the Board's revenues and expenditures and report back to the Board with expenditure projections as they continue to close fiscal months in the current fiscal year.

President Harabedian inquired if any preparation is necessary in case the Board's reserves will be utilized to balance the state's budget deficit. Harmony Defilippo (Defilippo) from the Budget Office explained the Board's reserve balance is not affected by the expenditure freeze.

Board Member Matecki asked how many months in reserve is the Board allowed to have. Ms. Defilippo replied twenty-four months is the maximum any fund can have.

### **(B) Licensing Report Q2 FY 2023-24**

Licensing Manager, Jay Herdt (Herdt) reported the data for Licensing, Continuing Education, Tutorial, Training Programs, and Exam Results.

President Harabedian pointed out the discrepancy between active licensees and wall license holders. He inquired what steps are being taken in promoting awareness to licensees about the wall license requirement.

Mr. Herdt responded that the wall license requirement is made prominent on the Board's website. Also, licensees are reminded of the wall license requirement when they inquire about their renewal. Executive Officer (E.O. Bodea) further stated he is planning to have a dialogue with associations and apprise them of the wall license requirement.

E.O. Bodea and Mr. Herdt elaborated that obtaining a wall license is an essential part of the renewal process for licensees who have a place of practice.

#### Public Comment

A public comment was made stating Emperor's College incorporates the wall license requirement in the school's laws and ethics subject.

### **(C) Enforcement Report Q2 FY 2023-24**

E.O. Bodea reviewed the complaints/convictions and investigations data for Quarter Two of 2023-24 Fiscal Year (October 1 – December 31, 2023).

#### Public Comment

A public comment was made bringing attention to the Board AB 796, otherwise known as the Athletic Training Practice Act. The commenter expressed concern on athletic trainers practicing dry needling.

Another public comment was made echoing the same concern of the first commenter. The speaker encouraged the Board to make a public comment or position statement opposing the practice of dry needling by athletic trainers.

### **Item 5 - Legislative Report**

Policy Coordinator, Kristine Brothers (Brothers) provided a report on the bills of interest introduced in 2024.

- AB 2269, Board membership qualifications: public members.
- AB 2862, Licenses; African American applicants
- SB 1067, Healing arts: expedited licensure process: medically underserved area or population

The Board recessed from 10:22 a.m.-10:37 a.m.

### **Item 6 – Regulatory Report**

Ms. Brothers summarized the status of each Board regulatory package in progress.

### **Item 7 – Discussion and Possible Action to Consider Adoption of Proposed Clarifying Amendments Identified by Office of Administrative Law Relating to Application Process for Licensing Examination and Re-examination, and Criteria, and Procedures for Approval of a Credential Evaluation Service Rulemaking (16 CCR sections 1399.409, 1399.411, 1399.413, 1399.414, 1399.416, 1399.416.2, 1399.416.3, and 1399.416.4, 1399.417 and 1399.419)**

Ms. Brothers provided a brief background of the regulatory package. She stated the Board previously met on August 26, 2021, and voted to approve the regulatory language which implements AB 2190, provides definitions for terms, sets requirements for applicants applying and reapplying for the licensing exam, and updates processes related to the exam, including documentation and submission requirements. The proposed regulations were noticed on September 8, 2023, and later filed with the Office of Administrative Law on November 2, 2023. However, the regulatory action was withdrawn on January 5, 2024, to address substantive edits. Ms. Brothers proceeded to discuss the changes within the modified text that were made and recommended the Board review and consider the changes.

### **MOTION**

*Board Member Matecki moved to approve the proposed modified regulatory text and changes to 16 CCR, Division 13.7, sections 1399.409, 1399.411, 1399.413, 1399.414, 1399.416, 1399.416.2, 1399.416.3, 1399.416.4, 1399.417, and 1399.419, and*

*Direct staff to submit the proposed modified text to the Director of the DCA and the Business, Consumer Services, and Housing Agency for review.*

*If no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any technical or non-substantive*

*changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed.*

*Board Member Osorio seconded.*

**Vote**

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

**6-0 motion passes**

**Item 8 – Discussion and Possible Adoption of Continuing Education: Law and Ethics Requirement Rulemaking (16 CCR sections 1399.480, 1399.489 and 1399.489.1, Including Consideration of Comments Received)**

Ms. Brothers gave a brief background of the regulatory package. The proposed regulations were noticed on October 6, 2023, for a 45-day public comment period which ended November 1, 2023. During this period, two comments were received. She proceeded to summarize the comments that were received as well as the proposed responses for the Board's consideration. A discussion ensued among Board members on what would satisfy the requirement of completing the four hours of law and ethics.

**MOTION**

*VP Chen moved to direct staff to reject the actions requested in the comments, provide the responses to the comments (as indicated in the meeting materials), and use the noticed proposed text and responses for completing the regulatory process.*

*Direct staff to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the proposed regulations, and adopt the proposed regulations as described in the proposed text as noticed.*

*Board Member Matecki seconded.*

**Vote**

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

**6-0 motion passes**

Public Comment

A public comment was made stating the ethics code in Chinese medicine is clear and these are interesting aspects to include in an ethics class.

Another public comment was made recommending the creation of a subcommittee to address issues that haven't been resolved.

**Item 9 – Discussion and Possible Action to Reconsider Previously Approved Text, Authorize Initiation of a New Rulemaking and to Adopt New Text to Establish Section**

**1399.419(3) in Title 16 of the California Code of Regulations: Application for Retired Status; Retired Status; Restoration**

Ms. Brothers provided a brief background of the regulatory package. She discussed substantive edits that were made to the proposed language that was previously approved by the Board, including clarification of the term “disciplinary reasons” and the requirements for restoration of a retired license. The Board was asked to review the proposed language, and if approved, rescind the Board's prior proposed text.

**MOTION**

*Board Member Osorio moved that the Board rescind prior proposed text approved August 16, 2019, and approve the newly proposed regulatory language and changes to Division 13.7, Article 2, section 1399.419.3 and Article 6, section 1399.460, as provided in the materials, and...*

*Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.*

*If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt new Section 1399.419.3 of Article 2 and amend Section 1399.460 of Article 6 of Division 13.7 of Title 16 of CCR as noticed.*

*Board Member Kim seconded.*

**Vote**

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

**6-0 motion passes**

**Item 10 – Review and Possible Action on the Board's Draft Strategic Plan**

E.O. Bodea presented the draft strategic plan the Board developed at its public meeting held in October 2023. E.O. Bodea pointed to areas of the plan where he had suggested edits. E.O. Bodea recommended the removal of Goal Area 3.2 as medical doctors cannot direct assistants to perform acupuncture involving the application of a needle. E.O. Bodea then recommended the approval of Goal Area 3.7 to allow parity between foreign and domestic applicants. Lastly, E.O. Bodea recommended the removal of Goal Area 4.3 and 4.5. These goal areas can be combined with Goal Area 4.1.

VP Chen sought clarification of Goal Area 1.2, which is to consult with the Department of Consumer Affairs' Office of Professional Examination Services to gather information on the differences between the national certification exam and the California licensing exam. After deliberation, the Board members decided to remove the item since there is no imminent compelling reason to shift to a national certification exam.

**MOTION**

*President Harabedian moved to adopt the strategic plan, removing goal 1.2, removing goal 3.2, adding goal 3.7, and removing goals 4.3 and 4.5 as identified in the materials.*

*Board Member Kim seconded.*

**Vote**

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

**6-0 motion passes**

Public Comment

A public comment was made supporting the action taken by the Board in removing Goal Area 1.2.

A second public comment was made recommending the retention of Goal Area 1.2.

The third public comment agreed with the sentiment of the second commenter, which is not to remove items from the strategic plan.

**Item 11 – Review and Possible Action on the Board’s Administrative Manual**

E.O. Bodea stated it is recommended that the Board review its administrative manual every few years. After a thorough review, changes were made, including updates to policies, the inclusion of citations of laws and regulations where policy was derived from, and other non-substantive changes.

**MOTION**

*Board Member Osorio moved to adopt the changes provided in the Board administrative manual as presented by staff.*

*Board Member Matecki seconded.*

**Vote**

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

**6-0 motion passes**

Public Comment

A public comment was made expressing some of the recommended agenda items brought forth by the public are not being included on subsequent agenda items.

**Item 12 – Public Comments for Items Not on the Agenda**

Public Comment

The first public comment expressed concern on athletic trainers who perform dry needling. The commenter encouraged the Board to take a strong stance against any legislation that would essentially allow athletic trainers to practice acupuncture.

The second public commenter reiterated the concern of the first commenter, opposing athletic trainers from performing dry needling.

The third public commenter stated public comments are not being taken into consideration by the Board before a vote on a motion is to be made. The commenter also voiced his concern regarding athletic trainers performing dry needling. Lastly, recommended the Board to communicate with the Medical Board on the exclusion of athletic trainers from performing dry needling.

The fourth commenter voiced apprehension on physical therapists and chiropractors performing dry needling.

The fifth commenter conveyed their view to stop the practice of dry needling by athletic trainers.

The sixth commenter pointed out acupuncture is not included in Section 2529.8.3 of the Athletic Training Practice Act.

The last public commenter also opposed physical therapists from performing dry needling. The speaker added that the Board and stakeholders should work together to resolve the issue.

### **Item 13 – Future Agenda Items**

President Harabedian requested discussion of AB 796 for the next agenda.

Board Member Kim suggested a dialogue on dry needling with respect to other healthcare professions. He also wanted to discuss the education program as well as coordination in terms of acupuncture promotion for Medicaid recipients.

VP Chen recommended to discuss the law and ethics requirement for continuing education.

Board Member Matecki concurred with President Harabedian's suggestion to discuss AB 796 in the next agenda.

#### Public Comment

A public comment was made stating Emperor's College offers a 20-hour course of law and ethics.

A second public comment was made declaring California University-Silicon Valley offers Ethics subject. The commenter also made an emphasis on Medical Ethics.

The third public comment enumerated education, curriculum competency, law, ethics, Asian massage, occupational analysis, and workers compensation as future agenda items to be discussed.

### **Item 14 – Adjournment**

President Harabedian adjourned the meeting at 1:15 p.m.





**Budget Update**

**Department of Consumer Affairs**  
**Expenditure Projection Report**  
 Acupuncture Board  
 Reporting Structure(s): 1111700 Support  
 Fiscal Month: 11  
 Fiscal Year: 2023 - 2024  
 Run Date: 06/18/2024

**PERSONAL SERVICES**

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$876,000	\$798,562	\$914,000	\$80,828	\$870,809	\$0	\$870,809	\$951,224	-\$37,224
5100	TEMPORARY POSITIONS	\$19,000	\$0	\$19,000	\$0	\$0	\$0	\$0	\$0	\$19,000
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$12,000	\$497	\$12,000	\$0	\$5,538	\$0	\$5,538	\$5,538	\$6,462
5150	STAFF BENEFITS	\$539,000	\$437,401	\$564,000	\$45,457	\$499,458	\$0	\$499,458	\$545,581	\$18,419
	<b>PERSONAL SERVICES</b>	<b>\$1,446,000</b>	<b>\$1,236,460</b>	<b>\$1,509,000</b>	<b>\$126,286</b>	<b>\$1,375,805</b>	<b>\$0</b>	<b>\$1,375,805</b>	<b>\$1,502,343</b>	<b>\$6,657</b>

**OPERATING EXPENSES & EQUIPMENT**

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$57,000	\$16,681	\$57,000	\$1,245	\$9,155	\$2,195	\$11,350	\$11,850	\$45,150
5302	PRINTING	\$18,000	\$13,261	\$18,000	\$823	\$14,239	\$11,166	\$25,405	\$27,405	-\$9,405
5304	COMMUNICATIONS	\$18,000	\$3,633	\$18,000	\$207	\$3,565	\$0	\$3,565	\$4,965	\$13,035
5306	POSTAGE	\$6,000	\$1,517	\$6,000	\$0	\$873	\$0	\$873	\$1,173	\$4,827
5308	INSURANCE	\$0	\$17	\$0	\$0	\$22	\$0	\$22	\$22	-\$22
53202-204	IN STATE TRAVEL	\$34,000	\$8,266	\$34,000	\$88	\$16,082	\$0	\$16,082	\$16,582	\$17,418
5322	TRAINING	\$4,000	\$175	\$4,000	\$0	\$525	\$0	\$525	\$525	\$3,475
5324	FACILITIES	\$65,000	\$197,405	\$65,000	\$15,790	\$143,047	\$12,576	\$155,623	\$158,984	-\$93,984
53402-53403	C/P SERVICES (INTERNAL)	\$502,000	\$253,599	\$502,000	\$41,414	\$189,801	\$0	\$189,801	\$233,722	\$268,278
53404-53405	C/P SERVICES (EXTERNAL)	\$557,000	\$508,494	\$653,000	\$22,965	\$213,242	\$52,328	\$265,569	\$481,919	\$171,081
5342	DEPARTMENT PRORATA	\$926,000	\$751,368	\$848,000	\$0	\$819,853	\$0	\$819,853	\$848,000	\$0
5342	DEPARTMENTAL SERVICES	\$334,000	\$179,722	\$334,000	\$0	\$124,773	\$0	\$124,773	\$180,871	\$153,129
5344	CONSOLIDATED DATA CENTERS	\$4,000	\$7,878	\$4,000	\$65	\$586	\$0	\$586	\$7,749	-\$3,749
5346	INFORMATION TECHNOLOGY	\$36,000	\$5,070	\$18,000	\$3,861	\$9,613	\$420,737	\$430,350	\$190,350	-\$172,350
5362-5368	EQUIPMENT	\$0	\$9,301	\$0	\$56	\$5,969	\$0	\$5,969	\$5,969	-\$5,969
5390	OTHER ITEMS OF EXPENSE	\$3,000	\$528	\$3,000	\$0	\$0	\$0	\$0	\$0	\$3,000
54	SPECIAL ITEMS OF EXPENSE	\$0	\$4,762	\$0	\$0	\$403	\$0	\$403	\$803	-\$803
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$2,564,000</b>	<b>\$1,961,675</b>	<b>\$2,564,000</b>	<b>\$86,515</b>	<b>\$1,551,747</b>	<b>\$499,002</b>	<b>\$2,050,749</b>	<b>\$2,170,888</b>	<b>\$393,112</b>

<b>OVERALL TOTALS</b>		<b>\$4,010,000</b>	<b>\$3,198,135</b>	<b>\$4,073,000</b>	<b>\$212,800</b>	<b>\$2,927,552</b>	<b>\$499,002</b>	<b>\$3,426,554</b>	<b>\$3,673,231</b>	<b>\$399,769</b>
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REIMBURSEMENTS		-\$23,000	-\$83,000	-\$23,000					-\$23,000	
<b>OVERALL NET TOTALS</b>		<b>\$3,987,000</b>	<b>\$3,115,135</b>	<b>\$4,050,000</b>	<b>\$212,800</b>	<b>\$2,927,552</b>	<b>\$499,002</b>	<b>\$3,426,554</b>	<b>\$3,650,231</b>	<b>\$399,769</b>

9.87%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11111700 Support

Fiscal Month: 11

Fiscal Year: 2023 - 2024

Run Date: 06/18/2024

Revenue

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	April	May	Year to Date	Projection To Year End
	Delinquent Fees	\$71,000	\$4,675	\$4,050	\$3,150	\$5,125	\$4,750	\$7,050	\$6,350	\$3,000	\$5,700	\$4,050	\$5,250	\$53,150	\$57,750
	Other Regulatory Fees	\$268,000	\$14,558	\$15,205	\$17,555	\$19,355	\$22,780	\$50,245	\$38,180	\$20,730	\$23,025	\$18,375	\$16,720	\$256,728	\$270,678
	Other Regulatory License and Permits	\$648,000	\$53,721	\$60,628	\$42,556	\$67,184	\$56,304	\$53,559	\$63,947	\$59,793	\$50,285	\$67,088	\$62,742	\$637,807	\$669,807
	Other Revenue	\$64,000	\$25	\$25	\$707	\$40,896	\$696	\$50	\$47,791	\$50	\$75	\$52,137	\$0	\$142,453	\$142,660
	Renewal Fees	\$3,079,000	\$230,722	\$227,033	\$233,370	\$414,654	\$230,755	\$224,717	\$292,400	\$261,556	\$288,842	\$243,808	\$195,128	\$2,842,986	\$3,061,086
	<b>Revenue</b>	<b>\$4,130,000</b>	<b>\$303,701</b>	<b>\$306,941</b>	<b>\$297,338</b>	<b>\$547,214</b>	<b>\$315,286</b>	<b>\$335,621</b>	<b>\$448,668</b>	<b>\$345,129</b>	<b>\$367,927</b>	<b>\$385,458</b>	<b>\$279,840</b>	<b>\$3,933,123</b>	<b>\$4,201,980</b>

Reimbursements

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	April	May	Year to Date	Projection To Year End
	Scheduled Reimbursements	\$0	\$49	\$0	\$0	\$49	\$49	\$0	\$0	\$0	\$0	\$0	\$0	\$147	\$196
	Unscheduled Reimbursements	\$0	\$6,186	\$5,788	\$4,188	\$4,755	\$5,133	\$4,455	\$5,236	\$5,470	\$6,653	\$3,787	\$6,130	\$57,780	\$62,235
	<b>Reimbursements</b>	<b>\$0</b>	<b>\$6,235</b>	<b>\$5,788</b>	<b>\$4,188</b>	<b>\$4,804</b>	<b>\$5,182</b>	<b>\$4,455</b>	<b>\$5,236</b>	<b>\$5,470</b>	<b>\$6,653</b>	<b>\$3,787</b>	<b>\$6,130</b>	<b>\$57,927</b>	<b>\$62,431</b>

**0108 - Acupuncture Fund Analysis of Fund Condition**  
(Dollars in Thousands)

Prepared 6.27.24

2024-25 Governor's Budget With FM 11 Projections

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
<b>BEGINNING BALANCE</b>	\$ 3,648	\$ 4,154	\$ 4,511	\$ 4,677	\$ 4,773
Prior Year Adjustment	\$ -173	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,475	\$ 4,154	\$ 4,511	\$ 4,677	\$ 4,773
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 63	\$ 58	\$ 75	\$ 75	\$ 75
4127400 - Renewal fees	\$ 3,093	\$ 3,061	\$ 3,080	\$ 3,080	\$ 3,080
4129200 - Other regulatory fees	\$ 268	\$ 271	\$ 268	\$ 268	\$ 268
4129400 - Other regulatory licenses and permits	\$ 702	\$ 670	\$ 678	\$ 678	\$ 678
4163000 - Income from surplus money investments	\$ 98	\$ 140	\$ 58	\$ 71	\$ 70
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 2	\$ 2	\$ 2	\$ 2
Totals, Revenues	\$ 4,228	\$ 4,202	\$ 4,161	\$ 4,174	\$ 4,173
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 4,228	\$ 4,202	\$ 4,161	\$ 4,174	\$ 4,173
<b>TOTAL RESOURCES</b>	\$ 7,703	\$ 8,356	\$ 8,672	\$ 8,851	\$ 8,946
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,115	\$ 3,611	\$ 3,799	\$ 3,913	\$ 4,030
9892 Supplemental Pension Payments (State Operations)	\$ 43	\$ 43	\$ 31	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 391	\$ 191	\$ 165	\$ 165	\$ 165
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 3,549	\$ 3,845	\$ 3,995	\$ 4,078	\$ 4,195
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 4,154	\$ 4,511	\$ 4,677	\$ 4,773	\$ 4,751
Months in Reserve	13.0	13.5	13.8	13.7	13.6

**NOTES:**

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.



**Licensing Report  
Q3 & Q4 2023-24**

## FY 23/24 Acupuncture Licensing Report

License Status	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Active	7533	7708	7685	7656
Inactive	2358	2337	2335	2286
Delinquent	1778	1685	1685	1690
Clear	11669	11730	11705	11632
Cancelled	107	117	102	123
Initial AC License Applications Approved	84	93	80	63
Initial AC License Applications Denied	0	0	0	0
AC License Renewals	1229	1252	1573	1401
Active Wall Licenses	4365	4528	4854	5008
Initial Wall Licenses	354	305	565	394
Wall License Renewals	391	389	452	347

## FY 23/24 Continuing Education Report

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
New CE Provider Applications Approved	4	19	9	10
CE Provider Applications Denied	0	0	0	0
CE Provider Renewals	112	101	40	31
Course Applications Received	607	1406	1040	539
Course Applications Approved	692	840	1410	848
Course Denials	0	0	0	0
Total Number of Active CE Providers	270	295	316	329

## FY 23/24 Acupuncture 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	0	0	4	2
ABAC - Incomplete	0	1	0	0
ABAC - Approved	8	1	0	0
Loss of Approval	0	1	0	0

## FY 23/24 Acupuncture Tutorial Training Programs

Type	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun
Applications Received	0	9	6	8
New Program Approvals	5	3	1	6
Programs Completed	4	2	1	2
Programs Terminated, Abandoned	1	6	1	0
Total Approved Programs	51	47	46	50

<b>EXAMINATION RESULTS STATISTICS - FIRST TIME AND OVERALL</b>						
<b>1/1/2024-6/30/2024</b>						
<b>APPROVED ACUPUNTURE AND EDUCATIONAL TRAINING PROGRAMS</b>	<b>1ST TIME TAKERS</b>			<b>OVERALL (Includes Re-Takers)</b>		
	<b>#PASS</b>	<b>#FAIL</b>	<b>PASS %</b>	<b>#PASS</b>	<b>#FAIL</b>	<b>PASS %</b>
Academy of Chinese Culture & Health Sciences	4	2	67%	4	3	57%
Acupuncture & Integrative Medicine College, Berkeley	4	5	45%	5	6	45%
Alhambra Medical University	11	0	100%	11	1	92%
American College of Traditional Chinese Medicine at CIIS*	5	0	100%	5	0	100%
AOMA Graduate School of Integrative Medicine	1	1	50%	1	1	50%
Bastyr University	1	0	100%	1	0	100%
California University - Silicon Valley	1	0	100%	1	0	100%
Dongguk University Los Angeles	3	4	43%	4	6	40%
Emperor's College of Tradional Chinese Medicine	17	4	81%	18	6	75%
Five Branches University	19	2	90%	20	3	87%
Oregon College of Oriental Medicine	1	0	100%	1	0	100%
Pacific College of Health and Science	18	7	72%	21	13	62%
Samra University*	0	0	0%	0	1	0%
South Baylo University	15	8	65%	16	12	57%
Southern California University of Health Sciences	8	1	89%	10	2	83%
Southwest Acupuncture College*	2	1	67%	2	1	67%
Stanton University*	0	1	0%	0	2	0%
University of East West Medicine	2	2	50%	3	3	50%
Whitewater University of CA	6	1	86%	6	1	86%
Yosan University	3	2	60%	3	2	60%
Tutorials	2	0	100%	3	0	100%
Foreign	12	0	100%	14	0	100%
<b>GRAND TOTAL</b>	<b>135</b>	<b>41</b>	<b>77%</b>	<b>149</b>	<b>63</b>	<b>70%</b>

\*Previously Approved Training Program

**EXAMINATION RESULTS STATISTICS - BY LANGUAGE****1/1/2024 - 6/30/2024**

<b>LANGUAGE</b>	<b>#PASS</b>	<b>#FAIL</b>	<b>PASS %</b>
Chinese	44	9	83%
English	90	49	65%
Korean	15	5	75%
<b>GRAND TOTAL</b>	<b>149</b>	<b>63</b>	<b>70%</b>





**Enforcement Report  
Q3 & Q4 2023-24**



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**Enforcement Update for FY 2023/2024: Q3 (January-March) 2024**

**COMPLAINTS/CONVICTIONS & ARRESTS**

DCA Category		Received
Substance Abuse/Drug & Mental/Physical Impairment		0
Unsafe/Unsanitary Conditions		0
Fraud		8
Non-jurisdictional		0
Incompetence/Negligence		10
Other		1
Unprofessional Conduct		1
• Billing/Communication	1	
Sexual Misconduct		5
Discipline by Another State Agency		0
Unlicensed/Unregistered		1
Criminal Charges/Convictions**		5
• Applicants	0	
• Licensees	5	
<b>Total</b>		<b>31</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	Received	Closed	Pending**
Substance Abuse/Drug & Mental/Physical Impairment	0	1	0
Unsafe/Unsanitary Conditions	0	0	11
Fraud	8	6	47
Non-jurisdictional	0	1	2
Incompetence/Negligence	10	8	79
Other	1	3	6
Unprofessional Conduct	1	4	78
Sexual Misconduct	5	3	24
Discipline by Another State Agency	0	0	2
Unlicensed/Unregistered	1	1	25
Criminal Charges/Convictions (includes pre-licensure)	5	3	34
<b>Total</b>	<b>31</b>	<b>30</b>	<b>308</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 Performance Measures

Q3 - January 1, 2024 - March 31, 2024

## Performance Measure (PM) 1 - Intake Volume: Complaints and Convictions/Arrests received

Total Intake Received (Complaints & Convictions)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Complaints Received	112	33	29	26		88
Convictions/Arrest Received	17	14	6	5		25
Total Intake Received	129	47	35	31		113

## PM 2 - Total Intake Cycle Time

Cycle Time (Target: 10 Days)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Avg. Days to close or assign	3	5	4	4		4.3

## PM 3 - Inv. Cycle Time -

Includes intake, investigation, and case outcome for complaints not referred to the Attorney General (AG)

Inv. Cycle Time of Non-AG Cases (Target: 200 Days)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Desk Investigations Closed	19	53	62	30		145
Field Investigations Closed	2	4	1	0		5
All Investigations Closed	21	57	63	30		150
Avg. Days to Close All Investigations	138	307	361	161		276

The numbers represent investigations closed without AG action in the specified timeframes.

Aging of Non-AG Cases	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Up to 90 Days	17	26	12	14		52
91 - 180 Days	1	5	5	4		14
181 Days - 1 Year (364)	1	6	12	9		27
1 to 2 Years (365-730)	1	15	32	3		50
2 to 3 Years (731- 1092)	0	2	1	0		3
Over 3 Years (1093 +)	1	3	1	0		4

Non-AG Discipline	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Final Citations*	0	0	1	0		1
Avg. Days to Complete Citations**	0	0	302	0		302.0
License Denials	0	1	0	0		1

\* A citation is final 30 days after issuance or after the appeal process has resolved.

\*\* A complete citation is when respondent has addressed fines and abatement order.

### PM 4 Cycle Time-Initial Discipline

Average number of days to close cases submitted to the AG for formal disciplinary action.

AG Cases Target: 540 Days	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Total Final Orders	11	0	0	1		1
Avg. Days to Complete	1376	0	0	2201		2201

AG Actions	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
AG Cases Initiated	0	1	0	1		2
AG Cases Pending	8	4	3	4		11
SOIs Filed	0	0	1	0		1
Accusations Filed	3	1	0	0		1
Revoked	3	0	0	0		0
Voluntary Surrender	6	0	0	1		1
Probation	1	0	0	0		0
Public Reprimand	1	0	0	0		0
Closed w/out Disciplinary Action	0	2	1	1		4

These numbers represents AG cases closed in the specified timeframes.

AG Action Time Frames	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	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	0	0	0	0		0
181 Days - 1 Year (364)	0	0	0	0		0
1 to 2 Years (365-730)	1	0	0	0		0
2 to 3 Years (731- 1092)	2	0	0	0		0
Over 3 Years (1093 +)	8	0	0	1		1

Other Legal Actions	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
PC 23 Ordered	0	0	0	0		0
Interim Suspension	0	0	0	0		0

Probationers	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Total licensees on Active Probation	13	13	10	6		See current Q
Accusation/Petitions to Revoke Filed	0	1	0	0		1
Subsequent Discipline Final Orders	0	0	1	0		1



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**Enforcement Update for FY 2023/2024: Quarter 4 (April-June 2024)**

**COMPLAINTS/CONVICTIONS & ARRESTS**

DCA Category		Received
Substance Abuse/Drug & Mental/Physical Impairment		0
Unsafe/Unsanitary Conditions		0
Fraud		2
Non-jurisdictional		1
Incompetence/Negligence		16
Other		0
Unprofessional Conduct		5
• Business Poaching / Unfair Competition	1	
• Patient recruiting/retention	1	
• Request for records	1	
• Lacking consent	1	
• Verbal altercation	1	
Sexual Misconduct		3
Discipline by Another State Agency		0
Unlicensed/Unregistered		2
Criminal Charges/Convictions**		4
• Applicants	0	
• Licensees	4	
<b>Total</b>		<b>33</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	Received	Closed	Pending**
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Unsafe/Unsanitary Conditions	0	1	11
Fraud	2	3	46
Non-jurisdictional	1	1	2
Incompetence/Negligence	16	2	92
Other	0	1	5
Unprofessional Conduct	5	3	80
Sexual Misconduct	3	2	25
Discipline by Another State Agency	0	1	1
Unlicensed/Unregistered	2	2	25
Criminal Charges/Convictions (includes pre-licensure)	4	5	33
<b>Total</b>	<b>33</b>	<b>21</b>	<b>320</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 Performance Measures

Q4 - April 1, 2024 - June 30, 2024

## Performance Measure (PM) 1 - Intake Volume: Complaints and Convictions/Arrests received

Total Intake Received (Complaints & Convictions)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Complaints Received	112	33	29	26	29	117
Convictions/Arrest Received	17	14	6	5	4	29
Total Intake Received	129	47	35	31	33	146

## PM 2 - Total Intake Cycle Time

Cycle Time (Target: 10 Days)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Avg. Days to close or assign	3	5	4	4	3	4.0

PM 3 - Inv. Cycle Time - Includes intake, investigation, and case outcome for complaints not referred to the Attorney General (AG)

Inv. Cycle Time of Non-AG Cases (Target: 200 Days)	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Desk Investigations Closed	19	53	62	30	19	164
Field Investigations Closed	2	4	1	0	2	7
All Investigations Closed	21	57	63	30	21	171
Avg. Days to Close All Investigation	138	307	361	161	391	305

The numbers represent investigations closed without AG action in the specified timeframes.

Aging of Non-AG Cases	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Up to 90 Days	17	26	12	14	7	59
91 - 180 Days	1	5	5	4	1	15
181 Days - 1 Year (364)	1	6	12	9	6	33
1 to 2 Years (365-730)	1	15	32	3	5	55
2 to 3 Years (731- 1092)	0	2	1	0	1	4
Over 3 Years (1093 +)	1	3	1	0	1	5

Non-AG Discipline	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Final Citations*	0	0	1	0	0	1
Avg. Days to Complete Citations**	0	0	302	0	0	302.0
License Denials	0	1	0	0	0	1

\* A citation is final 30 days after issuance or after the appeal process has resolved.

\*\* A complete citation is when respondent has addressed fines and abatement order.

**PM 4 Cycle Time-Initial Discipline**

Average number of days to close cases submitted to the AG for formal disciplinary action.

AG Cases Target: 540 Days	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Total Final Orders	11	0	0	1	1	2
Avg. Days to Complete	1376	0	0	2201	2349	1138

AG Actions	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
AG Cases Initiated	0	1	0	1	1	3
AG Cases Pending	8	4	3	4	3	14
SOIs Filed	0	0	1	0	0	1
Accusations Filed	3	1	0	0	0	1
Revoked	3	0	0	0	1	1
Voluntary Surrender	6	0	0	1	0	1
Probation	1	0	0	0	0	0
Public Reprimand	1	0	0	0	0	0
Closed w/out Disciplinary Action	0	2	1	1	0	4

These numbers represents AG cases closed in the specified timeframes.

AG Action Time Frames	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Up to 90 Days	0	0	0	0	0	0
91 - 180 Days	0	0	0	0	0	0
181 Days - 1 Year (364)	0	0	0	0	0	0
1 to 2 Years (365-730)	1	0	0	0	0	0
2 to 3 Years (731- 1092)	2	0	0	0	0	0
Over 3 Years (1093 +)	8	0	0	1	1	2

Other Legal Actions	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
PC 23 Ordered	0	0	0	0	0	0
Interim Suspension	0	0	0	0	0	0

Probationers	FY 2022/23	Fiscal Year 2023/24				
	Prior Year	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	YTD
Total licensees on Probation	13	13	10	6	5	See current Q
Accusation/Petitions to Revoke File	0	1	0	0	0	1
Subsequent Discipline Final Orders	0	0	1	0	0	1



# Legislation Report



## 2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-1-22

### DEADLINES

- 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. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).  
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).
  
- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19** Presidents' Day.
  
- Mar. 21** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.
  
- Apr. 1** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
  
- May 3** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** 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 28 (J.R. 61 (b)(9)).
- May 20-24** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

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

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

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

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

MAY							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
No Hrgs.	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

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

**2024 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-1-22

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

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

**June 27** Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

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

**July 3** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

**Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

**July 4** Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
No Hrgs.	18	19	20	21	22	23	24
No Hrgs.	25	26	27	28	29	30	31

**Aug. 5** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 16** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

**Aug. 19 – 31 Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(15)).

**Aug. 23** 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 upon adjournment (J.R. 51(b)(3)).

**IMPORTANT DATES OCCURRING DURING FINAL RECESS**

**2024**

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)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2025. (Art. IV, Sec. 8(c)).

Nov. 5 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 2 2025-26 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

**2025**

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

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



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<b>DATE</b>	August 8, 2024
<b>TO</b>	Acupuncture Board Members
<b>FROM</b>	Kristine Brothers, Policy Coordinator
<b>SUBJECT</b>	2024 Legislation of Interest as of July 19, 2024

### 2024 Bills of Interest:

[Assembly Bill 796](#) (Weber)

#### **Athletic trainers.**

**Status:** Amended in Senate June 25, 2024

#### **Existing Law:**

- Provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs (DCA), including athlete agents.
- Prohibits a person from practicing those professions and vocations unless the person is licensed by the appropriate regulatory board or otherwise meets prescribed requirements.

#### **Summary of Bill:**

AB 796 would prohibit a person from holding themselves out as an athletic trainer or from using specified titles or terms to imply or suggest the person is an athletic trainer unless they meet specified requirements, including being certified by the Board of Certification for the Athletic Trainer. This bill also prohibits a person from holding themselves out to be an athletic trainer or use any specified titles if certain conditions are true, including that the person has an athletic trainer license or registration in another state that was disciplined or is otherwise restricted, as specified. If an employee's title is changed to comply with the provisions of AB 796, it would prohibit the loss of the employee's employment status as a result of the title change, including, but not limited to, demotion, reclassification, or any other status or compensation related to the position.

#### **Board Impact:**

Before June 25, 2024, AB 796 established the Athletic Training Practice Act and created a registration committee within the Medical Board to register athletic trainers. It also established certification and training requirements for athletic trainers. It was the prior version that caused concern for the profession based on the bill language not explicitly prohibiting an athletic trainer from the practice of acupuncture when other similar professions were named in the bill that excluded their practice. This is no longer a concern after the recent amendments in June.

The bill is providing title protection for athletic trainers and establishing some minimum requirements for the profession in California. In the bill's current form there is not an impact to the Board, nor does it intersect with the acupuncture profession.

**Fiscal Impact:**

There is no projected fiscal impact.

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**[Assembly Bill 1991](#) (Bonta): **Licensee and registrant renewal: National Provider Identifier****

**Status:** Amended in Senate July 2, 2024

**Existing Law:**

- Provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs (DCA) and establishes the standards for licensure or certification of health professionals.
- Makes certain violations of specified provisions relating to healing arts by a licensee or registrant a crime.

**Summary of Bill:**

This bill adds Section 850.2 to the Business and Professions Code and would require licensees and registrants of healing arts boards within the Department of Consumer Affairs to provide their National Provider Identifier, if they have one, at the time of electronic license or registration renewal.

**Board Impact:**

AB 1991 would mostly be an IT impact for DCA's Office of Information Services (OIS) to address. Most the Board's license renewals are electronic via the Board's online portal, Connect. OIS will need to add a question to the Board's online renewal application for a licensee to disclose their National Provider Identifier. This workload will minimally affect staff. In addition, it is unclear if there would be enforcement costs associated with the changes from AB 1991 since the bill only specifies that a violation of the section does not constitute a crime. It is unclear if the Board will have jurisdiction to take disciplinary action against a licensee for failing to disclose their National Provider Identifier. If the Board may take disciplinary action based on failing to disclose, it is expected that the volume and workload associated will be minimal.

**Fiscal Impact:**

The changes effectuated by AB 1991 are absorbable within current budget and staffing resources.

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**[Assembly Bill 2269](#) (Flora): **Board membership qualifications: public members.****

**Status:** This bill was held in the Senate Committee on Business, Professions, and Economic Development and is dead.

**Existing Law:**

- Establishes specific boards, bureaus, and commissions under the Department of Consumer Affairs for the purpose of licensing and regulating various professions and vocations.
- Establishes qualifications related to prohibited employer/employee and contractual relationships between public members and licensees of a board within five (5) years preceding a public member's appointment to a board.

- Identifies exceptions for specified employee/employer, contractual and patient relationships between public members and licensees of a board, including limited involvement with a licensee's practice or business.

**Summary of Bill:**

AB 2269 would have revised requirements for public members of any board within the Department related to business relationships with a licensee of that board. This bill would also have removed exemptions if the relationship with a licensee constituted no more than two percent of the practice or business of the licensee.

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**[Assembly Bill 2862](#)** (Gipson): **Licenses: African American applicants**

**Status:** This bill was held in the Senate Committee on Business, Professions, and Economic Development and is dead.

**Existing Law:**

- Establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.

**Summary of Bill:**

AB 2862 would have required, notwithstanding any other law, that a board within the Department prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States.

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**[Senate Bill 1067](#)** (Smallwood-Cuevas):

**Healing arts: expedited licensure process: medically underserved area or population**

**Status:** This bill is in the Assembly consent calendar

**Existing Law:**

- Establishes various boards within the Department of Consumer Affairs to license and regulate various health professionals.
- Requires specified boards to expedite the licensure process of an applicant who can demonstrate that they intend to provide abortions within their scope of practice and specifies the documentation an applicant is required to provide to demonstrate their intent.

**Summary of Bill:**

Amendments since the last Board meeting made it to where the Board is no longer affected by the bill.

SB 1067 would, until January 1, 2029, require the Board of Behavioral Sciences, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians, the Board of Pharmacy, the Dental Board, the Dental Hygiene Board, and the Physician Assistant Board to develop a process to expedite the licensure process by giving priority review status to the application of an applicant for a license who demonstrates that they intend to practice in a medically underserved area or serve a medically underserved population.



# **Regulatory Report**



<b>DATE</b>	August 8, 2024
<b>TO</b>	Acupuncture Board Members
<b>FROM</b>	Board Staff
<b>SUBJECT</b>	Regulatory Update

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

- 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**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
11/28/2018	2012	N/A	10/26/2023	11/2023		

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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 revised text and updates to Guidelines at the October 2023 Board meeting. Staff is currently updating the rulemaking documents.

**2. Disclosure of Probation Status to Patients – SB 1448  
(Implemented through Disciplinary Guidelines Package – See #3)**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
11/28/2018	2012	N/A	10/26/2023	11/2023		

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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 Board approved revised text and updates to Guidelines at the October 2023 Board meeting. Staff is currently updating the rulemaking documents.



**3. 16 CCR 1399.415, 1399.438, and title of Article 3.5:  
Section 100 Terminology and Cross-reference Updates:**

PRODUCTION PHASE		FINAL FILING PHASE		
Staff & Legal Counsel Draft Package	Reg Unit Review	OAL Review	OAL Decision	Effective Date
5/22/2023	6/1/2023 / 12/28/2023	6/30/2023 / 2/14/2024	8/4/2023 / 3/27/2024	3/27/2024

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.

A portion of the Align Curriculum Standards and Approval Related Regulations with Statute regulatory package was converted to a Section 100 package and was filed with OAL on June 30, 2023. Staff withdrew the package on August 4, 2023, due to some necessary technical clean up and the need to pull over some of the proposed changes to a regular rulemaking. Non-substantive changes without regulatory effect to sections 1399.415, 1399.438, and title of Article 3.5 were re-submitted to OAL on February 14, 2024. OAL approved the regulatory action on March 27, 2024, and the changes were effective upon approval.

**4. 16 CCR 1399.434, 1399.435, 1399.437, and 1399.439  
Align Curriculum Standards and Approval Related Regulations with Statute:**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
2/11/2019	2/11/2019	6/13/2019	3/26/2021	1/21/2021		

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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) and updates to conform to the transition to computer-based testing for the exam. The law changed the Board's authority from approving schools and colleges of acupuncture to approving educational and training programs in acupuncture. It is the third package from the Board in connection with SB 1246.

Staff is working on a review of the proposed language with Licensing and Education staff along with updates to the draft rulemaking documents.

5. 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:**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
11/28/2018	2018/2019	3/25/2021	8/26/2021	9/2021	12/20/2021	3/29/2021

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text
9/8/2023	10/24/2023	3/22/2024	4/4/2024

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/Secretary of State	Effective Date
11/17/2023	n/a	11/22/2023/ 5/30/2024	7/11/2024	10/1/2024

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 regulatory action was filed with OAL November 22, 2023. On January 5, 2024, staff withdrew the regulatory action to work on modification to the text to address some issues OAL provided. The regulatory action was resubmitted to OAL on May 30, 2024, and OAL approved the rulemaking and filed it with the Secretary of State on July 11, 2024. The changes go into effect on October 1, 2024.

6. **16 CCR 1399.419.3:  
Application for Retired Status; Retired Status; Restoration**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/2020	4/2019	6/13/2019	8/16/2019 / 3/22/2024	2021		

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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.

New and updated proposed language was approved at the Board's March 2024 meeting. Staff is currently drafting the rulemaking documents.

7. 16 CCR 1399.483, 1399.489:  
Continuing Education Requirements

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/2020	3/2019	3/29/2019	6/23/2023	3/26/2021	3/9/2023	9/22/2023

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Added Document
10/6/23	11/21/23	3/22/2024	5/6/2024

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/Secretary of State	Effective Date
4/16/2024	N/A	7/22/2024	7/22/2024	10/1/2024

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 regulatory action was filed with OAL on October 6, 2023. The 45-day public comment period ended November 21st. After the Board noticed an added document (Sample List of CE Courses) to the rulemaking on May 5, 2024, the regulatory action was submitted to OAL for review on June 7, 2024. OAL approved the rulemaking and filed it with the Secretary of State on July 22, 2024. The changes go into effect on October 1, 2024.

**8. 16 CCR 1399.452.2:  
Standards of Practice for Telehealth Services**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/1/2021	12/2020	12/17/2020	3/26/2021 / 10/26/2023	3/26/2021	6/4/2024	

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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 revisions to the proposed language at the October 2023 Board meeting. Staff submitted production rulemaking documents to the Regulation Unit on May 16, 2024 for review. After review, Staff has been working on edits to the fiscal and economic impacts, including other edits to return back to the Regulation Unit to move onto DCA and Agency review.

9. **16 CCR 1399.451:  
Hand Hygiene Requirements**

CONCEPT PHASE			PRODUCTION PHASE			
Added to Rulemaking Calendar	R&D	Language taken to Committee	Board Approval	Staff & Legal Counsel Draft Package	Reg Unit & DCA Budget Review	Agency Review
1/1/2023	2013 / 11/2023	1/2014	10/2018			

INITIAL FILING PHASE			
Notice Published by OAL	45-Day Comment Period Ended	Board Approval of Responses and Modified Text	15-Day Notice of Modified Text

FINAL FILING PHASE				
DCA Review	BCSH Agency Review	OAL Review	Filed w/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. Revisions of the proposed language were sent to the Regulations Unit on November 1, 2023. Staff and the Regulation Unit are in the collaborative drafting process to re-work the proposed text.