

MINUTES

**UTAH
ACUPUNCTURE
BOARD MEETING**

April 10, 2008

**Room 464 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 A.M.

ADJOURNED: 10:16 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Pamela Bys
Brent Ottley
Todd A. Mangum, MD
Elaine T. Lu

Board Members Absent:

Michele Zabriskie

DOPL Staff Present:

David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Brent Ottley as a new Board Member

Ms. Taxin conducted the swearing in of Mr. Ottley. **Board members welcomed him.**

MINUTES:

The minutes from the April 13, 2007 Board meeting were read.

Dr. Mangum made a motion to approve the minutes as read. Ms. Lu seconded the motion. **The Board vote was unanimous.**

DISCUSSION ITEMS:

“Dry Needles and Acupuncture Emerging Professional Issues”

Ms. Taxin commented that Ms. Bys had requested the Board have discussion regarding an article on the use of dry needles. Ms. Taxin stated that she read the article and determined that it focused more on Physical Therapists and the Utah Physical Therapy Law does

not allow for the service of Acupuncture in their scope of practice. She stated that in the past she has advised the Board to concentrate their efforts in promoting the profession and not be involved in discussing the scope of practice for other professions.

Ms. Lu commented that she also read the article and then contacted the National Physical Therapy Association and the Utah Physical Therapy Association for a clarification statement from them. She stated that neither has returned her calls.

Ms. Bys commented that she believed the Utah Acupuncture Law or Rules should clearly state the scope of practice of Acupuncture. She asked how it would affect the Acupuncture Law and Rules if another profession decided they want to include the use of dry needles in their scope of practice.

Ms. Taxin responded that the Acupuncture Law defines Acupuncture in 58-72-102(4)(a), (b), (i), (ii) and (iii) and (c)(i) and (ii). She stated that the Board has no authority to clarify the Law further by Rule as there is no allowance. Again Ms. Taxin recommended the Board focus on promoting the profession instead of focusing on what other professions can or cannot do. She stated that there are 98 Acupuncture licensees in Utah and there has never been a probationer so licensees are aware of their scope of practice and must be practicing correctly. She stated that if the scope of practice is clear then it does not matter what other profession are doing as long as the service is in their scope of practice. Ms. Taxin stated that the use of dry needling might be an area for clarification in the Law. She stated that the Association would have to make any Law changes and the Board would write the Rules after the Law has been changed.

Dr. Mangum commented that there are differences in the professions but there is also over-lap with Chiropractors and Physical Therapists.

Mr. Ottley commented that he believes issues of previous years and professions should not be discussed. He stated that he believes the Board has the responsibility to protect the public. Mr. Ottley

stated that there is a great deal of over-lap in the professions. He suggested starting discussion with the Physical Therapy Association and/or the Chiropractic Physicians Association to give them an opinion regarding the use of Acupuncture and who should be conducting Acupuncture.

Ms. Taxin responded that she is aware that the Physical Therapy Association is in the process of re-writing their Law but believes the clause regarding Acupuncture will remain the same as it is currently as the profession did not have an issue with that section of their Law.

Ms. Lu stated that she is a practicing Physical Therapist and there is overlap of the Physical Therapy and Acupuncture professions. She explained that Physical Therapists do wound debridement of decubidous ulcers and then burn and cut the tissue away.

Ms. Bys questioned if that procedure is out of scope of Physical Therapy practice.

Ms. Taxin stated that it is the responsibility of each professional to know and understand their scope of practice. She recommended she share the article with the Utah Physical Therapy Association Board, Kim Reed, and ask if they are going to address the issue when they update their Law.

Ms. Lu stated that she plans to contact Scott Ward who is part of the U of U education program and who is also in the National organization for his comments. She stated that she would also like to go the Utah Association Board and ask for a statement from them. Ms. Lu stated that she believes the Utah Law should have specific definitions of the practice of Acupuncture. She stated that she obtained information from the National Physical Therapy Association regarding their scope of practice. Ms. Lu asked Ms. Bys to read the information.

Ms. Bys read the information. The Board noted that there was no mention of Acupuncture practice

or the use of needles in the Physical Therapy information.

Ms. Taxin again volunteered to contact the Utah Association, Kim Reed, to discuss the Physical Therapy Law updates in regard to Acupuncture and report back to the Board.

Ms. Taxin cautioned Ms. Lu regarding meeting with the Physical Therapists that she should make it clear that she is not representing the Utah Acupuncture Board. She stated that the Association should do the research but Ms. Lu, as a Physical Therapist, may ask her questions and meet with the Physical Therapy Board if she wants. Ms. Taxin stated that when a person serves on the Licensing Board they are viewed as a Board member first. Ms. Taxin asked Ms. Lu to share the statements from the National Physical Therapy Association and the Utah Physical Therapy Association if she obtains statements.

FYI

Ms. Taxin notified the Board that Ms. Lu's term as a Board member ends June 30, 2008. Ms. Taxin thanked Ms. Lu for her years of service and her contributions to the Board. She stated that Ms. Lu is always welcome to visit the Board as a guest.

Ms. Taxin then explained that the process for obtaining a new Board member is to contact the Association for names and if no names are received then she goes through the licensee list and contacts someone to serve. Ms. Taxin explained that last year she did not receive a list from the Association and contacted Brent Ottley who agreed to serve. She stated that the Association had notified her that they did not receive the letter to submit names last year. Ms. Taxin stated that she contacted the Association and the Division sent a letter for a list of names to replace Ms. Lu but has not yet received a list. Ms. Taxin stated that Board members may also submit suggestions by mail or e-mail. She stated that any interested person should submit a letter of interest and a copy of their resume for review.

Ms. Taxin stated that Dr. Mangum is eligible to be reappointed if he desires to serve another 4 year term.

Dr. Mangum responded that he would desire to be reappointed.

AAAOM

Ms. Taxin read the e-mail notification to the Board regarding Mike Leavitt's appointing new members to the National Advisory Council of the National Center for Complementary and Alternative Medicine (NCCAM).

The Board noted the information with no action taken.

Board Meetings

Ms. Taxin notified the Board that the next Board meeting is scheduled for November 13, 2008. She stated that the Division schedules meetings but if there is no business to conduct then the meetings are cancelled. She stated that meeting today was important to swear in Mr. Ottley and to discuss the dry needles issue. Ms. Taxin stated that there are no probationers in the Acupuncture profession which is good.

Ms. Bys asked what the procedure is for dealing with probationary interviews.

Ms. Taxin responded that she would do a training session for the Board regarding how to conduct probationary interviews. She stated that the Board may not remember all the information if they do have a probationer but she could assist with the interview until the Board is comfortable conducting the interview.

Ms. Taxin stated that Dr. Charles Walton runs the Diversion program and also does a training session on probationary interviews and the role of the Board. She explained that Diversion is generally for a person who has caused the public harm or is of concern for potential harm to the public by making poor decisions, unprofessional conduct, etc. She stated that there is no public record of those on Diversion. Ms. Taxin stated that she could bring a file for the Board to review to become familiar with what to look for in a probationary file.

Ms. Taxin cautioned the Board to be careful about side talking as 2 or more Board members constitutes a Board meeting and side talking outside a formal Board meeting is prohibited as it is not public, has not been posted and is not being recorded as required by Law.

Ms. Bys requested Ms. Taxin to plan the training for the November 13, 2008 Board meeting.

NEXT MEETING SCHEDULED FOR: November 13, 2008

ADJOURN: The time is 10:16 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 13, 2008
Date Approved

(ss) Brent Ottley
Acting Chairperson, Utah Acupuncture Licensing Board

April 11, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing