

MINUTES

**UTAH
ACUPUNCTURE
LICENSING BOARD**

November 13, 2008

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

CONVENED: 9:00 A.M.

ADJOURNED: 10:25 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Brent Ottley, L.Ac
Todd a Mangum, MD
Michael A. King, Massage Therapist

Board Members Absent:

Pamela Bys, L.Ac, Chairperson
Michele Zabriskie, Public Member

Guests:

Kris Justesen, Utah Acupuncture Association
President

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Board Chairperson

Mr. Ottley volunteered to chair the meeting in the absence of Pamela Bys, who is ill today.

Swearing in of Michael A. King as a Board Member

Ms. Taxin conducted the swearing in of Mr. King as a Board member. **The Board welcomed Mr. King.**

Board Chairperson

Dr. Mangum made a motion to retain Pamela Bys as the Board chairperson. Mr. King seconded the motion. The Board vote was unanimous.

MINUTES:

The minutes from the April 10, 2008 Board meeting were read.

Dr. Mangum made a motion to retain Pamela Bys as the chairperson. Mr. King seconded the motion. **The Board vote was unanimous.**

DISCUSSION ITEMS:

Yearly Board Member Training

Ms. Taxin conducted the annual Board member training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year. She reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained that a quorum of Board members is required to make decisions with motions and votes. She explained that agenda items cannot be added after that 24 hours prior to a Board meeting period and will have to wait for the next scheduled Board meeting. Ms. Taxin explained the purpose for closing a meeting and stated that with the Open Public Meetings Act there are very few reasons to close a meeting and have the public leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews. She stated that Board members and public visitors may be requested to leave a Board meeting if they are being disruptive. Ms. Taxin stated that this profession does not have any probationers but could have one at some point. Ms. Taxin covered the issue of requesting a probationer, an applicant or any individual to leave the meeting for Board discussion and stated that meetings are open and comments should be made to the individual in order for them to understand the issues. She covered the guidelines for an Emergency meeting. She stated that these are not often conducted but could be required if the situation was very serious and put the public at great risk. She covered the motion, second, discussion and voting procedures. Ms. Taxin reviewed examples of when a meeting needs to be closed to protect a probationer or a person with an appointment. She reviewed the guidelines for an emergency in the building, i.e.; fire alarms going off, where to exit and where to meet. She stressed the importance of Board members being professional, remembering that they are here to protect

the public, to be fair, attentive and balanced in their comments and decisions. She stated that Board members should be respectful to each other as well as any visitors or people with appointments. She stated that they should listen and consider other view points, sometimes they may need to be creative but clear and open in communication and withhold judgment until after all the facts have been presented. Ms. Taxin recommended that the Board review and be familiar with the Acupuncture Laws and Rules in order to make correct decisions. She stated that they should be positive role models.

Mr. King stated that he works in a clinic with a husband and wife Acupuncture team who asked him to bring up some Law issues with the Board. He asked how he should handle those suggestions.

Ms. Taxin responded that each profession has their own specific Laws and Rules and the Rules clarify the Law. She stated that the Board cannot write a Rule if the Law does not allow for the Rule. She stated that if the people he works with want clarification then she and the Board can review the information for writing a Rule. Ms. Taxin stated that if it is something that should be in the Law then they would contact Ms. Justesen and the Association regarding Law changes.

The Board thanked Ms. Taxin for the information.

Ms. Taxin updated the Board regarding the proposed Physical Therapy Law and the use of dry needles.

Ms. Taxin stated that she has discussed the issue with the Association President and the Bureau Manager over Physical Therapy. She stated that she has been informed that the Physical Therapy Association does not plan to make any changes in the language in their law to include Acupuncture.

Ms. Justesen asked about the Chiropractic Law and Rules that includes Acupuncture. She stated that Senator Mayne sent a letter to the Division to be sure Chiropractors complete a minimum of 100 hours of training. She stated that she believes the original Rule required 200 hours and has now been

Update on Physical Therapy Proposed Law
and Using Dry Needles

changed to 50 hours.

Ms. Taxin explained that in 2004 the Chiropractors incorporated the use of Acupuncture in their Law and Rules. Ms. Taxin reviewed the 2004 Chiropractic Rules and read the requirement to the Board as follows:

R156-73-601. Scope of Practice.

The requirements to demonstrate competency and training to perform clinical acupuncture include:

- (1) Licensees who provided acupuncture services as a part of their practice prior to January 1, 2002 are not required to meet the requirements of Subsections (2) or (3), but are required to complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction and passing a certifying examination in order to continue to provide clinical acupuncture as a part of their practice after January 1, 2002.
- (2) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2002 and prior to January 1, 2005 shall:
 - (a) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 200 classroom hours of instruction and passing a certifying examination; or
 - (b) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction, passing a certifying examination, and completing 100 hours of clinical experience under the indirect supervision of a licensed health care provider who has met the requirements in Subsection (1) or (2)(a), and has practiced clinical acupuncture for at least two years.
- (3) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2005 shall:
 - (a) meet the requirements to take and receive a passing score on the NBCE Acupuncture Examination; or

(b) meet the requirements to take and receive a passing score on the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Examination.

Ms. Taxin concluded the discussion by stating that each profession has their own Laws and Rules and one profession cannot determine the scope of practice on the practice of another profession.

Dr. Mangum commented that Chiropractors cannot use the Acupuncture acronym behind their name but the Acupuncturist can.

Mr. Ottley explained that Ms. Justesen represents the Association and advocates for the Acupuncture profession. He stated that the Board advocates for the protection of the public.

Dr. Mangum

Dr. Mangum requested the acronyms be included on the Board name tags and on the Checklist for Public Meetings.

Ms. Taxin thanked Dr. Mangum for the suggestion and responded that sometimes there is not room for the full name of the Board member and the acronyms but will try to include it for them.

2009 Board Meeting Schedule

The Board noted the following dates for the 2009 Board meeting schedule: March 26 and October 29, 2009.

NEXT MEETING SCHEDULED FOR:

March 26, 2009

ADJOURN:

The time is 10:25 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.

Date Approved

November 17, 2008
Date Approved

Chairperson, Utah Acupuncture Licensing Board

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

Awaiting Formal Approval