

**MINUTES**

**UTAH  
ACUPUNCTURE  
LICENSING BOARD  
MEETING**

**July 12, 2016**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:07 A.M.**

**ADJOURNED: 10:12 A.M.**

**Bureau Manager:**

Larry Marx

**Board Secretary:**

Lisa Martin

**Board Members Present:**

Tyehao M. Lu, L.Ac, Chairperson  
Conra Weber, Public Member  
Natalie Clausen, L.Ac

**Board Members Absent:**

Regan J. Archibald, L.Ac

**DOPL Staff Present:**

Kevin McDonough, AG

**Guests:**

David Spatafore, UAAOM  
Jackie Rogers  
Kate Bradshaw, UAAOM  
Kris Justesen, UAAOM

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the March 22, 2016 Board meeting were read.

**Ms. Clausen made a motion to approve the minutes with the revisions as stated. Ms. Weber seconded the motion. The Board vote was unanimous.**

**APPOINTMENTS**

**TOPICS FOR DISCUSSION**

**Prescriptive Authority**

**Mr. Lu states the prescriptive authority discussion is a continuation from the previous meeting. Mr. Lu states the board is also looking for clarification**

on the section of the rule that addresses legend drugs. Mr. Lu reads from the acupuncture licensing act rule section R156-72-102(1). Mr. Lu states the board would like to consider changing or removing this section of the rule.

Ms. Clausen asks if Mr. Lu is referring specifically to the words 'legend drugs' in the rule.

Mr. McDonough states in the pharmacy act legend drug is defined as a prescription drug.

Mr. Lu states when this rule was established it may not have been considered how it would limit acupunctures from procuring certain items that are required for acupuncture point injection therapy.

Mr. Marx states the rule articulates the restrictions that are in place by the federal law. Mr. Marx states the rule is to clarify the statute. Mr. Marx reads section 58-72-102(4).

Mr. Lu states that no changes would be possible with the clarification stated by Mr. Marx.

Ms. Clausen states the problem is struggles in procuring allowed substances.

Mr. McDonough states by rule and clarification of the administrative rule the profession has authority to procure the herbs, homeopathic and oriental substances. Mr. McDonough states if DOPL were to develop a rule to allow vitamin B-12 it would over step the bounds of the established federal laws. Mr. McDonough states supplement is not defined in the statute or rule.

Ms. Clausen states the struggle is beyond vitamin B-12 including other homeopathic substances.

Mr. McDonough asks if the issues are all with legend drugs.

Mr. Lu states in Colorado they have listed out all allowed injectable in their law.

**Mr. McDonough states the document that Mr. Lu has was established prior to the federal guidelines.**

**Mr. Marx states the board and the association can meet with the legislator to establish law similar to what Colorado has in place.**

**Mr. Spatafor asks if the current opinion from the Attorney General's office would have an effect on an outcome if the association or board were to meet with legislators regards to changes in the practice act.**

**Ms. Clausen made a motion requesting the Attorney Generals' office to provide an opinion and determination of the legality of legislation allowing procurement of sarapin, lidocaine, procaine, oriental herbs, injectable homeopathic substances, and injectable vitamin B-12. Ms. Weber seconded the motion. The board vote was unanimous.**

#### **Investigation Review**

**Mr. Marx states there was a complaint of an acupuncturist that was advertising as a doctor. Mr. Marx states this individual has a certificate however no degree that states they had earned a doctorate degree. Mr. Marx states this situation may come to the board at some point as a hearing or action. Mr. Marx states the division is asking about the typical education an acupuncturist receives.**

**Mr. Lu states most schools offer a masters in acupuncture; however there are some new school that are offering a doctorate degree. Mr. Lu states there are other states have different titles including doctor of oriental medicine.**

#### **Dry Needling**

**Mr. Lu states there is an issue of billing with dry needling as there is not a billing code for physical therapist to bill for dry needling. Mr. Lu states the second issue is that physical therapist from other states have different training requirements and**

**Mr. Marx states the only way to be grandfathered in is to be currently licensed. If a physical therapist is coming in from another state they would need to meet current standards.**

**Mr. Lu states there has been discussion on how to bill for dry needling as there is no set method.**

**Mr. Marx states he can inform investigation of the possibility of false billing. Mr. Marx states the physical therapy practice act does allow for limited dry needling but it is limited as compared to an acupuncturist.**

**NEXT MEETING SCHEDULED FOR: October 4, 2016**

**ADJOURN:** The time is 10:12 A.M. 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.*

9.10-4-16  
Date Approved

T. Lu  
Chairperson, Utah Acupuncture Licensing Board

7/14/16  
Date Approved

Jay Marx  
Bureau Manager, Division of Occupational & Professional Licensing