

**MINUTES  
ACUPUNCTURE  
LICENSING BOARD  
MEETING**

**DECEMBER 6, 2016  
ELECTRONIC MEETING ANCHORED AT  
HEBER M. WELLS BLDG.  
ROOM 475, 4TH FLOOR – 9:00 A.M.  
SALT LAKE CITY, UT 84114**

**CONVENED: 9:16 A.M.**

**ADJOURNED: 10:35 A.M.**

**DOPL STAFF PRESENT:**

Bureau Manager      Larry Marx  
Board Secretary:      Lisa Martin

**BOARD MEMBERS PRESENT:**

Tyehao M. Lu, L.Ac, Chairperson  
Kris Justesen, L.Ac  
Natalie Clausen, L.Ac

Regan J. Archibald, L.Ac  
Conra Weber

**BOARD MEMBERS NOT PRESENT:**

**GUESTS:**

Laura Berglund, POCA Technical Institute  
Ryan Smith, POCA Technical Institute  
David Soatafore, Capstone Strategies  
Alyssa Johnson, Intermountain Healthcare

Sharon Lockheart, UAAOM  
Kevin McDonough, AGs Office  
Mark Brinton, UMA

**ADMINISTRATIVE BUSINESS:**

**Call Meeting to Order**

Mr. Lu called the meeting to order at 9:16 A.M.

**Read and Approve October 4, 2016 Minutes**

The Board reviewed the minutes dated October 4, 2016.

Ms. Clausen made a motion to accept the minutes with the revisions as discussed.

Ms. Justesen seconded the motion.

The motion carried unanimously.

## **DISCUSSION:**

### **R156-72-102(1) (14:00)**

Mr. Lu read from the acupuncture practice act rule concerning the definition of administration as listed in R156-72-102(1). Mr. Lu states it has been suggested that the term 'legend drug' be removed from the rule.

Ms. Justesen the concern is that by having legend drug listed it may counter act other subsection of the rule. Ms. Justesen states it would also contradict the practice act.

Mr. Lu reads the definition of legend drug and prescription drug from the pharmacy practice act section 58-17b-102(32) and section 58-17b-102(64).

Ms. Justesen however a practitioner has to be able to obtain it, and we are having difficulty obtaining it.

Ms. Weber states the term administration opens up the options.

Ms. Justesen so there are two contradictions to the statute. By statute there is the ability to procure and administer; so the rule is conflicting.

Ms. Clausen made a motion to amend the rule R156-72-102(1) by eliminating legend drug in the last sentence and R156-72-102(3) legend drug be eliminated.

Ms. Weber Seconded the motion.

The board vote was unanimous.

### **R156-72-102(4) (23:20)**

Mr. Lu states this is a follow up from the last meeting with the request to amend the rule to add more clarity.

Mr. Marx states the division director reviewed and responded to the request by stating the division will obtain an opinion from the attorney general's office. Mr. Marx states the division is waiting for the opinion to be completed.

Ms. Clausen states it is important to include the items requested for insurance purposed. It is important that the rule state what other professions are going to get insurances to pay for. Ms. Clausen states the public and insurance companies think that dry needling and acupuncture are different things.

The board agrees with Ms. Clausen's statement.

Ms. Justesen states the goal is not to restrict or broaden the scope, the goal is to clarify the existing rule. Ms. Justesen states to be specific the request was to include herbs, the letter currently states Chinese herbs.

Mr. Marx refers the board to the practice act stating some of what the board is asking for is allowed by the practice act. Mr. Marx states the board needs to strike a balance to ensure limitations are not being created by the requested rules.

### **Patient Safety (44:05)**

Mr. Lu states with acupuncture injection therapy- part of patient safety is to have epinephrine and oxygen on hand.

Ms. Justesen states she attended a conference in Colorado where they require epinephrine and oxygen for every healthcare facility that uses any type of administration.

Ms. Clausen states it is not unheard of that people pass out sometimes from needles it seems that even those that are not administering injections could benefit. Ms. Clausen asks how that would work in conjunction with the practice act.

Ms. Weber asks how acupuncturists' would obtain oxygen for their office.

Ms. Justesen states as it is in the practice act to procure substances there shouldn't be an issue obtaining oxygen.

Mr. Marx states epinephrine is listed under the pharmacy practice act and would be considered a prescriptive drug.

Ms. Weber suggests adding oxygen under R156-72-102(1).

Mr. Brinton states his understanding that acupuncturists do not have prescriptive authority, if oxygen is only available by those with prescriptive authority and a rule was created what would be the sequence of events.

Mr. Marx states the division would need to determine if it would be lawful for acupuncturists to obtain oxygen prior to a rule being created.

Ms. Justesen refers to the statute 58-72-102(4)(b)(ii), stating many items listed are prescriptive. Ms. Justesen states oxygen would be included in this section.

Ms. Weber made a motion to amend the practice act rule to include oxygen.

Mr. Lu states if the change is made the addition would be included in R156-72-102(1).

Ms. Clausen seconded the motion.

The board vote was unanimous.

### **Education & Internship hours (1:01:29)**

Ms. Berglund states she sent the board a letter seeking clarification from the board concerning internships. Ms. Berglund states she is working with acupuncture students that are attending school in different states that would like to completed internships in the state of Utah. The practice act seems a bit vague as to the regulation of supervision of

acupuncture internships. Ms. Berglund asks who would be required to complete the supervision and what schools would be approved. Ms. Berglund states their intent is to create a bright line rule that would establish that the primary requirement is that the students are attending a school that would allow students to sit for the NCCAOM board exam and that is not stated in the rule. Ms. Berglund it seems that the rule would imply this but does not say specifically.

Mr. Lu states NCCAOM they have a formal education and an apprenticeship route. If preceptors are registered with NCCAOM; they will grant the preceptor to an intern. Mr. Lu states the preceptor has a list of requirements provided by NCCAOM. When you are already with an ACCAOM accredited school the intent is to prepare the student to sit for the exam.

Ms. Berglund states the supervisors would all meet the requirements established by the school and the NCCAOM.

Mr. Marx reads from the umbrella act section 58-1-307(1)(b&c). Mr. Marx states an individual engaged in an internship would need to be approved by the division. Mr. Marx states what Ms. Berglund is proposing would follow the practice act and the umbrella act.

**NEXT SCHEDULED MEETING: FEBRUARY 7, 2017**

2017 Board Meetings Scheduled:

February 7, April 4, June 6, August 8, October 3, December 5


**ADJOURN:**

Meeting adjourned at 10:35 A.M.

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.

4/4/2017

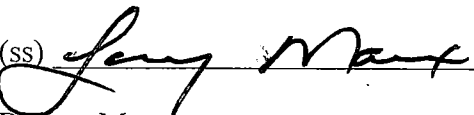
Date Approved

(ss) 

Chairperson,  
Acupuncture Licensing Board

4/4/2017

Date Approved

(ss) 

Bureau Manager,  
Division of Occupational & Professional Licensing