

**Awaiting Formal Approval
MINUTES**

**UTAH
ACUPUNCTURE
LICENSING BOARD
MEETING**

September 17, 2013

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:06 A.M.

ADJOURNED: 10:42 A.M.

Bureau Manager:
Board Secretary:

Noël Taxin
Karen McCall

Board Members Present:

Natalie Clausen, LAc
Tiffany Garofalo, LAc
Lynn A. Gershan, MD
Tyehao M. Lu, LAc

Board Members Absent and Excused:

Regan J. Archibald, LAc, Chairperson
Michele Zabriskie

Guests:

Travis Wood, LAc
Alyssa Johnson, LAc, MSOM
Kris Justesen, LAc
Kristen Phipps, LAc
Matt Jevtic, LAc
Chris Rogers, LAc

DOPL Staff Present:

Ray Walker, Regulation and Compliance Officer
Karl Perry, Assistant Attorney General

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Due to Mr. Archibald's absence it was determined to defer this item to the next scheduled Board Meeting.

Ms. Garofalo volunteered to chair the meeting today.

Swearing in of Tyehao M. Lu, LAc

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

MINUTES:

The minutes from the November 30, 2012 Board meeting were read.

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

9:15 am

Acupuncture Apprenticeship Programs and Accrediting Schools, Hyeon Joo Kim and Andrew Nydegger

Mr. Nydegger introduced himself and stated he is a Registered Nurse who has been helping Mr. Kim. He stated he and Mr. Kim have decided not to pursue the Legislative route for the Acupuncture Apprenticeship program to be included in the Law. However, they are pursuing opening a Utah College of Acupuncture and Oriental Medicine which will be certified by the American Oriental Medicine (AOM) organization.

Mr. Nydegger stated he and Mr. Kim are working with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Mr. Nydegger stated they are anticipating completion and enrollment in the summer of 2015 with ACAOM accreditation by winter 2017.

The Board discussed the acupuncture apprenticeship program.

Ms. Garofalo stated she has done some research on the issue and found NCCAOM has a route open for being eligible to take the examination if the person has completed an approved curriculum of an apprenticeship program.

Mr. Walker referred to 58-1-307(1)(b), an exemption from licensure for students in an approved program. He stated he agrees with Ms. Garofalo that if the program is approved by NCCAOM and students are allowed to take the examination then they should qualify for licensure in Utah through the NCCAOM certification which Utah requires.

Following additional discussion it was determined students would meet the requirements for licensure if they complete an approved NCCAOM apprentice program and are accepted to sit for the NCCAOM examination.

Mr. Nydegger and Mr. Kim were requested to meet again to update the Board after they complete their research and are ready to commence with their Acupuncture College education program.

The Board thanked Mr. Nydegger for the presentation and voiced support for an Acupuncture College education program in Utah.

9:45 am

Acupuncture Past Proposed Rule Change
Continue Discussion

Ms. Taxin gave a detailed timeline of emails, telephone calls and meetings from May 1, 2012 to August 15, 2013, addressing Rule changes. She stated she incorporated recommendations made by Board and Association members into the proposal. Ms. Taxin read the proposed rules.

Ms. Clausen and Ms. Justesen then presented the following counter proposal for review.

- (1) It is “unprofessional conduct for a Licensed Acupuncturist to recommend, administer, prescribe or provide herbs, homeopathic or supplements without training from an approved organization or institution”.**
 - (a) “Administering” means the direct application of an herb, homeopathic or supplement by ingestion, topical inhalation, or acupoint injection therapy (AIT), to the body of a patient.**
 - (b) “Licensed Acupuncturist” means a practitioner who has met NCCAOM requirements and maintains a current acupuncture license in Utah.**
- (2) “Trigger Point, Dry Needling, Functional Dry Needling, Ahshi points and Intramuscular Manual Therapy or any other pseudonym describing acupuncture procedures, are by definition, the practice of**

acupuncture”.

- (3) “NCCAOM means the National Commission for Certification of Acupuncture and Oriental Medicine, the accrediting organization approved by the United States Department of Education.**
- (4) “Modern Research” is recognized standards of competence and safety in acupuncture and Oriental Medicine for the protection and benefit of the public, as stated in NCCAOM’s Mission Statement”.**

Following discussion it was determined to move #1 into the unprofessional conduct area of the Rules, to use the previous proposed language for #2, which reads: “Insertion of acupuncture needles” includes but is not limited to trigger point therapy, Ahshi points and dry needling techniques.” The Board recommended take out “approved by the United States Department of Education in #3, and take out “stated in NCCAOM’s Mission Statement” in #4 and include “recognized by NCCAOM”.

Mr. Perry voiced concerns regarding the broad language by writing Rules which would expand the scope of practice without Law authority.

Ms. Clausen made a motion for Ms. Taxin to redraft the proposed Rules as discussed and send the revision out to the Board to review, have Mr. Perry research and determine if these revisions can be put in Rules, send out to the UMA to review and then file if appropriate. The motion included, if Mr. Perry determines the issues cannot be addressed by Rule changes, then the Association will have to decide if they want to open the Statute to address the changes, and then schedule another Board meeting.

Dr. Gershan seconded the motion.

The Board vote was unanimous.

Mr. Wood asked if Ms. Taxin would meet with the Association Board for further discussion on the

proposed Rules.

Ms. Taxin responded she will contact Mr. Wood to set up an appointment.

DISCUSSION ITEMS:

Additional Board Meeting

The Board discussed scheduling an additional Board meeting prior to January 21, 2014, in case the proposed Rules need further discussion.

It was determined to tentatively schedule October 29, 2013, and to cancel that date if the meeting is not necessary.

2014 Board Meeting Schedule

The Board noted the following dates for the 2014 Board meeting schedule: Tuesdays, January 21 and July 15, 2014

CORRESPONDENCE:

“Stuck on You” Article

Ms. Taxin distributed copies of the article to Board members for their review.

No Board action was taken.

NEXT MEETING SCHEDULED FOR:

January 21, 2014

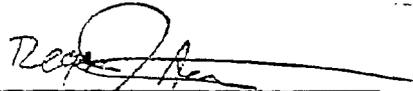
ADJOURN:

The time is 10:42 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

1/21/14


Chairperson, Utah Acupuncture Licensing Board

Date Approved

9/26/13


Bureau Manager, Division of Occupational & Professional Licensing