

MINUTES

**UTAH
ACUPUNCTURE
LICENSING BOARD
MEETING**

March 22, 2006

**Room 428 – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:00 A.M.

ADJOURNED: 10:55 A.M.

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Pamela Bys
Michele Zabriskie
Elaine T. Lu
Carol M. Zoellner

Board Members Absent:

Todd A. Mangum, MD

Guests:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Michele Zabriskie as a Board Member

Ms. Taxin conducted the swearing in of Ms. Zabriskie. **Board members welcomed Ms. Zabriskie to the Board.**

Read and approve the December 14, 2005 Minutes.

Zabriskie with minor revisions, Lu second. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Review Examples of Consent Form

Board members were requested to prepare an example of a consent form for inclusion in the application.

Zoellner – Brought a copy of her consent form.

Noel – The application requests them to submit a consent form and I am approving them. I'm not sure

of the legalities of me approving forms.

We got one that says Oregon. They did not even make an effort. If the purpose is to show me a consent form I don't need to see it.

Ultimately I should not be approving the form. In our rules we should say they are responsible and this is what it should include.

Zoellner – This was written for me.

She read the form.

Pam – Mine is an information and confidentiality, fees, policy of termination.

I pulled of a checklist from the Colorado information. She read the information.

These are detailed and are the CO requirements.

Noel – read a few of the ones the Div has received.

They should probably get an attorney to assist them to be sure they are covering what should be in the form.

In our rule we should probably say “should include, but not limited to” and then give a guideline.

Noel read the law and rule. There is nothing that requires us/the Division to have them submit the form and for us to review and approve it.

If you want to expound upon the rule you could.

Michele – I would recommend you just pull it out of the application. I would make sure the guidelines say a high standard so the public feels more comfortable. If you are licensed and patient knows that and could review the standard, they might feel more comfortable.

Noel – Maybe say in the rules – “which shall include” – and then list some items.

Michele – People should be smart enough to talk to an

attorney to be sure they had included everything that should be in there.

Lu – I think the more simple it is, the more apt the patient is to read it.

Noel – If you do something wrong, then you are going to have an attorney to deal with.

Pam – I don't think we can mandate an attorney.

Michelle – Can't we say something about they should have an attorney review.

Noel – It probably would be the best practice, but we can't include that in the rules.

If it is your business, then you should have an action plan, when it comes to documentation, do you want that all given to the client.

Zoellner – We should inform the acupuncturists.

Noel – It is not our responsibility.

Zoellner – Maybe what is there is ok.

Michelle – If there is a standard then there is less chance of error and there is less public outcry if there is a standard.

Noel – We don't have to make a decision today.

Michelle – I think it should be taken out of the app.

Noel – Let's just think about it.

Zoellner – I have a separate brochure on myself so I don't think it needs to be

Zoellner – The consent form – clean needles.

Pam – We have to follow the NCCAOM guidelines and that is a requirement. When I started my practice the health dept came out and inspected.

Zoellner – Since the NCCAOM guidelines are

followed and the clean needles is a part of that, we are probably covered.

Pam – Maybe put on the next agenda for discussion and each of us come up with 5 to 8 things that should probably be

Michele – motion, out of app. Lu, second. **The Board vote was unanimous.**

FAOMRA Follow-up on Membership

Ms. Taxin reported that the clause regarding financial assistance – no one got back to her that. Noel talked to several people and was referred to Penny. 4 calls. \$1000 is a lot more than most professional organizations require.

Pam – If they get their act together and do put together the information for interstate licensing we could look at it then.

They are having a meeting in Colorado and will be discussing all of these issues.

DISCUSSION ITEMS:

Law and Rule Examination

Noel – We have had some problems with the testing agency. Not with this profession.

Some have a l/r exam through Thomson Prometric. Some have a l/r exam in their application. We would like to pull all l/r exams from Thom Prom. If you would like something in the app we can put some questions in the app. Would you be supportive.

Lu – support division for l/r in app. Zoellner, second. **The Board vote was unanimous.**

Legislative Update

Ms. Taxin informed the Board that a Bill passed regarding all public meetings will be recorded. Ms.

Taxin explained that all speakers must identify who they are prior to speaking, there will still be closed sessions when necessary and those will not be recorded and there will no longer be discussions that are off the record.

Craig – We have 54 boards and will have to keep track of 54 recordings. We will keep the recordings for a year and then they will be destroyed. The recordings will be available for people to purchase. With a GRAMMA request we will send a copy of the recording for a minimal fee.

Noel – Also, if things are not on this agenda we cannot discuss in our meetings. If you have something you want to discuss, call Karen and we can review to be sure it is appropriate to put on the agenda.

We need to be sure we are aware of what we are saying.

Noel – Last meeting we discussed changes in the law. Some things were discussed and Kris asked about some things and we said to make only the areas suggested. I got a call from the legislature asking about the proposed law. I did not know anything about the change. None of the changes we requested were made. The work on animals was passed.

I have looked at the other professions who do work on animals and have adjusted a proposed rule for acupuncturists. I will be meeting with the vet board tomorrow regarding we have written and hopefully, they will agree or next year they will pull it out.

I have put a high standard on the education.

Anything new is underlined. Anything changed has a line through it with the new in paren.

Lu – What about Quatruped, birds, lizards, snakes, fish

Craig – Maybe completing animal courses.

Zoellner – I'm feeling we are a little uneducated on what the vet courses are.

Noel – It is not what vet courses you should take it is courses for acupuncture.

Craig – Maybe use the term “appropriate” anatomy course.

Zoellner – There is no vet school here. I would think working with a vet would also be using books so why not let that be part of the education instead of specific course.

Noel – You would need a course.

Maybe an appropriate animal course in

Craig – Maybe just include it with the training – 50 hour training which would include an appropriate anatomy training.

Zeollner - Maybe ask Colorado about an anatomy course and maybe it could be a distance course. It would be

Robert – visitor – we are talking about curriculum standard. I understand there is no specific course for animal acupuncture.

The US schools do not include acupuncture in their curriculum. We would like courses included.

Noel – They are meeting tomorrow and they may say they do not want to supervise. If they say NO, we may have to come up with something different. They also may not want to teach anatomy. I’ll just leave the course off and see if they will teach it and we will then incorporate it in.

Last – 100 hrs total, 50 on job training, then an anatomy course and I don’t know the number of course hours so I have said the remainder must be animal specific.

Pam – should we add something in the CE for animal specific.

Karen – There is no CE requirement in your law.

Pam – You talked about monitoring. How are we going to monitor.

Noel – How do we know those who are licensed are qualified?

Craig – We don't license by specialty. 58-1 is the umbrella and it says that you cannot practice beyond your experience and training. If they got in trouble they would have to prove the experience and training. We do not monitor.

Noel – Requirements range from 50 to 100. I picked a higher standard of 100 hours. Vets do 1000 hrs on internship. I don't think 100 is very many.

I meet with the vet board. If they have suggestions, I will make those changes.

I send the changes for you to review. Send back the revision with any recommendations.

Zoellner – I did not know anything about the change in the law.

Lu – Kris and assoc did write up the changes we talked about and it was blocked. This portion went through the vet bill.

Lu – I heard from Kris and she said the association had written the bill and had a sponsor. It was late. The lobbyist of the chiro blocked it from going anywhere.

Noel – My frustration was that I was not notified of anything.

It would have been nice if they had at least notified me.

Lu – Robert is from the association but did not say anything.

Noel – We will try to make these changes that we have talked about.

Lu – I was not able to open the actual wording of what she was trying to put through.

Zoellner – I could not open it either.

Lu – HB 138.

Craig – Bills are protected until the sponsor releases them so you would not be able to get into it. No one can see it until it is released.

Pam – Does that mean the assoc legislator did not do anything.

Craig/Michele – Possibly

Craig – It probably was not really good timing. The last minute things do not have priority.

Legislative leadership may not have allowed it to come up.

We try to start early to get it into the flow.

Lu – If the association brings a copy of the wording for your review, could you help us.

We can work with the association.

Pam – We cannot represent the association and this board.

Craig – The assoc represents the licensees. This board represents protection of the public.

Noel – We want to work together.

Most people communicate.

The other associations call me and let me know what is going on.

They could have said they put together something but don't know if it would go through.

It was a lack of communication.

Zoellner – We can't include the CE in our rules if it is not in the law?

Noel – No we can't.

Kris – I'm here to explain what happened at the legislature. I talked with the vet rep and insisted that they had to put something in their act as there is something in the chiro and PT, massage

It protects the vet from doing acup on animals.

Noel – I've reviewed all of their laws and rules and I want to make sure the vet board feels comfortable that the acupunc are competent. If it says the acup must be approved by the vet, I will add that in. If it doesn't, I won't.

We need to be sure ours are to the best standard.

I would not have written the chiro the way it is written. I have written ours so it is clear. I can't write something that reflects on another profession in your rules.

Kris – Our bill was stopped by the chiro's efore it went to committee.

Lu – When could we get a draft for the board and the division to review.

Kris – We don't have to let you and the div review.

Noel – I would appreciate a draft so if I get called I then know what is going on and can address the legislature when I get called.

Kris – We would like you to agree. I've never seen the final write myself.

The chiro's objected to two areas we wanted changed, 3rd party payment and acronymn.

Noel – that is good information for us to know. Maybe we can come up with other language to use.

If we can come up with something good – I will go to their board and discuss it. Maybe they will give me some good feedback.

Kris – One area is the insur payments.

Zoellner – The ins guidelines have changed this year and will allow up to a certain amount of visits.

Pam – Maybe have NCCAOM write a letter to the insureance companies regarding the requirements.

Kris – Other states have great

CORRESPONDENCE:

NCCAOM Correspondence

The Board reviewed the following NCCAOM correspondence:

1. Information regarding Cancelling the February 2006 Examination. **Pam explained that someone got a copy of the exam and e-mailed NCCAOM and said they had a copy. All exams were cancelled and all scheduled exams were cancelled until June 2006.**
2. Information regarding the Cancellation of the February 2006 Examination.

NEXT MEETING SCHEDULED FOR:

June 7, 2006

MEETING ADJOURNED AT:

10:55 A.M.

Date Approved

Chairperson, Utah Acupuncture Licensing Board

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing

Kris – Put legislative issues on the June agenda