

**MINUTES**

**UTAH  
ACUPUNCTURE  
LICENSING BOARD  
MEETING**

**September 27, 2006**

**Room 402 (formerly 428) – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building**

**9:00 A.M. to 10:00 A.M.  
RULES HEARING**

Masuda Medcalf, Administrative Law Judge, conducted the Rules Hearing. A copy of the proceedings may be obtained from Ms. Medcalf.

Ms. Medcalf stated that the Rules will become effective October 10, 2006 if there are no additional public comments.

The Rules hearing was closed at 9:16.

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

**ADJOURNED: 11:09 A.M.**

**Bureau Manager:  
Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Carol M. Zoellner, Acupuncturist  
Todd A. Mangum, MD  
Elaine T. Lu, PT, MHEd  
Pamela Bys, RN, BSN, Acupuncturist, Chairperson

**Board Members Absent:**

Michele Zabriskie

**Guests:**

Masuda Medcalf, Administrative Law Judge  
Ray Walker, Division Compliance Officer  
Kris Justesen, Association Representative

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Read and approve the June 7, 2006 Minutes.

Ms. Zoellner made a motion to approve the minutes as read. Dr. Mangum seconded the motion. **The Board**

**vote was unanimous.**

**BUSINESS FROM PREVIOUS MEETING:**

Explanation of GRAMA

Ms. Taxin stated that GRAMA means Government Records Access and Management Act (GRAMA). Ms. Taxin stated that GRAMA is a comprehensive law dealing with management of government records and access to those records. She continued that it is an attempt to balance the public's constitutional right of access to information concerning the conduct of the public's business, the individual's constitutional right of privacy in relation to personal data gathered by government entities, and the public policy interest in allowing government to restrict access to certain records for the public good.

Ms. Taxin explained that GRAMA relates to the Acupuncture Board if they want access to the licensee information. She pointed out that the Division requires a form to be submitted that documents meeting specific criteria. Ms. Taxin stated that there is a fee for the information to be sent and if the form and documentation meets the criteria the information is sent. She stated that a request might also be denied if the criteria are not met and a letter of denial with an explanation is sent to the requesting person or agency.

Ms. Taxin concluded that additional specific on GRAMA can be found in 63-2-102 if the Board is interested in reviewing the complete document.

**Board members thanked her for the information.**

**DISCUSSION ITEMS:**

Board Chairperson

Ms. Zoellner nominated Ms. Bys to continue as Board chairperson. Dr. Mangum seconded the nomination.  
**The Board vote was unanimous.**

Frequency of Meetings for 2007

Ms. Taxin asked the Board if Wednesdays from 9 to noon are still good days and time for the Board to meet. Ms. Taxin also asked if they would like to continue with scheduling quarterly meetings and cancel meetings if there is no business to discuss.

**The Board responded that Wednesdays from 9 to noon are good for them. The Board requested the**

**schedule continue on a quarterly basis with meeting as necessary.**

Ms. Taxin requested the Board and the Association to contact Karen, the Board Secretary, if they have items that need to be put on the agenda.

Kris Justesen, Association representative, notified the Board and the Division that the Association is planning to present the proposed changes in the Law at the 2007 Legislative session.

**The Board asked what changes were to be presented.**

Ms. Taxin reviewed the list of proposed changes that were identified and discussed in 2005.

Ms. Taxin explained that she and Ms. Justesen met with the Legislature for the sunset review of the Acupuncture Law. Ms. Taxin stated that they presented the proposed changes and there were concerns in one area. She stated that, based on the concerns and discussion, she and Ms. Justesen and the Legislature decided it was better to get the Law re-enacted and they postponed the proposed changes to the 2007 Legislative session.

**Ms. Bys asked what the Board can do to assist with getting the proposed Law through the 2007 Legislative session.**

Ms. Taxin reminded the Board that changes in the Law are to be an Association process and the Board is here to protect the public and write Rules to support the Laws. She stated that the Board should not represent the Association in making Law changes.

Ms. Taxin reminded the Board to be careful not to sign LAc. In lieu of Acupuncturist when they sign their name until the Law has been changed. She stated that the Law allows for Acupuncturist but does not allow for the acronym LAc.

**Board members requested Ms. Taxin to send out the proposed changes for review.**

training. She distributed information on the Open and Public Meeting Act, Structure of Licensing Board, specifically the Acupuncture Board information.

Ms. Taxin covered the requirements to close a meeting and to re-open the meeting.

Ms. Taxin stated that a quorum of the Board must be present to conduct Board business of motions.

Ms. Taxin reviewed the responsibilities and Division expectations of a Board member. Ms. Taxin stated that the number one responsibility is for the Board to protect the public. Ms. Taxin requested the Board to act fairly and effectively and not be too quick to judge. She stated that the Board should put their personal biases aside and should not come to a Board meet with personal agendas. She reminded Board members to be respectful of each other, the Division, any appointments and probationers. She requested the Board to be open to alternatives and be creative in each individual probationary circumstance.

Ms. Taxin explained the process of putting someone on probation and the process of the Board to interview probationers.

Ms. Taxin also explained the investigative process, letters of concern and surrender of license.

Ms. Taxin requested Board members excuse themselves and leave the meeting if there is a personal conflict with a probationer.

Ms. Taxin explained the licensing process and bringing applications to the Board to review. She stated that the Acupuncture requirements are very straight forward.

Ms. Taxin reminded the Board that these meetings are open meetings and agendas cannot be changed after 24 hours before a meeting. She stated that agendas are posted 2 places in the building, are in the newspapers and are on the Division website.

She explained emergency meetings and how those meetings are for something that needs to take place immediately to protect the public. The Division calls

the Board members to meet and the agenda is still posted but not held to the same criteria as the general meetings.

She reminded the Board that Board business should not be discussed outside a Board meeting.

Ms. Taxin recommended Board members read and understand the Laws and Rules. She suggested they be professional and act with integrity, keep confidentialities and be good role models. She suggested they refer people to the Laws and Rules and, if there is confusion, have then contact the Division for clarification.

Ms. Taxin reviewed the fire alarm and exit procedures in case of fire or other emergency.

**Dr. Mangum commented that Ms. Taxin appears to care about the profession and treats the Board professionally. He thanked Ms. Taxin.**

**CORRESPONDENCE:**

NCCAOM Correspondence

The Board reviewed the NCCAOM notification regarding the Candidate Handbooks being available on the website at [www.nccaom.org](http://www.nccaom.org) . **The Board noted the information.**

**NEXT MEETING SCHEDULED FOR:**

December 6, 2006

**MEETING ADJOURNED AT:**

11:09 A.M.

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Date Approved

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Chairperson, Utah Acupuncture Licensing Board

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Date Approved

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Bureau Manager, Division of Occupational & Professional Licensing