

**MINUTES**

**UTAH  
ACUPUNCTURE  
LICENSING BOARD  
MEETING**

**September 30, 2010**

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

**CONVENED:** 9:06 A.M.

**ADJOURNED:** 10:30 A.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Pamela Bys, L.Ac, Chairperson – Check on payments  
Brent Ottley, L.Ac  
Michael A. King

**Board Members Absent:**

Michele Zabriskie  
Todd A. Mangum, MD

**Guests:**

Bea Hammond  
Kris Justesen, Utah Acupuncture Association  
President

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Board Chairperson

Mr. Ottley made a motion to retain Ms. Bys as chairperson. Mr. King seconded the motion. **The Board vote was unanimous.**

**MINUTES:**

The minutes from the April 8, 2010 Board meeting were read.

Mr. Ottley made a motion to approve the minutes as read. Mr. King seconded the motion. **The Board vote was unanimous.**

## APPOINTMENTS:

### 9:15 am

Discussion of Scope of Practice in Law and Rule

Ms. Taxin stated she would defer to Mr. Ottley as he had some questions regarding the Utah Law and Rule.

**Mr. Ottley explained he has had questions from several people regarding Acupuncture injection therapy for example vitamin B12. He stated the practice, available in Colorado, is limited to vitamin injections at Acupuncture points which are intramuscular or subcutaneous. He stated he is familiar with the technique as he has worked with several Physicians. He stated some states have the practice specifically in their Acupuncture Law and others have included it in their Rule. Mr. Ottley stated the Utah Chiropractic Law mentions injections specifically under unprofessional conduct. He stated he talked with Sally Stewart, Bureau Manager over Chiropractors, and she had informed him the Chiropractic Law empowers Chiropractors to administer specific injections. He stated he believes an Acupuncture Rule could be included under unprofessional conduct as the Law allows for manual, mechanical, thermal, electrical, light, and electromagnetic treatments. He stated the Association does not want to open the Law at this time for this one change.**

Ms. Taxin stated it is best to have language in the Law to give authority to define specifically by Rule. She stated if the Law does not give authority then Rules cannot be written to clarify. Ms. Taxin stated she could review the Law and Rule and discuss it with Ray Walker, Division Attorney, to determine if a Rule could be written to include injection therapy as part of the scope of practice for Acupuncturists.

Ms. Bys asked if Ms. Taxin has a copy of the Colorado language as their statement is close to what the Association and Board wants for the Utah language.

Ms. Taxin responded she will obtain the Colorado Law and Rule to review. She stated she will write up

language for the Board to review at the next Board meeting and then, if everyone agrees, set up a Rule hearing.

**Mr. Ottley submitted the Colorado policy statement for Ms. Taxin to review.**

Ms. Taxin reviewed the statement and commented it appears Colorado does not have authority in their Law or Rule but have written a policy statement.

Ms. Justesen stated the Colorado policy statement is their Law which has been in effect since 1979. She stated the last statement is the pertinent statement.

Ms. Taxin again stated she will review Colorado's Law and Rule but it appears the policy statement is a justification if someone questioned unprofessional conduct. She again stated in order to write a Rule the Law must give authority to define by Rule. Ms. Taxin asked if NCCAOM has courses in their education program to teach injections.

**Ms. Bys and Mr. Ottley responded yes, NCCAOM does have some courses.**

Ms. Justesen stated there is currently discussion nationally regarding Acupuncturists doing injection therapy and several Acupuncture schools have already included it in their curriculums with several more considering including courses. She stated there will also be questions on the NCCAOM examination at some point. Ms. Justesen stated she has talked with a Senator regarding the issue and the Senator recommended Ms. Justesen write language exactly as the profession wants it. She stated she has written the language for R156-72-302, under unprofessional conduct to include clarification of continuing education (CEU's or PDA's) and administering injections of non-prescription drugs or substances without sufficient education and training. She submitted a copy for Ms. Taxin to review.

Ms. Taxin stated the unprofessional conduct section of the Law is not well defined at this time. She stated the Board and Association have identified some areas that

could be included such as language regarding maintaining records for a specific number of years as that question comes up frequently. She stated the AMA has specified records need to be retained for 7 years but the Statute of Limitations is 10 years so she has made that recommendation.

She stated she could also include substance abuse, boundary violations and sex with patients as violations so practitioners know it is unprofessional conduct to engage in these activities.

Ms. Bys recommended Ms. Taxin include the requirement of records to be written in English.

Ms. Hammond reminded the Board that records could be translated from any language into English.

**Mr. Ottley stated some of the recommendations are already in the NCCAOM Code of Ethics.**

Ms. Taxin stated the Acupuncture Law does not require practitioners to abide by the NCCAOM Code of Ethics but she could also include that language.

**Mr. Ottley commented there will be several practitioners out of compliance without knowing they are.**

Ms. Taxin suggested the Association send the information in a newsletter to all licensees as all will be held accountable once the Rules go into effect.

Ms. Hammond stated there is no unprofessional conduct section in the Acupuncture Law. She asked why it is listed in the Rule and not in the Law.

Ms. Taxin responded the Division has an umbrella Law, 58-1, which gives authority and addresses unprofessional conduct but she could write in her justification that the profession needs to be more specific. She stated having the language specific in the Law and/or Rule also assists the investigators if there is a complaint. She stated she will get the language out to the Board to review and then, if there are no changes, she will file for a Rules hearing. She

stated there is a period of 30 days for the public to respond and, if there are no negative comments, the Rules could go into effect by January 1, 2011. Ms. Taxin gave the Board and guests the website to review the proposed Rules after they have been approved by the Board.

Ms. Justesen stated she has received a telephone call from practitioner in Southern Utah asking why Acupuncturist are required to complete 100 hours of education to do Acupuncture on animals. She stated she has answered the question by explaining the Veterinarians had the requirement put in the Chiropractic and Acupuncture Laws. Ms. Justesen stated she was informed the requirement has been taken out of the Chiropractic Law. She asked why Chiropractors are not required the same education requirement as Acupuncturists. She stated the person that called was concerned that there are no courses available.

Ms. Taxin responded she believes the education requirement is a good standard for Acupuncturists to treat animals. She stated if the requirement is taken out of the Acupuncture Law then Acupuncturists could not treat animals. She stated Ms. Stewart is the Bureau Manager for Chiropractors and Ms. Justesen would have to discuss the requirement for Chiropractors with her. She read the Law which requires 50 hours on the job training and 50 hours of animal anatomy. Ms. Taxin stated she believes animals deserve to have a practitioner who has had appropriate education as they are ensuring the quality of their treatments. She stated she is not comfortable taking out the education/experience requirement.

Ms. Bys stated there are education courses available at schools back East. She then asked if the Rule requirement for CE could be more specific to read 15 hours each year.

**Mr. Ottley requested Ms. Taxin also include language regarding the CE being audited.**

Mr. King made a motion for Ms. Taxin to write the suggested Rule changes to include injection therapy

under unprofessional conduct, clarify the CE requirement of 30 hours in the two year renewal period as 15 hours per year, include an audit requirement under the renewal requirements and send them out to the Board to review.

Mr. Ottley seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated once the proposed Rules are approved by the Board she will send them to Ms. Justesen to send out to all licensees and will post them on the website.

## **DISCUSSION ITEMS:**

### **Report on CE Audit**

Ms. Taxin stated the Acupuncture profession renewed May 31, 2010. She stated she did not conduct a CE audit initially but heard some people had not completed their CE. She stated she enforced the audit and found several licensees had not completed the requirement and they wanted time to do their CE. Ms. Taxin stated licensees were reminded of the Law requirement and all 20 licensees completed the CE by August. Ms. Taxin stated she will again audit Acupuncture CE in 2012 as some did not take the audit seriously. She stated from the Association standpoint they would like to have all licensees NCCAOM certified and the information they send out could say it would be easier to be certified as they must do the CE anyway. Ms. Taxin suggested licensees always retain their original CE documentation in case there is an issue and the documentation is requested. She stated there are times when complaints come in and questions regarding how well trained practitioners are and the documentation would prove the licensee has taken courses to keep updated on the profession.

### **Kris Justesen Question**

Ms. Justesen stated each time the Board meets there are some Board members absent. She asked if the Association needs to recommend individuals who will commit to attending the meetings as this Board does not meet frequently.

**Ms. Taxin reviewed the expiration dates of each Board member. She then explained the process of Board member appointments. Ms. Taxin stated there are times when Board members are unable to attend meetings but a quorum for this Board is 3 Board members and a quorum is required to conduct Board business of motions and votes.**

Tentative 2011 Board Meeting Schedule

Ms. Taxin reviewed the 2011 schedule with the Board. She stated if there are no issues or business to discuss then meetings will be cancelled.

**Mr. King asked if the Board meeting could commence later in the day as it is difficult for him to meet at 9:00 am.**

Following discussion the Board determined Thursdays at 1:00 pm would fit into their schedules.

The Board noted the following dates for the 2011 Board meeting schedule: January 31 and August 1, 2011.

**NEXT MEETING SCHEDULED FOR:**

January 31, 2011

**ADJOURN:**

The time is 10:30 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.*

January 31, 2011  
Date Approved

(ss) Pamela Bys, L.Ac  
Chairperson, Utah Acupuncture Licensing Board

October 20, 2010  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational & Professional Licensing