

<< DRAFT UNAPPROVED >>

ADVISORY BOARD ON ACUPUNCTURE  
MINUTES

Wednesday, October 9, 2013  
Perimeter Center  
9960 Mayland Drive  
Board Room 1, 2<sup>nd</sup> Floor  
Henrico, Virginia

The Advisory Board on Acupuncture met on Wednesday, October 3, 2012 at 10:00 a.m. at the Department of Health Professions at 9960 Mayland Drive, Henrico, VA 23233.

**MEMBERS PRESENT:** Elaine Komarow, L. Ac., Chair  
Lynn Almloff, L. Ac., Vice-Chair  
Floyd Herdrich, L. Ac.  
Chheany Ung, MD  
Mari Eder, Citizen Member

**MEMBERS ABSENT:** None

**STAFF PRESENT:** William L. Harp, M.D., Executive Director  
Alan Heaberlin, Deputy Executive Director-Licensing  
Elaine Yeatts, Senior Regulatory Analyst  
Beulah Baptist Archer, Licensing Specialist

**GUESTS PRESENT:** Janet L. Borges, ASVA  
Matthew Stanley, ASVA  
Stephanie Mills, NCCAOM  
Pamela Howard, Acupuncturist  
Laura Wong-Acupuncturist  
John Shin, JD, Virginia University of Oriental Medicine (VUOM)  
Denise Graham, American Association of Acupuncturist Oriental  
Medicine (AAAOM)

## **CALL TO ORDER**

Ms. Komarow called the meeting to order.

## **EMERGENCY EVACUATION PROCEDURES**

Alan Heaberlin announced the Emergency Egress Procedures.

**ROLL CALL** – Beulah Archer called the roll and a quorum was declared.

## **APPROVAL OF MINUTES FROM February 6, 2013**

Mari Eder moved to approve the minutes. The motion was seconded and carried.

## **ADOPTION OF AGENDA**

Floyd Herdrich moved to adopt the agenda. After a brief discussion, the motion carried unanimously.

## **PUBLIC COMMENT ON AGENDA ITEMS**

John Shin, J.D., President, Virginia University of Oriental Medicine. Mr. Shin expressed his concern regarding agenda item #3 and 18VAC85-110-50(E) of the Regulations Governing the Practice of Licensed Acupuncturists. Mr. Shin stated that a U.S. school or college that has achieved candidacy status should be treated equally to a U.S. school that has achieved accredited status. He went on to say that achieving candidacy status is a longer process than it is moving from candidacy to accreditation. In his opinion, the Virginia Board of Medicine should revise 18VAC85-110-50(E) to allow graduates of schools in candidacy status to obtain licensure on the same terms as those students who graduate from a U.S. accredited institution.

Janet Borges spoke on behalf of the Acupuncture Society of Virginia. Ms. Borges expressed concern with the inclusion of agenda item #4 as she believed the Advisory Board had already reaffirmed NCCAOM certification as the standard for obtaining and maintaining the right to practice as a licensed acupuncturist in Virginia. She stated that NCCAOM's proposed policy changes are not scheduled to be enacted without discussion by NCCAOM. She further stated that ASVA supports the NCCAOM certification process as the path to licensure and recertification in the Commonwealth of Virginia.

Pam Howard stated her concern that there will not be transparency with NCCAOM for students who are looking to be licensed. She is concerned that the NCCAOM's use of criminal background checks may be beyond the scope of NCCAOM's mission.

Stephanie Mills, Regulatory Affairs & Research Specialist, NCCAOM, discussed with the Advisory Board members and Board staff NCCAOM's practice of conducting background checks and how it determines if the results of a specific background check would result in a bar to certification from the NCCAOM.

## **New Business**

### **1. Regulatory / Legislative Report –Elaine Yeatts**

Elaine Yeatts clarified 18VAC85-110-50(D) and the increase in the hours of entry-level acupuncture required for licensure after 2011 to correspond with the ACAOM's increased requirements. She further addressed 18VAC85-110-70(B) which now allows a translating service to translate documents submitted to the Board in a language other than English. And, finally, she noted that 18VAC85-110-130 had been repealed and 18VAC110-35(2) included a one-time reduction in fees for license renewals.

### **2. Review of Regulatory Revisions – Elaine Komarow**

Elaine Komarow discussed the NCCAOM's proposal to phase out the foreign language exams over a four year period and to require an English language proficiency requirement as part of the certification process. Elaine Yeatts stated that the English language requirement is very problematic in that Virginia Code Section 54.1-2956.9 and regulation 18VAC85-110-90(B) allows for applicants whose native language is not English to be exempt from the English language requirements.

The Advisory Board further discussed that beginning January 1, 2014, the NCCAOM will require criminal background checks for all applicants for certification, as well as all applicants for reinstatement of certification. The Advisory Board wanted to know on what basis will an applicant be denied NCCAOM certification based on a criminal background. Stephanie Mills provided an example for denial of NCCAOM certification based on criminal activity.

The final topic for this item was a brief discussion regarding the July 1, 2014 effective date for all continuing education providers in the area of core competency to meet at least one category (1) Standard PDA Provider (2) Institutional Provider (3) Affiliated Certification.

Stephanie Mills reiterated that the four areas of NCCAOM regulatory revisions were currently only proposals.

Floyd Herdrich, L. Ac. made a motion requesting Dr. Harp to draft a letter to the NCCAOM expressing the Board's concern that it may be excluding people from the profession if they are not able to pass the TOEFL examination which could be in conflict with Virginia law and regulations. They also wanted the letter to address criminal background checks. The motion was seconded and carried unanimously.

### **3. Education Requirements –Elaine Komarow**

Stephanie Mills stated that candidates for NCCAOM certification can sit for the exam if their U.S. school of graduation is in either candidacy or accredited status.

The Board discussed whether it should request a regulatory change that would allow the licensure of applicants who graduated from U.S. schools in candidacy status.

Mari Eder made a motion that the Advisory Board will accept information from all sources regarding which states allow applicants to be a graduate of a U.S. school that is in either candidacy or accredited status. The motion was seconded and carried unanimously.

#### **4. Discussion of Alternate Path to Licensure Distinct from NCCAOM – Elaine Komarow**

After a brief conversation among Advisory Board members, it was decided by acclamation that the Board would wait until its February meeting after the NCCAOM had made its final decision regarding the draft policies noted in Agenda Item #2.

#### **5. NCCAOM Instructions and Application for Recertification**

This document was included in the agenda for informational purposes only.

#### **6. Application Review – Alan Heaberlin**

Floyd Herdrich motioned to table the review of application documents until the next Advisory Board meeting. The motion was seconded and carried unanimously.

#### **7. Meeting Calendar for 2014 – Dr. Harp**

Floyd Herdrich moved to adopt the 2014 calendar. The motion was seconded and carried. After the motion carried, it was discovered that some of the dates fell on a Saturday, so the calendar will be revised.

#### **8. Election of Advisory Board Officers**

Lynn Almloff nominated Elaine Komarow for another term as chairperson. The nomination carried and Ms. Komarow was elected chairperson. Elaine Komarow nominated Lynn Almloff for another term as vice-chairperson. The nomination carried and Ms. Almloff was elected vice-chairperson.

#### **Announcements**

There were no announcements.

#### **NEXT SCHEDULED MEETING:**

February 6, 2014 at 10:00 a.m.

**ADJOURNMENT**

Floyd Herdrich moved to adjourn. The motion was seconded and carried unanimously.

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Elaine W. Komarow, L.Ac., Chair

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William L. Harp, M.D., Executive Director

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Beulah Baptist Archer, Licensing Specialist