

**ADVISORY COMMITTEE ON ACUPUNCTURE  
MINUTES  
MAY 8, 2002**

The Advisory Committee on Acupuncture met on May 8, 2002, at 9:00 a.m., at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. Jody Forman, Acting Chair, called the meeting to order.

**MEMBERS PRESENT:** Jody Forman, MSW, L.Ac., Acting Chair  
Jerry R. Willis, D.C., Chair (late arrival)  
James C. Butler-Arkow, L.Ac.  
Floyd M. Herdrich, L.Ac.  
Marie F. Steinmetz, M.D.

**MEMBERS ABSENT:** David S. Groopman, M.D.  
Robert K. Su, M.D.

**STAFF PRESENT:** William L. Harp, M.D., Executive Director  
Ola Powers, Deputy Executive Director, Licensure  
Elaine Yeatts, Senior Regulatory Analyst  
Deborah A. Ordiway, Recording Secretary

**GUESTS PRESENT:** Judy Castleman, Legislative Liaison for the Virginia Acupuncture Society; William Millard, L.Ac.; and Elaine W. Komarow, L.Ac., president of the Virginia Acupuncture Society

**APPROVAL OF MINUTES OF JANUARY 9, 2002 MEETING**

Mr. Herdrich moved to approve the minutes of the Advisory Committee on Acupuncture dated January 9, 2001. The motion was seconded and carried unanimously.

**ADOPTION OF AGENDA**

Mr. Herdrich moved to adopt the amended agenda. The motion was seconded and carried unanimously.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Ms. Castleman expressed concern regarding the opinion of the Attorney General's office on the use of the term acupuncturist. Mr. Roscoe Roberts, board counsel, stated that all licensed doctors of medicine, osteopathy, podiatry, and chiropractic who are qualified to practice acupuncture pursuant to Section 18 VAC 85-20-131 of the Virginia Administrative Code may also advertise using the term acupuncturist. Ms. Castleman stated that the use of the term acupuncturist by physicians is improper. Physicians may advertise that they perform

acupuncture, but the law is clear that only licensed acupuncturists may use the title acupuncturist. It would be inappropriate for any doctor to list L.Ac. after their name.

Ms. Komarow agreed with Ms. Castleman.

## **REPORT OF OFFICERS**

No report.

### **#1 Regulatory update**

Ms. Yeatts distributed a handout titled "Board of Medicine Regulatory Actions" and a handout on the proposed regulations. Ms. Yeatts discussed the changes to be made in the licensed acupuncturist regulations. During discussion it was recommended that 18 VAC 85-110-50(B) be as follows and a subsection C be added.

"B. Requirements for acupuncture education obtained after July 1, 1990 shall be as provided in this subsection.

An applicant applying for licensure to practice as a licensed acupuncturist on the basis of successful completion of education in a school or college for acupuncture accredited by ACAOM or any other accrediting agency approved by the Board of Medicine, which confers a degree or certificate in acupuncture in the United States, shall submit evidence of having a minimum of three academic years in length equivalent to 90 semester credit hours or 135 quarter credit hours."

"C. Requirements for acupuncture education obtained after July 1, 1999 shall be as provided in this subsection.

An applicant applying for licensure to practice as a licensed acupuncturist on the basis of successful completion of education in a school or college for acupuncture accredited by ACAOM or any other accrediting agency approved by the Board of Medicine, which confers a degree or certificate in acupuncture in the United States, shall submit evidence of having a minimum of 1,725 hours of entry level acupuncture education to include at least 1,000 didactic hours and 500 clinical hours of education. Clinical hours may include observation, as well as internship or treatment hours; the remaining 225 hours may be earned as either didactic or clinical. Correspondence programs or courses in acupuncture are excluded and do not meet the requirements for acupuncture education."

18 VAC 85-110-60(A)(1) shall read as follows: Submit a transcript from his educational course of study in acupuncture to a credential evaluation service approved by the board to determine equivalency in education and training to that required for certification by the NCCAOM.

Mr. Herdrich moved to adopt the amended regulations. The motion was seconded and carried unanimously.

Ms. Yeatts stated that House Bill 1318 places a new exemption in § 54.1-2701. This exemption would add a new section, 18 VAC 85-110-145, to the licensed acupuncturist regulation. Mr. Herdrich moved to adopt the emergency regulation. The motion was seconded and carried unanimously.

## **#2 Legislative update**

A handout titled “lobbyist-in-a-box” was distributed.

House Bill 217 changed the composition of the advisory boards. Two major changes that would affect acupuncture are (1) the requirement for a special conference committee of the board would change the composition of that committee to two members of the Board of Medicine and one member from the advisory board. (2) The composition of the advisory board shall consist of five members to be appointed by the Governor for four-year terms. These members shall be licensed acupuncturists who have been practicing in Virginia for not less than three years. One member shall be a doctor of medicine, osteopathy, chiropractic or podiatry who is qualified to practice acupuncture in Virginia, and one member shall be a citizen member appointed from the Commonwealth at large.

Mr. Herdrich moved to accept the above language. The motion was seconded and carried unanimously.

## **#3 Office of the Attorney General opinion on the advertising statute**

The Advisory Committee took exception and disagreed with Mr. Roberts’ memo to Dr. Harp in reference the use of the title acupuncturist by physicians.

Mr. Butler-Arkow stated that physicians should state acupuncture or acupuncture services, not acupuncturist.

Mr. Herdrich moved that the staff discuss the matter with Mr. Roberts and report back at the September 11, 2002 meeting. The motion was seconded and carried unanimously.

## **#4 National Board of Chiropractic Examiners query on acupuncture**

Ms. Forman stated the committee should not make any comment on this issue. Mr. Herdrich agreed with Ms. Forman, but if there was a response it should educate them that the board looks for the standards of curriculum and the standards for Accreditation Commission. Dr. Harp stated if a letter is submitted it should reflect the current status that Virginia does not have an examination requirement for chiropractors at this time. Mr. Herdrich moved that the staff write and send the National Board of Chiropractic Examiners a letter. The motion was seconded and carried unanimously.

## **#5 Application review**

Mr. Herdrich requested that on the non-American instruction sheet for the TOEFL/TSE part that wording be put in reference to the exemption for taking this exam.

Mr. Herdrich moved upon review of the application, to accept with the one recommendation to include the exemption. The motion was seconded and carried unanimously.

## **#6 Election of officers**

Mr. Herdrich moved that Jody Forman be nominated as vice-chair. There were no nominations from the floor. Mr. Herdrich moved that the nominations be closed. The motion was seconded and carried unanimously.

## **#7 FAOMRA report**

Mrs. Powers had been reelected as the administrative board member. Mrs. Powers stated that the FAOMRA meeting met April 3-4 in San Francisco. A new FAOMRA website was developed and may be viewed at [www.faomra.org](http://www.faomra.org).

## **Other Business**

Next Advisory Committee on Acupuncture meeting: September 11, 2002, 6606 West Broad Street, Richmond, Virginia.

## **Adjournment**

With no further business to discuss, the meeting of the Advisory Committee on Acupuncture was adjourned.

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Jody Forman, MSW, L.Ac.  
Acting Chair

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William L. Harp, M.D.  
Executive Director

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Deborah A. Ordiway  
Recording Secretary