

**ADVISORY BOARD ON ACUPUNCTURE
MINUTES
JANUARY 8, 2003**

The Advisory Board on Acupuncture met on January 8, 2003, at 9:00 a.m., at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. Jody Forman, Chair, called the meeting to order.

MEMBERS PRESENT: Jody Forman, MSW, L.Ac., Chair
Betsy Brooks Carr
Marie M. Stephenson, L.Ac.
Robert K. Su, MD

MEMBERS ABSENT: Young Chin Yi, L.Ac.

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

GUESTS PRESENT: Judy Castleman, Legislative Liaison for the Virginia Acupuncture Society and Michael Johnson, DC, Virginia Chiropractic Association

APPROVAL OF MINUTES OF SEPTEMBER 11, 2002 MEETING

Dr. Su moved to approve the minutes of the Advisory Board on Acupuncture dated September 11, 2002. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

Ms. Stephenson moved to adopt the agenda. The motion was seconded and carried unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS

Ms. Castleman stated that a bill might be introduced that has to do with the makeup of the Advisory Board to include a chiropractor representative.

Michael Johnson, DC, stated that the bill is basically to allow the inclusion of a chiropractor on the Advisory Board. He stated an issue that comes up continually is whether or not chiropractors have been trained in the clean-needle technique. Chiropractors in the state of Virginia are licensed and allowed to perform venipuncture. It is a part of their standard education in school. There is a misconception that chiropractors have never learned clean-

needle technique. By having a chiropractor on the Advisory Board, those types of questions can be answered when they are brought up.

REPORT OF OFFICERS

No report.

PRESENTATION OF PLAQUE TO ROBERT SU, MD

An award plaque was presented to Robert Su, MD, for his tenure as a member of the Advisory Committee on Acupuncture from July 1, 1996 to June 30, 2002.

#1 Final regulations approved by the Board at the December 13, 2002 Executive Committee meeting

Dr. Harp stated that at the December 13, 2002 Executive Committee the final regulations on acupuncture were approved. These regulations have been approved by Governor Warner and will be effective February 26, 2003.

#2 NBCE new optional acupuncture examination

An informational news release from the National Board of Chiropractic Education was contained in the agenda packet. This news release announced that an optional acupuncture examination would be offered in the spring of 2003.

#3 FSMB model policy guidelines for complementary and alternative therapies in medical practice

An informational copy of the Federation of State Medical Boards Model Guidelines for the Use of Complementary and Alternative Therapies in Medical Practice was contained in the agenda packet.

#4 Title distinction

Dr. Harp stated that the matter of title distinction is being revisited by the Attorney General's office.

Dr. Su stated that since the mid 1980s to June 2000 the title physician acupuncturist had been utilized. On July 1, 2000 the law prohibited the use of that title. Ms. Yeatts stated the reason the title was deleted was because acupuncture is a treatment modality and there was no need to have a separate license.

According to § 54.1-2900 the term acupuncturist means individuals approved by the Board to practice acupuncture. This is limited to “licensed acupuncturist” which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board. Dr. Harp will discuss this with Board counsel and obtain direction on how to proceed. Ms. Forman will be informed of the determination.

#5 Website frequently asked questions

A proposed list of frequently asked questions on acupuncture to be posted on the Board of Medicine website was distributed. Mrs. Powers asked the Advisory Board members if they had any comments/suggestions on these questions to inform her.

#6 House Bill 1441

A copy of House Bill 1441 was distributed. This House Bill deals with the disciplinary procedures with hospital reporting. It specifically states that “any hospital or nursing home that has not paid civil penalties assessed for failing to report disciplinary actions and certain disorders of health pursuant to § 54.1-2906 shall not be issued a license or certification or a renewal of such.”

Ms. Yeatts stated an addition to § 54.1-2400 would add a section dealing with a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A board shall enter into a confidential consent agreement with a practitioner involving a standard of care violation only once during any 10-year period.

Ms. Yeatts stated this bill would add § 54.1-2408.2. This section would impose a three-year minimum period for reinstatement after revocation. When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the Board, consider an application for and grant a new certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted.

Other Business

Next Advisory Board on Acupuncture meeting: May 7, 2003, 6603 West Broad Street, Richmond, Virginia.

Adjournment

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

Jody Forman, MSW, L.Ac.
Chair

William L. Harp, M.D.
Executive Director

Deborah A. Ordiway
Recording Secretary