

**ADVISORY BOARD ON ACUPUNCTURE  
MINUTES  
SEPTEMBER 11, 2002**

The Advisory Board on Acupuncture met on September 11, 2002, at 9:00 a.m., at the Department of Health Professions, 6606 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  
Young Chin Yi, L.Ac.

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

**GUESTS PRESENT:** Judy Castleman, Legislative Liaison for the Virginia Acupuncture Society

**APPROVAL OF MINUTES OF MAY 8, 2002 MEETING**

Dr. Su moved to approve the minutes of the Advisory Committee on Acupuncture dated May 8, 2002. The motion was seconded and carried unanimously.

**ADOPTION OF AGENDA**

Dr. Su moved to adopt the agenda. The motion was seconded and carried unanimously.

**PUBLIC COMMENTS ON AGENDA ITEMS**

There was no public comment.

**REPORT OF OFFICERS**

No report.

**OLD BUSINESS**

Dr. Su wished to have the following statement contained in the minutes:

“I would like to comment on the minutes of the Advisory Committee on Acupuncture, the predecessor of this body, dated May 8, 2002. I am sorry that I had to be excused from that meeting because of an unexpected schedule conflict. Otherwise, I would have provided my

comments at that meeting and helped the members at that meeting realize their misunderstanding in the subject that they referred.

Before making my comments, I would like to request that my comments be entered in the minutes of this meeting and be allowed to be used in the future reference. My comments are for the contents of the public comments on agenda items and #3 of the agenda "Office of the Attorney General opinion on the advertising statute," specifically concerning the definition and the use of the title of acupuncturist.

I had served the predecessor of this body, the Advisory Committee on Acupuncture since its birth in the early 1990s. At that time, Mr. Floyd Herdrich along with two other members who were qualified to practice acupuncture in other states were appointed by the Board of Medicine to help draft regulations for the Commonwealth of Virginia in preparing its licensure to the nonphysician acupuncturists, including Mr. Herdrich. Prior to that the Commonwealth had long recognized those MDs and Dos who met the requirements to practice acupuncture in the Commonwealth as physician acupuncturists or acupuncturists for more than a decade.

After gaining more knowledge about acupuncture practice through the development with the physician acupuncturists, the Commonwealth finally decided to regulate and license the nonphysician acupuncturists while continuing its license to the physician acupuncturists.

Two years ago the Commonwealth stopped licensing physician acupuncturists, but has continued its requirements for physicians who want to practice acupuncture. The reason for this action is because the physician's medical knowledge and training are regarded exceeding the basic requirements to diagnose diseases and insert a needle. However, the action must not be regarded as if the physician acupuncturists are no longer under the scrutiny as an acupuncturist is.

It is a common sense that a lawfully qualified person who practices acupuncture should be designated an acupuncturist. To deny a runner as a runner just because he is no longer participating in a particular race is simply erroneous and out of sense.

This body and its predecessor have only one mission that is to properly regulate the licensed acupuncturists in order to provide the citizens of this Commonwealth with quality acupuncture care. To attempt to restrict the use of acupuncturist to a licensed acupuncturist is beyond the duty of this body, and is an unwise action that might be in violation of the anti-competition laws.

I regret that comments and a motion were made at the May 8, 2002 meeting in my absence, and that I could not help rectify the disputed issue in time before the motion was made and carried. I appreciate this opportunity to do so today."

The issue that generated Dr. Su's comments was that of advertising and who could use the title "acupuncturist." Discussion ensued that Board counsel's opinion was not in concert with what the Advisory Board was seeking. Dr. Harp indicated that he had not revisited this matter with Board counsel since the May meeting. Ms. Forman indicated that there are safety issues,

and the public should be able to distinguish between the different professions that practice acupuncture. She saw the greatest safety issue as a practitioner's grasp of clean needle technique.

Dr. Harp stated that MDs, DOs and DPMs have had training in needle experience and know about needle sterility. Dr. Harp stated it is Ms. Forman's concern that chiropractors have not had any experience with needles and may finish a 200-hour course with no clean needle course included. There is no specification in the regulations that a part of the 200 hours be a clean needle course. Dr. Harp stated if a change were made, it would require a change in the regulations.

Dr. Harp summed up the two main concerns inherent in the discussion. One is safety and the second is title. The second issue of title may be an item that the Virginia Acupuncture Society may want to pursue.

### **#1 Discussion of HB 217**

Dr. Harp gave an overview of the mission of the Department of Health Professions and the Board of Medicine.

### **#2 Regulatory chart**

For informational purposes contained in the packet was a copy of the Board of Medicine's regulatory actions. Dr. Harp explained that every two years the regulations are reviewed.

### **#3 Proposed regulations 18 VAC 85-110-10 et seq.**

Ms. Powers covered the proposed changes to the regulations. Ms. Stephenson moved to forward the proposed regulations to the full Board. The motion was seconded and carried unanimously.

### **#4 2002 law and 2001 regulations – information only**

Copies of the current laws and licensed acupuncturists regulations were distributed to the advisory board members.

### **#5 Election of officers**

Dr. Su moved to elect Ms. Forman as chair. The motion was seconded. There were no other nominations from the floor. The motion carried unanimously.

Dr. Su moved to elect Ms. Carr as vice chair. The motion was seconded. There were no other nominations from the floor. The motion carried unanimously.

## **Other Business**

Dr. Harp announced that the Department of Health Professions would be moving to 6603 West Broad Street the first week of November. It was also announced that a new board member orientation would be held October 30, 2002.

Next Advisory Board on Acupuncture meeting: January 8, 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