

1 COMMONWEALTH OF VIRGINIA
2 DEPARTMENT OF HEALTH PROFESSIONS
3 BOARD OF MEDICINE

4

5

In re: Advisory Board on Acupuncture Public Hearing

6

7

8

Transcript of the above-styled

9 hearing held on Tuesday, the 10th day of February,

10 2004, commencing at 9:15 a.m.

11

12

13 APPEARANCES:

14 Pam Nicholson

Ola Powers, Deputy Executive Director, Licensing

15 Elaine Yeatts

Robert K. Su, M.D.

16 Jody Forman, MSW., L.Ac.

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

17 Betsy Brooks Carr

Marie M. Stephenson, L.Ac.

18 Young Chin Yi, L.Ac.

19

20

21

22

DENISE M. WHITEHURST

23

Court Reporter

15448 Mountain Road

24

Montpelier, Virginia 23192

(804) 883-5504

25

1 MS. FORMAN: Good morning. I am Judy
2 Forman, Chair of the Advisory Board on Acupuncture.

3 This is a public hearing to receive
4 comments on the proposed regulations that will allow
5 the licensure of an applicant who graduated from a
6 candidacy program in acupuncture provided the program
7 was subsequently accredited within three years of the
8 applicant's graduation.

9 At this time, I will call on persons
10 who have signed up to comment. As I call your name,
11 please come forward and tell us your name and where
12 you are from.

13 Having had no persons to comment, I
14 want to thank all of you all who took the time to
15 come today and offer comment on these regulations.

16 I also want to remind everyone that
17 written comments may be received through March 27,
18 2004 and should be directed to Dr. William Harp,

19 Executive Director of the Board of Medicine. The
20 board is promulgating this regulation through a
21 fast-track process. Unless there are objections to
22 its adoption, the regulation will become effective
23 April 26, 2004.

24 Again, thank you for taking the time
25 to participate and this concludes-- Before I say

3

1 that, does that mean we can't have discussion among
2 us about it?

3 DR. HARP: I think you're asking the
4 question if you want to get comments on this or would
5 like to comment on it--

6 MS. FORMAN: I would like to comment
7 on it.

8 DR. HARP: --you need to do it before
9 you close the meeting.

10 MS. YEATTS: If any of the advisory
11 board members have comments, this is the time to
12 present that.

13 MS. FORMAN: I do have a comment. I
14 just want to throw this out for our consideration.

15 The portion that says if the program
16 is subsequently accredited within three years of an
17 applicant's graduation may pose, in the future, a
18 problem with a person who has graduated from a
19 school, has been in practice for three years and on
20 the third year or even the second year or whatever,
21 the school loses its accreditation. Do we have to
22 yank that person's license? Do they surrender their
23 license?

24 MS. YEATTS: No, we would not do
25 that.

1 MS. FORMAN: They don't?

2 MS. YEATTS: No. In order for you to
3 lose your license, a license that has been granted to
4 you by the board, the board has got to find cause in
5 law or regulation that has to do with your practice.

6 MS. POWERS: This could happen now,
7 Jody. I could issue a license to someone who is a
8 graduate of an accredited program and that school
9 could lose its accreditation. We would not take
10 their license away because their school was
11 accredited at the time of graduation. This is merely
12 saying that if your school is in candidacy status at
13 the time you graduate, three years later it should
14 have become accredited.

15 MS. FORMAN: But what if it doesn't?
16 What happens to that person?

17 MS. POWERS: That person will not be
18 licensed.

19 MS. FORMAN: So it's on the school,
20 not on the student?

21 MS. POWERS: Right. We're not going
22 to issue the license until after that three years
23 because, hopefully, the school would have met the
24 accrediting requirements.

25 MS. FORMAN: Now I'm really confused.

1 What do you mean not issuing the license?

2 MS. YEATTS: We're not going to be
3 licensing anyone immediately out of school. If the
4 program is in a candidacy status, we will license
5 that person only after that program becomes an
6 accredited program and they have three years to do
7 that.

8 MS. POWERS: In other words, we're
9 not licensing people in a candidacy status.

10 MS. FORMAN: Oh.

11 MS. YEATTS: And the board was very
12 clear that that was the only way they would accept
13 the regulations.

14 MS. POWERS: The initial thought was
15 to do that.

16 MS. FORMAN: Right. That was our
17 discussion.

18 MS. POWERS: The board would not
19 accept it.

20 MS. FORMAN: The board would not
21 accept it?

22 MS. YEATTS: The board said what
23 guarantee do we have that this person's program is
24 subsequently going to become accredited. And we have
25 none.

1 MS. FORMAN: So even if the ACAOM--

2 MS. YEATTS: Well, if you're going to
3 have an education standard, you may as well get rid
4 of that standard.

5 MS. FORMAN: Do y'all have any
6 comments on this?

7 MS. STEPHENSON: The statement is
8 very confusing the way it's written. I read it and
9 you read it. Are you going to yank the license after
10 they've been given? I guess it's semantics, I guess.
11 How is this different than what has already been the
12 case?

13 MS. POWERS: Right now, unless you
14 are a graduate of an accredited program, you cannot
15 be licensed even if your program becomes accredited
16 the next year.

17 MS. STEPHENSON: Okay.

18 MS. POWERS: Now we're saying if you
19 are a graduate of a candidacy program, you can apply

20 for a license right now. So you have a three-year
21 window for that school to become accredited. And if
22 it does, then you can come to Virginia and say oh, my
23 school is now accredited. I graduated two years ago
24 when it was in candidacy status. We will accept you.
25 You will be eligible. That's exactly what it says.

7

1 It's better than nothing, Jody.

2 DR. HARP: There are probably a fair
3 number of folks who have applied before who did not
4 qualify because the school was in candidacy status
5 and the schools have subsequently--

6 MS. POWERS: So they would never be
7 licensed.

8 DR. HARP: If their schools were
9 accredited within three years of the applicant's
10 graduation--and that's the normal--

11 MS. FORMAN: The fourth year, they
12 have to go back to school as far as Virginia goes?

13 MS. YEATTS: Keep in mind that this
14 is going to primarily benefit people who may have
15 been practicing in other states or may have been
16 licensed in another state and they want to come to
17 Virginia, but graduated from a candidacy program. We
18 could never license them in Virginia unless they go
19 back to school and graduate from an accredited
20 program. This will allow them to come to Virginia
21 and be licensed provided their program was
22 subsequently accredited.

23 MS. FORMAN: Yeah, but it's not half
24 a loaf, though.

25 MS. YEATTS: No, it's more than half

8

1 a loaf.

2 MS. FORMAN: You think so?

3 MS. YEATTS: Yeah, it's definitely
4 more than half a loaf.

5 DR. HARP: What the information
6 that's gathered today is that it's usually three

7 years for a school to reach approved status. They
8 seldom spend more time than that.

9 MS. CARR: What is your objection or
10 concern?

11 MS. FORMAN: What I remember from our
12 discussions, earlier discussions on this was that the
13 NCCAOM seemed to be terribly important as a criteria
14 for licensure and if the NCCAOM, which does the
15 national exam, accepted students in candidacy status
16 to sit the exam, then this would be good enough for
17 us. That was my sense of it.

18 MS. YEATTS: And that may have been
19 good enough for you, but you're not the promulgating
20 board.

21 MS. FORMAN: I understand that. I
22 see that right now.

23 MS. POWERS: You weren't there when
24 it was discussed.

25 MS. YEATTS: It was not good enough

1 for that board. That board said we are not satisfied
2 that--we feel we have potentially a lesser standard
3 of licensee, one who has not achieved the educational
4 standard that all other licensees have achieved. If
5 that program, obviously, is deficient enough that it
6 doesn't ever become accredited or become accredited
7 within three years, then that program--and that's
8 three years after the person's graduation--so,
9 theoretically, they've got the entire time they're in
10 school, plus another three years for the program to
11 become an accredited program. And if that program is
12 not able to achieve accreditation during that time,
13 it's obvious that person did not receive a quality
14 education if we believe graduation from an accredited
15 program is important for licensure, if it's an
16 essential ingredient for licensure. Either it is or
17 it isn't.

18 MS. FORMAN: I don't argue with that.
19 And this might be a wise decision, but I want us to
20 thoroughly discuss it so we entertain all aspects of
21 it. I'm being devil's advocate at the moment for
22 purposes of our discussion.

23 I would like to point out the
24 situation that happened with the school in Maryland.
25 You graduated-- Maybe you're better able to discuss

1 this. The NCCAOM-- As I understand it, the Maryland
2 Institute of Traditional Chinese Medicine in
3 Bethesda, Maryland had a very excellent academic
4 program. An outstanding academic program. But the
5 administration of the school, the business end,
6 wasn't. They didn't have the same standards to put
7 it kindly. And the school went out of business
8 because it was a business problem, not an academic,
9 educational problem.

10 Now those students who had gone
11 through that program and had not graduated-- Is that
12 still in a candidacy status?

13 MS. STEPHENSON: No. They have
14 received accreditation.

15 MS. FORMAN: But the students who
16 were in mid-education there were really left high and
17 dry. They were out of luck. Fortunately, the school
18 in Columbia, Maryland, the Traditional Acupuncture
19 Institute, took them in and said we'll help you

20 complete your education, which was a very generous
21 thing for that school to do. They have a very
22 different theoretical base, but they helped shepherd
23 those persons through the education process. So
24 there are a lot of things we don't know about.

25 MS. YEATTS: It happens all the time.

11

1 MS. POWERS: There's things that you
2 don't know about.

3 MS. STEPHENSON: It really wouldn't
4 benefit anybody in the Virginia situation like, say,
5 I was in if my school hadn't become accredited when I
6 was attending it. Because even with the NCCAOM
7 certification, you have to practice so many hours per
8 year in order to maintain that. So the person would
9 really be in limbo.

10 MS. YEATTS: It's primarily going to
11 benefit somebody who has been practicing in other
12 states and graduated-- And many states do license
13 people who have graduated-- Most states do license

14 people who are graduates of candidacy programs. So
15 this will primarily benefit such a person who has
16 been licensed and been practicing and wants to move
17 to Virginia. Right now, we have no option. No way
18 of licensing that person based on their graduation
19 from an accredited school. But this will give us
20 that opportunity to do that provided the school was
21 subsequently accredited. If they were accredited and
22 five years later they became unaccredited, the
23 applicant would still qualify because they were
24 accredited within three years. Right?

25 MS. POWERS: (Nodding of the head in

12

1 the affirmative.)

2 DR. HARP: The other thing the board
3 was presented with was that one in eight or one in
4 ten of these schools in candidacy status do not go on
5 for approval. They felt like they needed to address
6 that and have a policy that would address the ten or

7 12 percent of students that might end up like that.

8 MS. FORMAN: I have no further
9 objections. I certainly thank you for entertaining
10 that discussion.

11 Now I can say the last statement.
12 Again, thank you for taking time to participate.
13 This concludes our hearing.

14 (Whereupon, the hearing adjourned at
15 9:28 a.m.)

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF VIRGINIA

3 COUNTY OF HANOVER

4

5 I, Denise M. Whitehurst, Court Reporter,
6 certify I reported and transcribed the foregoing,
7 which is complete and accurate to the best of my
8 ability.

9 I am not related to nor employed by any
10 counsel, witnesses, or parties, nor otherwise
11 interested in the outcome thereof.

12 Given under my hand this 18th day of
13 February, 2004.

14

15

Denise M. Whitehurst, Court Reporter

16

17

18

19

20

21

22

23

24

25

