



**Tennessee Board of Medical Examiners’
Advisory Committee for Acupuncture
Regular Committee Meeting**

Monday, February 2, 2015

MINUTES

A regular meeting of the Tennessee Board of Examiners’ Advisory Committee for Acupuncture was called to order at 1:06 p.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, TN 37243 by Committee Chair, Jill Kelly.

Member(s) Present: **Jill Kelly, LAC, Chair**
 Serina Scott, LAC, Vice Chair
 Charmaine Jamieson, Consumer
 Jian Yan, LAC
 Shelia Ann Berry-Sanders, ADS

Member(s) Absent: **None**

Staff Present: **Rene Saunders, Medical Director**
 Stacy Tarr, Unit Manager
 Hannah Lanford, OGC Attorney
 Keshia Evans, Administrator

Approval of Minutes

Ms. Jamieson made a motion to approve the August 18, 2014 minutes. Ms. Scott seconded the motion. The motion passed unanimously.

Ratification of Initially Approved Applicants

Ms. Scott made a motion to approve the new licenses, renewal and reinstatements. Ms. Jamieson seconded the motion which passed unanimously.

Office of General Counsel

Ms. Hannah Lanford reported that there is no pending rulemaking to discuss, no open files in OGC and no consent orders.

House Bill 0025 has been introduced, which is likely to be of interest to the Committee. That bill would add “dry needling” to the scope of practice of physical therapists. Ms. Lanford stated that the Committee can choose to take a position on the bill. Ms. Scott asked whether all physical therapists would be authorized to engage in dry needling. Ms. Lanford responded that they would.

The Committee discussed the bill fully and determined that it wanted to take an official position. Ms. Scott made a motion to make the Committee’s formal opposition to the bill known. The motion was seconded by Ms. Jamieson. A roll call vote was taken, with all members voting in support of the motion. Ms. Scott added that she opposed the bill because she believes it puts patients at risk. Additionally, the bill disregards the attorney general position which states that the practice of dry needling is not within the scope of practice of a physical therapist. Ms. Kelly added that the Council of Colleges in Acupuncture and Oriental Medicine is an authority that approves the education of acupuncturists in the US. According to the Council, 2,000 hours of instruction is the standard for a licensed acupuncturist. It appears that only 40-50 hours of dry needling is required for a physical therapist to engage in the practice. Ms. Kelly is concerned about this disparity and what it means for patients in Tennessee.

Discussion regarding Possible Revision of Rule 0880-12-.04

Ms. Kelly asked the Committee whether it would be interested in discussing Rule 0880-12-.04. She asked that the rule be placed on the agenda for the next meeting. Ms. Kelly believes that the rule is an undue obstacle to otherwise qualified applicants coming into Tennessee from other jurisdictions. Ms. Lanford asked Ms. Kelly what kind of amendments should be considered. Ms. Kelly said that the language is too exclusive. Ms. Scott made a motion to have this issue added to the next agenda. Dr. Saunders suggested that the Committee consider revising its reciprocity provision rather than the grandfather provision. Ms. Jamieson seconded the motion which passed unanimously. Ms. Lanford will prepare some materials in advance of the next meeting.

Ms. Kelly returned to the dry needling issue and asked Ms. Lanford whether there was anything else the Committee could do to make its opposition to the bill more formal. Ms. Lanford said that it would be best for the Committee to reach out to their legislators and/or professional associations.

Manager’s Report

Ms. Tarr, Administrative Director for the Board of Medical Examiners’ Unit, reviewed the Manager’s Report with the Committee. Ms. Tarr reported that between August 1, 2014 and December 31, 2014 the office received 26 new applications and 16 new licenses were issued. There were no reinstatements during this time. Ms. Tarr reported that 28 individuals renewed their licenses with thirty-nine percent (39%) of those renewals occurring online. She also reported that the total number of active acupuncturists as of December 2014 is 137. As of this same, date, there are 44 certified Acupuncture Detoxification Specialists (ADS).

Lapsed License Policy

Ms. Tarr directed the Committee's attention to the lapsed license policy which was been revised in an effort to obtain greater consistency across all of the professions in the BME Unit. Ms. Tarr summarized the purpose of the policy and how it is enforced by the administrative office. Mr. Yan asked if it would be possible to provide notification to licenses of their impending expiration. Ms. Tarr explained that a renewal notice is provided to all licensees approximately forty-five (45) days in advance of their expiration. Ms. Kelly asked whether the change from three (3) months to thirty days is consistent with all other professions and Ms. Tarr confirmed that it is. Mr. Yan made a motion to approve the policy. The motion was seconded by Ms. Scott. The motion passed unanimously.

Continuing Medical Education Audit (CME)

Ms. Tarr reported that between January and June of 2014, nine (9) licensees were made subject to the continuing medical education audit. Of those nine licensees, six (6) were compliant and three (3) were non-compliant. Of the three determined to be in non-compliance, two (2) licensees were deficient in the required number of CE's and one licensee failed to respond to the 2nd notice letter.

Financial Report

Ms. Crutcher from the Bureau of Health Licensure and Regulation reviewed and explained the closing financial report for FY 2014. She recommended the board consider fee reductions, as they continue to carry a surplus which far exceeds its expenditures. There is a policy which directs boards, committees and councils that close two consecutive fiscal years with a cumulative carryover that is twice the amount of the three year average of such authority's annual operational expenditures to discuss modification of its current fee structure. This discussion was initiated pursuant to that policy. Ms. Crutcher directed the Committee to a document which summarizes three reduction options. Ms. Crutcher pointed out that there were no investigative costs in 2014, which is a bit unusual. Accordingly, she would caution against being too aggressive with the reduction. Ms. Scott asked what happens if the Committee's expenditures exceeds its revenue. Ms. Crutcher explained that closing two years with a deficit will trigger a review by the Joint Committee on Government Operations, so it is important to try to achieve a balance. The Committee asked Ms. Crutcher to revise the spreadsheet and she temporarily left the meeting to do so. Upon her return, and after a thorough discussion, Ms. Scott made a motion to reduce the biennial renewal fee from \$400.00 to \$300.00. Ms. Jamieson seconded the motion. The motion passed.

Division of Investigations/Disciplinary Coordinator

Ms. Nichelle Dorroh reported that there were no pending investigations and no open complaints in the Office of Investigations. There are two (2) individuals who are being monitored. Ms. Dorroh explained that if an individual does not pay the civil penalty that is owed, the Bureau of Investigations will seek to collect. If those efforts are unsuccessful, the matter will be referred to the attorney general's office.

Next Meeting

The next meeting for the Committee is scheduled for Monday, August 17th, 2015 at 1pm CST in the Poplar Room at 1:00 p.m.

Continuing Education Requirements

At the last meeting, the Committee was asked to consider implementing a continuing education requirement for ADS. It does not appear, based on research conducted since the last meeting, that any other states that license ADS have a CE requirement for these professionals. Ms. Scott said that she believes such a requirement is unnecessary since the protocols haven't changed for many decades. Ms. Jamieson stated that the only CE that might be necessary is a course on bloodborne pathogens. Ms. Kelly suggested that an ethics course might be appropriate. Ms. Kelly was unable to find any ethics courses designed specifically for ADS. The Committee is undecided at this time as to whether such a requirement should be pursued, but will return to this issue at the next meeting.

Expanding Scope of Practice for ADS

Ms. Kelly referenced research she conducted since the last meeting which suggests that auricular detoxification may be appropriate in settings other than alcohol and drug treatment. It is also being used to treat post-traumatic stress disorder, for instance. Ms. Lanford stated that the scope of practice of an ADS is governed by statute, so such an expansion is outside the authority of the Committee at this time.

Adjournment

Having considered all committee business, Ms. Jamieson made a motion to adjourn. Ms. Scott seconded the motion. The Committee adjourned at 3:30 p.m.