

Kansas Board of Healing Arts
Acupuncturist Council Meeting
January 22, 2018 at 10:00 a.m.

- I.** Call to Order: Called to order by Tucker Poling at 10:05 a.m.
- II.** Council members present: Rhonda Bathurst, L.Ac.; Douglas Petrie, L.Ac.; Douglas Milfeld, M.D. (phone); Deb Young (phone); Cynthia Chamberlain, L.Ac. (phone). Staff present: Kathleen Lippert, Executive Director; Tucker Poling, General Counsel; Ryan Hamilton, Assistant General Counsel; Dan Riley, Disciplinary Counsel; Reese Hays, Litigation Counsel/Licensing Administrator; Nancy Dodik, Associate Disciplinary Counsel, Jennifer Smith, Complaint Coordinator. Also present: Sandra Wilkes, Diane Belquist

III. New Business

- a. Orientation and welcome-Kathleen Lippert, Executive Director
- b. Request from Dr. Milfeld for information relating to the following:
 - A. Acupuncture practice including principles, treatments, and history;
 - B. Recertification requirements from the national boards; and
 - C. Examples of practice and treatments.

11:02 a.m. Recess for break

11:08 PM: The open meeting resumed

- c. Kansas Open Meeting Act (KOMA) procedure training- Tucker Poling, General Counsel
- d. Regulations and Statutes discussions:
 - Mr. Poling asked for input regarding the Continuing Education requirements of 100-76-6 and whether these may pose any unforeseen difficulties for licensees.
 - Ms. Wilkes stated this regulation was discussed numerous times with prior general counsel.
 - Mr. Poling asked for input at the next meeting, and council members indicated that they may send Mr. Poling information and ideas in regard to potential revisions to this regulation.
 - Mr. Poling explained the process of revising a regulation and how the timing of council meetings and Board meetings could prolong the already lengthy process.

- Ms. Bathurst asked how it was permissible for K.A.R. 100-76-2 to limit examinations to the one offered by NCCAOM.
 - Mr. Poling stated equivalency language could be added if approved by the Board.
 - The Council suggested the problem is the regulation requires the examination to contain a separate biomedicine component that was not part of the exam prior to 2004. Because of this, the regulation prevents the most experienced acupuncturists from becoming licensed in Kansas.
 - The Council believed that the intent was that an applicant provide proof of passing the examination required by the NCCAOM at the time the applicant completed the examination.
 - The Council added, that because of the higher requirements for licensure in some states such as California, the NCCAOM has and continues to increase its examination and educational requirements.
 - Mr. Poling agreed that the biomedicine component was an issue recently raised as a concern, which has been discussed with stakeholders recently, because it's been reported to him that this was not a component of the exam prior to 2005. There was a "grandfathering" provision that allowed those who applied prior to January 1, 2018 to meet alternative requirements, but that window has now passed. This biomedicine requirement is the most immediate issue, because those who apply now have no option other than to comply with 100-76-2, which could require those who took the test prior to 2005 to retake the test because the test they took lacked the biomedicine component.
 - Ms. Wilkes recalled that "equivalency" language was discussed with prior general counsel as an option to avoid issues like the biomedicine issue.
 - Mr. Poling indicated that he would start working on potential revisions to address the biomedicine issue and would raise the issue at the next board meeting to try to get the regulation promulgation process started. He also asked for any other input from the council on this or other regulations, which could be discussed at the next meeting.
 - Initially, Mr. Hays suggested licensure by endorsement as an alternative to those for whom the biomedicine component was preventing licensure, but after further discussion it was clear that this would not be a viable option in many cases.
- Discussion of product sales in the practitioner's building, K.A.R. 100-76-12.
 - No specific issues were identified with the regulation.

- Discussion of affidavits
 - Council advised an affidavit is a sworn statement, usually accomplished by having the document notarized.
- Discussion of incorrect language on license certificate
 - Mr. Petrie displayed his certificate that uses the designation LAC instead of L.Ac., and states “granted the designation of Acupuncture”.
 - General Counsel will work with IT to correct the certificates.
- Discussion of 15 hours of CE annually vs. 30 hours for two years.
 - Limited CE opportunities are available for acupuncturists. This means that significant travel might be necessary to satisfy the CE requirement each year. A two-year cycle would reduce the likelihood of this or allow an acupuncturist to travel every other year for a multi-day conference.
- Discussion of renewal cycle dates.
 - Kathleen suggested the renewal cycle conflict with other profession renewal cycles.
 - If permitted by statute, other options will be considered.

12:29 p.m. Meeting adjourned.