

Jeremiah W. (Jay) Nixon
Governor
State of Missouri

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Loree V. Kessler, MPA
Executive Director

**Conference Call
Missouri Acupuncturist Advisory Committee
September 25, 2009 - 8:00 a.m.
Conference Call – 573-526-5504
Toll Free Number – 866-630-9347
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri**

Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri Acupuncture Advisory Committee, P. O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 526-1555 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri Acupuncture Advisory Committee is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The Committee may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

Please see attached agenda for this meeting.

Attachment

Tentative Open Agenda
Missouri Acupuncturist Advisory Committee
September 25, 2009 – 8:00 a.m.
Conference Call – 573-526-5504
Toll Free Number – 866-630 9347
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri

Call to Order

Jane Van Sant

Roll Call

Loree Kessler

Approval of the Agenda

Approval of Open Session Minutes

- Conference Call July 31, 2009

Legislation

Loree Kessler

Meeting Schedule

Motion to Close

Pursuant to sections 610.021 subsection (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 RSMo which authorized this agency to go into closed session during those meetings.

Adjournment

OPEN SESSION MINUTES
Missouri Acupuncturist Advisory Committee
Conference Call September 25, 2009 – 8:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri

The Missouri Acupuncturist Advisory Committee was called to order by Jane Van Sant, Advisory Committee Chairperson, at 8:02 a.m., at the Division of Professional Registration, 3605 Missouri, Jefferson City, Missouri. The executive director facilitated roll call.

Advisory Committee Members Present

Jane Van Sant, Chairperson and Public Member

Kathleen Coleton, Secretary

Jason Hackler

Rick James, D.C. (Missouri State Board of Chiropractic Examiners)

Visitors

John Schmieder, President Acupuncture Association of Missouri

Scott Penman, Penman and Winton Consulting, Inc.

Connie Clarkston, Division of Professional Registration Director of Budget and Legislation

Staff Present

Loree Kessler, Executive Director

Jeanette Wilde, Executive I

Greg Mitchell, Legal Counsel

Ms. Van Sant indicated she would be voting in open and closed session.

A motion was made by Ms. Coleton and seconded by Mr. Hackler to approve the open session agenda. Motion carried unanimously.

A motion was made by Ms. Coleton and seconded by Dr. James to approve the open minutes of the July 31, 2009 conference call. Motion carried unanimously.

Legislation

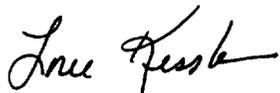
The advisory committee reviewed the language submitted by the executive director. Counsel suggested Ms. Clarkston review the draft with the division to determine if there were any concerns regarding an advisory board having subpoena authority. Ms. Clarkston indicated she would do so and advise the executive director of the division's response. A copy of the draft legislation with suggested changes, as a result of the discussion, is included with the open session minutes. The advisory committee requested this topic of discussion be included on the next conference call meeting.

Meeting Schedule

The Advisory Committee tentatively scheduled a conference call for November 6, 2009 at 8:00 a.m. Ms. Van Sant requested the agendas be emailed or placed on a secure web site to allow advisory committee to review materials online. The executive director stated she would work with the division on this request.

At 8:46 a.m. a motion made by Ms. Coleton and seconded by Dr. James to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Advisory Committee members voting aye: Ms. Coleton, Dr. James, Mr. Hackler, and Ms. Van Zant. Motion carried unanimously.

At 8:51 a.m., a motion was made by Dr. James and seconded by Ms. Coleton to convene in open session and adjourn the conference call meeting. Advisory Committee members voting aye: Dr. James, Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.



Loree Kessler, Executive Director Approved by Advisory Committee on November 6, 2009

Duties of board--rulemaking authority--acupuncturist fund created, use of.

324.481. 1. [The board shall upon recommendation of the committee license applicants who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees required for this licensure.]

[2.] The [division] **advisory committee** shall:

(1) Prescribe the design of all forms to be furnished to all persons seeking licensure pursuant to sections 324.475 to 324.499;

(2) Prescribe the form and design of the license to be issued pursuant to sections 324.475 to 324.499.

[3. The board shall:]

[(1)] (3) Maintain a record of all [board and] committee proceedings regarding sections 324.475 to 324.499 and of all acupuncturists licensed in this state;

[(2)] (4) Annually prepare a roster of the names and addresses of all acupuncturists licensed in this state, copies of which shall be made available upon request to any person paying the fee therefor;

[(3)] (5) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

[(4)] (6) Adopt an official seal;

[(5)](8) Inform licensees of any changes in policy, rules or regulations;

[(6)](9) [Upon the recommendation of the committee,] set all fees, by rule, necessary to administer the provisions of sections 324.475 to 324.499.

4. [The board may with the approval of the advisory committee] **Upon notification to the board, the advisory committee shall:**

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend or revoke licensure;

(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions of sections 324.475 to 324.499 including, but not limited to, regulations establishing:

(a) Standards for the practice of acupuncture;

(b) Standards for ethical conduct in the practice of acupuncture;

(c) Standards for continuing professional education;

(d) Standards for the training and practice of auricular detox technicians, including specific enumeration of points which may be used.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

6. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the ["Acupuncturist Fund" which is hereby created] **State Board of Chiropractic Examiners' Fund** .

7. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the acupuncturist fund for the preceding fiscal year.