Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

ACUPUNCTURIST ADVISORY COMMITTEE
3605 Missouri Boulevard
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Loree V. Kessler, MPA
Executive Director

Missouri Acupuncturist Advisory Committee
October 7, 2011 – 8:00 a.m.
Conference Call Number - 573-526-6207
Toll Free Number – 866-630-9356
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
October 7, 2011 – 8:00 a.m.
Conference Call Number - 573-526-6207
Toll Free Number – 866-630-9356
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
- September 2, 2011 Conference Call Minutes

Financial Report (No Materials)

Auricular Detox Technician

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
September 2, 2011 – 8:00 a.m.
Missouri Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 8:07 a.m., the Missouri Acupuncturists Advisory Committee telephone conference call meeting was called to order by Jane Van Sant, chairperson, at the Missouri Division of Professional Registration, located at 3605 Missouri Boulevard, Jefferson City, Missouri.

Advisory Committee Members Present
Jane Van Sant, Chairperson
Kathleen Coleton
Jason Hackler

Staff Present
Loree Kessler, Executive Director
Jeanette Wilde, Executive I
Greg Mitchell, Counsel

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

A motion was made by Mr. Hackler and seconded by Ms. Coleton to approve the open session agenda. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

A motion was made by Ms. Coleton and seconded by Mr. Hackler to approve the open session notes of the July 8 conference call. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

A motion was made by Mr. Hackler and seconded by Ms. Coleton to approve the August 12 conference call minutes and August 17 mail ballot minutes. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

Auricular Detox Technicians
The advisory committee reviewed the table of information regarding the regulation of detox techs in seventeen states. The executive director and counsel were directed to draft an amendment to the auricular detox regulation requiring a minimum of four hours supervision by a licensed acupuncturist per month for the first three months a detox technician is working. At least two hours per month the licensed acupuncturist must provide on site supervision of detox technician's work and the remaining two hours of general supervision. After three months supervision consists of at least one hour per month observing on-site or supervision by electronic means.

Ms. Coleton suggested she and Mr. Hackler review all regulations to make sure no other areas required amending.

Detox Supervisor Application
Jason Hackler's application for supervision met the requirements and was approved.

Meeting Schedule
The advisory committee tentatively scheduled a conference call for 8:00 a.m. on October 7, 2011.

At 8:44 a.m., a motion was made by Ms. Coleton and seconded by Mr. Hackler to convene in closed session 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. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

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

Executive Director

Approved by Advisory Committee on

Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
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Loree V. Kessler, MPA
Executive Director

Memo

To: Advisory Committee Members

From: Loree Kessler

CC: File

Date: September 26, 2011

RE: Detox Technician Regulation

Attached is a rough draft of amendments to the detox technician regulation. Language in brackets and italics [*italics*] is being deleted from the regulation. Language in **bold** is being added.

Again, this is a very rough draft based upon the July information gathering conference call, prior advisory committee discussion and language forwarded by counsel.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2015—Acupuncturist Advisory Committee
Chapter 4—Supervision of Auricular Detox Technicians and Acupuncturist Trainees

20 CSR 2015-4.010 Supervision of Auricular Detox Technicians

PURPOSE: This rule outlines the requirements for supervision of auricular detox technicians.

(1) An auricular detox technician (hereinafter technician) shall insert and remove acupuncture needles in the auricle of the ear only. The points where a technician shall insert needles are limited specifically to the points known as Shen Men, Lung, Liver, Kidney, and Sympathetic as described and located by the National Acupuncture Detox Association (NADA) or other national entity approved by the advisory committee.

(2) [*A licensed acupuncturist shall provide supervision of a technician. For the purpose of this rule, electronic communication is acceptable for supervision if the communication is visually and/or verbally interactive, and no more than fifty percent (50%) of the supervision shall be by electronic means.*] **When providing supervision to a technician, a licensed acupuncturist, shall meet face-to-face with the technician a minimum of ??? hours per week during first ??? months of supervision. For the purpose of this regulation, face to face supervision shall include observing the auricular detox technician providing services at the program site.**

(A) Following the first ??? months of supervision, the licensed acupuncture shall meet with the detox technician at least ??? hours per week per month. At least ??? hours fifty (50) percent of these hours must be face to face as defined in 20 CSR 2015-4.010(20). The remaining hours of supervision may be provided via telephone, email, or electronic communication in which the licensed acupuncturist and detox technician are interacting visually and verbally. NOTE: Does the advisory committee want to require an onsite visit also?
[*(A)*] **(B)** A licensed acupuncturist shall be available on-site or by telephone or pager when the detox technician is providing services as defined in 20 CSR 2015-4.010(1).

[*(3) Each technician shall meet with the licensed acupuncturist supervisor face-to-face a minimum of two (2) hours per week every two (2) weeks for each detox program utilizing the technician. The technician must obtain at least four (4) hours of face-to-face supervision within a calendar month for each detox program.*]

(4) The licensed acupuncturist must exercise professional judgement when determining the number of technicians s/he can safely and effectively supervise to ensure that quality care is provided at all times.

(5) Any duties assigned to a technician must be determined and appropriately supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the detox technician being supervised. An acupuncturist may delegate to a technician only specific tasks that are not evaluative, assessment oriented, task selective, or recommending in nature.

(6) [*The licensed supervising acupuncturist is responsible for the professional conduct of a technician functioning in the acupuncture setting and performing procedures as defined in section (1) of this rule.*] **NOTE: This language may be too vague and broad. What is professional conduct? Can an LAc be truly responsible for a how a technician acts? Does this need to be limited to auricular detox procedures only?**

(A) When referring to services provided by a technician, the following terms, auricular detox, auricular detoxification, or auricular acupuncture must be used.

(7) Duties or functions that a technician may not perform include, but are not limited to:
(A) Interpretation of referrals or prescriptions for acupuncture services;
(B) Evaluative procedures;
(C) Development, planning, adjusting or modification of acupuncture treatment procedures;

(D) Acting on behalf of the acupuncturist in any matter related to direct patient care that requires judgement or decision making; and

(E) Any acupuncture service performed independently or without supervision of a licensed acupuncturist.

AUTHORITY: sections 324.475, 324.481, and 324.484, RSMo 2000. This rule originally filed as 4 CSR 15-4.010. Original rule filed July 24, 2001, effective Feb. 28, 2002. Moved to 20 CSR 2015-4.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008.*

**Original authority: 324.475, RSMo 1998, amended 1999; 324.481, RSMo 1998, amended 1999; and 324.484, RSMo 1998, amended 1999.*