



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
P.O. Box 1335
Jefferson City, MO 65102-1335
Telephone: 573/526-1555
Fax: 573/751-0735
800-735-2966 TTY Relay Missouri
800-735-2466 Voice Relay Missouri
acupuncture@pr.mo.gov

Loree V. Kessler, MPA
Executive Director

Conference Call
Missouri Acupuncturist Advisory Committee
January 9, 2012 - 8:30 a.m.
Conference Call – 573-526-5398
Toll Free Number – 866-630-9345
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

Missouri Acupuncturist Advisory Committee
Open Session Agenda
January 9, 2012
Page 1

Conference Call
Missouri Acupuncturist Advisory Committee
January 9, 2012 - 8:30 a.m.
Conference Call – 573-526-5398
Toll Free Number – 866-630-9345
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 November 23, 2011

Financial Report

Detox Technician Regulation

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
November 23, 2011 – 8:30 a.m.
Missouri Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 8:32 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

Visitor

Chris Powell – President Acupuncture Association of Missouri

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 October 7th conference call. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

Dry Needling

Chris Powell, President of the Acupuncture Association of Missouri provided information to the advisory committee concerning other professions providing dry needling with either little or no training. Mr. Powell explained that Colorado is one state where there has been considerable discussion regarding this technique being used by licensed physical therapists.

Counsel asked Mr. Powell if there were statutory provisions defining dry needling in any other state statutes that regulate acupuncture.

There is a 12 hour program available that is a course of instruction on dry needling. Another question arose regarding the purchase of needles without being licensed.

The advisory committee suggested that any web site or advertisements regarding dry needling by unlicensed practitioners be forwarded to the advisory committee office.

Finally, counsel was directed to review the law and research materials that had been sent to the State Board of Chiropractic Examiners with an overview at the next conference call meeting.

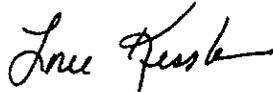
The advisory committee thanked Mr. Powell for providing this information and to continue to send any additional information he may receive to the advisory committee office.

Meeting Schedule

The advisory committee tentatively scheduled a conference call for 8:30 a.m. on January 9, 2012.

At 8:57 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 9:00 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

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Acupuncturists - 0882																
2	FY 2011 Monthly Fund Balance Sheet																
3	FY 2011 Actual														FY 2011 Projections		
4		July	August	September	October	November	December	January	February	March	April	May	June	Lapsed July	YTD Total	Projected	Remaining (Projected - YTD Total)
5	Beginning Fund Balance	27,606.54	27,018.40	26,536.77	25,021.56	24,730.69	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	0.00	(978.40)
6	Revenue	0.00	339.20	0.00	0.00	639.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	978.40	0.00	(978.40)
7	Total Funds Available	27,606.54	27,357.60	26,536.77	25,021.56	25,369.89	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	978.40	0.00	(978.40)
8																	
9	Appropriation Costs:																
10	Expense and Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	Total Appropriation Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13																	
14	Transfer Costs:																
15	Rent	0.00	0.00	12.04	6.02	6.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.08	0.00	(24.08)
16	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	DIFP Department Cost Allocation	10.99	0.00	0.00	10.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21.85	0.00	(21.85)
19	License Refunds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21																	
22	PR Transfer:																
23	Division-Wide Costs	0.00	20.41	32.24	20.97	20.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	94.40	0.00	(94.40)
24	Purchasing Staff	0.00	0.50	0.50	0.43	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.96	0.00	(1.96)
25	PR/IT Staff	0.00	2.21	0.79	1.48	1.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.18	0.00	(6.18)
26	Legal Team	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
27	CRR Staff	0.00	7.09	7.59	6.61	7.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28.66	0.00	(28.66)
28	Board Specific:																
29	Expense/Equipment	0.00	635.61	1,256.30	62.70	266.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,221.47	0.00	(2,221.47)
30	Start-up Loan Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	Personal Services	0.00	85.02	85.02	85.02	85.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	340.08	0.00	(340.08)
32	Fringe Benefits	0.00	36.43	36.60	36.60	36.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	146.23	0.00	(146.23)
33	Technical Support Staff	0.00	17.41	35.26	0.88	1.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.57	0.00	(54.57)
34	Central Mail Processing	0.00	6.77	6.28	5.62	5.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.27	0.00	(24.27)
35	CIU Investigations	0.00	9.37	42.59	53.68	9.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115.35	0.00	(115.35)
36	Total PR Transfer	0.00	820.82	1,503.17	273.99	435.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,033.17	0.00	(3,033.17)
37																	
38	OA Cost Allocation Transfer:																
39	OA Cost Allocation - Board Cost	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40	OA Cost Allocation - PR Cost	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
41	Total OA Cost Allocation Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
42																	
43	GR Transfer:																
44	Attorney General	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
45	Administrative Hearing Comm.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
46	Total GR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47																	
48	FY 2010 Transfers Carried Over:																
49	FY 2010 June PR Transfer (E&E)	374.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	374.32	0.00	(374.32)
50	FY 2010 June PR Transfer (PS)	202.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	202.83	0.00	(202.83)
51	FY 2010 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
52	FY 2010 PR Transfer Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
53	FY 2010 Final Rent Transfer Adj	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	(0.01)
54	FY 2010 AG - June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
55	FY 2010 AHC - December Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
56	FY 2010 AHC - June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
57	Total FY 2010 Transfers Carried Over	577.15	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	577.16	0.00	(577.16)
58	Total Transfers	588.14	820.83	1,515.21	290.87	441.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,656.26	0.00	(3,656.26)
59	Total Appropriation Costs and Transfers	588.14	820.83	1,515.21	290.87	441.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,656.26	0.00	(3,656.26)
60	Ending Fund Balance	27,018.40	26,536.77	25,021.56	24,730.69	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68	24,928.68			



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
P.O. Box 1335
Jefferson City, MO 65102-1335
Telephone: 573/526-1555
Fax: 573/751-0735
800-735-2966 TTY Relay Missouri
800-735-2466 Voice Relay Missouri
acupuncture@pr.mo.gov

Loree V. Kessler, MPA
Executive Director

Memo

To: Advisory Committee Members

From: Loree Kessler

A handwritten signature in cursive script that reads "Loree Kessler".

CC: File

Date: December 29, 2011

RE: Detox Technician Regulation

Counsel and I have been exchanging drafts of language for the detox technician regulation. Attached is a draft. The information that is in bold is new language. The language in italics and bracketed would be removed. Comments and changes from counsel are in blue and my responses are in red.

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. [LOREE: I would KEEP this first sentence because it sets the basic requirement that Detox techs must be supervised by a L.Ac.] The law does not mandate supervision by an acupuncturist only. An, MD, DO, or DC certified in acupuncture could supervised a technician. So I deleted the first sentence. [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 have supervisory contact with the technician a minimum of four (4) hours per month. I think "meet" is easier to understand versus supervisory contact. The regulation already states the acupuncturist is providing supervision to a technician. Items (A) and (B) get into the specifics of the type of meeting that must occur.~~

(A) A minimum of two (2) hours per month shall consist of face to face supervision, no less than fifty (50) continuous minutes per supervisory session, and include observing the technician inserting and removing acupuncture needles in the auricle of the ear.

(B) The remaining two (2) hours per month of supervisory meetings may be face to face or via electronic communication, including but not limited to telephone contact or internet audio-visual or video and in increments of fifty (50) minutes, twenty (20) minutes or ten (10) minutes. I thought about including types. What about "telephone, internet based (email), or simultaneous verbal and visual communication via the internet"?

~~[(A)]~~ (3) 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.

Deleted: [

Deleted: .

Formatted: Font: Not Italic

Formatted: Font: Bold

Formatted: Font: (Default) Arial

Deleted: meet

Deleted:

Formatted: Font: (Default) Arial, Italic

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, Italic

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

47 (6) [The licensed supervising acupuncturist is responsible for the professional conduct of a technician
48 functioning in the acupuncture setting and performing procedures as defined in section (1) of this rule.]
49 When providing supervision to a technician, a licensed acupuncturist shall be responsible for the
50 oversight of the auricular detoxification procedures. When referring to procedures provided by a
51 technician, only the terms "auricular detox", "auricular detoxification", or "auricular"
52 acupuncture shall be used.

Deleted: the following
Deleted: ,
Deleted: must

53 (7) Duties or functions that a technician [may] shall not perform include, but are not necessarily limited
54 to: Is the word "necessarily" needed?

- 55 (A) Interpretation of referrals or prescriptions for acupuncture services;
- 56 (B) Evaluative procedures;
- 57 (C) Development, planning, adjusting or modification of acupuncture treatment procedures;
- 58 (D) Acting on behalf of the acupuncturist in any matter related to direct patient care that requires
59 independent judgement or decision making; and My understanding from the committee is that a
60 technician doesn't make any type of judgement related to patient care. That was the problem in Joplin
61 and with detox techs that think they can treat more than authorized by the regulation. I would
62 recommend removing reference to the word "independent".
- 63 (E) Any acupuncture service performed independently or without supervision of a licensed
64 acupuncturist.

Formatted: Font: Bold

65 *AUTHORITY: sections 324.475, 324.481, and 324.484, RSMo 2000. * This rule originally filed as 4 CSR*
66 *15-4.010. Original rule filed July 24, 2001, effective Feb. 28, 2002. Moved to 20 CSR 2015-4.010,*
67 *effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008.*

68 *Original authority: 324.475, RSMo 1998, amended 1999; 324.481, RSMo 1998, amended 1999; and
69 324.484, RSMo 1998, amended 1999.

70

OPEN SESSION MINUTES
Missouri Acupuncturist Advisory Committee
January 9, 2012 – 8:30 a.m.
Missouri Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 8:32 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, Processing Licensure Supervisor
Greg Mitchell, 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. 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 minutes of the November 23, 2011 conference call. Advisory committee members voting aye: Ms. Coleton, Mr. Hackler, and Ms. Van Sant. Motion carried unanimously.

Financial Report

The advisory committee reviewed the financial report noting that the fee regulation to apply for a license would be \$200. The potential reduction of the renewal fee would need to be evaluated at the end of the current fiscal year to determine if projected revenues were adequate to support advisory committee operations.

Meeting Schedule

The advisory committee tentatively scheduled a conference call for 8:30 a.m. on March 12, 2012.

At 8:52 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 9:14 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 April 13, 2012