

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
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Loree V. Kessler, MPA
Executive Director

Missouri Acupuncturist Advisory Committee
July 8, 2011 – 1:15 p.m.
Conference Call – 573/526-6012
Toll Free – 866/630-9353
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
July 8, 2011 – 1:15 p.m.
Conference Call – 573/526-6012
Toll Free – 866/630-9353
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri**

On this date, Ms. Kathleen Coleton and Mr. Jason Hackler will convene via conference call to discuss supervision of auricular detox technicians and applicable laws and/or regulations.



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Loree V. Kessler, MPA
Executive Director

Memo

To: Jason Hackler & Kathleen Coleton

From: Loree Kessler

A handwritten signature in black ink that reads "Loree Kessler".

CC: File

Date: July 1, 2011

RE: July 8, 2011 Conference Call

Because the topic to be discussed by both of you is in the public interest, the conference call meeting has been posted and individuals may call in via the long distance or toll free telephone number. As a reminder, there will be no motions or votes. Discussion, directives to staff and recommendations for future agendas are appropriate.

The terms, auricular detox technician and auricular detox treatment are defined within the law in section 324.475 (3) and (4) RSMo respectively, (see below).

"Auricular detox technician", a person trained solely in, and who performs only, auricular detox treatment. An auricular detox technician shall practice under the supervision of a licensed acupuncturist. Such treatment shall take place in a hospital, clinic or treatment facility which provides comprehensive substance abuse services, including counseling, and maintains all licenses and certifications necessary and applicable;"

"Auricular detox treatment", a very limited procedure consisting of acupuncture needles inserted into specified points in the outer ear of a person undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;"

These are statutory definitions and to change the language requires a bill to be filed with the Missouri House and/or Senate and the bill to go through the hearing and corresponding legislative process.

Along with the statutory provisions addressing this area, the Code of State Regulations provides regulatory oversight in 20 CSR 2015-4.010 (see below)

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.

(A) 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.

(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.*

Unlike a law, a regulation is drafted by the advisory committee, approved by multiple entities from the State Board of Chiropractic Examiners through the Joint Committee on Administrative Rules. Thus, the ability to amend regulatory language can be easier than changing an existing law.

Listed below is a summary of topics of discussion as outlined in prior emails from practitioners and you.

- Broaden scope of practice for auricular detox technicians to include mental and behavioral health programs.
- Trauma and disaster response. Recent example, Joplin.
- NADA training and supervision

- MDs, DOs, and DCs supervising auricular detox technicians. (See statutory exemption below)

324.484. Persons exempt from licensing requirements. -- 1. Nothing in sections 324.475 to 324.499 shall be construed to apply to physicians and surgeons licensed pursuant to sections 334.010 to 334.265, RSMo, or chiropractic physicians licensed pursuant to chapter 331, RSMo; except that, if such physician or surgeon or chiropractic physician, with or without a current certification in meridian therapy, uses the title, licensed acupuncturist, then the provisions of sections 324.475 to 324.499 shall apply.

2. No license to practice acupuncture shall be required for any person who is an auricular detox technician, provided that such person performs only auricular detox treatments as defined in section 324.475, under the supervision of a licensed acupuncturist and in accordance with regulations promulgated pursuant to sections 324.475 to 324.499. An auricular detox technician may not insert acupuncture needles in any other points of the ear or body or use the title, licensed acupuncturist.

(L. 1998 H.B. 1601, et al. § 18, A.L. 1999 H.B. 343 merged with S.B. 8 & 173)

The NADA US Policy Chart is included with this memorandum.

NADA U.S. Policy Chart

National Acupuncture Detoxification Association
 nadaoffice@acudetox.com
 PO Box 1655 Columbia, MO 65205-1655



A. Legal Status
 B. Supervision req.
 C. Who can supervise
 D. Cred. qualifying for NADA Practice
 E. # of NADA trainees

NADA Policy Chart (USA)

Chart shows US states with legal policies which enable NADA addictions and behavioral health programs to operate cost-effectively and conveniently. Data based on best available information but is subject to change. Individuals may wish to verify facts with local authorities.

	A	B	C	D	E	Authority	Who writes Regulations?
Arizona	S	G-	LAc	NT, MD, ND, PA+, DC+	450	Acupuncture Board	Acupuncture Board
Arkansas	S	G	DOM	NT	13	Acupuncture Board	n.s.
Colorado	PD	G	MD	N, MD	70	Delegating Physician	NA
Connecticut	S	G-	MD	NT, MD, DC, ND, N-, PA-	140	Department of Public Health	Department of Public Health
Delaware	S	NS	NS	NT	19	Medical Board	Acupuncture Advisory Council
Georgia	S	DS	LAc, MD+	NT, MD+	63	Medical Board	Acupuncture Advisory Committee
Idaho	S	NS	NS	NS	8	Acupuncture Board	n.s.
Illinois	AR	NS	NS	N	131	Nursing Board	n.s.
Indiana	S	G	LAc, MD	NT, MD, DC+	61	Medical Board	Medical Board
Louisiana	S	G	ACA, MD	NT	75	Medical Board	Medical Board
Maryland	S	G-	LAc	NT, CD, P, SW	307	Acupuncture Board	Acupuncture Board
Michigan	AR	NS	MD	NT	503	Dept. of Consumer and Industry Services	Department of Community Health
Missouri	S	G-	LAc, MD, DC	NT, MD, DC+	14	Chiropractic Board	Acupuncture Advisory Committee
New Mexico	S	G-	DOM	NT or equiv.	123	Acupuncture Board	Acupuncture Board
New York	S	G-	LAc, MD, D	NT, MD+, D+	804	Dept. of Health, Office of Mental Health, Office of Alcoholism and Sub. Ab. Services	Dept. of Health, Office of Mental Health, Office of Alcoholism and Sub. Ab. Services.
N. Carolina	PD	G	MD	NT	113	Delegating Physician	NA
S. Carolina	S	OS	LAc	NT	49	Medical Board	Acupuncture Advisory Committee
Tennessee	S	NS	LAc, MD+	NT, MD	109	Medical Board	Acupuncture Advisory Committee
Texas	S	G	LAc, MD	MD, N, SW, LPC, P, CD, DC	297	Medical Board	Acupuncture Advisory Board
Vermont	S	G	LAc	NT, MD, DC	46	Acupuncture Board	Acupuncture Board
Virginia	S	G	LAc, LPA	NT, MD+, DC+	346	Department of Health	Community Service Boards
Washington	AR	G	N, MD	N	229	Nursing Board	n.s.

- A. Legal Status:** Statute (S) Administrative Rule (AR) Physician Delegation (PD)
B. Supervision required: General (G) General with some on site (G-) On site (OS) Direct line of site (DS) Not Specified (NS)
C. Who can supervise: Physician (MD) Licensed Physician-Acupuncturist (LPA) Licensed Acupuncturist (LAc) Dentist (D) Chiropractor (DC) Program (P) Doctor of Oriental Medicine (DOM) Acupuncturist Assistant (ACA)
D. Credentials: NADA Trained (NT) Physician (MD) Nurse (N and N-) Licensed Professional Counselor (LPC) Social Worker (SW) Psychologist (P) Chemical Dependency Counselor (CD) Chiropractor (DC) Naturopath (ND) Physician Assistant PA (PA- & N- physician supervision required)
E. Includes LAc's with NADA training, per NADA directory of all past NADA trainees through Jan2011

Originally compiled by Laura Cooley and Jay Renaud published as "Acu Detox Law Chart"; Updated May 2011 by Ryan Bemis, Sara Bursac and the NADA Office.

888-765-NADA acudetox.com
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Loree V. Kessler, MPA
Executive Director

**ACUPUNCTURE ADVISORY COMMITTEE
JULY 8, 2011 1:15 P.M.
CONFERENCE CALL NOTES**

On this date the Acupuncturist Advisory Committee facilitated a conference call to discuss and gather information regarding the acupuncture detox technician regulation. Jason Hackler, advisory committee member served as conference call facilitator.

Conference Call Participants

Kathleen Coleton, Acupuncture Advisory Committee Member
Jason Hackler, Acupuncturist Advisory Committee Member
Chris Powell, Kansas City, President Acupuncture Association of Missouri
Michael Max, St Louis Treasurer Acupuncture Association of Missouri
Afua Bromley, St. Louis, LAc
Sara Bursac, Ashland National Acupuncture Detoxification Association Representative
Lynn Maloney, Columbia, LAc
Sage Norbury, Lees Summit, LAc

Staff

Loree Kessler, Executive Director
Jeanette Wilde, Executive I

Mr. Hackler provide an overview of the conference call format and requested each participant announce their name before commenting.

Afua Bromley – Provided information regarding her experience as a supervisor of detox technicians for 5 years. Ms. Bromley explained the statutory language was based upon the experience of Greg Boyle, LAc's working in a detox clinic in the Kansas City area. Ms. Bromley added that based upon her experience she was not in opposition to decreasing the supervision through a graduate format such as three months at four hours per month; the decrease to 1 hour face to face per month, then electronic format. Ms. Bromley noted that once a program is underway and detox techs are experienced,

supervision can be reduced as long as the LAc does not see problems. By months three or four, a LAc would likely spend the majority of the one hour supervision in direct observation and checking records.

Chris Powell – Sited Maine and Colorado's requirements. Indicated that a minimum number of hours of supervision needs to be within the regulation. Mr. Powell added that his experience with detox technicians was similar to Ms. Bromley's.

Jason Hackler – Verified that conference call participants had received the table and information provided by Ms Bursac.

Sara Bursac – Summarized the information she had reviewed regarding supervision for detox technicians was "as needed" noting variations amongst the states. Three months time frame for direct supervision is a considerable amount of time. Generally, licensed acupuncturists must be on site while the detox treatments are occurring referring to the states of Georgia, South Carolina and New York. Supervision is general with onsite consult is usually what is encountered in other states. Missouri appears to be the most active in requiring supervisory meetings. Some states have MDs as supervisors or licensed acupuncturists.

Kathleen Coleton – Discussed that some states are similar to Missouri and recommends no change at this time. Looking at the data and other states, Missouri appears to be in the middle. Pointed out that 17 of the 18 states NADA stated as not having supervision, do have supervision by the physician or a LAC. The last one was unclear about supervision.

Sage Norbury – Question on supervision and if detox techs are doing a lot of treatments with supervision and does that have an impact? Compensation for supervision is not addressed in the regulation.

Kathleen Coleton – Reimbursement is up to the program director and/or source of funding.

Jason Hackler – Has payment been an issue?

Afua Bromley – Public protection is the board's role, not whether financial viability is there. Addressing what minimum supervision is needed to keep the public safe.

Sage Norbury – Noted the small number of patients treated versus hours of supervision required.

Michael Max – Once a program is up and running, there could be a reduction in supervision over time. What are the milestones that need to be met to justify less time for supervision? That could be spelled out within the regulation.

Lynn Maloney – Looking at gradually reducing supervision hours after three months. What dangers are due to lack of supervision? Have not heard of that happening.

Jason Hackler – Provided his experience in working in detox treatment via a non profit and private practice. Supervision is needed and a timeframe such as one hour per month with a supervisor update every two weeks would be a format for supervision. Added, decreasing supervisor hours would only happen after three months and only if licensed acupuncturist supervisor felt the program and detox technician were ready for less face to face supervision

Kathleen Coleton – Addressed volume of treatment versus supervision noting that more supervision is needed at the beginning, even though number of treatments may be lower.

Sage Norbury – What is needed for supervision and how people want it delivered.

Jason Hackler – Summarized Sage Norbury's and Michael Max's comments. Looking at scope of practice and how NADA and AAM responded to Joplin disaster.

Kathleen Coleton – Disaster response is based upon the Governor's proclamation.

Michael Max – Governor makes determination?

Kathleen Coleton – Responded that, in hindsight, the Governor's office could be petitioned. Noted that she had queried DPR twice.

Sage Norbury – Auricular detox technicians providing acupuncture during a disaster could be practicing without a license.

Jason Hackler – What can be done regarding disaster response?

Michael Max – Reported that according to his state senator, disaster situation is Governor's call. Could petition Governor's at that time. Noted that if law would be amended to accommodate disaster situations there is a risk for amendments that are not beneficial. There is an inherent danger when you open up the law.

Jason Hackler – Asked AAM and NADA to draft disaster language.

Sage Norbury – Asked Ms. Bromley if she has supervisor forms for the purpose of documentation.

Afua Bromley – Forms to become a detox supervisor are available from the advisory committee office.

Kathleen Coleton – Explained that the LAC supervisor needs to document the program and identify the detox technicians that will be supervised.

Sara Bursac - Commented on NADA and public safety noting that if there is more flexibility, more types of programs can develop. She added that to her knowledge there had been claims of a safety breach.

At 1:58 p.m. the conference call concluded. All participants were thanked for their input.



Executive Director

Approved by Advisory Committee on September 2, 2011