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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING MINUTES:</b>	<b>ACUPUNCTURE ADVISORY COUNCIL OF THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, March 13, 2014 at 3:00 p.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard Conference Room B, Second Floor, Cannon Building Dover, Delaware
<b>MINUTES APPROVED:</b>	July 18, 2014

**MEMBERS PRESENT**

Alan Keith Tillotson, Council Member, Presiding  
May Bai, Council Member  
James J. Frisa, Council Member  
Vincent Lobo, D.O., Ex-Officio Council Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Eileen Kelly, Deputy Attorney General  
Patricia Davis-Oliva, Deputy Attorney General  
Shauna Slaughter, Executive Director

**MEMBER ABSENT**

Jennifer Baust, R.N., Council Member

**ALSO PRESENT**

Sharon Crowell

**CALL TO ORDER**

Mr. Tillotson called the meeting to order at 3:00 p.m.

Ms. Bai moved, seconded by Mr. Frisa, for the Council amend the agenda to include a discussion about sending a mass communication to existing acupuncture licensees to advise them of the proposed changes to the Physical Therapy. Motion unanimously carried. This item will be added as agenda item 4.4.

**REVIEW AND APPROVAL OF MINUTES**

The Council reviewed the December 12, 2013 minutes for approval. Mr. Tillotson moved, seconded by Mr. Frisa, to approve the minutes as written. Motion unanimously carried.

**UNFINISHED BUSINESS**

Consider and Sign Order on Proposal to Deny Hearing Held for Sharon Crowell

The council reviewed the Order regarding Sharon Crowell. The Order was circulated for council members' signatures.

Consider and Sign Order on Proposal to Deny Hearing Held for Susan Berman

The council reviewed the Order regarding Susan Berman. The Order was circulated for council members' signatures.

Consider and Sign Order on Proposal to Deny Hearing Held for Jeanette Akhter, M.D.

The council reviewed the Order regarding Jeanette Akhter, M.D. The Order was circulated for council members' signatures.

**NEW BUSINESS**

Discuss Letter to the Medical Board Regarding Physical Therapists Inclusion of Dry Needling in their Scope of Practice

The council discussed upcoming legislation being proposed by the Board of Physical Therapy and Athletic Trainers which would allow physical therapists to perform dry needling. The council does not support dry needling being performed by physical therapists. The council reviewed and discussed a letter prepared by Mr. Tillotson to be sent to the Board of Medical Licensure and Discipline asking for them to make a determination and issue their recommendation to the Legislature as to whether physical therapists should be allowed to practice Acupuncture/Dry Needling in Delaware. Mr. Tillotson moved, seconded by Ms. Bai, to approve the letter. Motion unanimously carried.

Discussion about Sending a Mass Communication to Existing Acupuncture Licensees Regarding Proposed Statutory Changes by the Board of Physical Therapy and Athletic Changes

Mr. Tillotson moved, seconded by Ms. Bai, to send a mass communication to all acupuncture licensees to advise of the legislation being proposed by the Board of Physical Therapy and Athletic Trainers and to advise of the dates of upcoming Joint Sunset Committee hearings. Motion unanimously carried. Ms. Slaughter advised the council that all mass communications are required to be approved by the Division director. Ms. Slaughter will forward the council's request to the director and notify the council via email of the decision.

Discuss Meaning, Interpretation and Use of Waiver Clause for Delaware Residents Meeting the Standards for Grandfathering vs. Non-Delaware Residents

Ms. Kelly asked for clarification regarding why a person would not need to be licensed to be an herbalist in Delaware, but the Board requires herbal medicine education to obtain licensure as an acupuncturist. Mr. Tillotson explained the difference between an herbalist in a retail setting versus a person practicing Chinese herbal medicine. Ms. Bai also provided some detail regarding education required for persons practicing Chinese herbal medicine.

Review Application for Licensure as an Acupuncture Practitioner

The Council reviewed the application by original licensure as an acupuncture practitioner from Lauren Mund. Mr. Tillotson moved, seconded by Ms. Bai, to approve the application. Motion unanimously carried.

The Council reviewed the application by reciprocity as an acupuncture practitioner from Megan Sienicki. Mr. Tillotson moved, seconded by Ms. Bai, to propose to deny the application, as Ms. Sienicki could not submit evidence that the standards for licensure in the State of North Carolina are substantially similar or exceed the requirements in Delaware., pursuant to 24 Del. C. Section 1799D and Rule 5.3.1. Motion unanimously carried. The council advised that it appears her education and training would meet the requirements for her to take the exams in herbology and acupuncture. If she obtains her NCCAOM certification she can reapply for licensure.

### **PUBLIC COMMENT**

Ms. Crowell advised the council she has concerns regarding the council contradicting itself by granting a waiver for someone who does not have training in Chinese herbology. The council granted the waiver based on the applicants training in medical pharmacology, but in the council's discussions today they indicated that Chinese herbs are a completely than western medicine.

Ms. Crowell stated there are seven states that require the OM or herbal certification, but those states will allow acupuncture practice if the applicant had an acupuncture license prior to the OM being implemented, which was 1984.

Ms. Crowell also advised the type of practice that the council members practice is TCM. She stated there are many schools of oriental medicine. She was trained in the five element tradition which does not involve Chinese herbs. She advised by requiring OM the council is narrowing the scope of services that are provided to Delaware citizens.

### **NEXT SCHEDULED MEETING**

The next meeting will be held on Thursday, June 12, 2014 at 3:00 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

### **ADJOURNMENT**

Mr. Tillotson moved, seconded by Mr. Frisa, to adjourn. Motion unanimously carried. The meeting adjourned at 4:33 p.m.

Respectfully submitted,



Shauna R. Slaughter  
Executive Director