



Bill Richardson
Governor

STATE OF NEW MEXICO
REGULATION & LICENSING
BOARD OF ACUPUNCTURE & ORIENTAL MEDICINE

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Director

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Executive Director

**SPECIAL BOARD MEETING
AGENDA**

State Capitol Building

3rd Floor, Room 309

415 Old Santa Fe Trail

Santa Fe, New Mexico

July 12, 2006 @ 2 pm

Board Members Present:

Fiquet Hanna Duckworth, DOM, Chair
Angelique Cook-Lowry, DOM, Professional Member
Caroline Colonna, DOM, Professional Member
Kartar S. Khalsa, DOM, Professional Member
Anna C. Hansen, Public Member

Board Members Absent: Dennica Padilla, Esq., Public Member
Gary Perkowski, Public Member

Legal Counsel: Corliss Thalley, Assistant Attorney General

Staff Present: Rosemarie L. Ortiz, Administrator

Others Present: See Sign in sheet

- I. **CALL TO ORDER & ROLL CALL:** Chair Duckworth called the meeting to order at 2:03 pm. The meeting had been properly noticed and upon a roll call it was determined that there was a quorum present to conduct business.
- II. **APPROVAL OF AGENDA:** Dr. Colonna **MOVED** to approve the agenda. Dr. Cook-Lowry **SECONDED** the motion, which **PASSED** unanimously.
- III. **APPROVAL OF MINUTES**
 - A. Approval of March 9, 2006 Special Meeting Minutes: Dr. Khalsa **MOVED** to approve the minutes as amended. Dr. Cook-Lowry **SECONDED** the motion, which **PASSED** unanimously.
 - B. Approval of April 5, 2006 Rule Hearing & Regular Meeting Minutes: Ms. Hansen **MOVED** to approve the minutes as amended. In the rule hearing transcript, where Sally is referenced it should be Thalley. In the rule hearing script, where DAOM is referenced it should be BAOM. Dr. Cook-Lowry **SECONDED** the motion, which **PASSED** unanimously.
 - C. Approval of May 12, 2006 Special Meeting Minutes: Dr. Colonna **MOVED** to approve the minutes as presented. Dr. Cook-Lowry **SECONDED** the motion, which **PASSED** unanimously.
- IV. **EXECUTIVE SESSION:** Ms. Hansen **MOVED** to enter into executive session pursuant to § 10-15-1(H)(1) through (3) to discuss complaints, licensing matters and issuance of notices of contemplated action, to deliberate in connection with administrative disciplinary hearings, to discuss pending or threatened litigation or updates on pending cases. Dr. Colonna **SECONDED**

the motion. Roll was conducted, the following members were present: Dr. Khalsa, Ms. Padilla, Ms. Hansen, Dr. Duckworth, Dr. Colonna and Dr. Cook-Lowry.

A. #06-04

Ms. Hansen stated that no matters other than what was mentioned in the original motion were discussed in Executive Session.

V. DECISION ON MATTERS DISCUSSED IN EXECUTIVE SESSION (10 min)

A. #06-04: Ms. Hansen MOVED to dismiss complaint #06-04 due to no violation. The motion was SECONDED by Dr. Colonna. Members indicated the summary of the complaint was misleading and asked that a redacted copy of the actual complaint be presented in the future. The motion PASSED unanimously.

VI. APPROVAL/DENIAL ITEMS: No Discussion

- A. Approval/Denial of DOM Licenses Issued
- B. Approval/Denial of Rx1 Certifications Issued
- C. Approval/Denial of CADS Certifications Issued
- D. Approval/Denial of CADSSupervisors
- E. Approval/Denial of Externship Certification
- F. Approval/Denial of Externship Supervisor Registration

ASSISTANT ATTORNEY GENERAL DISCUSSIONS (30 min)

A. Part 2 Comments from AAG Thalley: AAG Thalley indicated she has comments on the revisions for Part 2 and asked to work with the Rules Committee. Dr. Duckworth wants AAG Thalley's input on the proposed revisions for Rx1. The proposed changes to Rx2 will also be sent to AAG Thalley for comment and review by the Rules Committee.

Most of the revisions clarify procedures for internal implementation. A question arose regarding line 108-111 regarding how those with prescriptive authority demonstrate meeting the expectation of the requirement. With regard to lines 411-412 the meaning is vague and there is no mechanism to measure the requirement. AAG Thalley referred to lines 405-574 and discussion ensued over what a program should consist of. Should the program description be placed in this section or should it be placed somewhere else? Dr. Duckworth indicated that an end point should be defined. What is the outcome of the program, what will an Rx be able to perform? The program should demonstrate competencies. There were concerns with terminology. Suggested terminology includes: 1) clinically relevant, 2) be skilled at, and 3) have a clear understanding of. Lines 112-134 were discussed. What is the point in this section? The Committee may want to refer to the statute. Lines 245-276 are too elaborate and need to be condensed. Line 477 is questionable and the phrasing needs to be re-evaluated. The Committee was directed to check the student to teach ration for incorporation into the rule in line 142. (Attachment 1 – Proposed changes to Part 2).

Dr. Khalsa asked if a movement towards prescriptive authority is being done on a national level. Dr. Duckworth indicated there might be some movement with regard to injection and possibly oxidative medicine and prolo therapy. Dr. Khalsa asked if national groups are working towards accredited programs. Dr. Duckworth

indicated New Mexico is one of the leading states in the nation with regard to prescriptive authority and there are no programs being developed to date.

VII. OLD BUSINESS

A. Future Exam/Board Meeting Schedule Review: The exam schedule and meeting schedule were briefly reviewed. The September 20th meeting was rescheduled to the 27th. Ms. Padilla will not be present for the September meeting. If the rules are ready for hearing the board will hold a public rule hearing on November 9, 2006.

B. Committee Assignments/Protocol: Dr. Colonna asked who convenes committee meetings. Dr. Duckworth indicated the Chair of that committee should convene meetings as deemed necessary or if the Board directs the committee to meet.

Dr. Cook-Lowry indicated interest in chairing the Rules Committee if Mr. Perkowski cannot.

C. Auricular Detoxification Committee

1. Proposed Rule Changes: Dr. Colonna reported that the committee met on June 30th. Dr. Colonna presented revisions to Part 16 which clarified rule requirements relating to board approved CNT exam and minor clean up. There was discussion regarding CADS in rural areas and how supervision will take place for the 40 clinic hour requirement. This matter was referred back to committee.

D. Chiropractic Committee: The Chiropractic Board is going back to its old rule. They were asked if they were going to define meridian therapy. The Chiropractic Board has not commented. They removed therapeutics. Dr. Cook-Lowry hopes there is more cooperation and communication regarding this matter with both professions. Dr. Duckworth indicated the American Medical Association is moving rapidly to close down the scopes national. Both boards should work together on this issue. An alliance should be formed to ensure that nothing slips through. The associations were encouraged to discuss this matter further.

The committee should send a letter seeking an alliance. Dr. Chamberlain introduced Ms. Arden, Executive Director, Chiropractic Association. Dr. Khalsa indicated that what has happened was a big wake up call and both professions need to work together. Economics should not impede the boards abilities to work together. Each group should work together so that misinformation and disinformation is not spread.

E. Continuing Education Committee: No Discussion

F. Educational Committee: No Discussion

G. Exam Committee: Referred to the exam schedule and indicated the exam is scheduled for October.

H. Rx Committee:

1. Modular Approach: Ms. Hansen MOVED to approve the move towards a modular approach for prescriptive authority so practitioners can decide what areas they want to focus on as opposed to obtaining a full Rx1 or Rx2. Dr. Colonna SECONDED the motion. Dr. Wilcox suggested looking at the statute to ensure it allows for a modular approach. AAG Thalley read 61-14A-8.1 NMSA 1978 and indicated the statute does not prohibit a modular approach. The motion PASSED unanimously.

2. Proposed changes to Part 2: Dr. Duckworth briefly reported on the status of the Rx Committee. Currently the committee is discussing an increase in hours and will move towards a modular approach for prescriptive authority. The Board has directed the committee to increase oxidative hours. Dr. Duckworth asked the Oriental Medicine Association of New Mexico to discuss this issue and give

feedback to the Board. Dr. Khalsa asked if this movement is being done on a national level. Dr. Duckworth indicated there might be some movement with regard to injection and possibly oxidative medicine and prolo therapy. Dr. Khalsa asked if national groups are working towards accredited programs. Dr. Duckworth indicated New Mexico is leading in the nation with regard to prescriptive authority and there are no programs being developed to date.

The issues of insulin was discussed. Dr. Duckworth indicated there is no formal training or education guidelines for the use of this substance. This discussion will continue in the Rx Committee and would like to hear comments from the associations on this subject.

Dr. Duckworth stated the Rx Committee will not entertain individual ideas. Proposals that are distributed to the public should indicate who the author is. Recently a proposal was distributed to professionals and implications of Board approval were apparent. This was misleading to the public as the revisions proposed have not been discussed by the Board. Dr. Duckworth cautioned the public on distributing inaccurate information and mentioned the use of proper communication channels.

Ms. Hansen asked the associations to ensure representatives from their organizations are present at the Rx Committee meetings.

Associations were asked to send formal communications to the Board's administrator regarding association matters.

Dr. Duckworth referred Board members to a letter from Nityamo Liam, DOM. Dr. Duckworth referred to four (4) concerns indicated in the letter. The concerns were 1) need for expert input in developing competencies, 2) regular oversight of Rx1 and Rx2 certified DOM's, 3) adequacy of training time to achieve competencies, and 4) inclusion of whole profession in discussion. Dr. Duckworth responded to the concerns as follows: 1) experts have been consulted, 2) continuing education and enforcement of rules and statute, 3) committee is addressing that now, and 4) all committees are open to the public. The Board bends over to ensure awareness of what the Board is doing. Open communication has always been a goal of the Board.

I. Rules Committee: No Discussion

J. Legislative Committee: Dr. Wilcox suggested adding the words compounding and dispensing to the statute. Dr. Duckworth advised not to open the statute to avoid outside amendments. Dr. Chamberlain indicated Oriental Medicine Association of New Mexico (OMANM) will have a legislative committee. At present there are no specific topics on the table. The OMANM will meet on September 30, 2006 and this issue will be discussed. If there is any agreed upon changes, the Board will be notified.

VIII. NEW BUSINESS (0 min: Ortiz/Various)

A. Licensure by Endorsement: Ms. Ortiz proposed changes for the Board's consideration regarding the experience portion of the endorsement rule. Currently the rule requires 80 percent of the years since 1986 of experience. As the years progress, the number of years will increase as well. Ms. Ortiz asked if that was the intent of the rule. Ms. Ortiz proposed a set number of years. In the proposal, 10 years was suggested. Dr.

Chamberlain indicated he has some language from the OMANM and will forward it to the Board for consideration.

IX. ADMINISTRATOR'S REPORT

- A. Budget Review: Ms. Ortiz briefly reviewed the budget.
- B. FAOMRA Fall Conference in Phoenix, Arizona – October 19 – 22, 2006: Ms. Hansen recommended sending Dr. Khalsa, Ms. Ortiz and Ms. Hansen to the meeting in October. Ms. Hansen MOVED to send Dr. Khalsa, Ms. Ortiz and Ms. Hansen to the FAOMRA meeting in October. Dr. Cook-Lowry SECONDED the motion, which PASSED unanimously.
- C. Correspondence
 - 1. James J. Lehman, DC, FACO: Dr. Duckworth informed Board of the discussion with Superintendent Lopez regarding doctors of oriental medicine being called doctors. Dr. Duckworth presented examples of lawyers and how they went from a Masters to a Judicial Doctorate. Dr. Duckworth also informed Superintendent Lopez that the use of the term doctor was awarded by the Legislature. Currently the DOM has the largest Masters program around. Currently the profession nationally is working towards a Doctorate which will focus on research.
 - 2. Patricia Madrid, Attorney General – Correspondence was presented to the Board as an information item and to inform the Board of its request for a special commission.
 - 3. Michelle de Medici, L.Ac. – Ms. Ortiz was directed to send a letter indicating rule revisions are in progress to address this issue.
 - 4. Alexia Trujillo, DOM - Ms. Ortiz was directed to refer Dr. Trujillo to the associations for comment.

X. TIME, DATE & LOCATION OF NEXT MEETING: September 27, 2006, Location to be determined at a later date.

XI. ANNOUNCEMENTS/PUBLIC COMMENT (2 MINUTE LIMIT PER PERSON)

XII. ADJOURN: Ms. Hansen MOVED to adjourn at 5:12 p.m. Dr. Colonna SECONDED the motion. All were in favor, the motion PASSED.

Submitted by Rosemarie L. Ortiz 9/28/2006
Rosemarie L. Ortiz, Board Administrator Date

Approved By: Fiquet Hanna Duckworth 9/28/2006
Fiquet Hanna Duckworth, Chair Date