



BOARD OF ACUPUNCTURE AND ORIENTAL MEDICINE

New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

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MINUTES - REGULAR BOARD MEETING - APRIL 17, 2009

Regulation and Licensing, 2550 Cerrillos Road, Santa Fe, New Mexico

MEMBERS PRESENT: John Pieper, Pharm.D., Public Member, Chair
Caroline Colonna, DOM, Professional Member, Vice Chair
Alix Bjorklund, DOM, Professional Member
Angelique Cook-Lowry, DOM, Professional Member
Barbara Maddoux, RN, DOM, Professional Member
Anna Hansen, Public Member

MEMBERS ABSENT: Cynthia Archuleta, Public Member

BOARD STAFF: Martha L. Gallegos, Board Administrator
Adrian Terry, Assistant Attorney General
Linda Trujillo, Acting Boards & Commissions Division Director
Kelly O'Donnell, Superintendent, Regulation and Licensing
Diane Vigil-Hayes, Exam Administrator

OTHERS PRESENT: See Sign-In Sheet (Attachment A)

I. CALL TO ORDER AND ROLL CALL

Chairman Pieper called the meeting to order at 9:25 a.m. Roll call was taken and it was determined that a quorum was present.

II. APPROVAL OF AGENDA

Dr. Colonna **MOTIONED** to approve the agenda. Dr. Bjorklund **SECONDED** the motion. Motion **PASSED** by unanimous decision.

III. APPROVAL OF MEETING MINUTES

A. November 21, 2008 Regular Board Meeting Minutes – Dr. Bjorklund **MOTIONED** to approve minutes of November 21, 2008. Dr. Colonna **SECONDED** the motion. **DISCUSSION.** A vote was taken: Dr. Bjorklund-Yes, Dr. Colonna-Yes,

Dr. Maddoux-Yes, Chair Pieper-Yes, Dr. Cook-Lowry-No, Ms. Hansen-Abstained. Motioned **PASSED.**

B. January 15, 2009 Special Board Meeting Minutes – Dr. Colonna **MOTIONED** to accept the minutes of January 15, 2009. Dr. Bjorklund **SECONDED** the motion. **DISCUSSION.** Ms. Hansen and Dr. Bjorklund abstained their votes for the reason that there needs to be clarification. Dr. Maddoux, Dr. Colonna, and Chair Pieper voted in favor. Dr. Cook-Lowry voted against. Motion **PASSED.**

C. January 22, 2009 Special Board Meeting Minutes – Dr. Colonna **MOTIONED** to accept the minutes of January 22, 2009. Dr. Bjorklund **SECONDED** the motion. Motion **PASSED** by unanimous decision.

IV. OLD BUSINESS

A. Legislative Report – Chair Pieper gave a brief overview of the legislative session. Bills 492, 789, 585 and 14, and Memorial 121 were mentioned.

B. Exam Committee Report – Ms. Vigil-Hayes stated that the exam committee is

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working on improving and streamlining the exam process. A new examiner training program is being implemented this year in order to expand the number of qualified DOM's who can serve as examiners. The office is working with the NCCAOM to get CE credits for the training. As per NCCAOM guidelines, a maximum of 10 CEU's can be awarded.

C. Committees – Chair Pieper discussed changes in the committees. He asked for individuals to send names or nominate others in the profession who are willing to sit on committees. He requested this be done by e-mail to him or to the board office next week.

V. EXECUTIVE SESSION – Dr. Colonna **MOTIONED** that the Board of Acupuncture and Oriental go into closed 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. Bjorklund **SECONDED** the motion. A roll call vote was conducted and the results were as follows: Caroline Colonna-Yes, Alix Bjorklund-Yes, Barbara Maddoux-Yes, Angelique Cook-Lowry-Yes, Chair Pieper-Yes, Anna Hansen-Yes. **MOTION CARRIED**. The Board entered into executive session at 10:06 a.m.

A. Application #2009-1

The Board came out of executive session at 10:35 a.m. Dr. Pieper stated that during executive session the board reviewed and discussed only matters related to Case 2009-1 as specified in the motion.

VI. DECISION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

A. Application #2009-1 – Dr. Bjorklund **MOTIONED** to accept the Affidavit of Experience for licensure by endorsement, and to offer the applicant a one year extension good to July 2010. Dr. Colonna **SECONDED** the motion. Motion **PASSED** by unanimous decision.

VII. NEW BUSINESS

A. Approval/Denial of CADS Certificates Issued – Ms. Vigil-Hayes presented the following list of names for CADS certification to the Board for formal approval:

1. Kelly L. Gilbreth
2. Delilah B. Gonzales
3. Rebekah E. McCann
4. David A. Montez
5. J. Digby Henry

Ms. Hansen **MOTIONED** to approve all the new CADS certifications for the individuals mentioned. Dr. Bjorklund **SECONDED** the motion. Motion **PASSED** by unanimous decision.

B. Open Meetings Resolution – Ms. Hansen **MOTIONED** to adopt the 2009-2010 open meetings resolution. Dr. Maddoux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

C. Diane C. McCarty, L.Ac. Request – Dr. Maddoux **MOTIONED** to discuss the matter in executive session at the next scheduled board meeting. Dr. Cook-Lowry **SECONDED** the motion. Ms. Hansen **ABSTAINED** from voting. Motion **PASSED** with all other board members in favor.

D. Linda Trujillo – Acting Boards and Commissions Director

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- **Application review** – Ms. Trujillo asked that the Board approve an application review committee to assist staff in the application review process with making decisions.
- **Rule revisions** – Ms. Trujillo is requesting she be involved with the Board’s rule revisions.
- **Rx questions from practitioners and pharmaceutical companies** – Ms. Trujillo asked that the Board make a directive to staff as to a process in handling the questions coming from DOM’s and pharmaceutical companies, with reference to expanded practice. Dr. Colonna **MOTIONED** to refer unclear questions to the Rx Committee. Dr. Maddoux **SECONDED** the motion. **DISCUSSION.** Dr. Bjorklund and Ms. Hansen **ABSTAINED** from voting. All other board members voted in favor of the motion. Motioned **PASSED.**
- **Continuing education questions, review and approval** – Dr. Colonna **MOTIONED** to establish a continuing education committee to approve all continuing education related to expanded practice. Dr. Cook-Lowry **SECONDED** the motion. **DISCUSSION.** The board would delegate the committee to make decisions based on criteria clearly established by the board. Motion **PASSED** by unanimous decision.
- **Board member conduct and laws** – Ms. Trujillo stated that all boards are under the governmental code of conduct. The current code of conduct that the ethics committee is proposing is unenforceable and cannot discipline for offenses. Dr. Colonna **MOTIONED** to strike the existing ethics committee. Dr. Cook-Lowry **SECONDED** the motion. Motion **PASSED** by unanimous decision.

E. Board of Pharmacy Representative - Bill Harvey, Executive Director/Chief Drug Inspector – Mr. Harvey distributed and presented a letter from the Chair of the Board of Pharmacy, Danny Cross. The Board of Pharmacy is proposing a BOP/BAOM joint committee tasked with the development of a rule that would be submitted to the Board of Pharmacy for approval. Before this can happen the BOP is requesting a current list of prescription drugs and substances the BAOM has approved for use by the expanded practice doctors of oriental medicine. (See Attachment B) Dr. Colonna **MOTIONED** to submit the formulary presented in Bill 492 at the 2009 legislative session to the Board of Pharmacy for their review. Dr. Maddoux **SECONDED** the motion. **DISCUSSION.** Motion **PASSED** with 3 in favor and 2 opposed.

F. Election of Officers – Chair Pieper opened the floor for nominations for chair and vice-chair. Dr. Colonna nominated Dr. Pieper to remain chair of the board. There were no other nominations. Ms. Hansen nominated Dr. Cook-Lowry for vice-chair. Chair Pieper nominated Dr. Colonna to remain as vice-chair. There were no more nominations. All nominees accepted.

A roll call was taken for Vice-Chair: Dr. Colonna for Dr. Colonna;
Dr. Bjorklund for Dr. Colonna;
Dr. Maddoux for Dr. Colonna;
Dr. Cook-Lowry for Dr. Cook-Lowry;
Ms. Hansen for Dr. Cook-Lowry;
Chair Pieper for Dr. Colonna

The chair for the BAOM continues to be Chair Pieper and the vice-chair continues to be Dr. Colonna.

VIII. PUBLIC COMMENT

Dr. Glenn Wilcox provided his perspective on issues related to practice that he is concerned about.

Superintendent Kelly O’Donnell encouraged the Board to move forward with the existing

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rules. She related that lack of consensus within the profession has prevented the board from moving forward. She recommends that the board needs to move forward to clarify rules. She stated that the purpose of the regulation and licensing department (RLD) is to 1) protect public health and safety; 2) provide service to the consumer; 3) public services to the licensees.

Dr. Selah Chamberlain commended the Board on the work they have done. He supports the Board as they are finding ways to arrive at solutions.

- IX. ADMINISTRATOR'S REPORT** – Ms. Gallegos stated she is still waiting for approval on the BAR submitted for this fiscal year. It should be expected in the next week or so.
- X. TIME, DATE & LOCATION OF NEXT MEETING** – June 12, 2009 @ 9:00 a.m.
- XI. ADJOURN** – Chair Pieper adjourned the meeting at 12:33 p.m.

RESPECTFULLY SUBMITTED: _____
Martha L. Gallegos, Board Administrator

ACCEPTED BY: _____
Dr. John Pieper, Board Chair