

**ACUPUNCTURE EXAMINING BOARD
PUBLIC SESSION MINUTES
March 18, 2009**

I ROLL CALL

PRESENT Henry McCann, Roger Rossi, Karen Wei-Ru Lin, Edith Lee, Nita Raval, Shoshanna Katzman, Mimi Vassilev-Baker,

ABSENT Barbara Montana, Mark Matzen

ALSO PRESENT Megan Cordoma, DAG Renee P. Clark, Executive Director Tanya Gollett, Staff

CALL TO ORDER The regular monthly meeting of the Acupuncture Examining Board was called to order at 124 Halsey Street at 9:30 a.m., all members having been notified of the time, date and, place and materials pertinent hereto having been provided.

SUNSHINE LAW In compliance with Chapter 231 the Public Law of 1975, notice of this was sent to the Courier-Post and the Record.

II. MINUTES

A motion was made by Shoshanna Katzman and seconded by Edith Lee to accept the January 21, 2009 Public Session Minutes with amendments. The motion carried by unanimous vote.

III. STATE FARM INDEMNITY COMPANY REQUIRES CLARIFICATION ON CERTAIN TOPICS IN BOARD REGULATIONS

1. A chiropractor can refer patients to an acupuncturist.
2. A chiropractor who is also a certified acupuncturist can refer a patient to him/herself as long as they are acting within the state and federal law. A motion was made by Edith Lee and seconded by Roger Rossi. The motion carried by unanimous vote.

IV. EASTERN SCHOOL

Eastern School asked the Board to clarify what visiting foreign students are approved to do during a summer course held in New Jersey. The Board determined that only students matriculated in the full time diploma program can perform needling procedures on each other or in the school-run clinic. A motion was made by Karen Wei-Ru Lin and seconded by Shoshanna Katzman. The motion was carried by a unanimous vote.

V. HENRY MCCANN TO SPEAK ON THE NEW ACUPUNCTURE LEGISLATION

Chairperson McCann explained that the Assembly Bill No. 1408 has passed both the Assembly and the Senate and will most likely become law in the near future. This Bill will require substantial changes to the Board's current regulations. A motion was made by Mimi Vassilev-Baker and seconded by Edith Lee to form committees of the Board to begin evaluating the Board's current regulations for changes that may need to be made in the following subject areas:

1. Adjunctive Scope of Practice & Education Committee to include Roger Rossi, Karen Wei-Ru Lin, Edith Lee and Henry McCann
2. Herbology Committee to include Shoshanna Katzman, Mimi Vassilev-Baker, Henry McCann
3. Malpractice & Legislation Committee to include Henry McCann, Edith Lee

The motion was carried by a unanimous vote.

VI. DRAFT RESOLUTION

The board voted to authorize the Board Chair to take the following actions between meetings, as necessary:

- Issue Order to Show Cause upon the filing by the Attorney General or a Verified Complaint seeking emergent relief;
- Call a meeting of a committee of the Board to conduct an emergent Temporary Suspension Hearing based upon such Complaint and issuing a Provisional Order to be approved by the Board at its next meeting and having immediate effect, or call a meeting of the full Board to conduct an emergent Temporary Suspension Hearing based upon such complaint and issuing an order having immediate effect.
- With regard to a proposed or filed Consent Order, approve an evaluator, supervisor, location and circumstance of a supervised work setting, or implementation of another provision of the Order.
- Approve a guest acupuncturist.
- Each of the above actions shall be reflected on the agenda at the next meeting of the full Board and subject to review by the full Board. The full Board may then ratify, modify or vacate the action taken by the Chair.
- In the absence, unavailability or ineligibility of the Chair to address the matter, said authority is conferred upon the Secretary of the Board, acting as Chair pro tempore.
- This list of actions that may be taken by the Board President between meetings shall be placed on the Agenda for review at the first meeting of each year.

VII. CORRESPONDENCE FROM PHILLIP G. AUERBACH MD PRACTICE OF ACUPUNCTURE

A motion was made to send a letter stating that, a physician is not required to register with our Board as long as the physician satisfies our regulations. The Board of Medical Examiners would be responsible for any type of discipline to a physician. The motion was made by Roger Rossi and seconded by Edith Lee.

Edith Lee made a motion to proceed to Executive Session, seconded by Roger Rossi, to consider and review advertisement, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board regulations, have occurred. The results of these deliberations will be made known when, and if, the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

Respectfully submitted
ACUPUNCTURE EXAMINING BOARD

Renee P. Clark, Executive Director