



**NMRLD**

NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

**BOARD OF ACUPUNCTURE AND ORIENTAL MEDICINE  
REGULAR BOARD MEETING**  
2550 Cerrillos Road, Santa Fe, NM  
Rio Grande Conference Room  
Monday, July 8, 2024  
9:00 a.m.

**DRAFT MEETING MINUTES**

- I. CALL TO ORDER** –Chair Taylor called the Board of Acupuncture and Oriental Medicine regular meeting to order at 9:10 a.m. and adjourned at 1:01 p.m. Ms. Gonzales took roll call, and it was determined a quorum was present.

**A. Roll Call- Members**

	<u>Present</u>
1) Brandon Taylor, Chair	YES (In person)
2) Nityamo Lian, Vice Chair	YES (Virtually)
3) Jeanne Dixon	YES (In person)
4) Mavrick Lobe	YES (In person)
5) Robbie Tafoya	YES (Virtually)

Staff Present

Micaela Apodaca  
Serena Rodriguez  
Hope Rodriguez  
Elisa Salazar  
Kathleen Gonzales

Legal Counsel Present

Sandra Gardner

**B. Approval of Agenda**

Chair Taylor made a **MOTION** to approve the agenda. Member Jeanne Dixon **SECONDED** the motion. Ms. Gonzales initiated a roll call vote. Motion **PASSED** by **UNANIMOUS APPROVAL**.

**C. Approval of Minutes from March 18, 2024**

Chair Taylor made an edit to change to the chair report. New Mexico has 1 practitioner for every 4K population. He also suggested the board administrator reflect the reported numbers of types of licenses.

Vice Chair Lian made the recommendation to edit the Rules committee report in third line: Strike out “safety” from the third sentence, “Injection therapy has a low safety risk,” and the entire sentence after, “Dr. Ross is working to remove psychometric evaluation for basic



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injection therapy.” She also recommended editing the Auricular Detox portion of the committee reports to make clear who exactly is awaiting AAG assistance (Chair Taylor).

Chair Taylor made a **MOTION** to approve the minutes as amended. Member Lobe seconded the motion. Ms. Gonzales initiated a roll call vote. Motion **PASSED** by **UNANIMOUS APPROVAL**.

**II. DISCIPLINARY MATTERS**

Member Dixon made a **MOTION** that The New Mexico Board of Acupuncture and Oriental Medicine enter Closed Session to discuss the items listed in the agenda, pursuant to Section 10-15-1-H (1) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal, or revocation of a license Member Tafoya **SECONDED** the motion.

**BOARD MEMBERS**

Brandon Taylor, Chair  
Mavrick Lobe, Professional Member  
Jeanne Dixon, Professional Member  
Nityamo Lian, Professional Member  
Robbie Tafoya, Public Member

**VOTE**

Yes  
Yes  
Yes  
Yes (Virtual)  
Yes (Virtual)

The motion **PASSED** by **UNANIMOUS APPROVAL** The New Mexico Board of Acupuncture and Oriental Medicine enter Closed Session at 9:26 a.m. and the recorder was turned off.

The New Mexico Board of Acupuncture and Oriental Medicine returned to open session at 10:45 a.m. The matters discussed in the closed meeting were limited only to the items listed on the agenda.

**A. Pending Complaints**

1. AOM-22-01-COM

Member Tafoya made a **MOTION** to reject the current Settlement, however, the Board will except the Settlement with the following changes, in section 6 of the sanctions and conditions, in the last sentence to be amended to read; The Respondent is to take at least a 16-hour course in Platelet Rich Plasma Injections into the synovial cavity within six (6) months of the date the Board approves the Settlement. The course needs to be approved by the Board Chair. Case # AOM-22-01-COM. Vice Chair Lian **SECONDED** the motion. Vote 4-1 **MOTION CARRIES**.

**III. Reports**

**A. Chair Reports** – Chair Taylor welcomed everyone to the meeting. He reminded the board that although they are only required to meet once per year, the goal of the board is to meet at least 4 times per year.



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He went on to inform those in attendance that in 2023, New Mexico lost most of its AAGs who service public boards. From last year through the March 18, 2024, meeting, the board was without council. Chair Taylor went on to welcome the newly appointed AAG, Sandra Gardner, to the Board of Acupuncture and Oriental Medicine.

Chair Taylor refreshed attendees about the purpose of the Board of Acupuncture and Oriental Medicine. The purpose of the board is to license and regulate the practice of Acupuncture and Oriental Medicine in New Mexico as defined by the state legislature. The most important function is to protect patients to promote public safety. In doing so, the board must always follow the New Mexico legislature enacted state laws and uphold rules that comply with those laws.

The Chair went on to explain the board is composed of 5 members. At least three members must be present to maintain a quorum. He explained, the majority of any vote held will carry a motion. He then expressed how essential it is for each member to attend every meeting.

Chair Taylor then announced the recent clinical exams were held on June 22, 2024. He explained that state rules require exams be held at least once per year, but the board tries to provide two opportunities for the exam per year.

**B. Board Administrator Report** – Ms. Gonzales announced that renewals are open and running smoothly. Technical issues are being resolved as they come through. She also announced that RLD has changed their call in process. Should anyone need to speak with a licensing representative or board administrator, they will need to call the main line and make an appointment or email the board. There are no longer any direct lines to individual representatives.

Ms. Gonzales then reported the current number of each type of license for Acupuncture and Oriental Medicine:

- 71 CAD SPECIALISTS
- 23 CAD SUPERVISORS
- 543 DOM
- 8 SPECIALTY LICENSES
- 4 EXTERNSHIP CERTIFICATIONS
- 4 EXTERNSHIP SUPERVISORS

Chair Taylor clarified the origins of the questionnaire within the renewal and new applications. He explained the questionnaire is defined by the State of New Mexico and was designed for all medical practitioners. It's meant to gather data from a broad range of practices. He goes on to explain how Doctors of Oriental Medicine were, for a long time, not included in this data collection and are now part of this group as required by New Mexico. He asks all licensees to fill out the questionnaire as accurately as possible so a better picture can be painted of Acupuncture and Oriental Medicine.

The Chair deferred to Dr. Culpepper, Bureau Chief of Health Licensing to further explain the questionnaire. Dr. Culpepper explained the purpose of collecting the data in this questionnaire is



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so the legislature can better identify the medically underserved areas of the state. It is an opportunity for the legislature to identify which areas of the state need funding for various medical services. He pointed out that it is UNM that is collecting and analyzing this data. He went on to emphasize that this data will help the state get a better understanding of how to build a healthy infrastructure.

**C. Compliance Report** – Ms. Rodriguez reported that there was one complaint which the board heard earlier in the meeting and one pending complaint.

**D. Committee Reports**

- 1. Exam Committee Report** – The Chair introduced Keda Stella’s, Kelly Murphy, who is the administrator of the exam for 2024. She explained that there were four candidates who took the exam. Three of the candidates passed and one failed. She explained the failing candidate will receive an evaluation showing the areas they missed in the exam.

Chair Taylor explained how the exam goes more in-depth assessing treatment plans than a standard written exam would do.

- 2. Rules Committee Report** – Member Dixon made note that there is a list of rule changes that have been held for a period of time as the board awaited the appointment of an AAG. Vice Chair Lian added that there is quite a bit of administrative changes being made to the rules. These changes will be made clear when the board goes through the proposed rules later

- 3. Auricular Detox Committee Report** – Chair Taylor began by mentioning the public’s expressed concern regarding the need and difficulty finding supervision in rural areas on New Mexico. He explained he reached out to other supervisors throughout the state and has found that it is difficult to reach rural areas to provide the required supervision and others state that it is difficult getting aid for supervision when some programs offer little to no pay for their time. Chair Taylor shared that New Mexico is in the minority of states within the country that has a practice act for Auricular Detoxification Specialists. He states the reason this act was passed was to improve access to care in need of these services throughout the state. Without this law, only doctors of oriental medicine would be able to apply the 5 point Auricular Detoxification protocol.

Chair Taylor mentioned that a lot of programs will not pay CADS Supervisors a reasonable wage for their time.

He also pointed out that the tribal areas are sovereign and can work outside of what the New Mexico State Law says if they need to accommodate supervisor needs.

Vice Chair Nityamo shared her thoughts on what other issues there are with supervisor pay. She noted, depending on the program, there are issues adding the higher pay to the budget.



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Vice Chair Nityamo also mentioned that on tribal land, while they're able to steer from State Rules, they must follow Federal Rules. Currently, tribal nations can accept licenses from any state within the United States.

She also reported on a meeting she attended with 3 rural supervisors and 3-4 auricular detox specialists. She states they examined the current state statute and rule. They did confirm that statute states the supervisors need to be a DOM supervisor.

**IV. NEW BUSINESS**

**A. Consideration of Proposed Rules for potential Rule Hearing for Title 16, Chapter 2 NMAC:**

**1) 16.2.1 NMAC – General Provisions**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.1 NMAC to a rulemaking hearing in the future. Member Lobe **SECONDED** the motion. The motion passed unanimously.

**2) 16.2.3 NMAC – Application for Licensure**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.3 NMAC to a rulemaking hearing in the future. Vice Chair Lian **SECONDED** the motion. The motion passed unanimously.

**3) 16.2.4 NMAC – Examinations**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.4 NMAC to a rulemaking hearing in the future. Member Tafoya **SECONDED** the motion. The motion passed unanimously.

**4) 16.2.5 NMAC – Temporary Licensing**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.5 NMAC to a rulemaking hearing in the future. Member Lian **SECONDED** the motion. The motion passed unanimously.

**5) 16.2.6 NMAC – Expedited Licensing**

Chair Taylor made a **MOTION** to send the proposed rule changes of 16.2.6 NMAC to a rulemaking hearing in the future with the suggested edits to 16.2.6.8-A and A-1. Member Dixon **SECONDED** the motion. The motion passed unanimously.

**6) 16.2.7 NMAC – Educational Programs**

Vice Chair Lian made a **MOTION** to send the proposed rule changes of 16.2.7 NMAC to a rulemaking hearing in the future. Chair Taylor **SECONDED** the motion. The motion passed unanimously.

**7) 16.2.8 NMAC – License Renewal**

Vice Chair Lian made a **MOTION** to send the proposed rule changes of 16.2.8 NMAC to a



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rulemaking hearing in the future. Member Taylor **SECONDED** the motion. The motion passed unanimously.

**8) 16.2.9 NMAC – Continuing Education**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.9 NMAC to a rulemaking hearing in the future. Member Lobe **SECONDED** the motion. The motion passed unanimously.

**9) 16.2.10 NMAC – Fees**

Member Dixon made a **MOTION** to send the proposed rule changes of 16.2.10 NMAC, with the recommended edits to 16.2.10- C28, to a rulemaking hearing in the future. Vice Chair Lian **SECONDED** the motion. The motion passed 4-1.

**10) 16.2.14 NMAC – Externships**

Chair Taylor made a **MOTION** to send the proposed rule changes of 16.2.14 NMAC to a rulemaking hearing in the future. Member Dixon **SECONDED** the motion. The motion passed unanimously.

**11) 16.2.15 NMAC – Inactive License**

Chair Taylor made a **MOTION** to send the proposed rule changes of 16.2.15 NMAC to a rulemaking hearing in the future. Member Dixon **SECONDED** the motion. The motion passed unanimously.

**12) 16.2.16 NMAC – Auricular Detoxification**

Chair Taylor made a **MOTION** to send the proposed rule changes of 16.2.16 NMAC to a rulemaking hearing in the future. Member Dixon **SECONDED** the motion. The motion passed unanimously.

**13) 16.2.17 NMAC – Licensure by Endorsement**

Chair Taylor made a **MOTION** to send the proposed rule with suggested edit to 16.2.17.8 A of 16.2.17 NMAC to a rulemaking hearing in the future. Member Dixon **SECONDED** the motion. The motion passed unanimously.

**14) 16.2.18 NMAC – Educational Courses for Expanded Practice Certification**

Member Tafoya made a **MOTION** to send the proposed rule changes of 16.2.18 NMAC to a rulemaking hearing in the future. Vice Chair Lian **SECONDED** the motion. The motion passed unanimously.

During the discussion, part B was discussed, and Dr. Wilcox addressed the board.

**15) 16.2.19 NMAC – Expanded Practice Certifications**

Vice Chair Lian made a **MOTION** to send the proposed rule changes of 16.2.19 NMAC to a rulemaking hearing in the future. Member Tafoya **SECONDED** the motion. The motion passed unanimously.



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**B. Discussion of proposed changes to 16.2.18 submitted by Dr. Glenn Wilcox.**

Member Dixon summarized the letter submitted to the board by Dr. Wilcox. Dr. Wilcox is asking the board to consider expanding and changing the scope of practice for Expanded Practice and removing many of the training requirements to all modules.

Dr. Wilcox addressed the board stating the proposal was to roll back some of the changes made a decade ago by the board. He states the cost of expanded practice courses is often the complaint made by others wanting to apply for expanded practice.

Dr. Wilcox emphasized the track record of these procedures is one of the best in the state. He brings this up to address the concern of public safety.

Chair Taylor and Member Dixon discussed the necessity of a standardized way of certifying the safety protocol for these procedures.

Vice Chair Lian asked those practitioners who do reach out to Dr. Wilcox, send their requests to the board.

**V. REVIEW OF UPCOMING MEETINGS**

- 1) September 24, 2024, in Albuquerque at 9:00am
- 2) November 19, 2024, in Santa Fe at 9:00am

**VI. PUBLIC COMMENT**

Dr. Glenn Wilcox – Discussed the history of Bioidentical Therapy in New Mexico and the evolution of expanded practice over the last three decades. He also explained DMSA and how practitioners certified for expanded practice are trained in the proper technique. He offered to work with the board on either the rules committee or the expanded practice committee should the board reinstate that committee.

Eleni Fredlund – Ms. Fredlund is a registered Auricular Detox Trainer. They explain the issue they are facing is there are not enough Auricular Detox Supervisors who are able to go out to the rural parts of the state to provide services to the public.

**VII. ANNOUNCEMENTS**

**VIII. ADJOURNMENT**

There being no further Board business, the meeting adjourned at 1:01 p.m.

