



STATE OF WASHINGTON

## DEPARTMENT OF HEALTH

PO Box 47852 · Olympia Washington 98504-7852

## ACUPUNCTURE AND EASTERN MEDICINE ADVISORY COMMITTEE IN-PERSON MEETING AGENDA

Monday, January 22, 2024  
10:30 AM

**This meeting is available in person at:**  
**Kent Commons Facility**  
**Mill Creek Room**  
**525 – 4th Avenue North**  
**Kent, WA**  
**and via webinar/phone.**

**To join the meeting via webinar/phone, please see the registration link on the last page of this agenda.**

COMMITTEE MEMBERS: CHRISTINA JACKSON, AEMP, ; VACANT, PUBLIC MEMBER;  
 KRISTINE MCGINLEY, L.AC., AEMP, VICE-CHAIR; YIWEN SU,  
 AEMP; LISA VANHAAGEN, AEMP, CHAIR

CONTACT: VICKI BROWN, PROGRAM MANAGER  
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[vicki.brown@doh.wa.gov](mailto:vicki.brown@doh.wa.gov)

In accordance with the Open Public Meetings Act, notices were mailed electronically to individuals who requested notification of meetings of the Acupuncture and Eastern Medicine Advisory Committee.

**Times and Order:** The open session meeting will start at 10:30 a.m. on Monday, January 22, 2024 and continue until all agenda items are complete. This agenda schedule may change, and items may not be taken in order of the agenda. The committee will adjourn for the evening as determined by the agenda and the members. This agenda is subject to change.

**Accessibility:** This meeting is accessible to person with disabilities. Special aids and services can be made available upon advanced request. Advance request for special aids and services must be made no later than one week before the meeting. If you need assistance with special needs and services, you may leave a message with that request at 1-800-525-0127 or, if calling from outside Washington State, call 360-236-4052. TDD may also be accessed by calling the TDD relay service at 1-800-833-6388. If you need assistance due to a speech disability, Speech-to-Speech provides human voicers for people with difficulty being understood. The Washington Speech-to-Speech toll free access number is 1-877-833-6341. If you wish general information about this meeting, please call the program at 360-236-4865.

**Please Note:** Comments from the public in attendance may be solicited after each agenda item.

**OPEN SESSION – 10:30 a.m.**

**1. CALL TO ORDER**

- 1.1 Introductions of committee members, staff, and audience
- 1.2 Public Comment – The public will have an opportunity to provide comments. If you would like to comment during this time, please limit your comments to two minutes. Please identify yourself and who you represent, if applicable, when the Chair opens the floor for public comment.
- 1.3 Approval of Agenda
- 1.4 Approval of Meeting Minutes from December 1, 2023

**2. 2024 LEGISLATION UPDATE** – The committee will discuss 2024 legislation that may have an impact on the profession.

**3. DISCUSSION ON MEETING LOCATION FOR THE JULY 26, 2024 COMMITTEE MEETING** – The committee will review the list of possible hotels and make a recommendation on the hotel to use in Spokane.

**4. ACUPUNCTURE AND EASTERN MEDICINE ADVISORY COMMITTEE 2023 – 2025 BUSINESS PLAN** – The committee will review the draft changes to the 2023 – 2025 business and have further discussion on Goal 2.

- 4.1 Discuss assignment of one or more committee members to attend the monthly town hall meetings held virtually by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and the American Society of Acupuncturists (ASA).
- 4.2 Consideration of attendance at the yearly ASA/NCCAOM national conference.

**5. TRAINING** – Training will be provided to the committee members by Kristi Knieps, AAG.

- 5.1 Open Public Meetings Act
- 5.2 Robert’s Rules of Order
- 5.3 Conflict of Interest

**6. PROGRAM MANAGEMENT REPORT** – Information provided to the committee by the program manager and executive director.

- 6.1 Interim Operating Budget Report
- 6.2 Updated credentialing and disciplinary report
- 6.3 Program and credentialing staffing update
- 6.4 Update on CR-102 for Point Injection Therapy
- 6.5 Recruitment Update
- 6.6 Update on Intramuscular Needling Workshops
- 6.7 Other

## 7. CONSENT AGENDA – CORRESPONDENCE

The following item(s) and any additional correspondence received or sent is for the committee's information. If separate discussion is desired on an item, a single motion by a committee member will place the specific item(s) on the regular business agenda. If there is no motion, there will be no discussion.

## 8. FUTURE AGENDA ITEMS AND PLANNING FOR FUTURE MEETINGS

- 2023 – 2025 Business Plan
- Budget report
- Recruitment update
- HELMS update
- Update on WAC 246-803-040 Education and Training for Point Injection Therapy

## 9. ADJOURNMENT

# Microsoft Teams Meeting Registration

Please register for the Acupuncture and Eastern Medicine Advisory Committee meeting for January 22, 2024 at:

<https://events.gcc.teams.microsoft.com/event/161c6620-f5bc-4d92-a652-9656bd2b81f6@11d0e217-264e-400a-8ba0-57dcc127d72d>



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

PO Box 47852 · Olympia Washington 98504-7852

## **ACUPUNCTURE AND EASTERN MEDICINE ADVISORY COMMITTEE MEETING MINUTES**

Friday, December 1, 2023

Committee Members Present: Christina Jackson, AEMP  
 Kristine McGinley, L.Ac., AEMP  
 Inderjeet Ramgotra, AEMP, Chair  
 Lisa vanHaagen, AEMP, Vice-Chair  
 Yiwen Su, AEMP

Staff Present: Vicki Brown, Program Manager  
 Trina Crawford, Executive Director  
 Cassandra Gerard, Program Support  
 Kristi Knieps, Assistant Attorney General (AAG)  
 Adriana Barcena, Assistant Program Manager

Others Present: Chaiya Sherman, Washington Acupuncture and  
 Eastern Medicine Association, President  
 Karen Holt  
 Susan Schultz, DC, AEMP

**OPEN SESSION****1. CALL TO ORDER**

The open session of the business meeting was called to order at 10:42 a.m. by Inderjeet Ramgotra, AEMP, Chair.

1.1 Introductions of committee members and staff.

The committee members, staff and audience were introduced.

1.2 Public Comment – The public will have an opportunity to provide comments. If you would like to comment during this time, please limit your comments to two minutes. Please identify yourself and who you represent, if applicable, when the Chair opens the floor for public comment.

There were no public comments directed to the committee at this time.

1.3 Approval of December 1, 2023 Agenda

The committee members reviewed and discussed the agenda. A motion was made by Ms. vanHaagen to approve the agenda as presented. The motion was seconded, and the committee unanimously approved the agenda as presented.

1.4 Approval of Meeting Minutes from July 14, 2023

A motion was made by Ms. McGinley to approve the July 14, 2023, meeting minutes as presented. The motion was seconded, and the committee unanimously approved the July 14, 2023, meeting minutes as presented.

**2. ELECTION OF OFFICERS**

The committee nominated and elected a chair and vice-chair for the 2024 calendar year.

Lisa vanHaagen was nominated and unanimously elected as Chair. Kristine McGinley was nominated and unanimously elected as Vice-Chair for the 2024 calendar year.

**3. 2024 MEETING DATES AND POSSIBLE LOCATIONS**

The committee set the meeting dates and locations for 2024 calendar year.

Meeting Date	Location	Start time
January 22, 2024	Hybrid – Kent Commons Facility	10:30 a.m.
March 4, 2024	Hybrid – Tumwater	9:30 a.m.
July 26, 2024	Hybrid - Spokane	9:00 a.m.
November 18, 2024	Hybrid – Kent Commons Facility	10:30 a.m.

Updated meeting information will be posted to the Acupuncture and Eastern Medicine practitioner webpage.

**4. LEGISLATIVE LIAISON AND MEET-ME-CALL PARTICIPANT**

The committee discussed and decided who will be the legislative liaison and meet-me-call participants for the 2024 legislative session.

The committee and staff discussed the responsibilities of each position. The committee delegated Christina Jackson as the 2024 legislative liaison with Lisa vanHaagen as back up and Kristine McGinley and Lisa vanHaagen as the 2024 legislative meet-me-call representatives.

## 5. ACUPUNCTURE AND EASTERN MEDICINE ADVISORY COMMITTEE 2023 – 2025 BUSINESS PLAN

The committee reviewed the 2023 – 2025 business plan and suggested recommendations.

Ms. McGinley suggested adding training around conflict of interest for committee members participating in other activities such as testimony, legislation, and other associations to the fourth goal in the business plan. She also suggested committee member training on the legislative process, rulemaking process, structure of the Department of Health, and the responsibilities of the chair and vice chair positions. The committee also discussed participation in other national organizational meetings.

## 6. PROGRAM MANAGEMENT REPORT

Information was provided to the committee by the program manager and executive director.

### 6.1 Interim Operating Budget Report

Ms. Crawford presented an updated budget report to the committee. The fund balance is positive and the program is operating within their revenue.

### 6.2 Updated credentialing and disciplinary report

Ms. Brown provided an updated licensing and disciplinary statistics report showing the number of licensees. The report listed the following:

<b>CREDENTIAL STATUS</b>	<b>AEMP LICENSURE</b>
Active	1,577
Inactive	43
Revoked	3
Voluntary Surrender	3
Suspended	3
Active with Conditions	1
Active on Probation	0

### 6.3 Update on Health Equity Continuing Education rule

Ms. Brown shared the CR-103P Rule-Making Order filed as WSR# 23-17-085 on August 15, 2023. The health equity continuing education requirement rules are effective September 15, 2023.

#### 6.4 Recruitment Update

Ms. Brown gave an update to the committee on the public member position. The position is vacant and recruitment is in progress.

#### 6.5 Update on Intramuscular Needling Rules Workshops

Ms. vanHaagen shared her concerns with the training and education requirements of the intramuscular needling endorsement being considered by the Board of Physical Therapy. The committee discussed appropriate requirements of dry needling training courses for physical therapists. Ms. Crawford recommended the committee send their suggested training criteria and definition language to the Board of Physical Therapy. Ms. vanHaagen volunteered to create a proposal and the committee will review at the next meeting.

#### 6.6 Other

There was no additional business presented to the committee at this time.

### 7. CONSENT AGENDA – CORRESPONDENCE

The following item(s) and any additional correspondence received or sent is for the committee's information. If separate discussion is desired on an item, a single motion by a committee member will place the specific item(s) on the regular business agenda. If there is no motion, there will be no discussion.

No items were added to the consent agenda at this time.

### 8. ACKNOWLEDGEMENTS

The committee acknowledged members Inderjeet Ramgotra and Lisa Amon Haglund whose appointment terms expired November 30, 2023.

### 9. FUTURE AGENDA ITEMS AND PLANNING FOR FUTURE MEETINGS

- Update 2023 – 2025 Business Plan
- Committee Member Training
- HELMS Update
- Recruitment Update
- Update on WAC 246-803-040 Education and Training for Point Injection Therapy

## 10. ADJOURNMENT

There being no further business before the committee, the business meeting was adjourned at 12:35 p.m. on Friday, December 1, 2023. The next committee meeting is scheduled for Monday, January 22, 2024. Updated meeting information will be posted to the Acupuncture and Eastern Medicine practitioner webpage.

- 11. RULES WORKSHOP** – The department reviewed WAC 246-803-040 Education and training for point injection therapy to continue the rules drafting process.

DRAFT



**DEPARTMENT OF HEALTH  
Office of Health Professions  
Acupuncture and Eastern Medicine Advisory Committee  
Business Plan 2023 – 2025**

**GOAL 1**

Provide mechanism to assure competent and safe practitioners.

Objective	Method – Time Line	Lead
Amend rules to include records retention and requirements, health and safety standards, infection control guidelines, educational criteria and exams.	<b>Method:</b> Start rules process to amend rules.  <b>Time Line:</b> Ongoing	Program Manager

**GOAL 2**

Communicate with educational institutions, other professional boards, national organizations and regional testing agencies. To include but not be limited to: National Certification Commission on Acupuncture and Oriental Medicine, Accreditation Commission on Acupuncture and Oriental Medicine, etc.

Objective	Method – Time Line	Lead
Research the current standards for Acupuncture and Eastern medicine education.	<b>Method:</b>  <b>Time Line:</b> Ongoing	Committee/Program Manager
Increase participation of committee and/or staff in AEMAC meetings and related national organization.	<b>Method:</b> Research and report to committee on dates of meetings. <b>Time Line:</b> Ongoing	Committee/Program Manager
	<b>Method:</b> Report back to committee on meeting. <b>Time Line:</b> At committee meeting following travel	Participant

**GOAL 3**

Improve education, awareness, and establish communication outreach with Acupuncture and Eastern medicine practitioners, Washington Acupuncture and Eastern Medicine Association (WAEMA), consumers, and the Committee in a cost efficient manner.

Objective	Method – Time Line	Lead
Promote public and licensee attendance at committee meetings.	<b>Method:</b> Update website routinely, distribute agendas and minutes. <b>Time Line:</b> Ongoing	Program Manager
	<b>Method:</b> Have 3 to 4 in-person/webinar meetings annually <b>Time Line:</b> Annually	Committee/Program Manager
To hold one Committee meeting annually in an area other than Tumwater or Kent.	<b>Method:</b> When budget allows, schedule one meeting annually outside of the Tumwater or Kent area. <b>Time Line:</b> Annually	Committee/Program Manager
Communicate information to all stakeholders.	<b>Method:</b> Prepare presentation materials and web materials. Evaluate information to provide and a variety of methods to provide information. <b>Time Line:</b> Ongoing	Committee/Program Manager

**GOAL 4**

To enhance the committees understanding of their responsibilities and to enhance their skills.

Objective	Method – Time Line	Lead
Provide learning opportunities according to committee needs.	<b>Method:</b> Define training needs for committee members. Training may include the following: <ul style="list-style-type: none"> <li>• Conflict of interest. Definition and examples in regards to interaction and participation in WAEMA, participating in legislative activities, and when is it appropriate/inappropriate to identify as a member of the advisory committee.</li> <li>• The legislative process and how it relates to the committee.</li> <li>• The rulemaking process and how it relates to the committee.</li> <li>• The structure of the Department of Health.</li> </ul>	Program Manager/ Committee

	<ul style="list-style-type: none"> <li>Roles and responsibilities within the committee i.e. chair, vice-chair, legislative liaison, meet-me-call participant(s), etc.</li> </ul>	
	<b>Time Line:</b> Ongoing <b>Method:</b> Arrange training seminars / sessions according to the committee's needs. <b>Time Line:</b> Ongoing	Program Manager/ Committee

## GOAL 5

Promote administrative efficiency.

Objective	Method – Time Line	Lead
Communicate HSQA policies, procedures, and processes.	<b>Method:</b> Promote HSQA office policies, procedures, and process presentations to the committee. <b>Time Line:</b> Every 2 years	Committee/Program Manager/HSQA Office Directors

## GOAL 6

Provide an ongoing process for clarification of acupuncture and Eastern medicine scope of practice, rules, and related issues in collaboration with the Department of Health.

Objective	Method – Time Line	Lead
Communicate HSQA policies, procedures, and processes.	<b>Method:</b> <b>Time Line:</b> Ongoing	Program Manager/ Committee

## SECRETARY AUTHORITY

Provide prompt, fair and efficient administration of disciplinary process according to established timeline criteria for all phases of the adjudication process.

The following 4 fundamental principles will be followed:

- Cases involving serious physical harm or death, sexual misconduct or patient abuse will be given priority.*
- Sanctions will be consistent and severe enough to address the conduct involved.*
- Noncompliance with orders will not be tolerated*
- Challenges / conflicts related to charging decisions must be resolved quickly.*

Objective	Method – Time Line	Lead
Expedite initial complaint assessment according to established timelines.	<b>Method:</b> Continue participation in weekly Case Management Team (CMT) <b>Time Line:</b> Ongoing	Disciplinary Staff (Secretary Authority)
	<b>Method:</b> Assess all incoming complaints for imminent danger potential. <b>Time Line:</b> Ongoing	Disciplinary Staff (Secretary Authority)

# OPEN PUBLIC MEETINGS ACT HANDOUT

## A. The Open Public Meetings Act Enactment and Purpose

In 1971, the state legislature enacted the Open Public Meetings Act or OPMA to make the conduct of government more accessible and open to the public.

The Act begins with a strongly worded **statement of purpose**:

“The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Codified in chapter [42.30 RCW](#), the Act applies to many state boards, commissions, committees and local governments.

- Purpose & Intent- to provide public **with access to information** regarding the conduct of state & local government
- Based on the principle that open **government is essential** to a free society
- Provides the public the opportunity to **witness deliberations and decisions of their government**
- State and & local agencies, such as commissions, are required to comply with OPMA
  - (actions & deliberations- must be done openly)
  - Meetings should be open “gavel to gavel” unless otherwise stated

At a very basic level the OPMA requires all “meetings” to be open to the public and that all “action” taken be done at meetings that are open to the public. The terms “meetings” and “action” are defined broadly in the OPMA which of course is congruent with the OPMA’s stated legislative purpose.

## B. Acupuncture and Eastern Medicine Advisory Committee

**RCW [18.06.220](#)** – The Washington state acupuncture and Eastern medicine advisory committee is established.

(1) The committee consists of five members, each of whom must be a resident of the state of Washington. Four committee members must be acupuncturists or acupuncture and Eastern medicine practitioners licensed under this chapter who have not less than five years' experience in the practice of acupuncture and Eastern medicine and who have been actively engaged in practice within two years of appointment. The fifth committee member must be appointed from the public at large and must have an interest in the rights of consumers of health services.

(2) The secretary shall appoint the committee members. Committee members serve at the pleasure of the secretary. The secretary may appoint members of the initial committee to staggered terms of one to three years, and thereafter all terms are for three years. No member may serve more than two consecutive full terms.

(3) The committee shall meet as necessary, but no less often than once per year. The committee shall elect a chair and a vice chair. A majority of the members currently serving constitutes a quorum.

(4) The committee shall advise and make recommendations to the secretary on standards for the practice of acupuncture and Eastern medicine.

(5) Committee members must be compensated in accordance with RCW [43.03.240](#), including travel expenses in carrying out his or her authorized duties in accordance with RCW [43.03.050](#) and [43.03.060](#).

(6) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

## C. OPMA Application to Public Agencies

### 1. What is a Governing Body?

The definition of **governing body** includes “any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” [RCW 42.30.020\(2\)](#). In 2015, the State Supreme Court concluded that: (1) a “committee thereof” means committees created by a governing body pursuant to its executive authority, regardless of whether the committee includes members of the governing body; and (2) a committee acts on behalf of the governing body “when it exercises actual or de facto decision-making authority for the governing body.” [Citizens Alliance v. San Juan County](#) (2015). A committee is not exercising such authority when it is simply conducting internal discussions or providing advice or information to the governing body. *Id.*; see also [Clark v. City of Lakewood](#) (2001).

### 2. What is a Public Agency?

**Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.** [RCW 42.30.020](#).

Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.

Any sub-agency of a public agency which is created by or pursuant to statute, ordinance, or legislative act, including but not limited to planning commissions, library or park boards.

Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state.

### 3. What does the OPMA NOT apply to?

#### a. Certain Entities

- Courts
- Legislature
- Agencies not defined as “public agencies” in the OPMA
- Private organizations

#### b. Certain Activities

Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)

c. **Quasi-judicial matters**

- Matters governed by the WA Administrative Procedure Act, [RCW 34.05](#)
- Collective bargaining

#### 4. What is a Meeting?

“**Meeting**” means meetings at which the public agency takes “action.” A meeting of a governing body occurs when a majority of its members (a quorum) gathers with the collective intent of transacting the governing body’s business.

Physical presence is not required, a meeting can occur over the phone or internet.

An exchange of email could constitute a meeting if a quorum of members participate in the email exchange and discuss agency business.

It does not need to be titled a meeting, the OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.

Simple receiving information without comment is not a meeting.

**Risk Management Tips:**

- Avoid Reply All
- Send comments to staff, not members

#### 5. What is Action & Final Action?

“**Action**” means the transaction of the official business of the public agency and includes, but is not limited to: public testimony, discussions, reviews, deliberations, considerations, evaluations and final actions.

“**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof.”

The vote must be taken in public, even if deliberations were in closed session.

**Secret ballots are NOT allowed.**

## D. Types of Meetings

### 1. Regular Meetings

“**Regular meetings**” are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.

A state public agency must:

- Yearly, file with Code Reviser a schedule of regular meetings, including time and place.
- Publish changes to regular meeting schedule in state register at least 20 days prior to the rescheduled date.
- [RCW 42.30.077](#) requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.
- Public comment period is **required** before or at every regular meeting at which final action is taken.
- This law does not:
  - *Apply to agencies that do not have websites.*
  - *Apply to agencies that employ fewer than 10 full-time employees.*
  - Restrict agencies from later modifying an agenda.
  - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
  - Satisfy public notice requirements established under other laws.
  - Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with this law.

### 2. Special Meetings – [RCW 42.30.080](#)

A “**special meeting**” is a meeting that is not a regularly scheduled meeting. Called by presiding officer or majority of the members.

Notice - timing: 24 hours before the special meeting, written notice must be:

- Given to each **member** of the governing body (unless waived)
- Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file
- Posted on the **agency’s website**
- Prominently **displayed at the main entrance** of the agency’s principal location and the meeting site (if not that same location)
- **Must include: Time, Place and Agenda**

### 3. Emergency Special Meetings – [RCW 42.30.080 \(4\)](#)

Notice is **not** required when a special meeting is called to deal with an emergency.

Emergency involves injury or damage to persons or property or the likelihood of such injury or damage.

Where time requirements of notice make notice impractical and increase likelihood of such injury or damage.

### 4. Executive Sessions – [RCW 42.30.110](#)

Part of a regular or special meeting that is closed to the public. Limited to specific purposes set out in the OPMA.

Three Requirements:

- Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party.
- Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency.
- Legal counsel representing the agency is present. This executive session is not permitted just because legal counsel is present.

Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins.

Time may be extended by further announcement.

The announced purpose of the executive session must be one of the statutorily identified purposes for which an executive session may be held. The announcement therefore must contain enough information to identify the purpose as falling within one of those identified in [RCW 42.30.110\(1\)](#). It would not be sufficient, for example, for a mayor to declare simply that the council will now meet in executive session to discuss "personnel matters." Discussion of personnel matters, in general, is not an authorized purpose for holding an executive session; only certain specific issues relating to personnel may be addressed in executive session. See [RCW 42.30.110\(1\)\(f\), \(g\)](#).

Another issue that may arise concerning these procedural requirements for holding an executive session involves the estimated length of the session. If the governing body concludes the executive session *before* the time that was stated it would conclude, it should not reconvene in open session until the time stated. Otherwise, the public may, in effect, be excluded from that part of the open meeting that occurs between the close



of the executive session and the time when the presiding officer announced the executive session would conclude.

In [\*Port of Seattle v. Rio\*](#) (1977), the Court of Appeals stated that a closed executive session with legal counsel to discuss settlement or avoidance of litigation is proper because “A public agency should neither be given an advantage, nor placed at a disadvantage in litigation.” The Washington Supreme Court, in [\*Recall of Lakewood City Council\*](#) (2001), held that a governing body is not required to determine beforehand whether disclosure of the discussion with legal counsel would likely have adverse consequences; it is sufficient if the agency, from an objective standard, should know that the discussion is not benign and will likely result in adverse consequences.

Case law suggests that a governing body may do no more than discuss litigation or enforcement matters and may therefore be precluded from decisions in the context of such a discussion in order to advance the litigation or enforcement action. In [\*Feature Realty, Inc. v. City of Spokane\*](#) (2003), the federal Ninth Circuit Court of Appeals invalidated a “collective positive decision” of a governing body in executive session to approve a settlement agreement. The *Feature Realty* court relied on the Washington Supreme Court’s holding in [\*Miller v. City of Tacoma\*](#) (1999) that a governing body can only take an action in executive session “explicitly specified” in an exemption to the OPMA.

## E. Other Provisions

### 1. Travel and Gathering – RCW [42.30.070](#)

A quorum of members of a governing body may attend a meeting of another organization’s provided that the body takes no “action.” [2006 Att’y Gen. Op. No. 6](#). For example, a majority of a city council could attend a meeting of a regional chamber of commerce or a county commission meeting provided that the council members did not discuss city business or do anything else that constitutes an “action.”

A majority of the members of a governing body may travel together or gather for purposes other than a regular or special meeting, **so long as no action is taken.**

### 2. Penalties for Violating the OPMA – RCW [42.30.120](#) & [42.30.060](#)

A court can impose a **\$500 civil penalty** against each member (personal liability) who **knowingly** attends a meeting in violation of the OPMA; and \$1,000 for a subsequent knowing violation.

Courts will award costs and attorney fees to a successful party seeking the remedy.

Any action taken at a meeting in violation of the OPMA can be declared null and void.

### **3. Meeting Minutes – RCW [42.30.035](#)**

Minutes of public meetings must be promptly recorded and open to public inspection. No format is specified in law.

Minutes of an executive session are not required.

### **4. Public Attendance – RCW [42.30.040](#)**

A public agency cannot place conditions on the public to attend meetings subject to the OPMA. The public cannot be required to: register their names or other information, complete a questionnaire or otherwise fulfill any condition precedent to attendance.

Reasonable rules of conduct can be set. Cameras and tape recorders are permitted unless disruptive.

### **5. Interruptions and Disruptions – RCW [42.30.050](#)**

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members.

In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

Nothing in this section prohibits the governing body from stopping people from speaking to the governing body when not recognized by the governing body to speak.

## 6. Risk Management Tips

- Establish a **culture of compliance** with the OPMA.
- Receive training on the OPMA.
- Review available resources; institute best practices.
- Consult with agency's legal counsel.

## 7. OPMA Training Requirements

- The "Open Government Trainings Act" requires OPMA training for every member of a governing body **within 90 days of taking their oath or assuming their duties**. Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.
- Training resources are available on the AG's Office Open Government Training Web Page: <http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

# ROBERT'S RULES OF ORDER HANDOUT

## A. Introduction

Henry Martyn Robert was an engineering officer in the regular Army. Without warning he was asked to preside over a public meeting being held in a church in his community and realized that he did not know how.

He tried anyway and his embarrassment was supreme. This event, which may seem familiar to many readers, left him determined never to attend another meeting until he knew something of parliamentary law.

Ultimately, he discovered and studied the few books then available on the subject. From time to time, due to his military duties, he was transferred to various parts of the United States, where he found virtual parliamentary anarchy, since each member from a different part of the country had differing ideas of correct procedure. To bring order out of chaos, he decided to write Robert's Rules of Order, as it came to be called.

Robert's Rules indicates that meetings should be led by a Presiding Officer. Meetings shall typically be led by the Chair. At any point during the meeting, the Chair may designate a Vice-Chair or another Commission member to lead the meeting on a pro-tem basis. In the event that the Chair is not present at a meeting, a Vice-Chair shall lead the meeting in the Chair's absence. If neither the Chair nor the Vice-Chairs are expected to be present at a meeting, the Chair may designate another Commission member to lead the meeting on a pro-tem basis. If, due to unforeseen circumstances, neither the Chair nor the Vice Chairs are present at the meeting, the remaining Commission members shall elect a pro-tem leader for the meeting until either the Chair or a Vice-Chair is available.

Finally, Robert's Rules provides guidance on standard orders of business or agendas; and minutes. While Robert's Rules are instructive, the Committee should be aware of relevant requirements of the OPMA as noted previously in the earlier part of this presentation. Agendas should be published at least 24 hours in advance of a regular or special meeting (unless there is an emergency).

## B. Basic Rules

1. **Only one subject may be before a group at one time.** Each item to be considered is proposed as a motion which usually requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the council by restating the motion.
2. **"Negative" motions are generally not permitted.** To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.
3. **Only one person may speak at any given time.** When a motion is on the floor, an order of speaking is prescribed by Robert's Rules, allowing the mover of a motion to speak first, so that the group understands the basic premise of the motion. The mover is also the last to speak, so that the group has an opportunity to consider rebuttals to any arguments opposing the motion.
4. **All members have equal rights.** Each speaker must be recognized by the moderator prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments. This is also difficult to do in virtual platforms. In Teams, I have seen board/commissions/committees use the "hand raise" function as a way to seek recognition from the Chair.
5. **Each item presented for consideration is entitled to a full and free debate.** Each person speaks once, until everyone else has had an opportunity to speak.
6. **The rights of the minority must be protected, but the will of the majority must prevail.** Persons who don't share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the council will or will not do. Use parliamentary procedure as a tool, not a bludgeon.

## C. Procedures

- **Main Motion** = brings business before an assembly. Must be “recognized” by the chair (designated to speak) to make a motion – or chair can call for a motion.
- **Seconding** – a member calls out “Second” – does not require chair to recognize the member. If no second, matter does not come before the group.
- **Stating the Question** – “It has been moved and seconded that . . . “ Ensures everyone understands what is before it and that it is clearly stated.
- **Debate** – Usual preference: member who made the motion speaks first, a member who has not spoken yet, alternate supporting/opposing views. Chair recognizes members to speak in debate. Time can be limited. Usually Chair does not enter in debate or waits to end.
- **Secondary Motions** – must be decided first and then main motion is decided. “Friendly Amendment” – no such thing. Can move to amend an amendment but no further. Must vote amendments up or down. Motion may not be withdrawn by maker once it has been seconded.
- **Vote** – Chair repeats the exact wording of the motion (*as amended*) to be voted on. Voice vote (all in favor say aye), hand vote, or ballot. (OPMA prohibits secret voting – in Exec. Session or by secret ballot.)

### 1. Main Motions

- **Main Motions** – “I move to...”.
- **Take from the Table** – resumes consideration of a motion laid on the table earlier in the same session or in the previous session. Not debatable.
- **Reconsider** – re-opens a motion to debate that has already been voted upon in the same session. The motion to reconsider can only be made by a member who voted on the prevailing side. It suspends action on the motion to which it is applied until it has been decided. It cannot be postponed beyond the next regular business session. This can be debated if the original motion as debated.
- **Rescind (Annul or Repeal) or Amend Something Previously Adopted** - repeals a motion for which it is too late to reconsider.

## 2. Subsidiary Motions

- a. **A subsidiary motion changes or affects how the main motion is handled.**

An amendment to a motion is called a "subsidiary motion". An amendment is used to "fine tune" a motion to make it more acceptable. An amendment can: delete words, phrases, sentences or paragraphs; strike out words, phrases or sentences and insert new ones; add words, phrases, sentences or paragraphs; or substitute entire paragraph(s) or the entire text of the motion and insert another.

The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. Requires a second, debatable, majority vote.

- b. **Tabling** – Used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate. Non-debatable, not amendable.
- c. **Previous question or close debate** – Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." is not debatable.
- d. **Limit/extend debate** – May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.
- e. **Postpone to a definite time** – Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- f. **Refer to sub-committee** – Directs that some other body will study the matter and report back.
- g. **Postpone indefinitely** – This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

### 3. Incidental Motions (Withdrawal)

Incidental motions are questions of procedure that arise out of other motions and must be considered before the other motion. Motions cannot be withdrawn by its mover, withdrawal requires majority approval.

- a. **Point of Order** – used when a member believes that the rules of the assembly are being violated, thereby calling on the chair for a ruling and enforcement of the rules. A member can interrupt a speaker to raise a point of order. No second is needed and Chair makes the decision.
- b. **Point of Information** – requests to the chair, or through the chair to another officer or member, to provide information relevant to the business at hand. A point of information must be in the form of a question. No second needed.
- c. **Division of a Question** – divides a motion containing two or more provisions that can stand alone so that each provision can be considered and voted upon separately. Must be seconded but not debatable.
- d. **Division of the Assembly** – if you doubt the result of a voice vote (or a vote by show of hands). You have the right, as a single, lone member, to demand that the vote be immediately taken by rising vote so everyone can see just which side is really in the majority. Does not need a second and is not debatable – it also does not require a vote. Typically it would require a “rising” vote but in the virtual world a roll call appears to be the most appropriate.

### D. Resources

[Robert's Rules of Order | The Official Website of Robert's Rules of Order \(robertsrules.com\)](http://robertsrules.com)



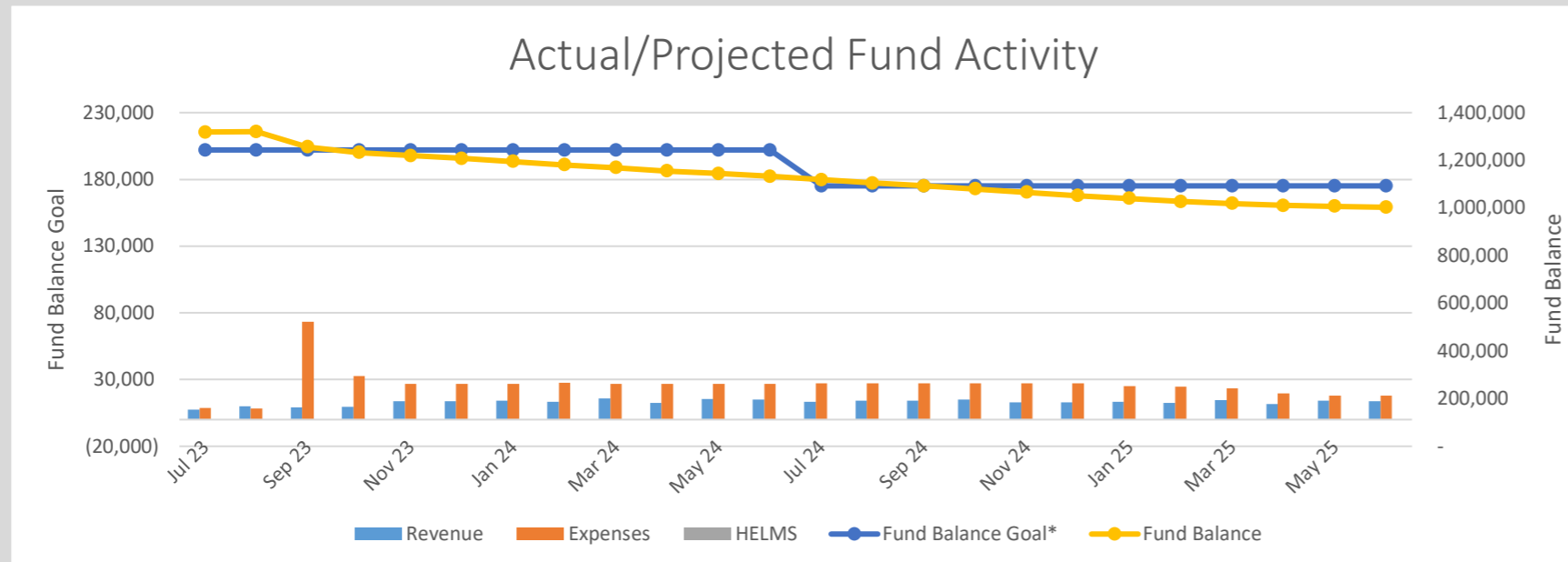


**Acupuncture and Eastern Medicine Practitioner  
Budget Status Report**

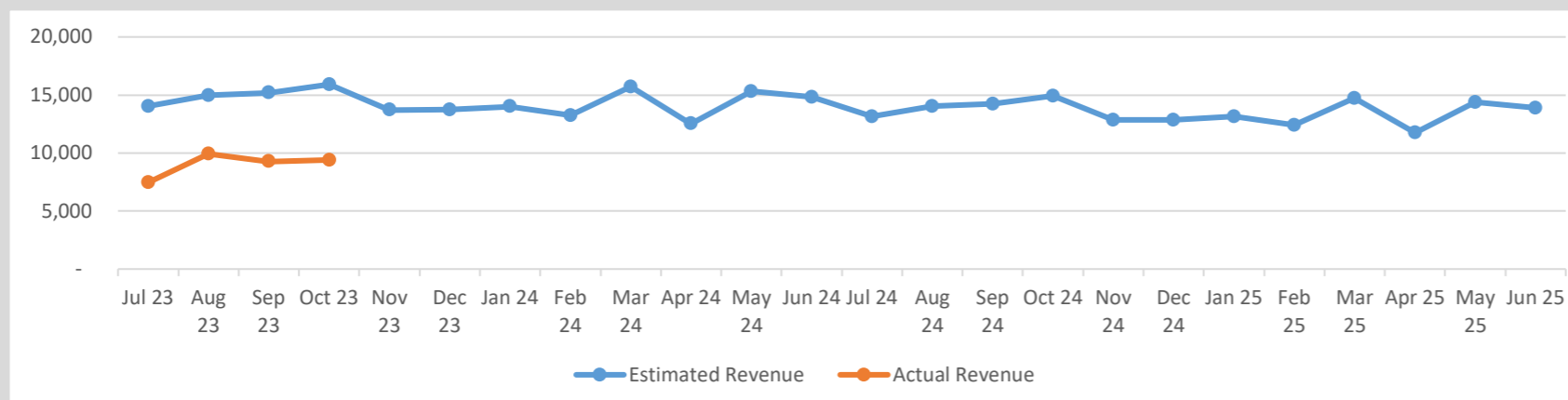
Item 6.1

For the Period of July 1, 2023 through October 31, 2023

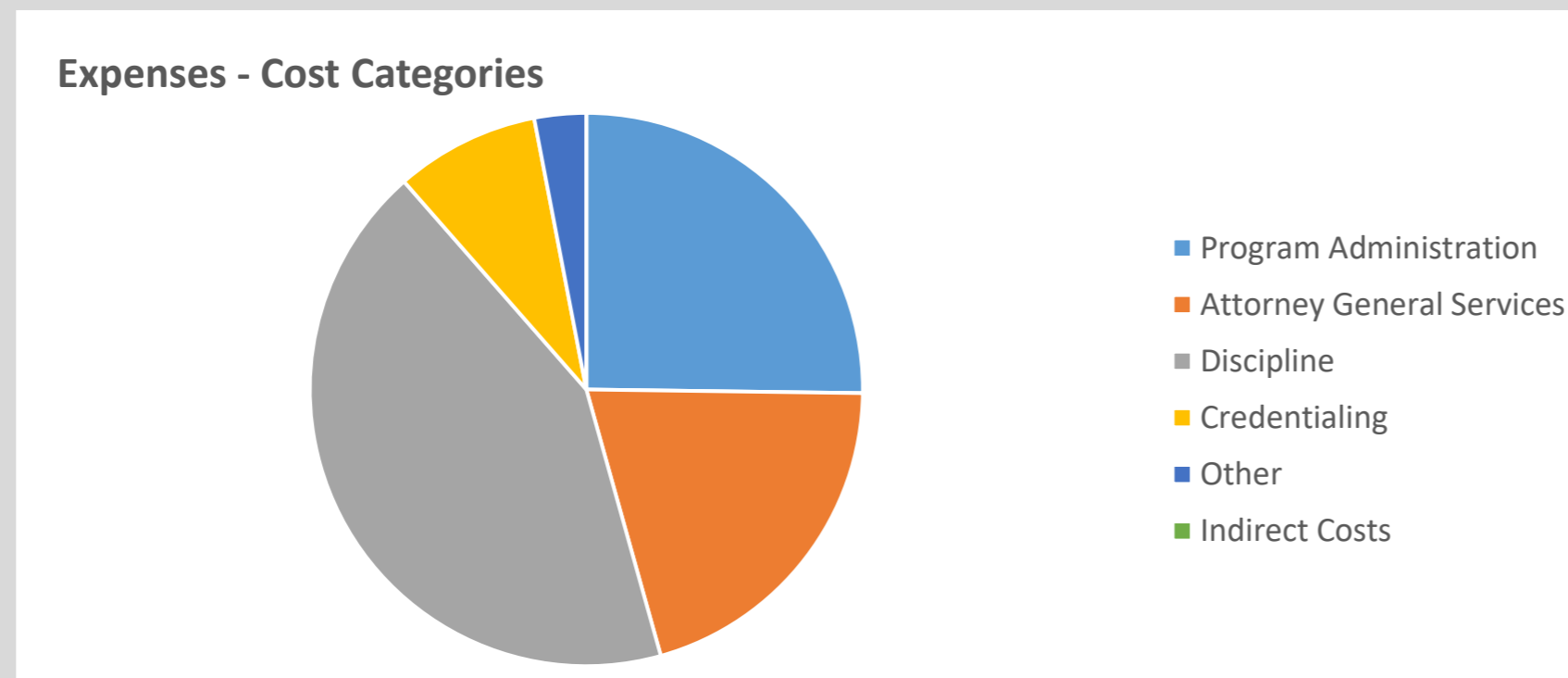
Beginning Fund Balance on July 1, 2023	\$1,320,013
Revenue To-Date	36,028
23-25 HELMS Assessment To-Date	-
Expenses To-Date	123,139
Period Ending Fund Balance	\$1,232,902



REVENUE	ESTIMATED REVENUE	ACTUAL REVENUE	VARIANCE F ESTIMATED
To-Date	60,071	36,028	(24,043) 60%
Biennium Total	335,396		



EXPENSES	TOTAL BIEN BUDGET	BUDGET TO-DATE	EXPENSES TO-DATE	VARIANCE TO-DATE	VARIANCE TO-DATE %
Staff Salaries and Benefits	190,956	31,340	30,595	745	2.4%
Committee Pay	3,168	528	106	422	79.9%
Expert Witness Contracts	-	-	-	-	#DIV/0!
Attorney General Services	36,096	6,016	25,180	(19,164)	-318.5%
Goods and Services	1,553	256	207	49	19.2%
Travel	7,008	1,168	135	1,033	88.4%
Equipment	1,200	200	-	200	100.0%
Intra-Agency Charges - Discipline	131,163	24,217	52,806	(28,589)	-118.1%
Intra-Agency Charges - Credentialing	72,990	13,135	10,381	2,754	21.0%
Intra-Agency Charges - Other	34,732	4,878	3,729	1,149	23.5%
<b>Total Direct Costs</b>	<b>478,866</b>	<b>81,738</b>	<b>123,139</b>	<b>(41,401)</b>	<b>-50.7%</b>
Indirect Costs			-	-	#DIV/0!
<b>Grand Total</b>	<b>478,866</b>	<b>81,738</b>	<b>123,139</b>	<b>(41,401)</b>	<b>-50.7%</b>



**Budget Notes:**

\* Fund Balance Goal is 60% of annual expenditures

### License Counts by County - Active - January 2024

	ACUP
Unknown	17
Adams	1
Benton	5
Chelan	14
Clallam	18
Clark	78
Columbia	1
Cowlitz	8
Douglas	4
Grant	2
Grays Harbor	3
Island	21
Jefferson	18
King	753
Kitsap	48
Kittitas	4
Klickitat	4
Lewis	4
Lincoln	0
Mason	4
Okanogan	4
Pacific	1
Pend Oreille	1
Pierce	68
San Juan	8
Skagit	25
Skamania	3
Snohomish	152
Spokane	41
Stevens	4
Thurston	61
Walla Walla	11
Whatcom	57
Whitman	5
Yakima	7
Out of State	123
<b>Total</b>	<b>1,578</b>

### Revoked

	ACUP
Unknown	1
Clark	1
King	1
<b>Total</b>	<b>3</b>

### Voluntary Surrender

	ACUP
Clark	1
King	2
<b>Total</b>	<b>3</b>

### Suspended

	ACUP
Island	1
King	1
Stevens	1
<b>Total</b>	<b>3</b>

### Active with Conditions

King	1
<b>Total</b>	<b>1</b>

### Active on Probation

	0
<b>Total</b>	<b>0</b>

### License Counts by County - Inactive

	ACUP
Unknown	2
Benton	1
Clark	1
Cowlitz	1
Island	1
Jefferson	1
King	9
Kitsap	1
Lewis	1
Snohomish	3
Whatcom	1
Out of State	19
<b>Total</b>	<b>41</b>

## Count of Case Natures

10/1/2023- 10/31/2023

Standard of Care/Services	1
Unlicensed Practice (Never had a license)	1
Violation of regulation of rules	1

11/1/2023-11/30/2023

Standard of Care / Services	2
Practice without a valid license	1
Unlicensed Practice (Never had a License)	2
Violation of Regulations or Rules	3
Abuse, Neglect-DSHS	1

Fraud	1
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12/1/2023-12/31/2023

Practice without a valid license	1
Standard of Care/Services	1

## Count of Alleged Issues

10/1/2023- 10/31/2023

Substandard or Inadequate Care	1
Violation of Federal or State Statues, Regulations or Rules	1
Unlicensed Practice	1

11/1/2023-11/30/2023

Unlicensed Practice	2
Filing False Reports or Falsifying Records	1
Fraud	1
Patient Abandonment	3
Practicing without a valid license	1

Violation of Federal or State Stautues, Regulations or Rules	3
Patient Care	1
Unlicense Conduct	1

12/1/2023-12/31/2023

Practice without a valid license	1
Unprofessional Conduct	1
Practice care	1