

**VERMONT ACUPUNCTURE ASSOCIATION ANNUAL MEETING**  
**11/14/2020**  
**VIA ZOOM**

Called to order at 9:08 am.

**Member Attendees:** Scott Moylan President, Deirdre Kelley Vice President, April Brumson Treasurer, Diana Vachon Secretary, Christina Ducharme Director, Charles Murdock Director, Dianne Barclay, Suzanna Bliss, Beth Bloomfield, Montana Burns, Samantha Cook, Hanna DeFuria, Molly Fleming, Liz Geran, Annette Hansen-Schmidt, Kelly Kaeding, Brendan Kelly, Pamela Kentish, Amy Lafayette, Catherine Lumenello, Brittan Mann, Jeanette Moy, Glynn Pellagrino, Donna Powell, Sam Russo, Dalite Sancic, Nieve Shere, Julie, Suarez Cormier, LiMing Tseng, Kirk White, Lucy Zhang Manning

**Guest Attendee:** Jessica Oski of Necrason Group

**President Welcome** – Scott Moylan welcomed everyone to the meeting and gave a brief overview of the year. It has been a pleasure to work with this Board and get to know everyone better. He thanked the Board members for their service. We had our first successful virtual Town Hall in May. We worked hard to help everyone with the changes due to the pandemic, from where to get financial help to how to reopen safely. He spoke about how important our lobbyist has been to support us and keep us informed of the legislative business. We will hear an update from Necrason Group later on in the meeting.

**Secretary Report** – Diana Vachon reported we had an unprecedented 90 members in 2020. We currently have 61 members, which has been the average for the last 4 years. So there is room to grow here and get more people to renew their membership. With the new website the membership renewal is on an anniversary date. If you join in May, then you renew in May. Most of our members currently renew in the fall. Beth Bloomfield has done a fabulous job guiding us on how to use the new website. The Board has been wonderful to work with this year. It's been an honor to serve with them.

**Treasurer Report** – April Brumson shared her screen with the balance sheet of the past few years of financial information. In summary we have:  
Income of \$7,500 in dues and donations.  
Expenses \$15,000+  
Net loss \$(8,000+)  
We have \$10,000 in reserves and \$11,900 additional cash.

\*Our \$10,000 reserve amount was established at 2013 Annual Meeting for cash flow purposes.

**Legislative Report** – Jessica Oski explained how the newly elected State leaders will change how we interact with the legislature. The State Senate and House are still mostly democratic with a Republican Governor. However the democrats lost a few seats so it will be more difficult to override a veto than it has been this past biennium. One of our champions in the Senate did not run for another term. We will need to continue to build new relationships and strengthen old ones in the legislature.

Massage Therapist and Touch Therapists to be regulated not licensed. This will take effect April 1, 2021. Jessica will find out what the fee will be.

The statutory language is here: <https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT178/ACT178%20As%20Enacted.pdf>  
Begins on page 53, Sections 28 and 29.

We discussed the constantly evolving directives from the State due to COVID-19. Health Orders supersede the decisions of OPR (Office of Professional Regulation). OPR follows Health Department. Be attentive to communications from Health Department. Liz Geran has contacts at the Health Department. She stepped up to be the liaison between the Health Department and the VTAA. Scott thanked her for stepping up.

We discussed BCBS following up on a question from the last annual meeting. Montana asked Jessica to follow up on coding by the end of year. She said she would do this for us. It's been a pleasure working with us. Thanked us for being her client and signed off the call.

We discussed the benefits of lobbying for our profession and recognized how invaluable the service is to us.

**MOTION:** Montana Burns to allow discretionary spending for BOD \$1000. Christina seconded. After discussion the amount was raised to \$1500. Montana amended her motion to \$1500. Glynn seconded. Discussed the need for the Board to notify the members that they are spending the money. Christina seconded. Amendment passed unanimously. Now the motion to allow discretionary spending for BOD \$1500 Board will notify the members that they are spending the money. Kelly seconded. There was no further discussion. Passed unanimously.

**MOTION:** Brendan Kelly to change reserve cash flow level from \$10,000 to \$5,000. Glynn seconded. Discussed putting the reserve into a money market account to earn some interest. We need to work on our fundraising. Dianne Barclay, Kirk White, Christina Ducharme, Beth Bloomfield abstained (4). Glenn Pellagrino and Diana Vachon voted Nay (2). Ayes (22). Motion passes 22-2-4.

**Break at 10:52 am for 10 minutes.**

Called to resume at 11:00 am

**MOTION:** Brendan Kelly to hire Necrason for the next year 2021 for \$12,000. Montana seconded. Discussion was brief among 25 members. Kirk White abstained. Motion passes 24-0-1.

**Election of President and Secretary** – Scott Moylan asked for Secretary nominations. Seeing none. Scott moved to the President. Deirdre self nominated. Deirdre spoke about how she has honestly enjoyed being on the Board. She feels that the healing around the legacy of the board is going well. The Board is good group people. And she is proud of how the meetings are going. We've worked hard to be clear about boundaries and frameworks for good communication styles going forward. We created a new committee, Ethics and Inclusion to help create a safe space in the organization for people to communicate. She hopes as President to bring to this organization a worker cooperative structure. She is committed to making this organization dynamic encouraging others to say what they need to say. This will move the membership's interests forward. She genuinely wants to hear from you. She will support more committee work and hops to get the regional meet ups off the ground through Zoom.

Scott thanked Deidre for her care and service. He expressed what an honor it's been to get to know her on the Board. He asked if anyone else would like to step up? Hearing none.

**MOTION** by Montana Burns to elect Deirdre Kelley as President of VTAA for a three-year term. Scott seconded. Hearing no discussion. Motion has passed unanimously.

Congratulations, Deirdre!

Now Vice President position is open. Christina would like to be VP for a year. This is Board decision.

**MOTION** by Scott Moylan to appoint Christina to Vice President to finish one year of a three-year term. Charles seconded. Catherine Lumenello clarified this is to finish Deirdre's term. Deirdre called vote. Passed 5-0.

**MOTION** by Christina Ducharme to open nominations to fill her one-year position. Deirdre seconded. 5-0 passes.

**MOTION** by Catherine Lumenello self nominates to finish (1 year) Christina's Director position. Christina seconded. Deirdre asked for anyone else. Seeing none. 5-0 passed.

Montana Burns self nominates to serve a three-year term as Secretary. Christina affirms the nomination. Scott would like to help and be a co-secretary.

**MOTION** by Diana Vachon to have Montana Burns and Scott Moylan share the secretary position. Glynn pointed out according to the bylaws there can only be one Secretary and one vote by the Secretary at meetings. Diana rescinded her motion. Discussed the board positions and how to change bylaws.

**MOTION** by Scott Moylan to elect Montana Burns as Secretary of the VTAA for a three-year term. Glynn Pellagrino seconded. Passes unanimously.

Congratulations Montana!

The new Board is Deirdre Kelley President, Christina Ducharme Vice President, April Brumson Treasurer, Montana Burns Secretary, Charles Murdock Board Director, Catherine Lumenello Board Director.

Kirk would like to amend Article 6, Section 3 to read:

Section 3. Tenure. Each Officer shall serve a three year term which shall begin at the close of the Annual Meeting.

That will fix the problem of the new incoming officers suddenly finding themselves working on their predecessor's agenda and the outgoing president no longer being able to make motions or vote.

**MOTION** by Christina Ducharme to add this to the agenda after the Ethic discussion on the bylaws. Catherine Lumenello seconded. 24 participants are now at the Zoom meeting. Motion passed unanimously.

Congratulations to Kirk on being elected to Vermont State House Representative. Kirk thanked us for all our support.

### **ASA Report by Scott Moylan**

Scott shared the Road Map for Licensed Acupuncturists to be included and recognized as providers for Medicare, which does take an act of congress. We are in Stage One. Working to finalize Bill language, increase communication, publicity and gathering bipartisan support. Looking for people to get involved in this and involved in ASA. Benefits of Medicare recognition are many. They are compiling data for the effectiveness of acupuncture relieving back pain. And looking to start pilot studies to add to the data we have collected.

The Bill introduction will happen when have cosponsors by democrats and republicans and have champions. Please get involved even if you do not agree with moving forward. We need your voice. The more people involved the better the representation from our profession.

Go to ASA website and under About and Committees to get involved with them. Our own LiMing Tseng is in charge of the conference committee.

Opt-out option for CMS. When acupuncturists are accepted as Medicare providers there will be an option for practitioners to opt out. Liz, Suzanna and Molly are asking for clarification regarding the opt out option. Is there the possibility that it keeps us from being able to treat a potential patient base? Scott will clarify this and get back to the membership.

Scott as president of VTAA is the ASA rep. He sits in on meetings and is the liaison between VTAA and ASA. Deirdre will take on this role as President. Then there is an alternate. Deirdre has been the alternate for a year. There is email group used for communication for reps.

**Bylaw Updates:** Christina, Catherine, and Deirdre worked on the changes. It was initiated by behavior of a member on the list serve. This ad hoc committee wanted to address the concerns surrounding how the process was handled. The following purposed changes update the language to be more inclusive. They wanted to create a pathway back to the membership while maintaining a safe environment for everyone to communicate.

Christina reviewed the changes and shared her screen with the proposed changes in Red and the language to be removed in strikethrough as follows:

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ARTICLE II. PURPOSE

To change ~~acupuncture and Oriental medicine~~ to **Acupuncture and East Asian Medicine.**

And to change ~~code of ethics~~ **Code of Ethics and Conduct**

ARTICLE III. MEMBERSHIP AND VOTING

To change ~~Oriental medical~~ **East Asian Medical**

To change ~~acupuncturist~~ to **Acupuncturist**

Throughout the bylaws document.

ARTICLE III. MEMBERSHIP AND VOTING

Section 2. Suspension, Expulsion or Denial of Membership. Any person or organization may be denied membership or any member may be suspended or expelled by the Board of Directors for violation of the Code of Ethics ~~of the Association. All charges against a~~

member for violating the Code of Ethics shall be filed with the Board of Directors, which, upon written notice to the defendant member, shall cause the charges to be investigated, upon findings of probable cause of violation. The defendant shall have the right to defend himself, personally or by representative. The Board of Directors will review the findings, conclusions, and recommended action within 21 days and adopt, modify or reject it by a two-thirds (2/3) vote. Any member subject to suspension, expulsion or denial of membership shall forfeit all dues that may have been paid. **and Conduct. All charges against a member shall be reviewed and processed according to the Code of Ethics and Conduct. Any member subject to suspension, expulsion or denial of membership shall forfeit all dues and other fees that may have been paid.**

## ARTICLE IX

### CODE OF ETHICS & CONDUCT

As a practitioner of Oriental medicine and a voting member of the VTAA, I commit myself to practice acupuncture and Oriental medicine responsibly and to the best of my ability; to the growth of my profession's role in the broad spectrum of health care in Vermont; and to my own professional growth. I subscribe to each of the commitments stated below:

1. To render the highest quality care and to make appropriate and timely referrals to other health care professionals.
  2. To keep the patient informed, by explaining treatment procedures and expectations of results; and to avoid making false promises or creating unreasonable expectations.
  3. To place the health and well being of my patients first and foremost in my mind, conforming to the rule of health care first, business second.
  4. To keep accurate record of patient history and treatment and to respect the confidentiality of those records and of any other personal information given by the patient.
  5. To conduct my business and professional activities with honesty and integrity, and project a professional image in all aspects of my practice.
  6. To strive for professional excellence through regular assessment of personal and professional strengths and weaknesses, and by continued education and training.
  7. To establish clear boundaries in the professional relationship and provide a safe atmosphere guarding against physical and emotional abuse of clients and abstaining from any sexual conduct with patients within two years of a professional relationship.
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8. To provide an appropriately clean environment and to be familiar with modern techniques for preventing communicable disease.
  9. To avoid treating patients when one's own judgment or competence is impaired by chemical dependency or physical or mental incapacity.
  10. To recommend and sell food supplements or other products solely for the health and wellbeing of my patients.
  11. To make a sincere effort to contribute towards the standards of the profession of acupuncture.
  12. To use appropriate channels to maintain ethical, professional conduct among my peers.
  13. To provide accurate information regarding my education, training, and experience, professional affiliations, certification and licenser within the reach of the public.

~~14. To respect the integrity of other forms of health care and to make efforts to develop collaborative relationships with other care providers and to bring the best possible care to our patients.~~

~~15. To make every effort to keep health care costs within the reach of the public.~~

~~16. To avoid making claims of representing the VTAA to any organization, person, or governmental agency without clear approval of the voting body of the association.~~

~~17. To not represent myself as, or use the word 'Doctor' or its abbreviation before my name on any signs, stationary, advertising material or for any purpose whatsoever, unless I am licensed to do so expressly by the State of Vermont, Medical Practices Act, or by other accredited license practice acts.~~

~~18. To follow all current Vermont laws on acupuncture.~~

~~Members shall not use membership in the VTAA to imply professional competence.~~

Section 1. Code of Ethics. As a voting member of the VTAA, I commit myself to practice Acupuncture and East Asian Medicine responsibly and to the best of my ability; 2) to the growth of my profession's role in the broad spectrum of health care in Vermont; and 3) to maintain respectful behavior and communications with my peers, my clients, and through all of my professional communications within and outside the VTAA. As such, I subscribe to each of the commitments stated below:

1. To render the highest quality care. This includes explaining treatment procedures and likely outcomes to avoid making false promises or creating unreasonable expectations; making appropriate and timely referrals to other health care professionals; and keeping accurate and confidential records of client history, treatment and any other personal information provided.

2. To place the health and well being of my patients first and foremost in my mind, conforming to the rule of 'health care first, business second.' This includes providing accurate information regarding my education, training, experience, professional affiliations, certification, and licensure; only recommending supplements or other retail products solely for the health and well-being of my clients; and making every effort to keep health care costs within the reach of the public.

3. To follow all current Vermont laws for practicing acupuncture. This includes adhering to State and Federal guidelines to prevent communicable disease; observing any temporary changes in regulations for emergent health crises (including closure of business operations when dictated); and not representing myself as, or using the word 'Doctor' or its abbreviation on any signs, stationary, advertising material or for any purpose whatsoever unless I have obtained a doctoral degree in Acupuncture or East Asian Medicine by an appropriately accredited institution, or am separately licensed to do so expressly by the State of Vermont.

4. To conduct my business and professional activities with honesty and integrity. This includes establishing clear boundaries and a safe atmosphere to guard against physical, sexual, and emotional abuse; not engaging with clients if my judgment or competence is impaired by chemical dependency, physical or mental-emotional incapacity; and abstaining from any sexual or intimate conduct with patients for at

least two years after any initial practitioner-client relationship has terminated.

5. To project a professional image in all aspects of my practice and make a sincere effort to contribute towards the standards of the profession of acupuncture. This includes striving for professional excellence by regular assessment of personal and professional strengths and weaknesses; and regular pursuit of professional growth opportunities beyond any state licensure requirements for continuing education.

6. To respectfully engage with other members, colleagues, and all health care providers, appreciating the efforts of individuals and honoring the integrity of all health care traditions. This includes communicating with respect and civility in all forms of communication (including, but not limited to, email, phone, online, and in-person), even when in disagreement; maintaining ethical and professional conduct, with the understanding that disrespectful, defamatory, or otherwise abusive behavior (including, but not limited to, stalking, threats, and intimidations) is not tolerated; and developing collaborative relationships with other care providers whenever possible to bring the best possible care to our patients.

7. To avoid claims of representing the VTAA to any organization, person, or governmental agency in any form of communication (including, but not limited to, email, phone, online, and in-person) without clear approval from the voting body of the association. This includes any surveys sent to the membership, which must be pre-approved by a board member or be clearly and boldly indicated that it is not a VTAA survey.

#### CODE OF CONDUCT

~~Acting with respect is fundamental to our strength as an organization.~~

~~The VTAA chat groups are expected to provide a welcoming and safe place for members to have discussions with other members. The chat groups are a privilege of membership. We expect all conversations to be respectful and civil. There is no place for rudeness, intimidation, hostility, or bullying. Should other members feel that any of the above are occurring in an email then they should either speak up via email to the group or to the board of directors. If 3 different people (one of whom can be a board member) feel that an email is lacking in respect, or is rude, intimidating, hostile or of a bullying nature than a warning will be sent to the member involved. If there is a second occurrence the person who's email has been deemed inappropriate can be removed from the VTAA group email list for a period of one year.~~

~~If the inappropriate behavior is from someone whose membership has lapsed they can be removed immediately.~~

~~We request that if you are going to send a survey to the membership that it be screened by a board member first. This is a request, not a requirement. If a survey has not been approved by the board it should be clear that it is not a VTAA survey.~~

Section 2. Code of Conduct. The VTAA values integrity and professional conduct, and in all interactions we aim to respectfully hold each other accountable to these values. Being part of this organization is a privilege, not a right. Recognizing that acting with respect is

fundamental to our strength as an organization, and that understanding ethics and professional conduct is paramount to that respect, this document specifically outlines behavioral expectations for our members, the procedure utilized for managing complaints and determining actions, and the ability to regain membership privileges.

1. Behavior of Members: All members are expected to act according to the Code of Ethics found in our bylaws, emphasizing that all communications be respectful and civil, providing a welcoming and safe place for members to have productive and professional debate. There is no place for rudeness, hostility, intimidation, bullying, sarcasm, sexism, homophobia, racism, or any other form of oppressive behavior. Should any member feel that another member has violated any of the above, and after seeking resolution directly with the individual remains unsatisfied, they may raise their concern to the board of directors. If a member feels unsafe addressing the individual directly, they may approach any member of the board for support.

2. Complaint Process: Complaints may be made to any member of the board, and the option to retain confidentiality always exists. If you have concerns with the board itself, you can ask someone you trust to initiate a complaint in your stead, whether or not that person is a member of the VTAA. All complaints must be in writing with detailed information regarding the offense, including date, place, description of events, and any witnesses when applicable. For email / text, please forward the original conversation thread noting the specific area of concern. Once a single complaint against a member is received, action will be taken in the following steps:

a. The board will review the complaint at their next meeting, or within 30 calendar days, whichever comes sooner. If there are multiple complaints against the same member, the individual complaints shall be viewed as a whole picture; this may receive an increased disciplinary response (see Disciplinary Actions below).

b. The board members will determine if there is probable cause of violation. In the case where a board member is also a complainant, that board member must recuse themselves from this discussion.

c. The board will invite the member whose actions are in question to respond to the accusations in writing (email is acceptable), with 14 calendar days allowed for such response.

d. The board will review the response within 14 calendar days. If after evaluation of all documents 3 different people (none of whom is a complainant) feel that the actions violate either the Code of Ethics or Code of Conduct, the board will send a written warning stating clearly that evidence of such behavior occurring again within the next 12 months will result in disciplinary action.

3. Disciplinary Actions: If there is a second occurrence within 12 months, the member in violation could be, without written warning:

a. able to receive messages but prevented from posting to the listserv for a period

of one year, and/or

- b. suspended from the VTAA group email list for a period of one year, and/or
- c. dismissed from board or committee work for a period of one year, and/or
- d. banned from attending the next annual meeting, and/or
- e. suspended from the practitioner listing on the VTAA website for a period of one year, and/or
- f. permanently expelled from the VTAA if the actions are most severe, without any refund of dues or other fees paid to date.

4. **Appeal Process:** The member to whom disciplinary action has been warned or enacted is allowed to appeal the decision of the board within 30 calendar days of the notice. Any appeal must be in writing (email is acceptable) to a member of the board. Appeals shall be reviewed by all available members of the board and the committee on Ethics, Conduct, and Inclusion (excluding only those that are complainants) within 30 days. Final decision to support or revise the warning or action must be made by majority vote of these members.

5. **Regaining Membership Privileges:** The member to whom disciplinary action is warned or enacted shall be able to regain full membership status and all benefits through reparative justice means. This may include taking responsibility for behavior and acknowledging the impact it has had on others, and a demonstration of a willingness to change behavior patterns. Reparations, progress and restitution will be determined on a case-by-case basis, and will be evaluated by the committee on Ethics, Conduct, and Inclusion excluding those that are complainants. In the case that the Ethics, Conduct and Inclusion committee is defunct, the VTAA Board of Directors will fulfill this obligation.

**MOTION** by Christina Ducharme to accept the changes to the VTAA bylaws as presented. Scott Seconded. Discussion. Diana Vachon asked how does one make a complaint about a board member? Christina agreed that need to be addressed and rescinded her motion.

**MOTION** by Christina Ducharme to accept the following change to bylaws Section 2 complaint process add to #2 section b.

“If a complaint is made against a board member, that board member will recuse themselves from the investigation and any voting”.

Deirdre seconded. There was a brief discussion. Passed unanimously by 22 participants currently on the Zoom meeting.

To ensure a smooth transition of the Board of the Directors at the annual meeting an additional proposed change to bylaws is as follows:

Article VI. Section 3. Add the following wording “which shall begin at the end of the annual meeting.”

**MOTION** by Christina Ducharme to accept the proposed change as written above. Catherine Lumenello seconded. After a brief discussion, moved to vote. Passed unanimously.

We discussed the adding an additional member to the Board of Directors. The Board was asked to announce to membership when they will be meeting. Members may attend the Board meetings and have the ability to ask for an item to be added to the agenda.

The Board agreed.

**MOTION** by Montana Burns to add a third Board Director position. Catherine Lumenello seconded. This is great way to create more balance and collaboration. And it's a safety mechanism built in so the president does not need to be the tiebreaker. Kirk White suggests it read up to 3 additional BOD to give some flexibility so we are still in compliance. Montana restated her motion to include "up to 3 additional Board Directors". No further discussion. Passes unanimously.

Scott Moylan would like to step up into that role of Board Director. Would anyone else? Seeing none.

**MOTION** by Deirdre Kelley to elect Scott Moylan to a three year Board Director position. Montana seconds. Hearing no discussion. Passes unanimously.

Congratulations Scott!

### **VTAA Inclusion and Anti-Racism Statement.**

Deirdre explained this statement came out of the really important global social movement taking a stand against racism. Catherine added that the current language is LGBTQ +. It was agreed to amend the statement to add in the "+".

"The Vermont Acupuncture Association represents a dynamic group of Health Care practitioners with a unique and vital role in providing health care to the public. As acupuncturists, herbalists and meditation practitioners, with many centuries long lineages of healers standing behind and with us, we work to enhance the lives of our patients and our communities.

To access and bring forth true and deep healing, we choose to acknowledge the systems and patterns that oppress us so we can bring to light the imbedded societal trauma we all carry.

Racism, slavery, stolen labor, forced sterilization, incarceration, poverty, and unequal access to health care- to name just a few-are some of the intentional systems created to divide us. As practitioners, we endeavor to hold space for the process of rooting out these inequities, allowing our patients to be seen and heard, so that we can begin the process of healing and becoming an equal and just community.

The National Certification Commission for Acupuncture and Oriental Medicine and the American Society of Acupuncture state that, “As a holistic medical community, we recognize that compassion and love for one another takes work, and that overcoming centuries of systemic racism and discrimination demands constant vigilance, action, and collaboration. We stand committed to anti-racist practices that root out bias, discrimination and oppression in the medical field. We strive to create a world that is just and safe for all, with equitable laws, social opportunities, and access to healthcare that meet the needs of every human being in our global community.”

The VTAA stands with and for anti-racism, LGBTQ+ individuals, and all oppressed peoples and recognizes the work it takes for us to educate ourselves and our patients about how these oppressions affect our communities and ourselves.”

**MOTION** by Scott Moylan to accept the statement as amended.

April seconded. This will be a living and breathing document and change as our society and organization grow. Passed unanimously.

**TABLED** Unfortunately there is not time for the lunch breakout sessions in order to start the PDA class right at 1 PM. We will table this for another meeting and work on establishing the committees in the near future.

Meeting adjourned at 12:47 PM.

Respectfully submitted by Diana Vachon VTAA Secretary.