



Texas State Board of Acupuncture Examiners

BOARD MEETING MINUTES

May 6, 2016

The meeting was called to order at 9:36 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members Raymond Graham; Donna S. Guthery, L.Ac; Rachelle Webb, L.Ac.; Suehing Yee Chiang; and Rey Ximenes, M.D., were present. Linda Wynn Drain, J.D; Jingyu Gu, L.Ac and Claudia E. Harsh, M.D., were not present. Staff members present were Mari Robinson, J.D., Executive Director; Monique Johnston, Licensure Manager; Megan Goode, Governmental Affairs and Communication Manager; the Assistant General Counsels, Rob Blech, J.D.; Wendy Pajak, J.D.; Sarah Tuthill, J.D.; and John Langley J.D.; and various other staff.

Agenda item #2, Board Member Report. Mr. Cline requested an update on the PT Board rule consideration on dry needling. Ms. Pajak reported no action was taken.

Agenda item #3, Executive Director's Report.

Legislative Update. Ms. Robinson presented an update on the implementation of SB202 which transferred four regulatory programs from DSHS to TMB. The programs include the Medical Physicists and the Perfusionist Licensure Advisory Committees, and the Board of Respiratory Care and the Board of Medical Radiologic Technology.

Ms. Robinson reported the strategic planning process began in April. The Strategic Plan is filed every two years to present upcoming issues and performance measurers.

Ms. Robinson notified the board members they will be contacted by Sunset staff during the upcoming Sunset Review process.

Ms. Robinson summarized Legislative Interim Charges and reported none of the charges dealt directly with acupuncture.

Internal Audit. Ms. Robinson reported the internal auditor recommended an audit of the Compliance Department and functions. The Medical Board approved the audit topic. The internal audit is scheduled to be concluded at the end of the fiscal year.

Budget. Ms. Robinson reported all projected expenditures continue to remain on target.

Outreach update. Ms. Robinson presented the 2016 Outreach schedule and reported two acupuncture schools received Outreach presentations. Invitations will be sent again this year.

Email. Ms. Robinson reported the members will have agency email addresses assigned to use for official board business.

There were no items for Agenda item #4

Agenda item #5, Consideration and possible action regarding pending litigation. Ms. Pajak reported the ongoing Acupuncture Association vs Chiropractic Board lawsuit regarding the practice of acupuncture is still pending.

Agenda item #6, Discussion, recommendation, and possible action regarding the active practice of acupuncture. Ms. Robinson gave information on proposed changes regarding the active practice of acupuncture. The Board directed staff to replace “one semester” with “minimum of 240 hours” to keep §183.4 Licensure consistent and request additional stakeholder input.

Agenda item #7, Discussion, recommendation, and possible actions regarding electrical treatments. Ms. Pajak gave an update regarding electrical treatments and summarized that acupuncturists, physical therapists and chiropractors allow heat or electrical application within the scope of their practice. In order to gather additional information regarding device regulations, the device would have to be specified to verify the regulating authority for each device.

There were no items for Agenda items #8-21.

Agenda item #22, Discussion, recommendation, and possible action regarding a proposed adoption of the rule review and proposed amendments to 22 T.A.C. Chapter 183.

- a. §183.2 Definitions
- b. §183.4 Licensure
- c. §183.5 Annual Renewal of License
- d. §183.18 Administrative Penalties
- e. §183.20 Continuing Acupuncture Education

Ms. Robinson gave a brief summary, No written comments were received and no one signed- in to present oral comments. **Ms. Webb moved, Mr. Cline seconded, and the motion passed to approve to adopt the rule review and proposed amendments to 22 T.A.C. §183.2 Definitions, §183.4 Licensure, §183.5 Annual Renewal of License. §183.18 Administrative Penalties, §183.20 Continuing Acupuncture Education, and refer to the Medical Board for public comment and adoption.**

Agenda item #23, Report regarding §183.7(c). Ms. Robinson reported the Medical Board requested additional information regarding facial rejuvenation by an acupuncturist without a physician referral. After discussion, the Board directed staff to move forward with the research and present to the Medical Board.

Agenda item #24, Open forum for public comments. Marty Calliham, signed-in and presented oral comments. Chris Butler, signed-in and presented oral comments.

Agenda item #25, Consideration and approval of February 5, 2016 Board Meeting Minutes. Mr. Graham moved, Dr. Ximenes seconded, and the motion passed to approve the February 5, 2016 Board Meeting Minutes with the modification to change “Dr.” Graham to “Mr.” Graham on agenda item #20.

Agenda item #26, Committee reports and the consideration and approval of committee action items.

Mr. Cline gave a report of the Licensure Committee. **Mr. Graham moved, Mr. Cline seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Ms. Webb gave a report of the Education Committee. **Ms. Webb moved, Mr. Cline seconded, and the motion passed to approve the minutes and action items.**

There being no additional items, **Ms. Chiang moved, Mr. Graham seconded, and the motion passed to adjourn the meeting at 10:24 a.m.**