



Texas State Board of Acupuncture Examiners

BOARD MEETING MINUTES

January 16, 2015

The meeting was called to order at 10:46 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were: Suehing Yee Chiang; Raymond Graham; Jingyu Gu, L.Ac.; Donna S. Guthery, L.Ac.; Claudia E. Harsh, M.D.; Rachelle Webb, L.Ac.; and Rey Ximenes, M.D. Linda Wynn Drain, J.D., was not present. Staff members present were Mari Robinson, J.D., Executive Director; Robert Bredt, M.D., Medical Director; Scott Freshour, General Counsel; Megan Goode, Governmental Affairs and Public Information Manager; Nori Peterson, Licensure Team Lead; Rob Blech, Wendy Pajak and Sarah Tuthill, Assistant General Counsels; and various other staff.

Agenda item #2, Board Member Report. Mr. Cline introduced and welcomed new board members, Donna S. Guthery, L.Ac., and Claudia Harsh, M.D.

Mr. Cline gave a report on the meeting with the Texas Board of Physical Therapy Examiners to discuss dry needling. After discussion, the board directed staff to prepare a letter to request an Attorney General opinion on the interpretation of the statute surrounding physical therapy and dry needling.

Agenda item #3, Executive Director's Report.

Budget. Ms. Robinson reported the budget is tight but on track.

Legislative Update. Ms. Robinson gave an update on the interstate compact for medical licensure, the Senate Health and Human Services Committee Interim recommendations, and Sunset recommendations for DSHS that could impact the agency. Ms. Robinson summarized the FY16-17 Legislative Appropriations Request that provides budget and performance measure information.

Audit update. Ms. Robinson gave an update on the new auditors, Garza/Gonzalez & Associates, Certified Public Accountants, and the proposed audit topics.

Agenda item #4, Consideration and possible action regarding pending litigation. Mr. Freshour gave a report on pending litigation.

Agenda item #5, Discussion, recommendation, and possible action regarding applicant work history. Ms. Robinson asked for direction regarding the work history collected for licensure applicants and whether the Board would like to change the current requirements to mirror that of physician licensure applicants. Ms. Robinson explained that currently acupuncture

applicants are required to report work history from the time they graduated acupuncture school to the present, which is similar to what physician assistant and physician in training applicants must report with their applications. However, this differs from the physician applicants, who are required to report all professional history for the past 5 years, including periods of unemployment and positions outside the practice of medicine. The Board directed staff to continue requesting work history from graduation of acupuncture school to the present, but to bring the issue back to the Board should the Physician Assistant Board chose to change their policy.

Agenda item #6, Discussion, recommendation, and possible action regarding rule 183.10. Mr. Gu presented a possible modification to take vital signs as conditions require them. The Board directed staff not to proceed with any modifications.

There were no items for Agenda items #7-11.

Agenda item #12, Consideration and Approval of Nunc Pro Tunc Orders. After discussion, Ms. Webb moved, Dr. Ximenes seconded, and the motion passed to approve the Nunc Pro Tunc Order for John Edwin Stewart, L.Ac.

There were no items for Agenda items #13-18.

Agenda item #19, Discussion, recommendation, and possible action regarding requests to become approved providers. Ms. Peterson summarized the presented request to become approved providers. After discussion, Mr. Graham moved, Ms. Chiang seconded, and the motion passed to approve Southern California University of Health Sciences as an approved provider.

Agenda item #20, Report from staff of CAE courses approved. Ms. Peterson presented a report on CAE courses that were approved by staff.

There were no items for Agenda item #21.

Agenda item #22, Review, discussion, and possible action regarding selected files and cases. After discussion, Dr. Ximenes moved, Ms. Chiang seconded, and the motion passed to dismiss Log #14-6931. After discussion, Mr. Graham moved, Ms. Webb seconded, and the motion passed to dismiss Legal #14-0908.

There were no items for agenda item #23.

Agenda item #24, Open forum for public comments. Georgeanna Hoiseth, Karen Gordon, Kathy Grant, Lisa Hughes signed in but did not present oral comments.

Agenda item #25, Consideration and approval of October 10, 2014 Board Meeting Minutes. Mr. Graham moved, Dr. Ximenes seconded, and the motion passed to approve the October 10, 2014 minutes and action items.

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, Dr. Ximenes seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Agenda item #27, Nomination and election of Assistant Presiding Officer. Mr. Graham nominated Dr. Ximenes. The board elected Dr. Ximenes Assistant Presiding Officer by acclamation.

The Board recessed at 12:01 p.m.

The Board reconvened at 12:08 p.m.

Agenda item #24, Open forum for public comments. (Continued). Chris Butler signed-in and presented oral comments. The Board directed staff to add an agenda item for the following board meeting related to inactive licensure status and retired licensure status.

Agenda item #28, Board training. Ms. Robinson presented board training.

There being no additional items, Mr. Gu moved, Dr. Ximenes seconded, and the motion passed to adjourn the meeting at 1:05 p.m.