

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS  
BOARD MEETING MINUTES  
APRIL 23, 2001

The meeting was called to order at 1:09 p.m. by Presiding Officer, Everett G. Heinze, Jr., M.D. Board members present were Pedro (Pete) V. Garcia, Jr.; Everett G. Heinze, Jr., M.D.; Meng-Sheng Linda Lin, L.Ac.; Dee Ann Newbold, L.Ac.; Claire H. Smith; and Marshall D. Voris, Ph.D., Ed.D., L.Ac. Staff members present were F.M. Langley, D.V.M., M.D., J.D., Executive Director; Jerry Walker, Chief Operating Officer; Michele Shackelford, J.D., General Counsel; Jennifer Soffer, J.D., Assistant General Counsel; and various other staff.

**Agenda item #5, regarding the Executive Director's report, was considered.** Dr. Langley reported that Mr. Garcia, Ms. Lin, and Dr. Voris appeared before the Nominations Committee and were confirmed by the Senate. Dr. Langley also reported on the ongoing legislative session and reorganization in the Enforcement and Central Administration Divisions.

**Agenda item #7, regarding the financial report, was considered.** Dr. Langley reported that the agency budget for the remainder of the fiscal year would be tight and that certain measures have been taken to ensure that the agency does not exceed its budget. Dr. Langley recommended that all board meetings scheduled for July and August, including the next meeting of the Acupuncture Board, be postponed until September. He also explained that the agency would cut down on investigator travel, implement a hiring freeze, and make no major purchases at this time.

**Agenda item #2, regarding executive session, was next. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to go into executive session at 1:22 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action, and for consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, §§152.009, 205.304, 205.356, and 205.357; and Attorney Generals Opinion No. H-484.** Open session resumed at 1:28 p.m. and it was announced that no action was taken during executive session. A certified agenda was made.

**Agenda item #3, regarding board briefings, was next.** Mrs. Shackelford briefed the board regarding board rules, statutes, Attorney General Opinions, and past actions on the issue of professional titles.

**Agenda item #4, regarding a presentation by Chris Butler, L.Ac. relating to the use of the title "Oriental Medical Doctor," was next.** Following Mr. Butler's presentation, **Dr. Voris moved, Ms. Smith seconded, and the motion failed 3-3 to have this information reviewed by the Education Committee. Ms. Lin moved, Mr. Garcia seconded, and the motion passed to have the issue referred to the full board for further discussion.**

**Agenda item #6, regarding the legislative update, was next.** Jane McFarland, Director of Physician Profile, reported on pending legislation, including several bills affecting the practice of acupuncture.

**Agenda item #8, regarding the number of board meetings, was considered.** Mrs. Shackelford reported on the interpretation of the board rule regarding the requirement to conduct at least four board meetings per year. **Ms. Smith moved, Mr. Garcia seconded, and the motion passed, that due to financial constraints, to postpone the summer meeting to September 4, 2001.**

**Agenda item #9, regarding the board meeting schedule for 2002, was next.** It was announced that a schedule would be prepared and presented at the September board meeting based on scheduling changes that the Medical Board makes that would impact the Acupuncture Board.

**Agenda item #10, regarding energy flow exercise, was next.** Following a recommendation by Mrs. Shackelford that the board postpone the issue until the next meeting, **Ms. Newbold moved, Dr. Voris seconded, and the motion passed to defer the item until the next meeting.**

**It was announced that there were no orders to be considered for agenda items #11-18.**

**Agenda item #19, regarding the January 12, 2001 board meeting minutes, was considered. Mr. Garcia moved, Ms. Smith seconded, and the motion passed to approve the minutes.**

**Agenda item #20, regarding the January 12, 2001 Executive Committee meeting minutes, was next. Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the minutes.**

**Agenda item #21, regarding the January 12, 2001 Education Committee meeting minutes, was next. Ms. Newbold moved, Dr. Voris seconded, and the motion passed to approve the minutes.**

**Agenda item #22, regarding the January 12, 2001 Licensure Committee meeting minutes, was next. Dr. Voris moved, Ms. Newbold seconded, and the motion passed to approve the minutes.**

**Agenda item #23, regarding a report of the April 23, 2001 Education Committee meeting, was next.** Ms. Newbold reported that the committee reviewed continuing acupuncture education applications and discussed the criteria for determining the duration of course approval.

**Agenda item #24, regarding a report of the April 23, 2001 Licensure Committee meeting, was next.** Dr. Heinze gave a report and recommended 12 applications for unconditional approval and 3 for deferral.

**Agenda item #25, regarding a report of the April 23, 2001 Discipline and Ethics Committee meeting, was next.** Mr. Garcia reported that the committee reviewed and recommended closure of two investigations.

**Mr. Garcia moved, Ms. Smith seconded, and the motion passed to approve the report and action items of the Education Committee.**

**Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the report and action items of the Licensure Committee.**

**Ms. Smith moved, Ms. Newbold seconded, and the motion passed to approve the minutes of the Education Committee.**

**There being no further business, Mr. Garcia moved, Ms. Lin seconded, and the motion passed to adjourn the meeting at 2:35 p.m.**