



## **Texas State Board of Acupuncture Examiners**

### **BOARD MEETING MINUTES**

February 1, 2013

The meeting was called to order at 10:37 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were Terry G. Rascoe, M.D., Assistant Presiding Officer; Raymond J. Graham, Secretary/ Treasurer; Chung-Hwei Chernly, L.Ac.; Karen Siegel, L.Ac.; Rachelle L. Webb, L.Ac.; and Reynaldo Ximenes, M.D. Suehing Yee Chiang and Linda Drain were not present. Staff members present were Mari Robinson, Executive Director; Robert Bredt, M.D., Medical Director; Scott Freshour, General Counsel; Robert Blech, Assistant General Counsel; Tonie Knight, Manager of Licensure; Megan Goode, Special Projects; and various other staff.

#### **Agenda item #2, Board Member Report.**

**Information regarding CAE on website.** Mr. Cline briefly discussed the CAE information provided on the board's website.

#### **Agenda item #3, Executive Director's Report.**

**Budget update.** Ms. Robinson presented the budget and reported the budget remains on target.

**Legislative update.** Deferred to later in the meeting.

**Enforcement report.** Ms. Robinson presented the December 2012 Enforcement Report and reviewed the Investigation, Litigation, and Compliance statistics related to acupuncturists.

**Legislative update.** Ms. Robinson reviewed the Exceptional Items the agency requested and gave an update on the discussion of bills surrounding changes to the Acupuncture Act; other key legislative changes were summarized.

**Audit update.** Ms. Robinson gave an update on the Internal Audit Plan for Fiscal Year 2013 that will cover governance and ethics for staff and all three boards. The auditor may contact some or all board members.

**Outreach Update and Communication.** Ms. Robinson reviewed the outreach presentations conducted throughout the state for physicians and medical students. After discussion, **the board directed staff to brainstorm on the possibility of outreach presentations for the Acupuncture schools and associations.**

A training session for board members that will encompass the licensure and enforcement processes, applicable statutes and rules, and recent legislative changes will be conducted at the next board meeting.

**Agenda item #5, Discussion, recommendation, and possible action regarding Board member attendance.** Ms. Robinson presented an attendance record. After discussion, **the board directed staff to forward the attendance record to the Governor's Appointment Office.**

**Agenda item #6, Discussion, recommendation, and possible action regarding a request for an Attorney General's opinion related to advertising as herbal pharmacies.** Ms. Robinson reported the feedback received from a stakeholder member. After discussion, **the board directed staff to not request an Attorney General's opinion relating to advertising herbal pharmacies.**

**Agenda item #7, Discussion, recommendation, and possible action regarding creating acupuncture assistant.** Ms. Robinson reviewed the legalities of creating an acupuncture assistant. Ms. Lisa Lin, the Texas Association of Acupuncturists, signed in and gave oral comments. Mr. Christopher Butler, signed in and gave oral comments. Ms. Mary Boone, signed in and gave oral comments. After discussion, **the board directed staff to contact legislators regarding acupuncture assistants.**

**Agenda item #8, Review, discussion, and possible action regarding selected files and cases.** After discussion, **Dr. Ximenes moved, Ms. Siegel seconded, and the motion passed to approve to dismiss Case #11-0608.**

**Agenda item #9, Discussion, recommendation, and possible action regarding requests to become approved providers.** After discussion, **Dr. Rascoe moved, Dr. Ximenes seconded, and the motion passed to approve the CAE provider request presented.**

**Agenda item #10, Report from staff of CAE courses approved.** Ms. Knight presented a report on courses that were approved by staff.

**Agenda item #11, Discussion, recommendation, and possible action regarding requests for approval of continuing acupuncture education courses.** After discussion, **Dr. Rascoe moved, Mr. Chernly seconded, and the motion passed to approve all the hours of the courses requested.**

There were no items for agenda items #12-18.

**Agenda item, #19, Consideration and Approval of Default Orders.** Default Order #1 was pulled from the agenda.

There were no items for agenda items #20-23.

**Agenda item, #24, Public Comments.** Wally Doggett, Christopher Butler, Mary Boone, and Po Chang signed-in and presented public comments.

**Agenda item, #25, Consideration and approval of October 26, 2012 Board Meeting Minutes.** After consideration, **Mr. Graham moved, Dr. Ximenes seconded, and the motion passed to approve the October 26, 2012 Board Meeting minutes and action items.**

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

Dr. Ximenes gave a report of the CPT Coding Committee meeting. **Ms. Webb moved, Mr. Graham seconded, and the motion passed to approve the CPT Coding Committee minutes and action items.**

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

**Agenda item #27, Adjourn.** There being no further agenda items, the meeting adjourned at 12:48 p.m.