

**TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
BOARD MEETING MINUTES
OCTOBER 29, 2004**

The meeting was called to order on October 29, 2004 at 11:20 a.m. by Everett G. Heinze, Jr., M.D., Presiding Officer. Board members present were Sheng Ting (Sam) Chen; Pedro (Pete) V. Garcia, Jr.; Hoang Xiong Ho, L.Ac.; Meng-Sheng Linda Lin, L.Ac.; Dee Ann Newbold, L.Ac.; Terry Glenn Rascoe, M.D.; and Claire Smith. Staff members present were Donald W. Patrick, M.D., J.D.; Executive Director; Michele Shackelford, J.D., General Counsel; and various other staff.

Agenda item #3, Executive Directors Report. Michele Shackelford summarized the article published in the current Austin American Statesman newspaper announcing the Texas Higher Education Council Boards decision concerning acupuncture schools. After discussion, Dr. Heinze directed staff to develop a letter expressing the Boards concerns over the lack of communication and involvement between the Board and the Texas Higher Education Council and the Boards disappointment at not being included as part of the review team.

Agenda item #2, executive session, was next. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to go into executive session at 11:35 a.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 11:43 a.m. and it was announced that no action was taken during executive session. A certified agenda was made.

Agenda item #3, Executive Directors Report, continued. Dr. Patrick gave a report on the Sunset Advisory Commissions recommendations relating to the Board and the possible impact of the Licensing Reorganization Project. After discussion, the Board asked staff to develop a response to the Sunset Advisory Commission from the Board requesting that the Acupuncture Board be a fully independent board not a quasi-independent board or to be allowed

to stay under the jurisdiction of the Medical Board. **Ms. Newbold moved, Mr. Garcia seconded and the motion passed to approve the action.**

There were no items for Agenda item #4.

Agenda item #5, Consideration and Approval of Agreed Orders. Karrie Key gave a report. After discussion, **Ms. Newbold moved, Dr. Rascoe seconded, and the motion passed to approve the Agreed Order on Asya Kareem, L.Ac. as presented.**

After discussion, **Mr. Garcia moved, Ms. Smith seconded, and the motion passed to approve the Agreed Order on Janis Pierce Wilson, L.Ac., as presented with clerical corrections as noted.**

There were no items for Agenda items #6-12.

Agenda item #13, presentation by Mark Hanson, President, Texas Association of Acupuncture and Oriental Medicine. Mr. Hanson gave a presentation on the Texas Association of Acupuncture and Oriental Medicines (TAAOM) proposed changes to Board rule 183.15 and the TAAOMs efforts to make statutory changes to the Texas Occupations Code Chapter 205. The Board discussed the need to put acupuncture schools under the Acupuncture Board not under the Texas Higher Education Council and the need to change the definition of acupuncture.

The Board directed staff to put rule 183.15 for discussion on the next agenda.

Agenda item #14, discussion, recommendation and possible action regarding rule review to include possible revision to Chapter 183. Ms. Shackelford reviewed possible revisions to Chapter 183 and the staffs recommendations to defer changes at this time. After discussion, the Board directed staff to postpone any changes to Chapter 183 until after the legislative session.

Agenda item #15, consideration and approval of July 16, 2004 Board Meeting Minutes. Mr. Garcia moved, Ms. Lin seconded, and the motion passed to approve the minutes with the deletion of Mr. Garcias name and the addition of the Boards request to be on the Texas Higher Education Coordinating Board team to review acupuncture schools.

Agenda item #16, consideration and approval of July 16, 2004 Licensure Committee Meeting Minutes. Mr. Garcia moved, Ms. Lin seconded, and the motion passed to approve the July 16, 2004 Licensure Committee Meeting Minutes.

Agenda item #17, consideration and approval of July 16, 2004 Education Committee Meeting Minutes. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the July 16, 2004 Education Committee Meeting Minutes.

Agenda item #18, report on October 29, 2004 Licensure Committee Meeting. Dr. Heinze gave a report that the committee recommended approval of fourteen (14) applicants, approval of an acupuncture school, and approval of a Non-Public Rehabilitation Agreed Order on applicant #359 with standard provisions. Mr. Garcia moved, Ms. Smith seconded, and the motion passed to accept the report and action items.

Agenda item #19, report on October 29, 2004 Education Committee Meeting. Ms. Newbold gave a report of the approved Continuing Acupuncture Education courses. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to accept the report and action items. In addition, Ms. Newbold reported that the committee recommended adoption of proposed rule changes to Section 183.20 of the Boards Rules concerning Continuing Acupuncture Education. **Mr. Garcia moved, Ms. Smith seconded, and the motion passed to approve the adoption of proposed rule changes to Section 183.20**

There were no items for Agenda item #20.

Agenda item #21, Adjourn. Mr. Garcia moved, Dr. Rascoe seconded, and the motion passed to adjourn at 1:25 p.m.