



Texas State Board of Acupuncture Examiners

BOARD MEETING
FRIDAY, May 6, 2022

The meeting was called to order on May 6, 2022 at 9:02 a.m. by Donna S. Guthery, L.Ac., Presiding Officer. Board members present were Grant E. Weidler, MAOM, L.Ac; Sheri J. Davidson, L.Ac; Maria M. Garcia; Samantha Gonzalez; Mary E. Hebert, M.D.; and Rey Ximenes, M.D. Raymond J. Graham and Elisabeth Lee "Ellee" Carlson, D.A.O.M., L.Ac did not attend. Staff members present were Stephen "Brint" Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; and various other staff.

Agenda Item #2, Board Member Report. Nothing to report.

Agenda Item #3, Executive Director's Report.

Budget update. Joey Estrada, CFO, gave an update on the agency's budget.

Internal Audit Update. Mr. Carlton reported that the Internal Audit of PHP has been completed.

Covid Update. Mr. Carlton reported that employees continue to work from home and ISCs continue to take place remotely.

New Building Update. Mr. Carlton reported that the new building is close to completion and the first agencies will be moving in June. TMB is due to move in as early as August and will be on the 9th floor.

Agenda Item #4, Medical Director Report. Dr. Bredt reported that there are plenty of Acupuncture panelists but recommendations for physicians are always welcome.

Agenda Item #5, Consideration and possible action regarding pending litigation. Mr. Freshour provided an update regarding pending litigation.

Agenda Item #6, Discussion, recommendation and possible action regarding referrals from the Texas Physician Health Program. Nothing to report.

Agenda Item #7, Discussion, recommendation, and possible action regarding requests to become approved providers. Dr. Ximenes moved to recommend to the full board that AcuSharpener be accepted as an approved provider. Dr. Hebert seconded the motion. All voted in favor and the motion passed.

Agenda Item #8, Report from staff on renewal of approved providers. Ms. Unterborn reported that three providers, Golden Flower Chinese Herbs, Healthy Seminars and Standard Process of North Texas, were renewed as an approved provider.

Agenda Item #9, Report from staff of continuing education courses approved. Ms. Unterborn provided a report on approved continuing education courses.

Agenda Item #10, Discussion, recommendation, and possible action regarding requests for approval of continuing acupuncture education courses. There were none.

Agenda Item #11, Discussion, recommendation and possible action regarding applicants appearing concerning eligibility.

Applicant 2512 appeared before the Board to appeal the Executive Director's determination that they applicant work under a 6 month supervised temporary license in order to demonstrate compliance with Board rule 183.4(9)(A) regarding active practice as an acupuncturist. The applicant presented a brief summary and the Committee members asked questions.

Ms. Guthery moved, and Mr. Weidler seconded that the Board close the meeting to the public and continue in Executive Session for deliberations concerning Agenda Item 11. The motion passed. Ms. Guthery announced that the meeting would be closed for deliberations at 9:20 a.m. concerning licensure applications and the character and fitness of applicants under the authority of The Medical Practice Act Sections 152.009 and 155.058, Occupations Code, and that while in executive session, the Board would not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.

The Executive Session ended at 9:44 a.m. Following the Executive Session, the Board reconvened and considered the application.

Mr. Weidler moved that the Board grant the applicant's appeal and the applicant be issued a temporary license with an expiration date that will allow the applicant to obtain at least 10 hours a week of supervised practice for at least 3 months in a 12-month period, subject to the following conditions: the applicant work in a setting that provides continuous full-time, on-site supervision by a licensed acupuncturist. The supervising acupuncturist shall submit, quarterly reports prior to the temporary license expiring, a log showing time worked, and a report regarding the applicant's work performance; if the evaluations are favorable, the applicant's name may be placed on a list of applicants who have met all requirements for licensure to be considered at the following Board meeting; if the evaluations are unsatisfactory, the applicant will be required to appear at the following Board meeting for reconsideration of the application.

This recommendation is based on the applicant's statement that they a Texas licensed acupuncturist has agreed to being her supervising acupuncturist. Ms. Gonzalez and Dr. Ximenes seconded the motion. All voted in favor. The motion passed.

Agenda Item #12, Discussion, recommendation, and possible action regarding applicants for a Texas Acupuncture License. Ms. Unterborn reported that there were 12 applicants who met all requirements to be considered for permanent licensure by the full Board. **Dr. Ximenes moved to recommend that the 12 acupuncture licensure applicants determined to meet eligibility requirements by staff be approved. Ms. Guthery seconded the motion. All voted in favor and the motion passed.**

There were no items for Agenda Items Agenda Item #13-27.

Agenda Item #28, Open forum for Public Comments. No one signed in or made public comments.

Agenda Item #29, Consideration and Approval of the January 28, 2022 Board Meeting Minutes. After consideration, Mr. Weidler moved, Ms. Guthery seconded, and the motion passed to approve the January 28, 2022 board meeting minutes.

Agenda Item #31, Discussion, recommendation, and possible action related to board meeting dates. Mr. Palazola presented the 2023 Acupuncture Board meeting dates and the possibility of one additional meeting per year with a second meeting scheduled as needed. The board directed staff to look into meeting once a year and then as needed for other issues.

Agenda Item #31, Adjourn. There being no further items, Ms. Guthery moved, Dr. Ximenes seconded, and the motion passed to adjourn the meeting at 10:04 am.