

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
LICENSURE COMMITTEE MEETING MINUTES

June 6, 2008

The meeting was called to order at 8:40 a.m. by the Chair, Pedro (Pete) Garcia, Jr. Committee members present were Allen Cline, L.Ac.; Donald Ray Counts, M.D.; Hoang Xiong Ho, L.Ac.; and Karen Siegel.

Agenda Item 2 Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

Michael Collings appeared before the Committee on referral by the Executive Director. **Dr. Counts** moved to recommend to the full Board that the applicant be granted an unrestricted license. **Mr. Ho** seconded. All voted in favor. The motion passed.

Agenda Item 3 Reconsideration of the license application of applicant 596, Juliana Cumbo, following deferral from the February 2008 meeting of the committee.

Juliana Cumbo (Applicant #596) appeared before the Committee with counsel, David Cohen, and the following supporters: Linda Fontaine, Vice President of Operations and Development at the Academy of Oriental Medicine in Austin; and Tommy Craig, President of the National Federation of the Blind. In discussion, Mr. Cohen asked Mr. Ho to state for the record that he was eligible to serve on the Acupuncture Board, and had not accepted an appointment to an Acupuncture trade association that would make his Acupuncture Board appointment conflict with statute. Mr. Ho confirmed that he had withdrawn his acceptance to the trade association. Further, Mr. Cohen asked Mr. Ho to confirm that he did not intend to accept the trade association appointment immediately following his term on the Acupuncture Board. Mr. Ho stated that he did not intend to accept that appointment. **Dr. Counts** moved to recommend to the full Board that the applicant be granted an acupuncture license under a public non-disciplinary order for three years that includes the following requirements: practice limited to a hospital or

group setting; applicant shall adapt her equipment/techniques in order to practice safely and independently; applicant will be required to thoroughly question patients during intake; applicant will use non-insertive techniques on the visually impaired unless sighted staff member or colleague is present to examine the patient at the time of needle withdrawal; applicant must report any instances of needle stick accidents to the assigned compliance officer; applicant will only treat one patient at a time; compliance visit every three months. This recommendation is due to a physical condition that may affect the practice of acupuncture, namely, blindness. Factors contributing to this recommendation include accommodations made by applicants acupuncture school so that Ms. Cumbo could practice safely. **Mr. Cline seconded. Mr. Cline, Dr. Counts, and Ms. Seigel voted in favor. Mr. Ho abstained. The motion passed. Further, the Committee directed staff to draft guidelines, in conjunction with the Acupuncture Board and stakeholder group to guide staff in determining licensure in similar cases.**

Agenda item 4 - Discussion, recommendation, and possible action regarding applicants for Texas Acupuncture License: There were 25 licensure applicants and one relicensure applicant who met all requirements to be considered for acupuncture licensure by the Texas State Board of Acupuncture Examiners (TSBAE). **Dr. Counts moved, Mr. Ho seconded and the motion passed to recommend to the full board that the 25 licensure applicants and one relicensure applicant be approved for licenses and that their names be listed as part of the minutes of this committee.**

There being no further business, the meeting was adjourned at 10:41 a.m.