



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

### **BOARD MEETING MINUTES**

October 21, 2016

The meeting was called to order at a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members Raymond Graham,; Jingyu Gu, L.Ac, Claudia E. Harsh, M.D., Rachelle Webb, L.Ac., were present. Suehing Yee Chiang and Donna S. Guthery, L.Ac , were not present. Recently appointed new board members Daniel M. Brudnak, M.D., and Peggy "Lew" Vassberg, resigned from the board. Staff members present were Scott Freshour, Interim Executive Director; Megan Goode, Governmental Affairs and Communication Manager; the Assistant General Counsels, Wendy Pajak, J.D., Sarah Tuthill, J.D., and Rob Blech, J.D., and various other staff.

**Agenda item #2, Board Member Report.** Mr. Cline reviewed movement of other licensure types into the field of acupuncture. After discussion, the board directed staff to notify the board of any movement of other licenses practicing acupuncture.

Mr. Cline reported there is conflicting information available to the public regarding the requirement for CAE which is 7 hours of CAE out of state and the remaining CAE should be in Texas. After discussion, the board directed staff to review the conflicting available information and report back at the next meeting.

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

**Interim Executive Director.** Mr. Freshour announced the Medical Board appointed him as the Interim Executive Director, after the resignation of the Executive Director, Mari Robinson. He reported the same processes and procedures are in place making it a smooth transition. Mr. Freshour reviewed procedures for the position of the Executive Director and announced the position was posted for applications.

**Legislative update.** Megan Goode reviewed Legislative items and dates of interest. Ms. Goode also gave an update of the Sunset Review process with tentative dates for the release of the Sunset Recommendations and final decision.

**Budget Report.** Brandy Corrales, Finance Manager, presented and reviewed the Budget Report and reported all projected expenditures and revenue are in good standing and on target for the year.

**Outreach update.** Ms. Goode presented the 2017 Outreach schedule and reported two acupuncture schools received Outreach presentations last year and invitations will be sent to the schools again this year. A designated Assistant General Counsel will present the

majority of future Outreach presentations. Monique Johnston, Licensure Manager, will continue to make presentations for Licensure.

**Email.** Mr. Freshour reminded the members to use their agency email addresses that were assigned to use for official board business.

**Rules pending.** Mr. Freshour reported that Medical Board directed staff to put a moratorium on the rule process until after the end of the Legislative Session, unless under exceptional circumstances.

Mr. Freshour notified the board of an opinion received from the Attorney General that a court could likely conclude that dry needling is within the scope of physical therapy.

There were no items for Agenda item #4.

**Agenda item #5, Consideration and possible action regarding pending litigation.**

Mr. Freshour gave a report on the status of litigation of Acupuncture Association vs Chiropractic Board lawsuit regarding the practice of acupuncture. Mr. Wally Doggett presented comments.

There were no items for Agenda items #6-#16.

**Agenda item #17, Consideration and approval of Remedial Plans.** After discussion, Dr. Harsh moved, Mr. Graham seconded, and the motion passed to approve the Remedial Plan for Chengzhong Xu, L.Ac.

**Agenda item #18, Discussion, recommendation, and possible action regarding applicants for a Texas Acupuncture License.** After discussion, Ms. Webb moved, Mr. Gu seconded, and the motion passed to approve the list of applicants for a Texas Acupuncture License as presented.

**Agenda item #19, Review, discussion, and possible action regarding selected files and cases.** Investigation Department #16-4452 and #16-5156; Litigation Department #16-0256, #16-0476, and #16-0902. After discussion, Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve dismissal of Investigation #16-4452 and #16-5156; and dismissal of Litigation #16-0256, #16-0476, and #16-0902.

There were not items for Agenda item #20-#21.

**Agenda item #22, Report regarding §183.7(c).** Ms. Pajak reported the Medical Board was comfortable with facial rejuvenation if it was statutory. After review, language cannot be added for facial rejuvenation. Sec. 205.302 of the Acupuncture Act does not authorize an acupuncturist to use facial rejuvenation as a method of treatment without a prior evaluation or referral by a physician, chiropractor, or dentist. Mr. Wally Doggett presented comments.

**Agenda item #23, Open forum for public comments.** Po Chang signed-in and present public comments. After discussion, the board directed staff to add an agenda item for the next board meeting to begin a discussion on dry needling, tewan, cupping, and other therapies

**Agenda item #24, Nomination and election of Officers.** After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to nominate and elect Mr. Gu as Assistant Presiding Officer.**

**Agenda item #25, Consideration and approval of May 6, 2016 Board Meeting Minutes.** After discussion, **Mr. Graham, Ms. Webb seconded, and the motion passed to approve the May 6, 2016 Acupuncture Board Meeting Minutes and action items.**

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

Ms. Webb gave a report of the Education Committee. **Mr. Gu moved, Mr. Graham seconded, and the motion passed to approve the minutes and action items.**

There being no additional items, **Mr. Gu moved, Mr. Graham seconded, and the motion passed to adjourn the meeting at 12:14 a.m.**