

**TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS**  
**BOARD MEETING MINUTES**  
**JULY 16, 2004**

The meeting was called to order on July 16, 2004 at 9:06 a.m. by Presiding Officer, Everett G. Heinze, Jr., M.D. Committee members present were Sheng Ting (Sam) Chen; 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 #2, executive session, was next.** It was announced that there was no need for an executive session.

**Agenda item #3, executive directors report, was next.** Dr. Patrick reported that in the midst of Sunset review the staff is working to consolidate issues and reports for the legislative session. He recommended that Board members meet with the Sunset staff to present ideas and concerns during this process. Ms. Shackelford presented background information on the Attorney Generals opinion whether Texas schools of acupuncture are subject to regulation by the Texas Higher Education Coordinating Board.

**Agenda item #4, presentation by Mr. David Linkletter, was next.** Mr. Linkletter of the Texas Higher Education Coordinating Board (THECB) gave a presentation on The Process, the Plan, and the Benefits for Acupuncture Schools to be Granted THECBs Certificates of Authority to Grant Degrees. The Board discussed the negative effect on students currently in programs not receiving degrees until the institutes approval of certification. Mr. Linkletter reported institution applications were on an expedited timetable.

The Board discussed the need for clarification of the approval process for certificates of authority to grant degrees, with regards to standards for curriculum, the level granting a degree, and licensure. The Board offered its assistance and expertise in reviewing schools, and requested to be included in the Texas Higher Education Coordinating Board team to review acupuncture schools.

**Agenda item #5, recess for Committee Meetings.** The Board recessed for committee meetings at 10:58.

**Agenda item #6, reconvene Board Meeting.** The full Board was reconvened at 1:06 p.m.

The Board discussed issues that involve the review of acupuncture curriculum. The Board directed staff to request representatives from three or four acupuncture organizations for Mr. Linkletters consideration to be part of the team reviewing the applications of acupuncture schools for certificates of authority to issue masters degrees.

There were no items for Agenda items 7-15.

**Agenda item #16, discussion, recommendation, and possible action regarding Rule Review of Chapter 183, Acupuncture.** Ms. Kaufman gave a report on the procedures to review Board rules every four years. Staff recommended no changes. Public comments will be requested at the Medical Board meeting. The Board directed staff to review and prepare any possible revisions to Chapter 183 concerning a more complete definition of Acupuncture and scope of practice.

**Agenda item #17, consideration and approval of May 14, 2004 Board Meeting Minutes.** Ms. Smith moved, Dr. Rascoe seconded, and the motion passed to approve the May 14, 2004 Board Meeting Minutes.

**Agenda item #18, consideration and approval of May 14, 2004 Licensure Committee Meeting Minutes.** Ms. Lin moved, Mr. Ho seconded, and the motion passed to approve the May 14, 2004 Licensure Committee Meeting Minutes.

**Agenda item #19, consideration and approval of May 14, 2004 Education Committee Meeting Minutes.** Ms. Newbold moved, Ms. Lin seconded, and the motion passed to approve the May 14, 2004 Education Committee Meeting Minutes.

**Agenda item #20, consideration and approval of May 14, 2004 Discipline and Ethics Committee Meeting Minutes. Ms. Lin moved, Ms. Smith seconded, and the motion passed to approve the May 14, 2004 Discipline and Ethics Committee Meeting Minutes.**

**Agenda item #21, report on July 16, 2004 Licensure Committee Meeting, was next.** Dr. Heinze gave a report, stating that the committee recommended approval of twenty-four licensure applicants and denied one applicant for failure to pass the licensing exams within the required number of attempts. Dr. Heinze announced that with regard to the denial the board is not contesting the disability or the right to accommodation for an applicant, but rather that the applicants appeal on grounds of failure to accommodate was with the National Certification Commission for Acupuncture and Oriental Medicine that administered the exams. **Ms. Smith moved, Ms. Newbold seconded, and the motion passed to approve the July 16, 2004 Licensure Committee Meeting Minutes and action items.** In addition, Dr. Heinze reported that the committee recommended adoption of proposed rule changes to Section 183.2(19) and 183.4(a)(5) of the Boards Rules concerning the National Certification Commission for Acupuncture and Oriental Medicine test format. **Dr. Rascoe moved, Ms. Lin seconded and the motion passed to approve the adoption of proposed rule changes to Section 183.2(19) and 183.4(a)(5).**

**Agenda item #22, report on July 16, 2004 Education Committee Meeting.** Ms. Newbold gave a report. After discussion, **Dr. Rascoe moved, Ms. Clark seconded, and the motion passed to approve 183.20 with proposed changes as directed by staff with the following exceptions:**

- 1.) retain section relating to providers, and**
- 2.) add that the section on professional providers becomes effective**  
**January 1, 2008.**

After discussion, the Board directed staff to develop proposals for a system to designate approved providers to include a checklist of requirements to be met.

**Ms. Newbold moved, Dr. Rascoe seconded, and the motion passed to approve the recommendations on submitted course hours in the Education Committee report.**

After discussion, **Dr. Rascoe moved, Ms. Smith seconded, and the motion passed to approve the report with action items.**

There was no report for Agenda item #23.

**Ms. Newbold moved, Ms. Smith seconded, and the meeting adjourned at 2:36 p.m.**