

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
JANUARY 21, 2000 BOARD MEETING MINUTES

The meeting was called to order at 1:10 p.m. by Presiding Officer, Annette M. Zaharoff, M.D. Members present were: Pedro (Pete) V. Garcia, Jr.; Everett G. Heinze, Jr., M.D.; Meng-Sheng Linda Lin, L.Ac.; Dee Ann Newbold, L.Ac.; Jacquelyn Diane Pearson; Claire H. Smith; Marshall D. Voris, Ph.D., Ed.D., L.Ac.; and Annette M. Zaharoff, M.D. Also present were Bruce A. Levy, M.D., J.D., Executive Director; Jerry T. Walker, Chief Operating Officer; John S. Teer, General Counsel; and various other staff.

The Board went into executive session at 1:11 p.m. under the authority of the Open Meetings Act, §551.071 of the Government Code and the Medical Practice Act, Article 4495b, Texas Revised Civil Statutes, §§2.07(b) and 2.09(o) for private consultation and advice of counsel concerning litigation relative to possible disciplinary action. Open session resumed at 1:16 p.m. and it was announced that no final action was taken during executive session.

Dr. Levy gave the Executive Directors report that included a discussion of the following:

- ☐ Dr. Levy summarized the history of the Acupuncture Board and its accomplishments;
- ☐ Discussed the agency's reorganization over the past year;
- ☐ Dr. Levy stated that 436 acupuncture licenses have been issued since early 1994 and 28 licenses have been revoked due to the inability of the licensee to pass the required examinations.
- ☐ He stated that there have been very few complaints against acupuncturists in the last several years;
- ☐ Dr. Levy discussed the agency budget, as well as revenues and expenditures of the Acupuncture Board;
- ☐ He stated that he has been a part of the Governors Development Program, chaired the Health Professions Council, chaired the Graduate Medical Education Committee of the Higher Education Coordinating Board that is

responsible for dispersing funds for graduate medical education, and served on multiple national committees;

- Dr. Levy concluded his report by announcing his resignation. He reported that the Medical Board has formed a Search Committee and will be looking for his successor. He stated that he would continue serving the board until a new Executive Director has been named.

The Chief Operating Officer, Jerry Walker, reported that the Medical Board approved the licensure applicants recommended at the last meeting of the Acupuncture Board, approved the proposed amendment regarding the computer-based TOEFL examination score, and reviewed and approved the policy regarding citizen communication.

The Board briefly discussed the policy regarding citizen communication and the option of someone wishing to appear before the full board.

Next on the agenda was review of Chapter 183, Acupuncture. Pat Wood, Executive Assistant, outlined the proposed rule changes to incorporate language from recent statutory changes and discussed suggestions from Texas Acupuncture Association. The timeline for making these changes was also discussed. The Board decided to review the changes prior to the next meeting and finalize the proposal at that time. The changes will then be forwarded to the Medical Board for approval.

Dr. Zaharoff announced that there were no orders to consider.

Mr. Garcia moved, Dr. Heinze seconded, and the motion passed to approve the full board minutes from the November 16, 1999 meeting.

Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the following Board meeting dates for 2001: January 12, 2001; April 23, 2001; July 23, 2001; and November 9, 2001.

Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the minutes of the November 16, 1999 Education Committee meeting.

Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the minutes of the November 16, 1999 Licensure Committee meeting.

Dr. Heinze gave a report of the January 21, 2000 Licensure Committee meeting. Ms. Smith moved, Ms. Lin seconded, and the motion passed to approve the report and action items.

Dr. Zaharoff gave a report of the January 21, 2000 Discipline and Ethics Committee meeting. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes.

Dr. Zaharoff gave a report of the January 21, 2000 Education Committee meeting. Dr. Heinze moved, Dr. Voris seconded, and the motion passed to approve the report and action items.

The Board briefly discussed the reference to the Texas Higher Education Coordinating Board on page 10 of the rules. Staff was directed to research the issue.

Mark Hanson, owner of the Dallas Institute, stated that he had contacted the Coordinating Board and they stated they do not regulate acupuncture schools.

Dr. Voris asked about the correspondence from Ms. Newbold regarding the make-up of the Executive Committee. This item will be placed on the next agenda for further discussion.

The Board asked that the following items be added to the next agenda: discussion of newsletter articles relating to acupuncture; policies of blood banks to not accept donations from someone who has received acupuncture treatment; and advertising by practitioners not licensed as acupuncturists under the heading of acupuncturists.

There being no further business, Dr. Heinze moved, Mr. Garcia seconded, and the motion passed to adjourn the meeting at 2:40 p.m.