



TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS

LICENSURE COMMITTEE MEETING MINUTES

May 8, 2015

The meeting was called to order at 9:07 a.m. by the Chair, Allen Cline, L.Ac. Committee members present were Suehing Yee Chiang and Rey Ximenes, M.D.

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

Applicant #1629 appeared before the Committee following deferral for more information at the January 16, 2015 Licensure Committee meeting. **Dr. Ximenes moved to recommend to the full Board that the applicant be granted a license under an Agreed Order with the following terms and conditions:**

- **Attendance of Alcohol Anonymous (AA) or Narcotics Anonymous (NA) meetings at least 1x per month for a period of three years**
- **Monthly reports to the Board of AA or NA attendance**

This recommendation is based on the applicant's 2004 felony deferred adjudication for prescription fraud and past treatment for substance abuse. Factors contributing to this recommendation include the applicant's current involvement in AA and no evidence of criminal charges since 2004. **Ms. Chiang seconded. All voted in favor. The motion passed.**

Mr. Cline moved, Dr. Ximenes seconded, that the Committee close the meeting to the public and continue in Executive Session for private consultation and advice of counsel concerning legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code. The motion passed and Mr. Cline announced that the meeting was closed at 9:19 a.m. While in executive session, the Board did

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not take any action, make any decision, or vote with regard to any matter that was considered or discussed. A certified agenda of the executive session was made.

Rachelle Webb, L.Ac. entered the meeting at 9:32 a.m.

The Executive Session ended at 9:43

Applicant #1663 appeared before the Committee on referral by the Executive Director. **Dr. Ximenes moved to recommend to the full Board that the applicant complete a hair analysis today at one of the Board's approved testing facilities, and if the results of the analysis are negative the applicant be granted a supervised temporary license with an expiration date that will allow the applicant to obtain at least 20 hours a week supervised practice for at least 20 weeks in a 12-month period, subject to the following restrictions: that the applicant work in a setting that provides continuous full-time, on-site supervision by a licensed acupuncturist. The supervising acupuncturist shall submit, one month prior to the temporary license expiring, a log showing time worked, and a report regarding the applicant's work performance if the evaluation(s) 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 evaluation(s) are unsatisfactory, the applicant will be required to appear at the following Board meeting for reconsideration of the application. If the results of the hair analysis are positive for drugs, the applicant will be referred for appearance at the next Acupuncture Board Licensure Committee meeting scheduled for October 9, 2015.** Factors influencing this recommendation include that the applicant has not practiced acupuncture since graduation from acupuncture school in 2010. **Ms. Chiang seconded. All voted in favor. The motion passed.**

Agenda Item 3 - Discussion, recommendation, and possible action regarding applicants for a Texas Acupuncture License: There were 29 licensure applicants who met all requirements to be considered for acupuncture licensure by the Texas State Board of Acupuncture Examiners (TSBAE). **Dr. Ximenes moved, Ms. Webb seconded and the motion passed to recommend to the full board that the 29 licensure applicants be approved for licenses and that their names be listed as part of the minutes of this Committee.**

Agenda Item 4 – Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. There were none

Agenda Item 5 - Discussion, recommendation, and possible action regarding Board Rules

- a. 183.25 Inactive Status License
- b. 183.26 Retired License

Dr. Ximenes moved to recommend to the full Board that the rules be published in the Texas Register as presented for public comment. Mr. Cline seconded. All voted in favor. The motion passed.

There being no further business, the meeting was adjourned at 9:56 a.m.

LIST OF AC APPLICANTS

<u>NAME</u>	<u>APPLIC. STATUS</u>	<u>STATUS DATE</u>
BARTLETT, CYNTHIA	CS	03/03/2015
CAO, DONG	CS	02/02/2015
CHA, SHIN IN	CS	01/30/2015
CHENG, PEI YI	CS	02/23/2015
CHO, JOSEPH JUNGJIN	CS	01/30/2015
DAVIS, BRITTANY LYNNE	CS	03/03/2015
DRANE, GAIL MARIE	CS	04/17/2015
EICHORN, VIRGINIA	CS	02/26/2015
GARZA-RODRIGUEZ, MARIA DE LOURDES	CS	02/27/2015
GONG, QINHUA	CS	02/12/2015
GONZALEZ, ANGELICA MARIA	CS	04/21/2015
GONZALEZ, ANNA HADAZA	CS	03/12/2015
GORDON, ASHLEY BLAKE	CS	01/20/2015
HAO, MENG-CHEN	CS	01/21/2015
HESHMATIPOUR, BAHRAM	CS	04/17/2015
HODGE, I-PEI HSIU	CS	02/13/2015
LAFARELLE, MARTHA IRMA	CS	03/16/2015
LEE, BYOUNG CHAN	CS	03/23/2015
LEFEBER, DONALD JAMES	CS	04/30/2015
LI, PING	CS	02/05/2015
LIU, YU XUAN	CS	02/10/2015
POWELL, JOSEPH RYAN	CS	03/02/2015
QUINN, BRENNAN	CS	04/30/2015
RANDOLPH, CONNIE	CS	02/06/2015
SUCHER, SHALEE	CS	05/05/2015
TRUCKEY, MICHELLE RAE	CS	04/23/2015
TSAO, SHU-KAI SHU-KAI	CS	02/13/2015
VILLARREAL, NATALIE LOUISE	CS	04/30/2015
WOOD, YING-YING	CS	03/03/2015

Total – 29

TEXAS ACUPUNCTURE BOARD RULES
Texas Administrative Code, Title 22, Part 9
Proposed Rule

Chapter 183

Acupuncture

Rule §183.25: Inactive Status License

Proposed to Board

§183.25. Inactive Status License

(a) A license holder may have the license holder's license placed on inactive status by applying to the board. A licensed acupuncturist with an inactive status license is excused from paying standard renewal fees on the license and shall instead pay a renewal fee equaling one fourth the price of the standard renewal fee. A license holder with an inactive status license may not practice as an acupuncturist in Texas.

(b) In order for a license holder to be placed on inactive status, the license holder must have a current annual registration permit and have a license in good standing.

(c) A license holder who practices as an acupuncturist in Texas while on inactive status is considered to be practicing without a license.

(d) A license holder may return to active status by applying to the board, paying an application fee equal to an application fee for a acupuncture license, complying with the requirements for license renewal under the Act, providing current certifications of good standing from each other state in which the acupuncturist holds an acupuncture license, and complying with subsection (e) of this section.

(e) An inactive status license holder applying to return to active status shall provide sufficient documentation to the board that the applicant has, on a full-time basis as defined in §183.4(a)(9)(B) of this title (relating to qualifications for licensure applicants), actively practiced acupuncture or has been on the active teaching faculty of an acceptable approved acupuncture school, within either of the two years preceding receipt of an application for reactivation. Applicants who do not meet this requirement may, in the discretion of the board, be eligible for the reactivation of a license subject to one or more of the following conditions or restrictions as set forth in paragraphs (1) - (4) of this subsection:

(1) completion of specified continuing acupuncture education hours qualifying under 183.20;

(2) limitation and/or exclusion of the practice of the applicant to specified activities of the practice;

(3) remedial education; and/or

(4) such other remedial or restrictive conditions or requirements which, in the discretion of the board are necessary to ensure protection of the public and minimal competency of the applicant to safely practice as an acupuncturist.

(f) After five years on inactive status, the license holders license shall be canceled as if by request. The acupuncturist may obtain a new license by complying with the requirements and procedures for obtaining an original license. After such cancellation, the acupuncturist may apply for a new license. The acupuncturist shall be required to follow the standard requirements and procedures for obtaining licensure.

TEXAS ACUPUNCTURE BOARD RULES
Texas Administrative Code, Title 22, Part 9
Proposed Changes

Chapter 183
Acupuncture
Rule §183.26: Retired License

Proposed to Board

§183.26. Retired License.

The registration renewal fee shall not apply to retired license holders.

- (a) To be placed in retired status:
 - (1) the license holder must not be under an investigation or an active order with the board or otherwise have a restricted license; and
 - (2) the license holder must request in writing on a form prescribed by the board that his or her license be placed on official retired status.
- (b) The following restrictions shall apply to license holders whose licenses are on official retired status:
 - (1) the license holder must not engage in the practice of acupuncture in any state; and
 - (2) the license holder's license may not be endorsed to any other state.
- (c) A license holder may apply to return to active practice as follows:
 - (1) A retired status license holder who has been in a retired status for less than two years may apply to return to active status by applying to the board, paying an application fee equal to an application fee for a acupuncture license, complying with the requirements for license renewal under the Act, , and complying with paragraph (2)(A)-(D) of this section, if applicable.
 - (2) The request of a retired status license holder seeking a return to active status whose license has been placed on official retired status for two years or longer shall be submitted to the Licensure Committee of the board for consideration and a recommendation to the full board for approval or denial of the request. After consideration of the request and the recommendation of the Licensure Committee, the board shall grant or deny the request. If the request is granted, it may be granted without conditions or subject to such conditions which the board determines are necessary to adequately protect the public including but not limited to:
 - (A) completion of specified continuing acupuncture education hours qualifying under 183.20;
 - (B) limitation and/or exclusion of the practice of the applicant to specified activities of practice;
 - (C) remedial education; and/or
 - (D) such other remedial or restrictive conditions or requirements which, in the discretion of the board are necessary to ensure protection of the public and minimal competency of the applicant to safely practice as an acupuncturist.
 - (3) The request of a license holder seeking a return to active status whose license has been placed on official retired status for less than two years may be approved by the executive director of the board or submitted by the executive director to the Licensure Committee for consideration and a recommendation to the full board for approval or denial of the request. In those instances in which the executive director submits the request to the Licensure Committee of the board, the Licensure Committee shall make a recommendation to the full board for approval or denial. After consideration of the request and the recommendation of the Licensure Committee, the board shall grant or deny the request subject to such conditions which the board determines are necessary to

adequately protect the public including but not limited to those options provided in paragraph (2)(A) -(D) of this section.

(4) In evaluating a request to return to active status, the Licensure Committee or the full board may require a personal appearance by the requesting license holder at the offices of the board, and may also require a physical or mental examination by one or more physicians or other health care providers approved in advance in writing by the executive director, the secretary-treasurer, the Licensure committee, or other designee(s) determined by majority vote of the board.