

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS  
BOARD MEETING MINUTES  
NOVEMBER 9, 2001

The meeting was called to order at 3:09 p.m. by Presiding Officer, Everett G. Heinze, Jr., M.D. Board members present were Pedro (Pete) V. Garcia, Jr.; Everett G. Heinze, Jr., M.D.; Dee Ann Newbold, L.Ac.; Claire H. Smith; and Marshall D. Voris, Ph.D., Ed.D., L.Ac. Staff members present were Donald W. Patrick, M.D., J.D., Executive Director; Michele Shackelford, J.D., General Counsel; Jennifer Soffer, J.D., Assistant General Counsel; and various other staff.

**Agenda item #2, regarding executive session, was next.** It was announced that there was no need for the executive session.

**Agenda item #6, regarding public comment regarding the use of titles by licensed acupuncturists, was next.** The following people made comments in favor of the use of titles, including doctor, oriental medical doctor (O.M.D.), and doctor of oriental medicine (D.O.M.): Janice Wu, Chris Butler, Vin Yu, Jampa Stewart, and Claude Lee.

**Agenda item #5, regarding a staff report regarding the use of titles and granting of degrees in other states, was next.** Ms. Soffer reported on information she gathered from other states regarding the use of titles and granting of degrees. There was discussion regarding the use of titles and no action was taken.

**Agenda item #3, regarding the Executive Director's report, was considered.** Dr. Patrick spoke briefly about his background and stated that he looked forward to working with the board in his new position as Executive Director. He also gave the board an update on proposed rules from the previous meeting.

**Agenda item #4, regarding a response concerning scope of practice for energy flow exercises performed by licensed acupuncturists, was next.** Ms. Shackelford reported her findings regarding this issue and recommended that the board not ask for clarification regarding the recent Attorney General Opinion concerning this issue. The board agreed by consensus to accept the recommendation.

**Agenda items #8-15 were not necessary, as there were no orders to be considered.**

**Agenda item #16, regarding the September 4, 2001 Board Meeting minutes, was next.** Dr. Voris moved, Ms. Newbold seconded, and the motion passed to approve the minutes.

**Agenda item #17, regarding the September 4, 2001 Education Committee Meeting minutes, was next. Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the minutes.**

**Agenda item #18, regarding the September 4, 2001 Licensure Committee Meeting minutes, was next. Dr. Voris moved, Mr. Garcia seconded, and the motion passed to approve the minutes.**

**Agenda item #19, regarding the report from the November 9, 2001 Education Committee meeting, was next. Ms. Newbold gave a report, stating that the committee recommended approval of several continuing acupuncture education courses, deferred action on one and denied two others because the courses were outside the scope of practice of acupuncture. Dr. Voris moved, Mr. Garcia seconded, and the motion passed to approve the report and action items.**

**Agenda item #20, regarding the report from the November 9, 2001 Licensure Committee meeting, was next. Dr. Heinze gave a report, stating that the committee recommended approval of 18 licenses, deferred action on five applications, recommended proposed rule changes to §183.4 regarding licensure documentation, and deferred action on two agenda items. Dr. Voris moved, Ms. Smith seconded, and the motion passed to approve the report and action items. Ms. Newbold was recused.**

**Agenda item #21, regarding the report from the November 9, 2001 Discipline and Ethics Committee meeting, was next. Mr. Garcia gave a report and presented the minutes for approval. Dr. Voris moved, Ms. Newbold seconded, and the motion passed to approve the report and minutes.**

**Agenda item #22, regarding rules relating to the composition of the Executive Committee, was next. Ms. Shackelford gave a brief report.**

**Agenda item #23, regarding election of the Assistant Presiding Officer and Secretary-Treasurer, was next. Mr. Garcia nominated Dr. Voris for Assistant Presiding Officer and Ms. Smith seconded the nomination. There were no other nominations. The vote was unanimous to elect Dr. Voris as Assistant Presiding Officer. Dr. Voris nominated Ms. Newbold for Secretary-Treasurer and Mr. Garcia seconded the nomination. There were no other nominations. The vote was unanimous to elect Ms. Newbold as Secretary-**

**Treasurer.** In accordance with board rules, Dr. Heinze appointed Ms. Smith as a member of the Executive Committee.

**Agenda item #7, regarding cancellation of licenses, was considered.** Tim Speer, Director of the Physician Assistant and Acupuncture Departments, explained the process of notification to licensees prior to consideration for cancellation. **Dr. Voris moved, Mr. Garcia seconded, and the motion passed to cancel 29 acupuncture licenses, as reflected on the attached list, due to nonrenewal and by request.**

There being no further business, **Ms. Newbold moved, Dr. Voris seconded, and the motion passed to adjourn the meeting at 4:25 p.m.**