



Texas State Board of Acupuncture Examiners

BOARD MEETING MINUTES

May 17, 2013

The meeting was called to order at 12:28 p.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were Raymond J. Graham, Secretary/ Treasurer; Rodrigo Ceballos, M.D., L.Ac.; Suehing Yee Chiang; Linda Drain; Jingyu Gu, L.Ac.; Karen Siegel, L.Ac.; Rachelle Webb, L.Ac. Rey Ximenes, M.D. was not present. Staff members present were Robert Breddt, M.D., Medical Director; Scott Freshour, General Counsel; Tonie Knight, Manager of Licensure; Megan Goode, Special Projects Manager; and various other staff.

Agenda item #2, Board Member Report.

Resolutions. Mr. Cline presented board resolutions to Terry Rascoe, M.D. and Chung-Hwei Chernly, L.Ac. The Board thanked both gentlemen for their dedication throughout the years.

Process for election of officer. Mr. Cline reviewed the process for election of a new Assistant Presiding Officer.

Agenda item #5, Nomination and election of Assistant Presiding Officer. Mr. Cline requested nominations for the position of Assistant Presiding Officer. Ms. Webb nominated Dr. Ceballos for Assistant Presiding Officer, Ms. Chiang seconded and the motion passed **by acclamation to approve Dr. Ceballos as Assistant Presiding Officer.**

Agenda item #3, Executive Director's Report.

Budget update. Ms. Goode presented the May 2013 budget and reported the budget continued on track.

Legislative update. Ms. Goode reviewed the exceptional items that were approved for FY 14-15; no legislation pertaining to the practice of acupuncture was filed this session.

Audit update. Ms. Goode reported the Internal Audit plan for FY 13 focused on Governance. The audit due at the end of the fiscal year included a review of board member compliance with various state requirements on gubernatorial appointees. Ms. Goode also provided an update on an audit conducted by the State Auditor's Office on the agency's implementation of SB911 related to pain management clinics.

Outreach update. Ms. Goode reviewed the outreach presentations currently scheduled for physicians and physician assistants. The board directed staff to discuss the possibilities of conducting outreach presentations to acupuncturists.

Enforcement report. Mr. Freshour reviewed the April 2013 Enforcement Report and reviewed the Investigation, Litigation, and Compliance statistics related to acupuncturists.

Agenda item #4, Medical Director report. There were no items under this agenda item.

Agenda item #6, Discussion, recommendation, and possible action regarding position statement related to CPT coding. Mr. Freshour presented a draft of the CPT position statement for approval. After discussion, **Ms. Chiang moved, Ms. Drain seconded, and the motion passed to approve for publication the CPT position statement as written with direction to staff to make available to licensees.**

Agenda item #7, Discussion, recommendation, and possible action regarding requesting reconsideration of Dan Morales Attorney General opinion. Mr. Freshour presented a draft letter to the Attorney General's office requesting reconsideration of a Dan Morales Attorney General opinion. After discussion, **Ms. Drain moved, Mr. Graham seconded to forward the letter as drafted to the Attorney General.** After discussion, **a hand vote was taken and the motion passed.**

Agenda item #8, Consideration and Approval of Proposal for Decision at 11:30 a.m.

1. **Ruben M. Pena, Jr., L.Ac, SOAH Docket # 503.12.3923.AC.** Lee Bukstein, J.D., staff attorney was present. Mr. Pena was not present and no one was identified as representing Mr. Pena. Mr. Bukstein gave a presentation. After discussion, **Ms. Drain moved, Mr. Gu seconded, and the motion passed to adopt the Findings of Fact, and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and the Final Order filed by Board staff for revocation.**

Agenda item #9, Review, discussion, and possible action regarding selected files and cases. After discussion, **Ms. Siegel moved, Mr. Gu seconded, and the motion passed to approve to dismiss Log#13-1442.**

After discussion, **Ms. Webb moved, Ms. Drain seconded, and the motion passed to approve to dismiss Log# 13-1719.**

After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve to dismiss Case# 13-0260.**

There were no items for agenda items #10-11.

Agenda item #12, Consideration and approval of Modification Request/Termination Request Orders. After discussion, **Ms. Webb moved, Ms. Drain seconded and the motion passed to approve the Modification Request Order for Kenneth Greep, L.Ac.**

There were no items for agenda items #13-20.

Agenda item #21, Public Comments. Wally Doggett, signed-in and presented oral comments.

Agenda item #22, Consideration and approval of February 1, 2013 Board Meeting Minutes. After consideration, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve the February 1, 2013 Board Meeting minutes and action items.**

Agenda item #23, Committee reports and the consideration and approval of committee action items.

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

Mr. Cline gave a report of the Licensure Committee meeting. **Ms. Siegel moved, Mr. Graham seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Agenda item #24, Adjourn. There being no further agenda items, the meeting adjourned at 2:00 p.m.