



Texas State Board of Acupuncture Examiners

BOARD MEETING MINUTES

May 11, 2018

The meeting was called to order at 9:47 a.m. by Allen D. Cline, L.Ac. Presiding Officer. Board members Jingyu Gu, L.Ac., Assistant Presiding Officer; Raymond Graham, Donna S. Guthery, L.Ac.; Rachelle Webb, L.Ac., and Jeremy D. Wiseman, M.D., were present. Staff members present were Stephen Brint Carlton, J.D., Robert Bredt, M.D., Medical Director; Scott Freshour, General Counsel; Megan Goode, Governmental Affairs and Communication Manager; and the Assistant General Counsels, Rob Blech, J.D., Wendy Pajak, J.D., and Amy Swanholm, J.D., and various other staff.

Agenda item #2, Board Member Report. Mr. Cline gave a report on correspondence received from two franchise members of a company named Modern Acupuncture. The Board directed staff to respond to the correspondence and reference the relevant provisions relating to practicing Acupuncture in Texas and explain that we cannot provide legal advice, but they must follow the applicable law relating to entity formation and practicing acupuncture in Texas and may wish to consult with a private attorney regarding such issues.

Mr. Cline requested that Mr. Carlton and Mr. Freshour contact the Governor's Office regarding new Board member appointments due to recent quorum issues.

Agenda item #3, Executive Director's Report. Mr. Carlton, as the new Executive Director, gave a brief introductory statement.

Budget update. Ms. Corrales, Finance Manager, presented and reviewed the budget as of March 2018 and reported projected expenditures and revenue are in good standing and on target for the year.

Legislative update.

Ms. Goode presented a brief summary on the status of the Sunset Report and Recommendations. One recommendation relating to acupuncturists, that we expect to carry forward, is to clearly authorize the Board to conduct fingerprint and perform criminal background checks of current acupuncture licensees.

Ms. Goode gave an update on the 2018 Legislative Interim Committee Charges relating to:

- Opioid & Substance Abuse
- Health Care Costs and Transparency of Healthcare Costs

Ms. Goode gave update as to the required Reporting to Governor and Legislature this summer and the Strategic Plan for FY 19-23.

Audit update. Ms. Goode reported the Medical Board approved the contracted Internal Auditor's recommendation for an FY1 audit topic to be a review of the Physician Health Program. The estimated that an initial Audit Report will be provided to the Medical Board at the June 2018 board meeting.

Outreach. Ms. Goode presented the current Outreach scheduled - 2 presentations given at acupuncture schools in 2017.

There were no items for Agenda item #4

Agenda item #5, Consideration and possible action regarding pending litigation.

Mr. Freshour gave a report on the status of pending litigation. Mr. Freshour advised the Board of a request by Ms. Lin's for the Board to seek an Attorney General Opinion relating to entity structure, employment of Acupuncturists and tax issues surrounding the practice of Acupuncture. Mr. Freshour recommended that the Board not seek such opinion from the AG as such topics and queries are beyond the scope and purview of the Board.

There were no items for Agenda item #6,

Agenda item #7, Discussion, recommendation, and possible action regarding applicants for Texas Acupuncture Licensure. Mr. Gu moved, Ms. Webb seconded, and the motion passed to approve the presented list of applicants for Texas Acupuncture Licensure.

There were no items for Agenda items #8-11.

Agenda item #12, Consideration and Approval of Agreed Board Orders.

Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve the Agreed Board Orders for William Earl Dick III, L.Ac, and Lianghiu Peng, L.Ac

There were no items for Agenda items #13-21.

Agenda item #22, Consideration and approval of Remedial Plans. After discussion, **Mr. Gu moved, Ms. Webb seconded, and the motion passed to approve the Remedial Plan for Christopher Ging, L.Ac.**

Agenda item #23, Update on adopted rules by the Medical Board

- a. §183.4 Licensure
- b. §183.19 Acupuncture Advertising
- c. §183.20 Continuing Acupuncture Education

Ms. Pajak gave an update on the adoption of rules §183.4, §183.19, and §183.20 by the Medical Board in March 2018, which are now in effect.

Agenda item #24, Discussion, recommendation, and possible action regarding proposed rule amendments and rule review to 22 T.A.C. Chapter 183.

- a. §183.5 Annual Renewal of License
- b. §183.20 Continuing Acupuncture Education
- c. §183.25 Inactive Status License

Ms. Pajak gave a summary of the proposed rule amendments and rule review. After discussion, **Ms. Webb moved, Ms. Guthery seconded, and the motion passed to approve the proposed rule amendments and rule review to 22 T.A.C. Chapter 183, for publication in the Texas Register for public comment:**

- a. §183.5 Annual Renewal of License
- b. §183.20 Continuing Acupuncture Education
- c. §183.25 Inactive Status License

There were no items for Agenda item #25.

Agenda item #26, Open forum for public comments. Marilyn Allen, with *American Acupuncture Council* presented comments regarding global acupuncturist diagnostic codes. Martha Calliham, Texas Association of Acupuncturists did not present comments or speak. Lisa Lin, Texas Association of Acupuncturists, presented a letter and newspaper ad re: Modern Acupuncture. Ms. Lin requested that Acupuncturists remain under the oversight of the Medical Board. Ms. Lin requested that the Acupuncture Board seek an Attorney General Opinion to clarify entity structure, tax and employment issues surrounding Acupuncture. Ms. Lin confirmed the Association's support for biennial registration. Ms. Lin expressed concern about physician delegation of acupuncture to persons who are not licensed acupuncturist. Ms. Lin urges that such persons need more training and testing before practicing acupuncture. Wally Doggett, Texas Association of Acupuncturists, did not make any public comments.

Agenda item #27, Consideration and approval of October 6, 2017 Board Meeting Minutes. After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve the October 6, 2017 Acupuncture Board Meeting Minutes and action items.**

Agenda item #28, Committee reports and the consideration and approval of committee action items.

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

There being no additional items, **Mr. Graham moved, Mr. Gu seconded, and the motion passed to adjourn the meeting at 11:01 a.m.**