



Texas State Board of Acupuncture Examiners

BOARD MEETING

Friday, August 2, 2024

The meeting was called to order on August 2, 2024 at 9:01 a.m. by Donna S. Guthery, LAc., Presiding Officer. Board members present were Grant E. Weidler, M.A.O.M, L.Ac; Sheri J. Davidson, L.Ac; Elisabeth Lee “Ellee” Carlson, D.A.O.M., L.Ac; Maria M. Garcia; Samantha Gonzalez; Debbie Weems; and Rey Ximenes, M.D.(*logged in at 9:04 am*). Mary E. Hebert, M.D. did not attend. Staff members present were Stephen “Brint” Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; and various other staff.

Agenda Item #2, Board Member Report. Nothing to report

Agenda Item #3, Executive Director Report.

Budget Update. Mr. Joey Estrada provided a budget update.

Legislative Update. Mr. Carlton gave an update on the board’s preparations for the upcoming Legislative Session and exceptional requests.

Internal Audit. Nothing to report.

Rules Update. Mr. Carlton updated the board on the ongoing rules update.

Agenda Item #4, Medical Director Report. Nothing to report.

Agenda Item #5, Consideration and possible action regarding pending litigation. Mr. Scott Freshour, General Counsel, gave a report on pending litigation.

Agenda Item #6, Discussion, recommendation, and possible action regarding referrals from the Texas Physician Health Program.

A. Discussion, recommendation, and possible action regarding referrals.
There were none.

B. Report on Emergent Referrals. There were none.

C. Other Discussion Items – Program Activity and Drug Screening reports.
Dr. Doyle provided the Program Activity and Drug Screening reports to the board.

Agenda Item #7, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

#2603 appeared before the board with counsel, Rodney Montes, on referral by the Executive Director. After discussion, **Ms. Guthery moved, Ms. Carlson seconded, and the motion passed to grant full acupuncture license.**

Agenda Item #8, Report on Acupuncture licenses issued by Board Staff. Ms. Grace Unterborn, Licensure Manager, provided a report on acupuncture licenses issued by Board staff since the last board meeting.

Agenda Item #9, Report from staff on initial request to become an approved provider. There were none.

Agenda Item #10, Report from staff on renewal of approved providers. Ms. Unterborn reported on one renewal of approved providers.

Agenda Item #11, Report from staff of continuing acupuncture education courses approved. Ms. Unterborn gave a report on approved continuing acupuncture education courses.

Agenda Item #12, Discussion, recommendation, and possible action regarding approval of English Proficiency testing service. After discussion, **Ms. Guthery moved, Dr. Ximenes seconded and the motion passed to approve the English Proficiency testing service.**

Agenda Item #13, Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

- A. Enforcement Activity Report.** A report on Enforcement Activity was provided.
- B. Warning Letter Report.** A report on Warning Letters was provided.
- C. Criminal Case Review Report.** A report on Criminal Case Review was provided.
- D. Report Regarding Cases Over One Year Old.** A report on Cases over One Year old was provided.
- E. Report on Temporary Suspension.** A report on Temporary Suspensions was provided.
- F. Report on Rehearing Requests.** There were none.

Agenda Item #14, Discussion and Possible Action Regarding Review of Probationers' Appearances. There were none.

Agenda Item #15, Follow up Files. There were none.

Agenda Item #16, Cases Recommended for Dismissal. After discussion, **Ms. Guthery moved, Ms. Weems seconded, and the motion passed to dismiss the Standard of Care cases as recommended.**

Dr. Ximenes moved, Ms. Guthery seconded, and the motion passed to dismiss the Non-Standard of Care cases as recommended.

There were no items from Agenda Items 17-20.

Agenda Item #21, Consideration and Approval of Remedial Plans. After discussion, Ms. Guthery moved, Ms. Garcia seconded, and the motion passed to approve the Remedial Plan for Wen Juan Wendy Shi, AC.

Agenda Item #22, Consideration and Approval of Agreed Orders. After consideration, Dr. Ximenes moved, Ms. Guthery seconded and the motion passed to approve the Agreed Order for Richard Uhl, AD.

Agenda Item #23, Consideration and Approval of Mediated Settlement Agreed Orders. There were none.

Agenda Item #24, Discussion, recommendation, and possible action, including Rule Review and proposed changes to 22 T.A.C., Chapter 183 Acupuncture. The board directed staff to present the proposed changes to the Texas Medical Board to approve publishing in the Texas Register for comment.

Agenda Item #25, Discussion, recommendation, and possible action, including rule review and adoption of proposed amendments to 22 T.A.C. Chapter 183 Acupuncture.

Agenda Item #26, Open Forum for Public Comments.

Agenda Item #27, Consideration and Approval of the March 7, 2024 Board Meeting Minutes. After consideration, Ms. Guthery moved, Dr. Ximenes seconded, and the motion passed to approve the March 7, 2024 board meeting minutes.

Agenda Item #28, Adjourn. There being no further items, Ms. Guthery moved, Dr. Ximenes seconded, and the motion passed to adjourn the meeting at 9:41 am.