

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS  
BOARD MEETING MINUTES  
AUGUST 11, 2000

The meeting was called to order at 1:29 p.m. by the Presiding Officer, Annette M. Zaharoff, M.D. Board members present were Pedro (Pete) V. Garcia, Jr.; Everett G. Heinze, Jr., M.D.; Meng-Sheng Linda Lin, Lic. Ac.; Dee Ann Newbold, Lic. Ac.; and Marshall D. Voris, Ph.D., Ed.D., Lic. Ac. Staff members present were F.M. Langley, DVM, MD, JD, Executive Director; Jerry T. Walker, Chief Operating Officer; John S. Teer, J.D., General Counsel; Michele Shackelford, J.D., Assistant General Counsel; and various other staff.

**Agenda item #3, regarding executive session, was next. Dr. Heinze moved, Mr. Garcia seconded, and the motion passed to go into executive session at 1:30 p.m. for private consultation and advice of counsel concerning litigation relative to possible disciplinary action and for consideration of possible rehabilitation orders under the authority of the Open Meetings Act, §551.071 of the Government Code; and the Medical Practice Act, Texas Occupations Code Annotated, §§152.009, 160.005, 160.006, 205.356, and 205.357; and Attorney Generals Opinion No. H-484.** Open session resumed at 1:41 p.m. and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

**Agenda item #4, regarding a report from the Chief Operating Officer, was considered.** Mr. Walker reported that the proposed rules were approved by the Board of Medical Examiners and published for comment. The rules will be heard for final adoption at the August 24-26 meeting of the Medical Board. Mr. Walker also reported that the Legislative Appropriations Request had been finalized and submitted and that the changes to the acupuncture licensure application had been made to better meet the requirements of the Americans with Disabilities Act. Mr. Walker announced that Dr. Heinze has been appointed as the new presiding officer and read a letter of appreciation from the Governor to Dr. Zaharoff for her service as Presiding Officer. Mr. Walker introduced the new Executive Director, F.M. Langley, DVM, MD, JD, and concluded his report by stating that elections for the Assistant Presiding Officer will be held at the next meeting, along with committee appointments.

**Agenda item #5, regarding a draft letter to be sent out relating to blood donors who have received acupuncture treatment, was considered.** As this item was discussed at the Education Committee, no action was necessary.

**Agenda item #6, regarding a letter to be sent to licensed acupuncturists regarding advertising and the use of titles, was considered.** Following discussion regarding the proper way to advertise and the fact that licensed acupuncturists must list their license number as required by board rule, **Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to approve the letter to be sent to all licensed acupuncturists, and that the letter should be included in the renewal mailout, the newsletter, and in the Frequently Asked Questions section of the web.**

**Agenda item #7, regarding title protection and the use of titles, was considered.** Mrs. Shackelford reported on her research regarding deceptive advertising as outlined in the Health Professions Act, the authority to use titles, and statutory protection. Dr. Zaharoff allowed Chris Butler, representing the Texas Acupuncture Association, to make a statement regarding the issue of title protection. Following discussion, **the board members urged the trade associations to campaign for public awareness regarding these issues. As this was an informational item only, no action was taken.**

**Agenda item #8, regarding clarification of the distinguished professor temporary license section of the rules, was considered.** This was informational only.

**Agenda items #9-13, regarding approval of orders, was next. It was announced that there were no orders to be considered.**

**Agenda item #14, regarding the minutes from the May 5, 2000 meetings, was considered. Mr. Garcia moved, Dr. Voris seconded, and the motion passed to approve the minutes from the full board, the Education Committee and the Licensure Committee meetings.**

**Agenda item #15, report from the Education Committee, was next. Dr. Zaharoff gave a report of the meeting and outlined the action items. Dr. Heinze moved, Mr. Garcia seconded, and the motion passed to approve the report and action items.**

**Agenda item #16, report from the Licensure Committee, was next. Dr. Heinze gave a report of the meeting and outlined the action items. Dr. Voris moved, Ms. Lin seconded, and the motion passed to approve the report and action items.**

**Agenda item #17, report from the Discipline and Ethics Committee, was next. It was announced that the committee meeting had been cancelled as there was no business.**

**Agenda item #18, report from the Executive Committee, was next.** Dr. Zaharoff gave a report and stated that she appreciated the opportunity to have served as the Presiding Officer and looks forward to working with the new Executive Director, Dr. Langley. **Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to approve the report.**

Dr. Langley made a few comments and extended his pledge to support the Acupuncture Board in its activities and looks forward to working with the Board.

Dr. Voris asked that staff search the past minutes of the Board to find the discussion that prompted the request for the Attorney General Opinion regarding title protection.

There being no further business, **Ms. Newbold moved, Dr. Voris seconded, and the motion passed to adjourn the meeting at 3:16 p.m.**