

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
BOARD MEETING MINUTES

October 27, 2006

The meeting was called to order on October 27, 2006 at 12:35 p.m. by Terry Glenn Rascoe, M.D., Presiding Officer. Board members present were Chung-Hwei Chernly, L.Ac.; Donald Counts, M.D.; Pedro (Pete) V. Garcia, Jr.; Raymond J. Graham; Hoang Xiong Ho, L.Ac.; and Meng-Sheng Linda Lin, L.Ac. Staff members present were Donald W. Patrick, M.D., J.D., Executive Director; Michele Shackelford, General Counsel; Jane McFarland, Chief of Staff; Robert D. Simpson, Assistant General Counsel; Jaime Garanfio, Director of Customer Affairs; and various other staff.

There were no items for Agenda item #2.

Agenda item #3, Consideration and Approval of Proposal for Decision, Sheryl Roe.

Ms. Shackelford gave a review of the procedures for requests for proposal for decisions. Shannon Kilgore, J.D., Administrative Law Judge, gave a report and recommendation. Sheryl Roe appeared with her attorney, Carmen Roe. Mark Martyn, staff attorney, appeared representing the Board. Mr. Martyn gave a presentation. Ms. Roe gave a presentation. After discussion, **Mr. Graham moved to accept the Findings of Fact and Conclusions of Law proposed by the Administrative Law Judge in the Proposal for Decision to deny Ms. Roes application of acupuncture licensure. Mr. Garcia moved to amend the motion by adding the following: and move that the Board approve the suggested Final Order filed in this matter by Board staff based on the following reasons: (1) actions of the Texas Medical Board did not determine the licensing requirements from Arizona and Florida were substantially equivalent to those requirements of Texas; (2) the Texas Medical Board did not change Conclusion of Law No 8 that states, *The acupuncture licensing requirements of Arizona and Florida are not substantially similar to those of Texas*; and Applicant has not met the requirements for a Texas acupuncture license based on the Findings of Fact and Conclusions of Law. Mr. Graham accepted the friendly amendment to his motion. The amended motion was restated. Mr. Chernly seconded the amended motion.** Discussion followed which included the possibility that the Board might look at other possible alternatives that might allow additional training and then additional test attempts. **The motion passed to accept the Findings of Fact and Conclusions of Law proposed by the Administrative Law**

Judge in the Proposal for Decision to deny Ms. Roes application for a license and approve the Final Order filed in this matter by Board staff based on the following reasons: (1) Actions of the Texas Medical Board did not determine the licensing requirements from Arizona and Florida were substantially equivalent to those requirements of Texas; (2) the Texas Medical Board did not change Conclusion of Law No 8 that states, *The acupuncture licensing requirements of Arizona and Florida are not substantially similar to those of Texas*; and Applicant has not met the requirements for a Texas acupuncture license based on the Findings of Fact and Conclusions of Law, Therefore, Ms. Roes request for an acupuncture license was denied.

Agenda item #4, Executive Directors Report. Dr. Patrick gave a report on operational changes to the Executive and Senior Management Teams.

Mr. Simpson gave an update of litigation concerning the Texas Medical Association and the Chiropractic Board rules involving acupunctures scope of practice.

The Board meeting recessed at 1:20 p.m., in order, to continue the Education Committee.

The Board meeting reconvened at 2:30 p.m.

Agenda item #5, Discussion, recommendation and possible action regarding adoption of Board policies.

- a. **Policy for the Use of Technology;**
- b. **Policy for the Attendance Requirements of Board Members;**
- c. **Policy re Replacing Applicant Names with Numbers in Licensure Committee Minutes;**
- d. **Policy to Encourage Negotiated Rulemaking and Alternative Dispute Resolution; and**
- e. **Policy re Guidelines for Division of Responsibilities between Board and Staff.**

After discussion, **Mr. Graham moved, Mr. Ho seconded, and the motion passed to adopt the following Board policies as distributed with a clerical correction for (a) Policy for the Use of Technology; (b) Policy for the Attendance Requirements of Board Members; (c) Policy re Replacing Applicant Names with Numbers in Licensure Committee Minutes; (d) Policy to Encourage Negotiated Rulemaking and Alternative Dispute Resolution; and (e) Policy re Guidelines for Division of Responsibilities between Board and Staff.**

There were no items for Agenda items #6-#14.

Agenda item #15, Consideration and Approval of July 14, 2006 Board Meeting Minutes. Mr. Graham moved, Mr. Garcia seconded, and the motion passed to approve the July 14, 2006 Board Meeting Minutes and action items.

Agenda item #16, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Lin gave a report of the Licensure Committee. **Mr. Garcia moved, Mr. Ho seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Dr. Rascoe gave a report of the Education Committee. **Mr. Garcia moved, Mr. Graham seconded, and the motion passed to approve the Education Committee minutes and action items.**

Agenda item #17, Adjourn. There being no further agenda items the meeting adjourned at 2:53 p.m.