

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
LICENSURE COMMITTEE MEETING MINUTES
JULY 16, 2004

The meeting was called to order at 11:01 a.m. by Chairman, Everett G. Heinze, Jr., M.D. Committee members present were Meng-Sheng Linda Lin, L.Ac.; Hoang Xiong Ho. Jerry Walker, Deputy Executive Director; Jennifer Kaufman, J.D., Assistant General Counsel; Jaime Garanflo, Director, Customer Affairs; Tonie Knight, Manager, Licensing, Permits and Registration; Tim Speer, Team Leader, Physician Assistant and Acupuncture Division; and various other staff were also present.

Agenda item #2, Executive Session, was considered. Mr. Ho moved, Ms. Lin seconded, and the motion passed at 11:02 a.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, §152.009; and TEXAS OCCUPATIONS CODE ANNOTATED, §205.304; and Attorney General's Opinion No. H-484. Open session resumed at 11:27 a.m. and it was announced that no action was taken during executive session. A certified agenda was made.

Agenda item #3, regarding proposed changes to Section 183.2(19) and 183.4(a)(5) of the Board's Rules concerning NCCAOM test format. Ms. Kaufman reviewed the proposed changes. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that the proposed rules be sent to the Medical Board for approval and publication.**

Agenda item #4, regarding applicants for Texas Acupuncture Licensure, was considered. Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Stephen Wade Andrews, Maria Gonzalez Ashby, Caroline

Fung Chen, Rama Devi Chittajallu, Linda N. Hillis, Xiangwei Li, Yuxing Liu, Mitra Majidi, Emily Michele Mueller, Hui Ouyang, Thomas Francis Parker, Jiali Qu, Alexandra Albea Ramirez, Cory Amber Shaw, Jeff Alan Shelton, Joseph Frank Tzitznezer, Yumei Xiang, Jimmy I-Ching Yen, William J. Zachary, and Jeffrey Zurlo be issued acupuncture licenses.

Agenda item #5, regarding licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility of licensure, was considered. The Committee reviewed the documentation submitted by Applicant #AC-15 who graduated from an Acupuncture school located in China that the Board has not previously licensed from. The documentation regarding the curriculum and the facilities at Changchun College of Traditional Chinese Medicine was found to be acceptable. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Changchun College of Traditional Chinese Medicine be approved as an acceptable acupuncture school for licensure purposes and that Applicant #AC-15 be approved for acupuncture licensure.**

Applicant #300 appeared before the Committee and answered Committee members' questions regarding their arrests for assault with bodily injury in 1988 and possession of marijuana in 1998. The consensus of the committee was that there was not a current pattern of addiction due to the fact that it had been more than five years since the last incident. Also noted was the fact that Applicant #300 had completed their acupuncture education within the past five years without incident, indicating that there appeared to be no pattern of behavior or problem with substance abuse. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Applicant #300 be approved for acupuncture licensure.**

Applicant #AC-16 was scheduled to appear before the Committee. Prior to the meeting their Attorney (Mr. Jon Porter) requested a delay. Applicant #AC-16 was granted a delay and will be scheduled to appear a future meeting.

Applicant #AC-17 appeared before the committee and answered Committee members' questions regarding their arrests for Theft under \$5.00 in 1979 and Driving While Intoxicated in 1984 and 1997. The consensus of the committee was that there was

not a current pattern of addiction due to the fact that it had been more than five years since the last incident. Also noted was the fact that Applicant #AC-17 had completed her acupuncture education within the past five years without incident, there appeared to be no pattern of behavior or problem with substance abuse. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Applicant #AC-17 be approved for acupuncture licensure.**

The application for Applicant #AC-18 was reviewed by the Committee regarding alleged falsification of grades on their transcript from Chengdu University of Traditional Chinese Medicine. It was the consensus of the Committee that information received by the Board regarding discrepancies in examination scores on the transcripts from Chengdu University of Traditional Chinese Medicine had no merit. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Applicant #AC-18 be approved for acupuncture licensure.**

Applicant #AC-19 appeared before the Committee and answered Committee members' questions regarding his NCCAOM exam failures. **Mr. Ho moved, Ms. Lin seconded, and the motion passed at 11:48 a.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, §152.009; and TEXAS OCCUPATIONS CODE ANNOTATED, §205.304; and Attorney General's Opinion No. H-484.** Open session resumed at 12:02 p.m. and it was announced that no action was taken during executive session. A certified agenda was made.

Applicant #AC-19 requested that the committee devise a special circumstances alternative to the required exam, based on their opinion that the testing accommodations supplied for him by the NCCAOM were inadequate. The committee reviewed the Americans with Disabilities Act (ADA), Title III, Sec. 36.308 that provides "Any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes

shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals."

The Committee advised Applicant #AC-19 that since the NCCAOM and not the TSBPAE administers the exam that under the ADA, their concerns regarding inadequate testing accommodations provided by NCCAOM be directed to the NCCAOM. Applicant #AC-19 stated that they has already taken the Acupuncture written and Chinese Herbology written exams three times each unsuccessfully and that the rule regarding the number of attempts makes them ineligible for licensure. The consensus of the committee was that if NCCAOM provided the Board with information that the accommodations were inadequate for the earlier three attempts, they would reconsider the application for licensure upon passage of the required exam. Following discussion, **Mr. Ho moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that at this time Applicant #AC-19 be declared ineligible for acupuncture licensure.**

There being no further business, **the meeting was adjourned at 12:04 p.m.**