

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
LICENSURE COMMITTEE MEETING MINUTES

October 26, 2007

The meeting was called to order at 11:50 a.m. by the Chair, Meng-Sheng Linda Lin, L.Ac. Committee members present were Donald Ray Counts, M.D.; Pedro (Pete) Garcia, Jr.; and Hoang Xiong Ho, L.Ac.

Agenda Item 2, Executive Session, was considered. Mr. Garcia moved, Dr. Counts seconded, and the motion passed at 11:51 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 Generals Opinion No. H-484.

Open session resumed at 2:20 p.m. and it was announced that no action was taken during executive session. A certified agenda was made.

The Licensure Committee conducted hearings to review applicants appearing concerning eligibility. The hearings were conducted in Executive Session for deliberations concerning licensure applications and consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009 and 205.304; and Attorney Generals Opinion No. H-484. Following the hearings, the Committee reconvened and considered the applications.

Agenda Item 3 - Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

Applicant #596s acupuncture licensure application was reviewed by the Committee after referral from the Executive Director. **Mr. Ho moved to recommend to the full Board that the applicant be determined ineligible for an acupuncture license due to: inability to perform safely to herself and the public as an acupuncturist because of a physical condition.** Factors contributing to this recommendation include: diagnosis of blindness. **Mr. Garcia seconded. Ms. Lin, Mr. Garcia, and Mr. Ho voted in favor. Dr. Counts was opposed. The motion passed.**

Applicant #590s acupuncture licensure application was reviewed by the Committee after referral from the Executive Director. **Dr. Counts moved to recommend to the full Board that the applicant be granted an acupuncture license under a non-public, non-disciplinary rehabilitation order that includes the requirements specified in the Rehabilitation Checklist that has been distributed to the members of the committee.** This recommendation is due to a mental condition that may affect the practice of acupuncture, namely, Bipolar Disorder. Factors contributing to this recommendation include the current treating physician reports that applicants mood has been stable for at least three years. **Mr. Ho seconded. All voted in favor and the motion passed.**

Applicant #595s acupuncture licensure application was reviewed by the Committee on appeal of a determination of ineligibility from the Executive Director. **Mr. Garcia moved to recommend to the full Board that the applicant be determined ineligible for an acupuncture license due to the fact that the applicant has failed to meet certain basic eligibility requirements by the following: graduation from an unaccredited acupuncture school; failure to demonstrate 450 hours of herbology education, which results in failure to demonstrate completion of 1800 hours of overall acupuncture education; and failure to demonstrate 60 hours of pre-acupuncture education.** Factors contributing to this recommendation include the applicants statutory ineligibility. **Mr. Ho seconded. All voted in favor and the motion passed.**

Agenda item 4 - Discussion, recommendation, and possible action regarding applicants for Texas Acupuncture License: There were 17 applicants who met all requirements to be considered for acupuncture licensure by the Texas State Board of Acupuncture Examiners (TSBAE). **Mr. Garcia moved, Dr. Counts seconded and the motion passed to recommend to**

the full board that the 17 applicants be approved for licenses and that their names be listed as part of the minutes of this committee.

Agenda item 5 - Petition for rule change regarding examination attempt limit by Gregory DiPomazio:

The Committee directed staff to check with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) to determine the standards or recommendations of that body regarding exam attempts and bring that information to the next Board meeting to discuss a possible rule change to Chapter 183.4 to the current licensure requirement that an applicant must pass each component of the NCCAOM examination within three attempts.

There being no further business, the meeting was adjourned at 2:45 p.m.