

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS  
LICENSURE COMMITTEE MEETING MINUTES  
MAY 14, 2004

The meeting was called to order at 11:10 a.m. by Chairman, Everett G. Heinze, Jr., M.D. Committee members present were Meng-Sheng Linda Lin, L.Ac.; Pedro (Pete) V. Garcia; and Hoang Xiong Ho. Jerry Walker, Deputy Executive Director; Michele Shackelford, J.D., General Counsel; 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. Garcia moved to go into executive session at 11:10 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action order under the authority of the Open Meetings Act, GOV'T CODE, §551.071; and the Medical Practice Act, TEX. OCC. CODE ANN., §152.009; and TEX. OCC. CODE ANN., §§205.304; and Attorney General's Opinion No. H-484.** Open session resumed at 11:20 a.m. and it was announced that no action was taken during executive session. A certified agenda was made.

Agenda item #4, regarding licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility of licensure, was considered. Applicant #AC-14 appeared before the Committee with their attorney, Jon E. Porter, and answered Committee members' questions regarding alleged fraudulent advertising. Applicant #AC-14 made a statement explaining how the brochure may have come into circulation. Applicant #AC-14 explained that the brochure was intended as a prototype. Applicant #AC-14 stated that the brochure was not released to the public but was left by mistake in a health food store. Applicant #AC-14 further stated that they did not authorize the information to be released to the public and did not authorize the

biographical information. Following discussion, **Mr. Garcia moved, Mr. Ho seconded, and the motion passed to recommend to the full Board that the Executive Director approve Applicant #AC-14 for acupuncture licensure with the condition that she submits advertising material for approval for one year.** The motion was based on Applicant #AC-14's alleged violation of Section 205.351(a)(10) of the Acupuncture Act that authorizes the Boards to take action against an applicant who engages in unprofessional conduct or dishonorable conduct that is likely to deceive, defraud, or injure a member of the public, and Board Rule 183.19(c) that prohibits acupuncturists from using false, misleading, or deceptive advertising, or holding themselves out as a physician or surgeon or any combination or derivative of those terms unless also licensed by the medical board as a physician or surgeon as defined under the Medical Practice Act, Tex. Occ. Code Ann. §151.002(a)(13).

Applicant #AC-242 appeared before the Committee on October 24, 2003 regarding their arrests for (1) Driving While Intoxicated in 1995 and 1997, (2) Driving While their License was Suspended in 1995, and (3) Possession of Marijuana in 1997. At that time, the Committee passed a motion to recommend to the full Board that Applicant #AC-242's application be deferred until they obtained an evaluation by an addictionologist approved in advance by the Executive Director. Applicant #AC-242 complied with the recommendation and obtained an evaluation from an addictionologist. The evaluation was presented to the committee for review. Following discussion, **Mr. Garcia moved, Mr. Ho seconded, and the motion passed to recommend to the full Board that Applicant #AC-242 be approved for acupuncture licensure.**

**Agenda item #3, regarding applicants for Texas Acupuncture Licensure, was considered. Mr. Garcia moved, Ms. Lin seconded, and the motion passed to recommend to the full Board that Christopher Michael Axelrad; Ricardo Barajas; Shele D. Beals; Barbara Ann Borchardt; Dai Suk Byun; Ying Cao; Yien-Long Chu; George Duncan Echelson; Xiang Fang; Nancy Eden Goldring; Jamie L. Graham; Eunock Ham; Elizabeth Tiffany Hanson; Mare Hopkins; Angel Maria Masi; Cullen**

**Jason Senko; Sidney Louise Vaello; Chiu-Fen Wang; and Audra Lee Whatley be issued acupuncture licenses.**

There being no further business, **Mr. Garcia moved, Ms. Lin seconded, and the meeting was adjourned at 11:35 a.m.**