



## **Texas State Board of Acupuncture Examiners**

### **BOARD MEETING MINUTES**

July 25, 2014

The meeting was called to order at 10:30 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were Rodrigo Ceballos, M.D., L.Ac., Assistant Presiding Officer; Suehing Yee Chiang; Jingyu Gu, L.Ac.; Rachelle Webb, L.Ac.; and Rey Ximenes, M.D. Raymond J. Graham and Linda Drain were not present. Staff members present were Mari Robinson, J.D., Executive Director; Robert Brett, M.D., Medical Director; Scott Freshour, General Counsel; Tonie Knight, Manager of Licensure; Megan Goode, Governmental Affairs and Special Projects Manager; Rob Blech, Assistant General Counsel; and various other staff.

**Agenda item #2, Board member report. The Board directed staff to provide an update of the ongoing lawsuit between the Texas Acupuncture Association and Oriental Medicine and the Texas Chiropractic Board.**

#### **Agenda item #3, Executive Director's Report.**

**Budget update.** Ms. Robinson presented the General Revenue and General Revenue-Dedicated Budget booked through June 20, 2014, and reported the budget is in good-standing.

**Legislative update.** Ms. Robinson reported on the agency's submission of the Strategic Plan for fiscal years 2015-2019. She also gave a report on the fiscal year 2016-2017 Legislative Appropriations Request policy letter requirements and potential requests for Exceptional Items including additional licensing and registration staff to ensure the licensing quality continues during the increase of licensure applications.

Ms. Robinson gave an update on a recent Sunset hearing related to the Department of State Health Services. As part of the Sunset review, it was recommended that four groups that involve patient care be transferred to the Texas Medical Board. An update of the legislative decision will be given at a future board meeting.

The agency's Sunset process will begin next year; staff is maintaining a list of items for Sunset to review.

**Audit update.** Ms. Robinson summarized the last audits, State Office of Risk Management and Internal audits, concluded and went very well.

Outreach update was deferred.

**Enforcement Report.** Ms. Robinson presented the Enforcement Report and summary.

There were no items for Agenda item #4.

**Agenda item #5, Public Information Update.** Ms. Goode reported the agency website was updated with the CPT code statement.

**Agenda item #7, Discussion, recommendation, and possible action regarding the credit for board member continuing acupuncture education for Outreach and Retreat training presentations.** After discussion, Mr. Gu moved, Ms. Chiang seconded, and the motion passed to approve the attendance of the outreach presentation for licensed acupuncturists as a one hour of formal ethics to be applied toward TSBAE registration requirements.

**Agenda item #6, Discussion, recommendation, and possible action regarding charge for Outreach presentations.** After discussion, the Board directed staff to set a minimum requirement of 20 attendees to schedule outreach presentations.

**Agenda item #8, Discussion, recommendation, and possible action regarding physical therapist dry needling.** After discussion, the board directed staff to send a letter with Mr. Cline's approval to address the Acupuncture Board's concerns regarding the purchase of acupuncture needles by physical therapists to the Texas Board of Physical Therapy Examiners.

There were no items for Agenda items #9-19.

**Agenda item #20, Discussion, recommendation, and possible action regarding remedial plans.** After discussion, Dr. Ximenes moved, Ms. Webb seconded, and the motion passed to approve the Remedial Plan for Jeff T. Tsing, L.Ac.

**Agenda item #21, Discussion, recommendation, and possible action regarding requests to become approved providers.** After discussion, Mr. Gu moved, Ms. Webb seconded, and the motion passed to approve the CAE provider request presented.

**Agenda item #22, Report from staff of CAE courses approved.** Ms. Knight presented a report on courses that were approved by staff.

There were no items for Agenda item #23.

**Agenda item #24, Review, discussion, and possible action regarding selected files and cases.** After discussion, Dr. Ximenes moved, Mr. Gu seconded, and the motion passed to dismiss Log #13-5527 and Log #14-2989.

**Agenda item #25 was pulled from the agenda.**

**Agenda item #27, Consideration and approval of February 21, 2014 Board Meeting Minutes. Dr. Ximenes moved, Mr. Gu seconded, and the motion passed to approve the February 21, 2014 minutes and action items.**

After discussion, the board directed staff to add an agenda item to discuss 183.10 on the next board agenda and to bring information regarding the history for the requirement to language for A) 1 and 2.

**Agenda item #28, Committee reports and the consideration and approval of committee minutes and action items.**

Mr. Cline gave a report of the Licensure Committee. **Dr. Ceballos moved, Ms. Webb seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

The board recessed at 11:22 a.m.

The board reconvened at 11:33 a.m.

**Agenda item #27, Open forum for public comments.** Dee Ann Newbold, Celeste King; and Lesley Hamilton signed in and presented oral comments. Kurt Heih and Wally Doggett signed in but did not provide oral comments.

The board recessed at 12:04 p.m.

The board reconvened at 12:14 p.m.

**Agenda item #29 Board Members training.** The board received board member training.

There being no additional items, the meeting adjourned at 2:28 p.m.