



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

### **BOARD MEETING MINUTES**

The meeting was called to order at 10:00 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members Raymond Graham; Jingyu Gu, L.Ac.; Assistant Presiding Officer; Claudia E. Harsh, M.D. and Rachelle Webb, L.Ac. were present. Donna S. Guthery, L.Ac and Jeremy Wiseman, M.D. were absent. Staff members present were Scott Freshour, Interim Executive Director; Megan Goode, Governmental Affairs and Communication Manager; the Assistant General Counsels, Wendy Pajak, J.D. and Amy Swanholm, J.D. and various other staff.

There were no items for Agenda item #2.

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

**Budget update.** Ms. Corrales presented and reviewed the budget. Ms. Corrales reported projected expenditures and revenue are in good standing and on target for the year.

**Legislative update.** Ms. Goode gave an update on Legislative dates.

A Legislative bill that would allow the Board to continue through September 1, 2019 did pass. Ms. Goode also gave an update on two Sunset recommendations for the Acupuncture Board which includes authorizing biennial renewal for acupuncturists; and authorizing refusal of license renewal, for acupuncture licensees, who are in violation of a board order. Sunset has requested a standard notice on the Texas Medical Board website to inform the public that there is a review going on. Comments are requested until October 7, 2017 but can also be submitted at a later time. Board gave staff direction to implement the biennial renewal process for licensees.

**Audit update.** Ms. Goode reported at the August meeting the Medical Board approved the final audit report that we received from our contracted internal auditors. The issue they looked at was our Litigation department. They found three areas that were primarily administrative in nature and nothing substantive. We've reviewed that and have management action to make sure that we follow up and close the loop and take care of any administrative processes so that we don't overlook anything. Overall it was a very good review and good report for Litigation. They are on track and the auditors found no material instances of non-compliance. . The internal auditors will come back at the end or the beginning of the year to do a risk assessment for our next audit topic.

**Outreach update.** Ms. Goode presented the 2017 Outreach schedule and reported the Outreach presentations were going well.

There were no items for Agenda item #4.

**Agenda item #5, Consideration and possible action regarding pending litigation.**  
Mr. Freshour gave a brief litigation update.

**Agenda item #6, Discussion, recommendation, and possible action regarding applicants for a Texas Acupuncture License.** After discussion, Ms. Webb moved, Mr. Graham seconded, and the motion passed to approve the list of applicants for a Texas Acupuncture License as presented.

**Agenda item #7, Review, discussion, and possible action regarding selected files and cases.** After discussion, Ms. Webb moved, Mr. Graham seconded, and the motion passed to approve the selected files and cases as presented.

**Agenda item #8, Discussion, recommendation, and possible action regarding referrals from the Texas Physician Health Program.** Mr. Torres gave a brief presentation. After discussion, Ms. Webb moved, Mr. Gu seconded, and the motion passed to accept the emergent referral per recommendation from the Texas Physician Health Program.

**Agenda Item #17 at 10:30 a.m., Consideration and approval of Proposal for Decisions:**

**1. Nada Abu-Shafe, SOAH # 503-17-1667.AC.** Mr. Freshour gave a brief procedural background. Johnathan Stone, J.D., staff attorney, was present. Nada Abu-Shafe, AC, was present. Rodney Montes J.D. was present representing Ms. Abu-Shafe. Both Mr. Montes and Mr. Stone gave presentations. After discussion, Mr. Graham moved, Ms. Webb seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Nada Abu-Shafe, AC., and adopt the staff suggested order for a full unrestricted license.

**Agenda item #20, Consideration and approval of Remedial Plans.** After consideration, Dr. Harsh moved, Mr. Graham seconded, and the motion passed to approve the Remedial Plan for Iva L. Peck, AC.

**Agenda item #21, Discussion, recommendation, and possible action regarding proposed amendments and rule review to the following Chapters in Title 183 of the Texas Administrative Code:**

Chapter 183

- §183.4 Licensure
- §183.19 Acupuncture Advertising
- §183.20 Continuing Acupuncture Education

Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. After discussion, Dr. Harsh moved, Mr. Gu seconded, and the motion passed to approve publication in the Texas Register for public comments the proposed rule amendments and rule review as presented to 22 T.A.C. Chapter 183, §183.19, Acupuncture Advertising.

Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve publication in the Texas Register for public comments the proposed rule amendments and rule review as presented to 22 T.A.C. Chapter 183, §183.4 Licensure.**

Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. After discussion, **Mr. Cline moved, Mr. Gu seconded, and the motion passed to go into Executive Session at 10:50 a.m. for private consultation and for deliberations concerning disciplinary action, investigative information, peer review information, and rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006 through .008, 164.007(c), and 164.202 & .203, Occupations Code.** Open session resumed at 10:56 a.m. and it was announced that no action was taken. A certified agenda was made. After consideration, **Mr. Gu moved, Dr. Harsh seconded, seconded, and the motion passed to approve publication in the Texas Register for public comments the proposed rule amendments and rule review as presented to 22 T.A.C. Chapter 183, §183.20, Continuing Acupuncture Education.**

**Agenda item #11, Consideration and Approval of Modification Request/Termination Request Orders.** After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve the Granted Termination Request Order for John E. Stewart, L.Ac.**

**Agenda item #23, Open forum for public comments.** Lisa Lin signed-in and presented public comments.

**Agenda item #24, Consideration and approval of May 12, 2017 Board Meeting Minutes.** After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve the May 12, 2017 Acupuncture Board Meeting Minutes.**

**Agenda item #25, Committee reports and the consideration and approval of committee action items.**

Ms. Webb gave a report of the Education Committee. **Mr. Gu moved, Mr. Graham seconded, and the motion passed to approve the Education Committee minutes and action items.**

**Agenda item #26, Adjourn.** There being no additional items, **Ms. Webb moved, Mr. Gu seconded, and the motion passed to adjourn the meeting at 11:06 a.m.**