

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
BOARD MEETING MINUTES
OCTOBER 24, 2003

The meeting was called to order on October 24, 2003 at 12:10 p.m. by Presiding Officer, Everett G. Heinze, Jr., M.D. Committee members present were Sheng Ting (Sam) Chen; Pedro (Pete) V. Garcia, Jr.; Hoang Xiong Ho, L.Ac.; Meng-Sheng Linda Lin, L.Ac.; Dee Ann Newbold, L.Ac.; Terry Glenn Rascoe, M.D.; and Claire Smith. Staff members present were Donald W. Patrick, M.D., J.D., Executive Director; Jennifer Soffer, J.D., Assistant General Counsel; and various other staff.

Agenda item #2, executive session, was next. It was announced that there was no need for an executive session.

Agenda item #3, resolution for Marshall D. Voris, Ph.D., Ed.D., L.Ac., was next. Dr. Heinze read a resolution for former board member, Marshall D. Voris who passed away on August 8, 2003. The board members signed the resolution expressing their condolences to his family.

Agenda item #4, executive directors report, was next. Dr. Patrick reported that SB104, which was passed during the last legislative session, would give the medical board more authority to investigate allegations of malpractice and establish expert review panels. He also reported that sunset review is scheduled for 2005 for all three boards.

Agenda item #5, report on response to request for Attorney General opinion, was next. Ms. Soffer gave the report on the boards response with regard to whether schools of acupuncture are subject to regulation by the Texas Higher Education Coordinating Board.

Agenda item #6, discussion regarding the examination requirements for licensure relating to board rule 183.4(a)(5), was next. Ms. Soffer reviewed the current board rule regarding the maximum number of attempts allowed to pass the National Certification Commission for Acupuncture and Oriental Medicines examination required for licensure. The board discussed other states requirements and the number of acupuncturists who have failed the exam more than three times. The board also discussed NCCAOMs rules which allow remedial training after three failures. There was discussion about whether action could be taken at this meeting due to the wording of the agenda item. Ms. Soffer advised that the item was posted as discussion only and would need to come back to the board for action at a future meeting.

Ms. Newbold gave direction to staff that the requested item be put on the next board meeting agenda for action.

Agenda item #16, approval of July 18, 2003 Board Meeting Minutes, was next. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to approve the minutes.

Agenda item #17, approval of July 18, 2003 Executive Committee Meeting Minutes, was next. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to approve the minutes.

Agenda item #18, approval of July 18, 2003 Licensure Committee Meeting Minutes, was next. Dr. Rascoe moved, Ms. Smith seconded, and the motion passed to approve the minutes.

Agenda item #19, approval of July 18, 2003 Education Committee Meeting Minutes, was next. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes.

Agenda item #20, approval of July 18, 2003 Discipline and Ethics Committee Meeting Minutes, was Next. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes.

Agenda item #22, report on October 24, 2003 Licensure Committee Meeting, was next. Dr. Heinze gave a report that the committee recommended approval of licenses, including one temporary license contingent upon receipt of further information and evaluation by Dr. Patrick. Ms. Smith moved, Mr. Garcia seconded, and the motion passed to approve the action items.

Agenda item #21, report on October 24, 2003 Executive Committee Meeting, was next. Dr. Heinze gave the report. He reported that there was a presentation by Sheryl Roe regarding examination requirements for licensure pursuant to Board rule 183.4(a)(5).

Agenda item #24, report on October 24, 2003 Discipline and Ethics Committee Meeting, was next. Mr. Garcia gave a report on files that were reviewed. Ms. Smith moved, Dr. Rascoe seconded, and the motion passed to approve the action items.

Staff was directed to place an agenda item on the Education Committee to discuss formalizing guidelines for approving courses.

Mr. Garcia moved, Dr. Rascoe seconded, and the motion passed to adjourn at 1:15 p.m.