

Texas State Board of Acupuncture Examiners



BOARD MEETING MINUTES

February 3, 2012

The meeting was called to order at 11:15 a.m. by Allen Cline, L.Ac., Presiding Officer. Board members present were Allen Cline, L.Ac., Presiding Officer; Terry Rascoe, M.D., Assistant Presiding Officer; Raymond J. Graham, Secretary/ Treasurer; Chun-Hwei Chernly, L.Ac.; Suehing Yee Chiang; Linda Drain; Karen Siegel, L.Ac.; Rachelle L. Webb, L.Ac.; and Reynaldo Ximenes, M.D. Staff members present were Mari Robinson, Executive Director; Linda Gage-White, M.D., Medical Director; Tonie Knight, Manager of Licensure; Jennifer Kaufman, Assistant General Counsel; Suzanne Mitchell, Assistant General Counsel; Megan Goode, Special Projects; and various other staff.

There were no items for agenda item #2.

Agenda item #3, Executive Director Report.

Enforcement report. Ms. Robinson presented the Enforcement Report and reviewed the Investigation, Litigation, and Compliance statistics related to acupuncturists.

Budget update. Ms. Robinson presented the budget and reported the budget continues to be on track. Ms. Robinson stated the Annual Budget Report was filed at the end of December as required.

Legislative update. Ms. Robinson gave a brief summary of key legislative changes that may have an impact on the board.

Ms. Robinson presented a proposal for improving communications with board members and District Review Committee (DRC) members. After discussion, the board directed staff to continue with the proposal for improving communications with board members and DRC members with a revision that participation in the webinars is voluntary for Acupuncture board members.

Agenda item #4, Discussion, recommendation, and possible action regarding notice to Texas acupuncture schools advising criminal history background checks. After discussion, the board directed staff to edit the proposed letter for Mr. Cline's approval. The approved letter will be forwarded to Texas acupuncture schools to advise students of criminal history background checks.

Agenda item #5, Discussion, recommendation, and possible action regarding licensure application. Ms. Knight summarized the proposed changes to the licensure application. After discussion, the board directed staff to highlight and change has an to "has any and to add a warning notice after the disclosure period that failure to answer the following questions may subject you to disciplinary action.

The board recessed at 12:10 p.m.

The board reconvened at 12:19 p.m. A quorum was confirmed.

Agenda item #6, Discussion, recommendation, and possible action regarding proposed guidelines for use of a remedial plan. Ms. Robinson summarized the proposed guidelines for remedial plans that was adopted by the Medical Board. Ms. Kaufman reviewed the Licensure Remedial Plan. After discussion, **Karen Siegel moved, Dr. Ximenes seconded, and the motion passed to adopt the guidelines for the use of remedial plans and the Remedial Plan Policy for Licensure.**

Agenda item #7, Discussion regarding a request for an Attorney Generals opinion related to advertising as herbal pharmacies. Ms. Mitchell presented and summarized the draft request for an Attorney Generals opinion related to advertising as herbal pharmacies. After discussion, **Ms. Drain moved, Ms. Webb seconded, and the motion passed to approve to send the request for an Attorney Generals opinion related to advertising as herbal pharmacies, as written.**

There were no items for Agenda items #7-18.

Agenda item #19, Review, discussion, and possible action regarding selected files and cases. After discussion, **Mr. Graham moved, Ms. Webb seconded, and the motion passed to approve to dismiss Log #11-5390.** After discussion, **Ms. Drain moved, Mr. Graham seconded, and the motion passed to approve to dismiss Log #11-6221 and #12-0232.**

Agenda item #20, Discussion, recommendation, and possible action regarding applicants for a Texas Acupuncture License. After discussion, **Ms. Drain moved, Mr. Graham seconded, and the motion passed to accept and license the List of AC Applications as presented.**

Agenda item #21, Discussion, recommendation, and possible action regarding a rule change, including adoption of proposed amendments to 22 T.A.C. Chapter 183.4 Licensure. Ms. Kaufman summarized the proposed amendments. After discussion, **Dr. Rascoe moved, Dr. Ximenes seconded, and the motion passed to approve the proposed amendments to 22 T.A.C. Chapter 183.4 Licensure and refer to Texas Medical Board for adoption.**

Agenda item #22, Public Comments. No one signed in to present oral comments.

Agenda item #23, Consideration and approval of the October 21, 2011 Board Meeting Minutes. After review, **Dr. Rascoe moved, Mr. Graham seconded, and the motion passed to approve the October 21, 2011 Board meeting minutes and action items.**

Agenda item #24, Committee reports and the consideration and approval of committee action items.

Dr. Rascoe gave a report of the Education Committee meeting. **Dr. Rascoe moved, Mr. Graham seconded, and the motion passed to approve the Education Committee minutes and action items.**

Dr. Ximenes gave a report of the CPT Coding Committee meeting. **Dr. Ximenes moved, Dr. Rascoe seconded, and the motion passed to approve the CPT Coding Committee minutes and action items.**

Dr. Gage-White announced her resignation as Medical Director. Dr. Gage-White commented that she enjoyed working with the Acupuncture board. The board thanked her for her service.

There being no further agenda items, the meeting adjourned at 12:50 p.m.