



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

### **BOARD MEETING MINUTES**

February 21, 2014

The meeting was called to order at 10:42 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were Rodrigo Ceballos, M.D., L.Ac., Assistant Presiding Officer; Raymond J. Graham, Secretary/ Treasurer; Jingyu Gu, L.Ac.; Rachelle Webb, L.Ac. and Rey Ximenes, M.D., L.Ac. Suehing Yee Chiang and Linda Drain were not present. Staff members present were Mari Robinson, J.D., Executive 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.

There were no items under Agenda item #2.

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

**Budget update.** Ms. Robinson presented the General Revenue and General Revenue-Dedicated Budget booked through January 31, 2014 and reported the budget is in good-standing.

**Audit update.** Ms. Robinson reported all audits are concluded, except for the internal audit in the Finance Department that will focus on cash receipts and mail processing.

**Training Retreat.** Ms. Robinson proposed a retreat for additional board training to cover regarded yearly training. The board directed staff to split the training on two dates after the next two board meetings.

**Legislative update.** Ms. Goode gave an update on the bills that were passed during legislation; as specified at the prior board meeting, there was no legislation relating to the practice of acupuncture.

There were no items under Agenda item #4.

**Agenda item #5, Public Information Update.** Ms. Goode gave a review of the new website.

**Agenda item #6, Discussion, recommendation, and possible action regarding Outreach presentations.** Ms. Robinson presented and summarized the Outreach presentations for Acupuncture students and licensees. After discussion, the board directed staff to add information relating to herbology and recordkeeping to the Outreach presentation and to bring back a list of oral questions asked after a presentation.

**Agenda item #7, Discussion, recommendation, and possible action regarding the issue of licensure number included on advertisements.** After discussion, the board directed staff to schedule a stakeholder meeting to review the requirement of licensure numbers on advertisements.

**Agenda item #8, Discussion, recommendation, and possible action regarding physical therapist dry needling.** After discussion, the board directed staff to draft 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.

**Agenda item #9, Discussion, recommendation, and possible action regarding assessment options for acupuncturists in relation to diagnosis and CPT coding.** Ms. Robinson summarized the board's policy for CPT coding. After discussion, the board requested the CPT policy be posted on the website.

**Agenda item #10, Discussion, recommendation, and possible action regarding clarifying the use of the title "Dr."** Ms. Robinson reviewed the Texas Occupation Code as it relates to the use of the title Dr. After discussion, the board directed staff to bring all of the current acupuncture FAQs for the board to review for clarification to the next board meeting.

**Agenda item #11, Discussion, recommendation, and possible action regarding remedial plans.** After discussion, the board directed staff to offer remedial plans for administrative violations to be in-line with the Medical and Physician Assistant Board's policy.

There were no items for Agenda item #12-17.

**Agenda item #18, Consideration and Approval of Mediated Settlement Agreement Orders.** After discussion, Mr. Graham moved, Dr. Ximenes seconded, and the motion passed to approve the Mediated Settlement Agreement Order for Taro Nakamura, L.Ac.

There were no items for Agenda items #19-23.

**Agenda item #24, Discussion, recommendation and possible action regarding a petition for proposed rule changes to 22 T.A.C. Chapter 183, Acupuncture.** Ms. Robinson reported the Texas Medical Board requested staff to schedule a Medical Board and Acupuncture stakeholder meeting to clarify the meaning of general wellness relating to acupuncture.

**Agenda item #25, Discussion, recommendation, and possible action regarding a proposed adoption for a rule change, including proposed amendments to 22 T.A.C. Chapter 183, Acupuncture, Section 183.11 Complaint Procedure Notification.** After discussion, Dr. Ximenes moved, Mr. Gu seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 183, Acupuncture §183.11 Complaint Procedure Notification, as published, and to refer to the Texas Medical Board for adoption.

Agenda item #26 Public Comments was deferred to later in the meeting.

**Agenda item #27, Consideration and approval of October 25, 2013 Board Meeting Minutes. Mr. Graham moved, Mr. Gu seconded, and the motion passed to approve the October 25, 2013 minutes and action items.**

**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. Ximenes moved, Ms. Webb seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Mr. Graham gave a report of the Discipline and Ethics Committee. **Dr. Ceballos moved, Mr. Gu seconded, and the motion passed to approve the Discipline and Ethics Committee meeting minutes and action items.**

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

**Agenda item #26, Public Comments. Wally Doggett, Chris Butler, Lisa Lin, and Jon Porter signed- in and presented oral comments. Mary Boone signed in but did not provide oral comments.**

There being no additional items, the meeting adjourned at 12:34 p.m.