



Texas State Board of Acupuncture Examiners

BOARD MEETING MINUTES

February 05, 2016

The meeting was called to order at 10:00 a.m. by Allen D. Cline, L.Ac., Presiding Officer. Board members present were Raymond Graham; Jingyu Gu, L.Ac.; Donna S. Guthery, L.Ac.; Claudia E. Harsh, M.D.; Rachelle Webb, L.Ac.; and Suehing Yee Chiang. Linda Wynn Drain, J.D., and Rey Ximenes, M.D. were not present. Staff members present were Mari Robinson, J.D., Executive Director; Scott Freshour, General Counsel; Monique Johnston, Licensure Manager; Megan Goode, Governmental Affairs and Communication Manager; the Assistant General Counsels Rob Blech, Wendy Pajak, Sarah Tuthill, and John Langley; and various other staff.

Agenda item #2, Board Member Report. Mr. Cline requested information on the status of any updates to the jurisprudence exam. Ms. Robinson gave direction to Staff to send out notification to acupuncture sitting stakeholders ask if they have opinions for switching to every other year for application fees. Gather the information received and also present this to Sunset

Mr. Cline also requested information on the scope of providing questions about electrical applications. Ms. Robinson gave direction to staff to research and come back with what the statute says and propose a statement that can be used when asked questions about electrical applications. What if anything other licensees scope say about this, Is out there on device regulations in relations to this, what parts of acupuncture act relates to this.

Ms. Robinson gave update on the Retirements and Inactive Rules for the Acupuncture Board they were approved at the December Medical Board meeting they have been adopted.

Agenda item #3, Executive Director's Report.

Legislative Update.

Four new boards final transfer took effect in January, calls have increased. In order to keep everything on track new physicians, overtime and training for IT individual has been able to put up individual profiles for licensees. Back log will be resolved within 30 to 40 days. Licenses have been issues in all groups

Upcoming strategic planning, meetings with sunset April 2016.

Interim hearings with Telemedicine in the Public Health committee in the house, the focus on how it can be expanded with reimbursement and other issues. Wrongful birth in senate. Senate version on the Tele Health hearing in the next few months

Budget. Ms. Robinson reported that the bi-annual collections and amount of budget to be expended are on track. Occupation tax was repealed last session.

Outreach update. Ms. Robinson presented the Outreach schedule.

Travel reimbursement training- Ms. Corrales gave information on rules and forms of travel reimbursement.

There were no items for Agenda item #4

Agenda item #5, Consideration and possible action regarding pending litigation.

Mr. Freshour went over the responses from the physical therapist opinion letter to the attorney general. Mr. Freshour also gave a brief report on the ongoing lawsuit between the Acupuncture Association vs Chiropractic Board regarding the practice of acupuncture.

Agenda item #7, Discussion, recommendation, and possible action regarding the ability of a doctor to delegate the practice of acupuncture. Ms. Robinson discusses complaint that deals with a physician and a physician assistant. Physician filed a lawsuit stating that we are threatening application of a rule that we cannot do that and to declare what happen was not a violation of the law. Interact with sunset on issues about delegations.

Agenda item #6, Discussion, recommendation, and possible action regarding the licensure applications questions. Ms. Robinson went over the changes of the applications that would consist of updating questions so that they are consistent with the working used for the physician applications. Direction to change the application uniform with other boards

There were no items for Agenda items #8-19.

Agenda item #20, Review, discussion, and possible action regarding selected files and cases.

1. 16-1320 Ms. Robinson gave review of file. The case has been resolved through alternate procedure. After discussion, **Mr. Gu moved, Mr. Graham seconded, and the motion passed to dismiss Log #16-1320.**

Agenda item #21, Discussion, recommendation, and possible action regarding a proposed amendments and rule review to 22 T.A.C. Chapter 183. §183.18. Administrative Penalties. Ms. Pajak gave a review of the amendments and rule review. **Dr. Guthery moved, Dr. Gu seconded, and the motion passed to approve the proposed amendments and rule review to 22 T.A.C. Chapter 183. §183.18. Administrative Penalties and to publish in the Texas Register for public comments.**

Agenda item #22, Discussion, recommendation, and possible action regarding a proposed adoption for a rule change, including proposed amendments to 22 T.A.C. Chapter 183. None

Agenda item #23, Report regarding §183.7(c). December Medical board requested more evidence before approving the use of facial rejuvenation for acupuncturist without a physician referral.

Agenda item #24, Open forum for public comments. Lisa Lin, signed in and presented oral comments. Jason Juang, signed in and presented oral comments.

Direction to staff, bring draft to the next meeting on alternative way of meeting the requirement of supervision.

Agenda item #25, Consideration and approval of October 9, 2015 Board Meeting Minutes. Mr. Graham moved, Mr. Gu seconded, and the motion passed to approve the October 9, 2015 Board minutes.

Agenda item #26, Committee reports and the consideration and approval of committee action items.

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

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

There being no additional items, **Ms. Chiang moved, Mr. Graham seconded, and the motion passed to adjourn the meeting at 11:30 a.m.**