



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

BOARD MEETING

FRIDAY, April 21, 2023

The meeting was called to order on April 21, 2023 at 9:06 a.m. by Donna S. Guthery, L.Ac., Presiding Officer. Board members present were Grant E. Weidler, MAOM, L.Ac; Elisabeth Lee “Ellee” Carlson, D.A.O.M., L.Ac; Sheri J. Davidson, L.Ac; Maria M. Garcia; Samantha Gonzalez; Mary E. Hebert, M.D.; and Rey Ximenes, M.D. Raymond J. Graham did not attend. Staff members present were Stephen “Brint” Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; and various other staff.

**Agenda Item #2, Board Member Report.** Nothing to report.

**Agenda Item #3, Executive Director’s Report.**

**Budget update.** Joey Estrada, CFO, gave an update on the agency’s budget.

**Legislative Update.** Mr. Carlton gave an update on the legislative session.

**Enforcement Report.** *(will include any JNF or NJ dismissals)* Mr. Carlton provided the Enforcement Report.

*At 9:16 am, Ms. Gutherie moved and Dr. Ximenes seconded to go into Executive Session for the purpose of private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code.*

*Open Session resumed at 9:50 am.*

**Agenda Item #4, Discussion, recommendation and possible action regarding applicants appearing concerning eligibility.** There were none.

**Agenda Item #5, Discussion, recommendation, and possible action regarding approval of Acudetox Training Program.** John Harvey, EdD LPC-S ADS and Martha Marshall, M.A., LPC, ADS from Northwest Counseling & Wellness Center gave a presentation to become a recognized acudetox training program in Texas. After consideration, **Ms. Davidson moved, Ms. Gonzalez seconded and the motion passed to approve Northwest Counseling & Wellness Center as a recognized Acudetox Training Program. Dr. Ximenes abstains.**

**Agenda Item #6, Review, discussion, and possible action regarding cases recommended for dismissal. After consideration, Dr. Ximenes moved, Ms. Garcia seconded and the motion passed to dismiss cases 23-5329 and 23-0212 as recommended.**

**Agenda Item #7, Review, discussion, and possible action regarding appeals of dismissed complaints. There were none.**

*At 11:02 am, Ms. Guthrie moved, Ms. Hebert seconded to go into Executive Session for the purpose of Private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code.*

*Open session ended at 11:20 am.*

**Agenda Item #8, Consideration and Approval of Proposal for Decision.**

**A. Hung Jong Kim, AC, SOAH #503-21-2624**

After consideration, Ms. Guthrie moved, Dr. Ximenes seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal for Decision and approve board staff's suggested Final Order with modifications as follows: striking proposed paragraph number 3 and any language about waiving appeals, and modifying proposed paragraph number 1 by changing the 16 hours of CME to a 10-hour CPEP course with follow up course.

**Agenda Item #9, Consideration and Approval of Agreed Cease and Desist Orders.**

After consideration, Dr. Ximenes moved, Ms. Gonzalez seconded, and the motion passed to approve the Agreed Cease and Desist Order for Dominique Navarette.

**Agenda Item #10, Consideration and Approval of Remedial Plans.** After consideration, Dr. Ximenes moved, Ms. Hebert seconded and the motion passed to approve the Remedial Plan for Denise Lavender, AC.

**Agenda Item #11, Open forum for Public Comments.** No one signed in or made public comments.

**Agenda Item #12, Consideration and Approval of the September 16, 2022 Board Meeting Minutes.** After consideration, Ms. Guthrie moved, Dr. Ximenes seconded, and the motion passed to approve the September 16, 2022 board meeting minutes.

**Agenda Item #13, Adjourn.** There being no further items, Dr. Ximenes moved, Ms. Guthrie seconded, and the motion passed to adjourn the meeting at 11:30 am.