



**Tennessee Board of Medical Examiners’
Committee on Acupuncturist
Regular Board Meeting**

February 8, 2021

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Acupuncturist (hereinafter, “the Committee”) was called to order at 10:00 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

Members Present:

Jain Yan, Acupuncturist

Karman Gossett, Acupuncturist

Alexa Hulsey, Acupuncturist

Staff Present:

Angela Lawrence, Director

Megan Gottschall, Office of General Counsel

Stacy Tarr, Administrative Director

Candyce Wilson, Administrative Director

Rene Saunders, MD Consultant

Matt McSpadden, Financial Director

James Marrs, Board Administrator

Ms. Angela Lawrence made opening remarks and provided an overview of the requirements for a special meeting electronically. All of the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters in light of the covid-19 pandemic. Ms. Karman Gossett made a motion to conduct meeting, seconded by Ms. Alexa Hulsey. A roll call vote was taken, and it passed. By roll call confirmation, all members present attested that they received all meeting materials prior to the meeting.

Introduction of New Staff Members

Mr. George Darden, Health Related Boards Director, introduced himself to the Committee as he looks forward to working with the Committee in his new role. Mr. Darden commended the Committee on a job well done while assisting the citizens of Tennessee.

Approval of Minutes

Members reviewed the minutes from the August 13, 2020 meeting. Ms. Karman Gossett made a motion to approve the minutes. Mr. Yan seconded. The motion passed.

Applicant Interviews

- Raymond Ahles, ACU- Mr. Ahles came before the Committee to request his license be approved as an Acupuncturist in the State of Tennessee, he did not have counsel representation present. Attorney Megan Gottschall, who represented the State, spoke briefly on the Fresh Start Act as it pertains to this circumstance, in the matter with Mr. Ahles's past criminal convictions. The Committee held discussion and presented questions for Mr. Ahles's. Mr. Ahles indicated that his past criminal history didn't have any negative consequences of his private practice. Mr. Ahles informed the Committee he has been practicing consistently since 2013. Ms. Hulsey indicated Mr. Ahles committed the crime in 2006, the State of New Jersey suspended his license in 2011 and Mr. Ahles had his New Jersey license reinstated in 2013, in which Mr. Ahles has been practicing consistently. Mr. Ahles advised he has completed continuing education credits regularly in New Jersey and has maintained such. Ms. Gottschall asked if there were any conditions or limitations currently with his New Jersey license. Mr. Ahles advised that he is restricted to treat patients who are minors and indicated this condition had no effect of his practice as he does not treat minors. The Committee discussed placing restrictions on license in the State of Tennessee. Ms. Gottschall advised that Mr. Ahles was successful with completing his parole, mental health counseling program, and has been gainfully employed in New Jersey. Ms. Gossett made a motion to approve license without conditions of his license in Tennessee. Mr. Yan seconded the motion to approve licensure. Discussion held by Committee in regard to continuing education credits to maintain licensure. Mr. Ahles outlined the types of continuing education that he has completed. Motion passed.
- Li Zou, ACU- Ms. Zou came before the Committee to request her license be approved as an Acupuncturist, she did not have counsel representation present. Ms. Zou came before the Committee as her training was in question that she outlined in her licensure application. Discussion held by Committee of training materials reviewed from Ms. Zou. Ms. Zou gave an explanation to the Committee of her training in China. The Committee held discussion of training performed. Ms. Zou advised she had practiced up until 2011 and has not practiced since. Ms. Zou advised she had practiced for twenty years up until 2011. Dr. Saunders mentioned Executive Order 20 issued by the Governor in which

continuing education requirements would not be necessary when issuing licenses or the time out of practice be provided in response to the Covid 19 pandemic. The Committee held discussion with Ms. Zou of continuing education since 2011. Dr. Saunders outlined continuing education from NCCAOM (National Certification Commission for Acupuncture and Oriental Medicine) along with the rules and regulation for Acupuncturists in Tennessee. Ms. Gossett informed the Committee if an individual is an active member of NCCAOM, they perform continuing education requirements consistently. Ms. Zou advised that she is an active member of NCCAOM. Ms. Gossett advised that practice standards and supervision of Ms. Zou should be questioned since the last practice performed occurred in 2011. Ms. Gottschall indicated that the executive order sign by the Governor is meant for the aid of Covid 19 as this application is for standard licensure and not to aid in the pandemic. Discussion held of continuing education while under supervision of an Acupuncturist. Ms. Hulsey identified having Ms. Zou complete thirty (30) hours with preceptorship. Ms. Gossett advised current NCCAOM cycle will be needed for continuing education credits of ninety (90) hours, which is every four years and thirty (30) hours with a preceptor would be needed as well, to total One Hundred Twenty (120) hours furthermore, the preceptor is to submit a letter to the Committee of successful completion of Thirty (30) hours. Ms. Gossett advised the preceptor should have NCCAOM Diplomate status and be licensed in their State of practice, they must be currently practicing, in any state, while not limiting the preceptorship be only in Tennessee. Ms. Hulsey made motion, Ms. Gossett seconded motion, motion passed.

Conduct New Business

Ratification of Licenses

The Committee reviewed the list of new licensees and reinstatements. Ms. Hulsey made a motion to approve the ratification list. Mr. Yan seconded the motion. Ms. Gossett recused herself for the record. The motion passed.

Discuss new business and take action if needed

Dr. Saunders advised the Board of Medical Examiners has a policy that suggest in order for an applicant to qualify for licensure, have taken a three year post-secondary training or a diplomate certification status from the NCCAOM and not necessarily just present the three years post-secondary training. Ms. Hulsey informed that she would like to see what the NCCAOM requirements of education is, if it's from a non NCCAOM training program. Ms. Gossett asked what the California guidelines are in regards to matching the NCCAOM requirements of educational training for individual state licensure.

Departmental Reports

Office of Investigations Report presented by Ms. Lori Leonard

Summary Monitor Report

Monitoring one (1) due to a board order

Investigative Report as of 2020

- Five (5) new open complaints,
 - One (1) for unlicensed practice
 - Two (2) complaints for unprofessional conduct
 - Two (2) complaints for continuing education violation

- Closed three (3) complaints
 - Two (2) closed with no action
 - One closed with a letter of warning.

- Currently four (4) open complaints

Investigative Report as of 2021

- Zero (0) new open complaints
- Four (4) currently open complaints

Ms. Leonard advised that a letter of concern and a letter of warning are not reportable to the (NPDB) National Practitioners Databank

Financial Report

Mr. McSpadden introduced himself as the new Fiscal Director in the Finance Office and presented the financial report to the Committee. McSpadden gave the mid-year 2021 Financial Report, for fiscal year ending June 30, 2021. Mr. McSpadden presented a slideshow for the Committee to review. Projected FY 2021 total direct expenditures \$7,406.56, FY 2021 Actual total direct expenditures \$3,703.28, FY 2020 total direct expenditures \$14,704.11, FY 2019 total direct expenditures \$5,219.56. Mr. McSpadden reported the 2020 Cumulative carryover balance of \$241,046.15. Mr. McSpadden recommended reviewing the fee schedule to help bring the total

carry over amount down in the future. Ms. Gottschall advised the process is almost complete to reduce the fee schedule going forward.

Receive Reports and or Requests from the Administrative Office

Managers' Report presented by Ms. Stacy Tarr

Activities that have transpired between August 1, 2020 and January 31, 2021:

- New Applications Received - Acupuncture 14
- Total New Licenses Issued – Acupuncture 10
- Total New License Issued – ADS 2
- Total Number of Acupuncture Reinstatements 0
- Total Number of ADS Reinstatements 0
- Total number of renewals as of January 31, 2021 is 39
- Total number of online renewals as of January 31, 2021 is 28, giving 71% online renewals.
 - Total number of Acupuncturists as of January 31, 2021 is 253.
 - Total number of ADS as of January 31, 2021 is 52.

Ms. Tarr informed the Committee of the new administrative staff, James Marrs.

Receive Reports and Requests from the Office of General Council

Ms. Megan Gottschall informed the Committee of the conflict of interest statements in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full unbiased service to the Committee. Each Committee member shall disclose to the Committee on a case-by-case basis, any personal relationship, interest or dealings that impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions on a matter. Any Committee member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussions or vote on the matter and shall leave the hearing room during the discussion or vote. It is improper for nay

Committee member having a conflict of interest to attempt to influence another Committee member at any time, including prior to the discussion on the matter for which the conflict exists.

Disciplinary Activity

As of January 25, 2021, there are currently no open files.

Rule Activity

Internal review: fee change and CE requirements for out of practice acupuncturists in Rule 0880-12-.07.

Legislation

There is no known legislation regarding the Committee currently.

Agreed Citation

Yvonne Constancio, Acupuncturist- Ms. Constancio failed to obtain ten (10) hours of required continuing education credits and agreed to pay a civil penalty fee of Four Hundred Dollars (\$200). Ms. Constancio also agreed to provide proof of completion of the required continuing education credits. Ms. Gossett made a motion to accept the agreed citation. Mr. Yan seconded the motion, the motion passed.

Public Comments

No public comments were noted

Adjourn

Meeting adjourned