



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

Monday, August 12, 2019

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Acupuncturist (hereinafter, “the Committee”) was called to order at 11:00 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
Orlanda Folston, Board Administrator

Approval of Minutes

Members reviewed the minutes from the August 12, 2019 meeting. Ms. Gossett made a motion to approve the minutes. Mr. Yan seconded. The motion passed.

Applicant Interviews

Cara Jo Desai

Ms. Desai appeared without counsel. Ms. Desai appeared before the Committee for being out of practice since 2012. Ms. Desai has inactive licenses in Texas and Pennsylvania. To maintain her skills she worked at the Mazzone Center in Philadelphia, helping to set up an acupuncture program until 2014. Ms. Desai reinstated her NCCAOM diplomate status in 2018 and has maintained required CEU’s. Mr. Yan made a motion to approve the applicant for licensure. Ms. Gossett seconded. The motion passed with no stipulations.

Ratification of License

The Committee reviewed the list of new licensees and reinstatement. Ms. Gossett made a motion to approve the ratification list. Mr. Yan seconded. The motion passed.

Redlines on Re-entry policy draft

The following redlines were discussed and the Members voted to accept the redline draft as follows:

7) For persons who have been out of practice for two (2) years or more:

(a) Submit proof of completion of fifteen (15) NCCAOM approved continuing education hours per year out of practice beyond the two (2) year grace period.

(b) The Committee may request an in-person applicant interview.

Ms. Gossett approved the redline draft with no changes. Mr. Yan seconded. The motion passed.

Interim Policy Statement

Ms. Gossett made a motion to approve the Interim policy statement. Mr. Yan seconded. The motion passed.

Office of Investigations Report presented by Ms. Lori Leonard

- One (1) new open complaints one (1) unprofessional conduct
- Closed eight (8) complaints
- Currently one (1) open complaints
- One (1) currently monitored practitioner

Legislative Update 2019: Acupuncture Board

Public Chapter 61

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

Public Chapter 144

This act amends the Prevention of Youth Access to Tobacco and Vapor Products Act by limiting the places in which one may use vapor products. The act defines vapor products and prohibits the use of such products in a number of locations including child care centers, group care homes, healthcare facilities (excluding nursing homes), residential treatment facilities, school grounds, and several other areas. Several locations have specific exceptions set forth in the statute.

This act took effect on April 17, 2019.

Public Chapter 195

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that

requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

Public Chapter 229

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

This act took effect April 30, 2019.

Public Chapter 243

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2020.

- A vote was taken for Public Chapter 243. Ms. Gossett made a motion to approve the Public Chapter 243 Mr. Yan seconded. The motion passed.

Public Chapter 447

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.

Managers' Report presented by Ms. Stacy Tarr

Activities that have transpired between February 1, 2019 and July 31, 2019:

- New Applications Received - Acupuncture 19
- Total New Licenses Issued – Acupuncture 10
- Total New License Issued – ADS 6
- Total Number of Acupuncture Reinstatements 2
- Total Number of ADS Reinstatements 1
- Total number of active Acupuncturists as of July 31, 2019 is 180.
- Total number of active ADS as of July 31, 2019 is 56.

Agreed Citations

- **Moroslaw Mikicki** - Insufficient Continuing Education Credits. Will complete 4 hours and pay \$80.00 civil penalty. Ms. Gossett made a motion to approve. Mr. Yan seconded. The motion passed.
- **Loretta Parnell** - Practicing on an expired license. Ms. Parnell agreed to pay the Civil Penalty of \$50.00. Ms. Gossett made a motion to approve. Mr. Yan seconded. The motion passed.
- **David Tharpe** - Insufficient Continuing Education Credits. Will complete 30 hours and pay \$600.00 civil penalty. Ms. Gossett made a motion to approve. Mr. Yan seconded. The motion passed.

Ms. Gossett made a motion to adjourn the meeting. Mr. Yan seconded. The motion passed.