



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

Monday, August 13, 2018

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:

Charmaine Jamieson, Consumer Member
Jain Yan, Acupuncturist
Karman Gossett, Acupuncturist
Alexa Hulsey, Acupuncturist

Staff Present:

Rene Saunders, MD, Medical Consultant
Angela Lawrence, Director
Stacy Tarr, Administrative Director
Brandi Allocco, Board Administrator
Megan Gottschall, Office of General Counsel

Approval of Minutes

Members reviewed the minutes from the February 12, 2018 meeting. Ms. Alexa Hulsey made a motion to approve the minutes. Ms. Karman Gossett seconded. The motion passed.

Report from the Office of Finance presented by Ms. Noranda French:

Ms. French reported at the last meeting in February the Committee was interested at looking at what other states are charging. The initial application fee is highest in Tennessee. If proposed application fee was reduced to five hundred dollars (\$500.00) it would create only a small reduction in revenue, however it would likely create growth in the Committee, as the high cost may be a barrier to entry. Reducing the application fee the Committee will still close in the black. The Financial Office advised against reducing both the application and renewal fee at the same time. The Committee reviewed the fee reduction proposals.

Ms. Hulsey stated she would like to see a reduction in the initial application fee to reduce the entry cost barrier. It was suggested staff look into enrollment in Acupuncture schools to determine if enrollment is steady, increasing or declining. Ms. Hulsey made a motion for a Rulemaking at the next Committee meeting to reduce application fee to five hundred dollars (\$500.00). Ms. Gossett seconded. The motion passed.

Applicant Interviews

Penelope Koutoulas

Ms. Koutoulas appeared without counsel. Ms. Koutoulas has applied for license by reciprocity and holds a California license. She is not NCCAOM certified as California administers its own licensing exam. The Committee felt the California exam was similar to that of the NCCAOM. Ms. Charmaine Jamieson made a motion to approve Ms. Koutoulas for licensure. Ms. Hulsey seconded the motion. The motion passed.

Ms. Hulsey stated we can use this motion as precedence to approve future applicants applying by reciprocity from California. Administrative staff will make note.

Ge Liu

Ms. Liu appeared without counsel. She appeared due to being out of practice since 2014. Ms. Liu stated she studied Chinese medicine for her Masters. She reported she was a Chinese department resident in a hospital from 2012- 2014. Ms. Liu reported she passed the NCCAOM bio-medicine exam in 2017. Mr. Jain Yan made a motion to approve the applicant for licensure. Ms. Jamieson seconded. The motion passed.

Cynthia Madison

Ms. Madison appeared without counsel. She appeared before the Committee for the possibility of practicing ADS unlicensed. Ms. Madison reported she had used seeds and sleep mix tea on friends and family and not needles. Ms. Hulsey made a motion to approve the applicant for licensure. Ms. Jamieson seconded. The motion passed.

Myrna Smith

Ms. Smith appeared without counsel. Ms. Smith has applied for license by reciprocity with an active Florida state license. She has taken two modules of the NCCAOM which is all that Florida required when Ms. Smith was licensed in 2009. This is not substantially similar to Tennessee's licensing requirements. Ms. Smith reported she has clocked over two hundred hours (200) of continuing education in bio medicine. Ms. Smith reported she is not eligible to sit for just the Bio Medicine portion of the exam and would have to sit for all 3 exams. Ms. Smith stated she has been practicing since 2009. Ms. Hulsey made a motion to approve licensure based on nine (9) years of clinical practice in the state of Florida and her commitment to furthering her education. Ms. Gossett seconded the motion. The motion passed.

Ms. Gossett commented that she would like for this to not set precedence and that Florida applicants be reviewed on a case by case basis. Ms. Hulsey agreed.

Conduct New Business

Ratification of License

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

Managers' Report presented by Ms. Stacy Tarr

- New Applications Received - Acupuncture 9
- New Applications Received – ADS 2
- Total New Licenses Issued – Acupuncture 6
- Total New License Issued – ADS 2
- Total Number of Reinstatements 1
- Total number of active Acupuncturists as of February 1, 2018 is 165.
- Total number of active ADS as of February 1, 2018 is 54.

Office of Investigations Report presented by Ms. Lori Leonard

- One currently monitored practitioner
- 2 New complaints in 2018
- 7 Open complaints being investigated or reviewed

Office of General Counsel Report presented by Ms. Megan Gottschall

- No open files
- No consent order to be presented

Mr. Patrick Powell presented Legislative Update

Public Chapter 611

This law requires an agency holding a public hearing as part of its rulemaking process, to make copies of the rule available in “redline form” to people attending the hearing. This takes effect July 1, 2018.

Public Chapter 744

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans IF a medical hardship significantly contributed to the default or delinquency. This act took effect January 1, 2019.

Public Chapter 745 and Public Chapter 793

These public chapters work together to create and implement the “Fresh Start Act.” Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration

due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies). These acts take effect July 1, 2018.

Public Chapter 754

This chapter prevents any board, commission, committee, etc. created by statute from promulgating rules, issuing statements, or issuing intra-agency memoranda that infringe on an entity member's freedom of speech. Freedom of speech includes, but is not limited to, a member's freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under TCA 10-7-504. Violations as determined by a joint evaluation committee may result in recommendations to the general assembly concerning the entity's sunset status, rulemaking authority and funding. This act took effect April 18, 2018.

Public Chapter 929

This act redefines policy and rule and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the chairs of the government operations committees on July 1 of each year. The submission shall include a summary of the policy and the justification for adopting a policy instead of a rule. This act also prohibits any policy or rule by any agency that infringes upon an agency member's freedom of speech. Finally, this act establishes that an agency's appointing authority shall have the sole power to remove a member from a board, committee, etc. This act takes effect July 1, 2018 and applies to policies adopted on or after that date.

Public Chapter 954

This legislation requires the initial licensure fee for low-income persons to be waived. Low income individuals per the statute are defined as persons who are enrolled in a state or federal public assistance program including but not limited to TANF, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to effectuate the purposes of this act. This act takes effect January 1, 2019.

Public Chapter 1021

This act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery court of Davidson County. Petitions seeking review must be filed within 60 days after entry of the agency's final order. This act takes effect July 1, 2018.

By voting on Public Chapter 954 it gives the Health Related Board Director the ability to promulgate that rule. Ms. Jamieson made the motion to accept Public Chapter 954 as stated. Mr. Yan seconded. The motion passed.

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

The meeting was adjourned at 12:34 pm