



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

August 16, 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:

Bruce Roff Acupuncturist
Karman Gossett, Acupuncturist
Alexa Hulsey, Acupuncturist
Latonia Brooks-Williams, ADS

Members Absent:

Charmaine Jamieson, Consumer Member

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. Hulsey made opening remarks and a roll call vote was taken.

Approval of Minutes

Members reviewed the minutes from the February 8, 2021 meeting. Ms. Gossett made a motion to approve the minutes, seconded by Ms. Hulsey, and motion passed.

Applicant Interviews

- **Megan McClung, ACU-** Ms. McClung came before the Committee to request her license be approved as an Acupuncturist in the State of Tennessee, she did not have counsel representation present. Ms. McClung informed the Committee of her past practice of being a nurse in New Jersey and advised to obtain her Acupuncture license she would have to obtain her bachelor's degree and does not meet that prerequisite at this time. Ms. McClung advised that she does have her acupuncture license in New York in which she practiced in that state. Ms. Clung advised she wanted to obtain licensure in Tennessee as bachelor's degree is not required for licensure. Ms. McClung advised she completed her acupuncture internship approximately three years ago and has experience through that internship as she has 85% completed at this time. Last month she completed sixty hours (60) of continuing education. Dr. Saunders referred the Committee to the Out of Practice Policy. Committee held discussion. Ms. McClung present documentation of recent continuing education hours she completed for the Committee's review. Ms. Gossett motioned to license applicant with no restrictions, seconded by Ms. Brooks-Williams, and the motion passed.
- **Jessica Howell, ACU-** Ms. Howell came before the Committee to request her license be approved as an Acupuncturist, she did not have counsel representation present. The Committee wanted to hear from the applicant's preceptor to attest to Ms. Howell's recent training as an Acupuncturist. The preceptor advised that Ms. Howell has trained for approximately one hundred and twenty (120) hours. Ms. Gossett motioned for approval of full licensure, Ms. Brooks-Williams seconded, and the motion passed.
- **Janine Hindman, ACU-** Ms. Hindman came before the Committee to request her license be approved as an Acupuncturist, she did not have counsel representation present. Ms. Hindman advised she graduated in 2004 before moving several times due to personal matters. Ms. Hindman worked in various states such as California, Michigan, Georgia, North Carolina, and Wisconsin. Some licenses have expired after moving. Ms. Hindman advised she has worked in Arizona and has now moved to Tennessee and she wants to obtain licensure for practicing. Dr. Saunders informed the Committee that Ms. Hindman's application is incomplete as she has not updated the application with work history and all license verifications. Ms. Gossett made motion for Ms. Hindman to complete her application and to submit all required documentation to the administrative office before licensure approval, seconded by Ms. Brooks-Williams, and the motion passed.

Conduct New Business

Ratification of Licenses

The Committee reviewed the list of new licensees and reinstatements. Ms. Hulsey recused herself to approve everyone except Ms. Kristen Anderson Vere. Ms. Gossett made the motion to approve all other licensees, seconded by Ms. Brooks-Williams, motion passed. Ms. Brooks-

Williams made a motion to approve Ms. Kristen Anderson Vereas, seconded by Ms. Gossett, and motion passed.

Departmental Reports

Office of Investigations Report presented by Ms. Lori Leonard

Summary Monitor Report

- Monitoring one (1) due to discipline.

Investigative Report as of 2021

- Three (3) new open complaints,
 - One (1) for sexual misconduct
 - One (1) complaints for unprofessional conduct
 - One (1) complaints for outside of investigative scope.

Currently have seven (7) open complaints they are reviewing currently.

Financial Report

Mr. McSpadden gave his presentation for fiscal year 2021 as this is a tentative report as they have not closed out the fiscal year at this time. Mr. McSpadden advised he will submit the final report to the administrative office once complete. Mr. McSpadden reviewed payroll expenditures (\$6,601.06), direct expenditures (\$11,774.47), and allocated expenditures across all boards (\$2,391.81). Mr. McSpadden reviewed the revenue sources for first registration which is 16% for first registration, 50% for renewal fee's, and 29% from application fees. Lastly, Mr. McSpadden reviewed the carryover balance for fiscal year 2021 which is \$267,424.33. Mr. McSpadden reviewed restructuring fees for the Acupuncture profession to be operating in the red for a number of years due to a current high carryover balance. The Committee had discussion on how to restructure fees going forward. Ms. Gottschall informed the Committee the fee change will have to go through the internal stages of approval. Mr. McSpadden brought three proposals to the Committee to decide which one would work best for them. The total reduction needed is \$213,212.94. Committee had discussion of individual fees associated with the initial application. Ms. Gossett made a motion to reduce the renewal application fee to \$50.00 (ACU & ADS) and \$100.00 for application & license fee. The motion was seconded by Mr. Roff and motion passed.

Receive Reports and or Requests from the Administrative Office

Managers' Report presented by Ms. Stacy Tarr

Activities that have transpired between February 1, 2021 through July 31, 2021:

- New Applications Received - Acupuncture 18
- Total New Licenses Issued – Acupuncture 12
- Total New License Issued – ADS 4
- Total Number of Acupuncture Reinstatements 3
- Total Number of ADS Reinstatements 0
- Total number of renewals as of July 31, 2021 is 53
- Total number of online renewals as of January 31, 2021 is 38, giving 72% online renewals.
 - Total number of Acupuncturists as of July 31, 2021 is 200.
 - Total number of ADS as of July 31, 2021 is 47.

Mr. Roff asked for a five-year average of licenses issued.

Discuss Legislation and Take Action if Needed

Ms. Elizabeth Foy presented to the Committee the law updates from the last legislative session.

Public Chapter 37- prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members. This act took effect March 23, 2021.

Public Chapter 242- This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year. This chapter took effect April 28th, 2021 and will expire July 1, 2025.

Public Chapter 291- This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule. This act took effect July 1, 2021.

Public Chapter 328- This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time. This act took effect July 1, 2021.

Public Chapter 453- This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex. This act took effect July 1, 2021.

Public Chapter 531- This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are no substantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule. This act took effect July 1, 2021.

Public Chapter 532- This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay. This act took effect May 25, 2021.

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 any 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.

Open Meetings Act- Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone 2 calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

Disciplinary Action- As of August 12, 2021, there are currently no open files.

Rule Activity- Discuss and update status of rules on Fee change and CE requirements for out of practice acupuncturists in Rule 0880-12-.07. Committee held discussion; Ms. Gottschall advised she will make the changes for final rule change of verbiage.

Agreed Citation

Kirem Marnett, ACU- Ms. Marnett failed to obtain fifteen (15) hours of required continuing education credits and agreed to pay a civil penalty fee of Three Hundred Dollars (\$300). Ms. Marnett also agreed to provide proof of completion of the required continuing education credits. Ms. Gossett made a motion to accept the agreed citation. Ms. Brooks-Williams seconded the motion, the motion passed.

Public Comments

No public comments were noted

Adjourn

Meeting adjourned