



**TENNESSEE BOARD OF MEDICAL EXAMINERS’  
COMMITTEE ON ACUPUNCTURE**

**February 1, 2016**

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**MINUTES**

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A regular meeting of the Tennessee Board of Medical Examiners’ Committee on Acupuncture (hereinafter, “the Committee”) was held in the Poplar Conference Room at 665 Mainstream Drive, Nashville, Tennessee on February 1, 2016 at 11:00 am (Central).

**Members Present:** Jill Kelly, Acupuncturist  
Serina Scott, Acupuncturist  
Jian Yan, Acupuncturist  
Shelia Ann Berry-Sanders, ADS  
Charmaine Jamieson, Public Member

**Members Absent:** None

**Staff Present:** Keshia Evans, Administrator, Committee on Acupuncture  
Stacy Tarr, Administrative Director  
Maegan Carr Martin, JD, Executive Director  
Rene Saunders, MD, Medical Consultant  
Hannah Lanford, JD, Associate General Counsel

Ms. Jill Kelly, Committee Chairperson, called the meeting to order at 11:12 a.m. The Chairperson determined that a quorum was present.

**Approval of Minutes**

Ms. Scott made a motion to approve the August 17, 2015 minutes. Ms. Scott’s motion was seconded by Mr. Yan. The motion carried.

**Applicant Interviews**

**Yang Hongsong** – Ms. Hongsong was asked to appear before the Committee to address whether her educational transcripts meet NCCAOM educational requirements for licensure in the state of Tennessee. It was determined after committee discussion that Ms. Hongsong did meet the educational requirements of NCCAOM. Ms. Jamieson made a motion to approve the application for licensure as an acupuncturist. Ms. Jamieson's motion was seconded by Ms. Sanders. The motion carried.

### **Ratification of New Licenses and Reinstatements**

Ms. Scott made a motion to ratify the list of new licenses and reinstatements. Mr. Yan seconded the motion. The motion carried.

## **CONDUCT NEW BUSINESS**

### **OGC Report**

Ms. Lanford, Office of General Counsel, informed the Committee that there were no open files in the Office of General Counsel. There were no contested cases and no consent orders to consider.

### **House Bill 1576**

Ms. Lanford, informed the Committee of House Bill 1576 which provides that any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the committee. The committee chair shall promptly notify appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (g)(2)(A).

### **Discussion of possible rule change**

Ms. Lanford addressed Tenn. Comp. R. and Regs. 0880-12-.05. The rule as written suggests that an ADS needs to submit proof of employment prior to certification in the state of Tennessee. After thorough discussion, the Committee determined that R. 0880-12-.05 speaks to the practice of an ADS rather than the certification of an ADS. As such, the requirements set forth therein must be satisfied before the *commencement of practice* by an ADS, not before licensure. The Committee developed a policy document summarizing its interpretation which will be effective until rulemaking on this matter can occur. Ms. Jamieson made a motion to approve the beginning of a rule making process. Ms. Sanders seconded the motion. The motion carried.

### **Consideration of Revised Lapsed Licensed Policy**

Ms. Lanford summarized the current lapsed license policy and proposed a revised copy of the policy which was distributed to Committee members in advance of the meeting. The Committee members discussed whether the fee for practice on a lapsed license should be changed and how agreed citations are issued for unauthorized practice. The Committee ultimately agreed to leave the monetary fine as it was.

Ms. Scott made a motion to accept the revised policy. Ms. Jamieson seconded Ms. Scott's motion. The motion carried.

### **Discussion regarding North Carolina Board Dental Examiners v. FTC**

Ms. Lanford presented an overview of the Supreme Court decision, *Federal Trade Commission v. North Carolina Board of Dental Examiners*. Ms. Lanford informed the Committee that after reviewing the testing policy and decision making process she does not foresee any potential for risk of lawsuit under the particular case.

### **Statistical Report**

Ms. Tarr reported that from August 1, 2015 to December 31, 2015 there have been eight (8) new applications received for acupuncture and two (2) new applications received for ADS. There were four (4) acupuncturists licensed during that time and seven ADS. The total number of renewals were twenty-nine (29), with thirty-seven percent (37%) renewing online. The total number of active acupuncturists as of December 31, 2015 is 138. The total number of active ADS as of December 31, 2015 is 50.

### **Continuing Education Report**

Ms. Tarr reported that for the audit period of January 2015 thru June 2015, there were six (6) acupuncturist audited and of the six (6), four (4) of the licenses were compliant giving a sixty-seven (67%) compliant rate. The two (2) licensees which were deemed to be non-compliant did respond to the audit, but were determined to be deficient in the number of required C.E. hours completed.

### **Financial Report**

Ms. Vanessa Crutcher reviewed the financial report with the Committee. Ms. Crutcher stated for fiscal year ending June 30, 2015, direct expenditures were \$4,658.32, allocated expenditures were \$4,625.82, and total expenditures were expected at \$9,284.14. The Committee's projected revenue is \$38,330.00 with a year net of \$29,046 and carryover of \$164,794.04. Ms. Crutcher informed the Committee that reducing the renewal fees will result in an annual reduction of approximately \$6,900.00. Ms. Crutcher expects the Committee to maintain a positive balance in the next closing

### **Investigation & Disciplinary Report**

Ms. Tarr reported that there are currently no cases open in the Office of Investigations.

### **Adjournment**

Ms. Scott made a motion to adjourn the meeting there being no further items for discussion. Ms. Jamieson seconded the motion. The motion carried.