

**BOARD OF MEDICAL EXAMINERS
ADVISORY COMMITTEE FOR ACUPUNCTURE**

MINUTES

Date: August 28, 2007

Time: 1:00 P.M., DST

Location: IRIS Conference Room
227 French Landing, Ground Floor
Heritage Place Metro Center
Nashville, TN 37243

Members Present: Judi Harrick, Chairman, Acupuncturist
Mary Anne Johnson, Consumer
Peggy Watson, Co-Chairman, Acupuncturist
Barbara Wilson, Acupuncture Detox Specialist
Yeu-Quang Wong, Acupuncturist

Staff Present: Marsha Arnold, Unit Manager
Lucy Bond, Advisory Attorney
Rebecca Brown, Board Administrator
Robert Kraemer, Advisory Attorney
Rosemarie Otto, Executive Director

A quorum being present, Ms. Harrick called the meeting to order at 1:05 P.M., DST.

Lucy Bond and Mary Anne Johnson

Mr. Kraemer introduced Lucy Bond to the Committee. She will be the new advisory attorney to the Committee. Ms. Harrick introduced Mary Anne Johnson to the Committee as their new consumer board member.

Conflict of Interest Policy Review

Mr. Kraemer presented an overview of the Conflict of Interest Policy which all Committee members are to be mindful to assure that the individual interests of Committee members does not conflict with their responsibilities to the Board to which they are appointed.

Approval of Minutes

After reviewing the minutes from the February 20, 2007 meeting as presented, Ms. Watson made a motion to approve. Ms. Wilson seconded the motion. The motion carried, unanimously.

Manager's Report

Ms. Arnold, Unit Manager, reviewed the report with the members present. The total number of active licensees as of July 31, 2007 is 103.

Office of General Counsel Report

Mr. Kraemer informed the Committee of the Office of General Counsel Report.

Rules:

1. **Screening Panels and Stays and Reconsiderations (05-1436)** This amendment went to rulemaking hearing on December 21, 2005. It was adopted by the Committee on March 28, 2006 7 and was adopted by the Board on May 16, 2006. It was sent to the Attorney General on May 22, 2006. It was signed by the Attorney General and subsequently filed with the Secretary of State on March 16, 2007 and became effective on May 30, 2007.

Public Chapter:

- PC 182** This is the Department's "criminal activity report" bill which authorizes all licensing agencies attached to the Department to adopt rules to require criminal background information prior to issuance of a license. This bill gives the agencies alternatives to the existing TBI criminal background check. It requires the costs of any such information gathering to be paid by the applicant and provides immunity from lawsuits for agencies who deny licensure based upon the information received. **Effective May 16, 2007.**
- PC 196** Provides that civil penalties assessed pursuant any provision of the law authorizing the assessment of civil penalties by any board, council or committee attached to the Department will become final, due and payable on the date that the order in which the penalty is assessed becomes final pursuant to the Uniform Administrative Procedures Act and authorizes the department or boards, councils and committees to order or enter into an agreement for the payment of assessed civil penalties in installments that are due and payable beyond the date on which the assessment becomes final. **Effective May 21, 2007.**
- PC 265** Requires the maximum amount of costs to be assessed against a Respondent be contained in the order when issued and followed up by an exact amount equal to or less than that contained in the order within 60 days of the effective date of the original order. **Effective date July 1, 2007.**
- PC 391** Declares that it is public policy to promote communication between treating health care professionals and removes the legal barriers created by the Givens case (implied covenants of confidentiality) that prevented treating

health care professionals from communicating with each other and allow hospitals access to health care providers who make entries in hospital patient medical records for information regarding the entries made in those records. **Effective date July 1, 2007.**

PC 410 Creates the Non-Smoker Protection Act which will prohibit smoking in all enclosed environments (with notable exception) and requires the Department of Health to enforce it by injunction or civil penalties against persons or owners of places it regulates or controls. All other enforcement will be accomplished by the Department of Workforce Development. **Effective date - for rules June 11, 2007 for all other purposes October 1, 2007.**

PC 464 Requires Economic Impact Statement preparation and dissemination during rulemaking process for all rules affecting small businesses. Similar to but different from Executive Order 38. **Effective date June 21, 2007.**

PC 579 Enacts the Uniform Emergency Volunteer Health Practitioners Act under which provisions are made to more easily move health care practitioners into the state from other states during an emergency. It is a Uniform Act suggested for adoption in all states to help alleviate the problems encountered after Hurricanes Katrina and Rite. **Effective date July 1, 2007 for rules and for all other purposes, January 1, 2008.**

PC 83 All Health Practitioners requires all health care providers except veterinarians to send, on a monthly basis, sanitized reports to the Department of Health regarding any patient's injuries who they knew or had reasonable cause to suspect were result of domestic violence or abuse. **Effective date July 1, 2007.**

PC 529 All Health Care Providers Provides for disciplinary action against licenses for those who have knowingly employed or, recruited or referred for a fee, any illegal alien. **Effective date January 1, 2008.**

Financial Report

Ms. Otto reported to the Committee in the absence of Lisa Tittle, Director of Administrative Services that there was a projected cumulative carryover as of June 30, 2007 of \$62,847.11. The Advisory Committee requested Ms. Lisa Title to appear at the next meeting concerning a possible reduction in their application and renewal fees. They also requested a rule to that effect be drafted for possible adoption.

Division of Investigations

Ms. Otto in the absence of Denise Moran, Director of the Division of Investigation reported to the Committee that currently there were no open disciplinary cases pertaining to the Committee on Acupuncture.

Disciplinary Coordinator

Ms. Otto informed to the Committee there were no licensees currently being monitored by the Department's disciplinary coordinator.

Criminal Background Check Policy Regarding Unreadable Prints

Ms. Otto presented to the Committee a policy regarding unreadable fingerprints designation received on the second reading of the Criminal Background Check. The Committee selected Option Two for applicants not licensed in any other jurisdiction and Option Two for applicants licensed in other jurisdictions. Both options require licensees to submit a FBI/TBI scan through the State's approved vendor or its equivalent. Ms. Watson made motion to approve the policy and Mr. Wong seconded the motion. The motion carried, unanimously.

File Review and Approval of Applicants

Ms. Watson made a motion to approve the licensure for William Clark Brackman III, Mar Corelli, Melissa Olds Levitan, Grace En-ZI Rich Prather, Linda Kemper Webb, Shu Zhen Zhang, Cunyong Xu and Dennis Holmes. The motion was seconded by Ms. Wilson. The motion passed unanimously. The list will be presented to the Board of Medical Examiners for final ratification at their September 18, 2007 meeting.

Judi Harrick

Ms. Harrick stated she was not seeking reappointment to the Committee, therefore this will be her last time to Chair the Committee. The Committee members expressed a heartfelt thank you to her for outstanding leadership, counsel, and perfect attendance to the Committee and stated she will be greatly missed.

Next Meeting

The next scheduled meeting for the Committee will be on Tuesday, February 19, 2008 at 1:00 P.M., DST.

Adjournment

The meeting adjourned at 1:40 P.M., DST.

These minutes were ratified at the February 19, 2008 meeting.