



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

**February 6, 2017**

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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 6, 2017 at 11:00 am (Central).

**Members Present:** Jill Kelly, Acupuncturist  
Serina Scott, Acupuncturist  
Jian Yan, Acupuncturist  
Charmaine Jamieson, Public Member

**Members Absent:** Shelia Ann Berry-Sanders, ADS

**Staff Present:** Amanda Thompson, Administrator, Committee on Acupuncture  
Stacy Tarr, Administrative Director  
Rene Saunders, MD, Medical Consultant  
Hannah Lanford, JD, Associate General Counsel

Ms. Jill Kelly, Committee Chairperson, called the meeting to order at 11:00 a.m. The Chairperson determined that a quorum was present.

**Approval of Minutes**

Ms. Jamieson made a motion to approve the August 15, 2016 minutes as amended. Ms. Jamieson’s motion was seconded by Ms. Scott. The motion carried.

**Officer Elections**

Ms. Scott made a motion to reelect Ms. Kelly as the Chair. Ms. Scott’s motion was seconded by Ms. Jamieson. The motion passed. Ms. Jamieson made a motion to reelect Ms. Scott as the Co-Chair. Ms. Jamieson’s motion was seconded by Mr. Yan. The motion passed.

## **Applicant Interviews**

**Ms. Cilei Chen** – Ms. Chen was asked to appear before the Committee to address whether her training satisfies the Committee’s educational requirements. Ms. Chen received her degree in medicine and attended an acupuncture training program in China. Ms. Chen has a physician qualification certificate and practiced as a clinical physician in China for 20 years. After a thorough discussion of Ms. Chen’s training and qualifications, it was deemed that Ms. Chen met the requirements for licensure by the NCCAOM standards. Scott made a motion to approve the application for licensure as an acupuncturist. The motion was seconded by Ms. Jamieson. The motion passed.

## **Rulemaking Hearing**

Ms. Lanford guided the Committee through the rulemaking hearing which was proposed to consider the following revisions to Rule 0880-12-.05:

- Subparagraph (1)(f) will be deleted in its entirety and the remaining subparagraphs relettered.
- A new paragraph (3) will be added:
  - (3) Prior to the commencement of practice of an ADS, an ADS certificate holder must provide the following documentation to the Committee’s Administrative Office:
    - a. Satisfactory written acknowledgement that the practice of auricular detoxification treatment will be in a hospital, clinic, or treatment facility which provides comprehensive alcohol and substance abuse or chemical dependency services including counseling, and
    - b. Certification from the supervising licensed acupuncturist or medical doctor (a physician licensed under Chapter 6 or 9 of Title 63 of the Tennessee Code Annotated) of the institution, facility, or entity attesting to employment and acceptance of supervisory responsibility.

Ms. Scott made a motion to approve the rule. Ms. Jamieson seconded the motion. Ms. Kelly, Ms. Scott, Ms. Jamieson, and Mr. Yan voted in favor of the rule. The motion passed.

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

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

## **Unlicensed Practice Policy**

The Committee adopted a policy to address the unlicensed practice of acupuncture and/or unlicensed practice as an acupuncture detoxification specialist. The policy proposed is consistent with the approach taken by virtually every other licensing board under the jurisdiction of the Division of Health Related Boards though some of the boards have higher or lower per

month civil penalties. The policy can be viewed in its entirety here:  
[http://tn.gov/assets/entities/health/attachments/Acu\\_unlicensed\\_practice.pdf](http://tn.gov/assets/entities/health/attachments/Acu_unlicensed_practice.pdf).

Ms. Scott made a motion to accept the unlicensed practice policy. Ms. Scott's motion was seconded by Ms. Jamieson. The motion passed.

### **CEU Deadline**

The current CEU rule states that all certified acupuncturists must obtain thirty (30) Professional Development Activity (PDA) points, as defined by NCCAOM, during the two (2) calendar year (January 1-December 31) period that precedes the year in which certification is renewed. The proposal states all certified acupuncturists must obtain thirty (30) Professional Development Activity (PDA) points, as defined by NCCAOM, during the two (2) year period immediately preceding the acupuncturist's license expiration date. After a brief discussion the Committee decided to table the proposal.

### **Report from the Office of General Counsel**

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

### **Statistical Report**

Ms. Tarr reported that from August 1, 2016 to February 1, 2017 there have been ten (10) new applications received for acupuncture and eleven (11) new applications received for ADS. There were twelve (12) acupuncturists licensed during that time and nine (9) ADS. There was one (1) reinstatement and forty-seven (47) renewals. Seventy-four (74) percent of those renewing did so online. The total number of active acupuncturists as of February 1, 2017 is one hundred and fifty-four (154). The total number of active ADS as of February 1, 2017 is fifty-eight (58).

### **Continuing Education Report**

Ms. Tarr reported that for the audit period of August 12, 2016 thru July 2016, there were twelve (12) acupuncturist audited and of the 12, four (4) of the licenses were not compliant resulting in a sixty-seven percent (67%) compliance rate. The four licensees who 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.

### **Consultant Review of Applications**

After a brief discussion, the committee agreed to have rotating consultants for review of applications. Ms. Jamieson made the motion which was seconded by Mr. Yan. The motion passed.

### **Financial Report**

Ms. French reviewed the financial report with the Committee. Ms. French stated for fiscal year 2016, direct expenditures were projected at \$10,489.53, allocated expenditures were projected at \$1,321.98, and total expenditures were expected at \$18,685.07. The Committee's projected annual revenue is \$35,736.75 with a year net of \$17,051.68 and carryover of \$181,351.72.

### **Investigation & Disciplinary Report**

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

### **Adjournment**

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