



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

February 13, 2023

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Acupuncturist (hereinafter, “the Committee”) was called to order at 10:02 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243.

Members Present:

Mandy Colburn, ADS

Karman Gossett, Acupuncturist

Alexa Hulsey, Acupuncturist

Staff Present:

Stacy Tarr, Executive Director

Yvette Williams, Administrative Director

Brandi Allocco, Administrative Director

Dexter Hawkins, Board Administrator

Mark Waters, Board Attorney

John Heacock, Board Attorney

Consideration of Applications

Teresa Albanese

Ms. Albanese came before the board because she graduated from acupuncture school in 2009; however, she has never practiced and is requesting a license. Ms. Albanese explained why she did not practice acupuncture after graduating and that she was a stay home mother due to her husband working in another state. The board discusses with Ms. Albanese her recent certification from NCCAOM. Her certification from NCCAOM was in 2020. The committee continues to discuss what types of continuing education she has done since graduating in 2009. Ms. Albanese explained that she had been self-studying and keeping up with all the new techniques and methods in acupuncture.

The board decided to grant Ms. Albanese a conditional license with an opportunity to be given a full license. Ms. Albanese shall submit proof of completion of the following to the Committee within six (6) months from the date of the order she will receive. Ms. Albanese must obtain thirty (30) hours of continuing Professional Development Activity points, with all such coursework being approved or certified by the National Certification Commission for Acupuncture and Oriental Medicine (“NCCAOM”). The first two course hours taken by Applicant shall be on the topic of Safety, followed by the other twenty-eight (28) hours of NCCAOM-approved coursework. Ms. Albanese shall provide proof of thirty (30) hours of supervised acupuncture practice under an NCCAOM-approved preceptor, whose name and qualifications shall be submitted in advance to the Committee or its designee for prior approval; this preceptorship may be commenced at the same time as Ms. Albanese is fulfilling the thirty-hour continuing education requirement, so long as it begins after the two credits on the topic of Safety are complete.

Once all these conditions have been satisfied, and Ms. Albanese has furnished the Committee with sufficient documentation of the same, the Committee may approve Albanese for full licensure, without the necessity of her appearance in person before the Committee. Ms. Karman Gossett motioned to accept the terms listed above, Ms. Hulsey seconded the motion, and the motion passed.

Hong Song Yang

Ms. Yang before the board because she has not practiced acupuncture for greater than two years. She is requesting to reinstate her license. Per the board policy: The Board of Medical Examiners’ Advisory Committee for Acupuncture recognizes that an individual may leave the practice of acupuncture voluntarily or involuntarily. Acupuncturists may do so with the intent to return to practice at a later date or may intend to retire after a long career. Whatever the cause of their departure, acupuncturists who have left practice and later choose to return to acupuncture must be prepared to demonstrate that they have maintained their skills and knowledge and that they may safely and effectively resume providing care. Persons who have been out of practice for two (2) years or more shall: (a) (b) Submit proof of completion of fifteen (15) NCCAOM-approved continuing education hours per year out of practice beyond the two (2) year grace period. Appear before the Committee, if requested, to better determine which practice areas an individual should focus on when completing the required continuing education hours. The board reviewed Ms. Yang's application, and she satisfied all the board requirements. Ms. Karman Gossett motioned to approve Ms. Yang’s application, Ms. Hulsey seconded the motion, and the motion passed.

Approval of Minutes

Ms. Hulseley made a motion to accept the August 15, 2022, meeting minutes. Ms. Colburn seconded the motion, and it passed.

Conduct New Business

Ratification of Licenses

Ms. Colburn made the motion to approve all licenses. Ms. Hulseley seconded the motion, and it passed.

Review The Current Out-of-Practice Policy with Consideration of ADS Licensees

The board discusses the out-of-practice policy with consideration to the ADS applicant. As the committee discusses, they did not make a motion to change the out-of-practice policy or to add the ADS applicants.

Departmental Reports

Office of Investigations Report

- One (1) new open complaint
- Closed three (6) complaints
- Currently (0) open complaints

Financial Report

Ms. Keeyona Love, Financial Manager for the Division of Health licensure and Regulations presented a power point presentation of the Mid-Year Financial Report.

Managers' Report presented by Ms. Stacy Tarr

Activities that have transpired between August 1, 2022, and January 31, 2023:

- New Applications Received - Acupuncture 26
- Total New Licenses Issued – Acupuncture 15
- Total New License Issued – ADS 2
- Total Number of Acupuncture Reinstatements 2
- Total Number of ADS Reinstatements 0
- Total Numbers of Renewals 46
- Total Number of Online Renewals 33 – 72%

- Total Number of Active Acupuncturists as of January 31, 2023, is 216.
- Total Number of Active ADS as of January 31, 2023, is 33

Office Of General Counsel Report, presented by Mr. John Heacock

Mr. Heacock began his presentation with the conflict-of-interest statement, which states that 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 discussion 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. Mr. Heacock explains that as of February 3, 2023, the Office of General Counsel has no open cases against a licensee. Mr. Heacock explains that the Disciplinary Coordinator is monitoring one licensee due to being placed on probation. The license's proof of payment for 15 Type C civil penalties and proof of completion of 10 additional CEs are due on September 26, 2023, when his one-year probation should end. Lastly, Mr. Heacock shared with the Committee that they have one open rulemaking project to update its rules to reduce its application and renewal fees. It has progressed through in-house legal review and is currently being assessed and reviewed by Legislative Affairs.

Consent Order

None

Public Comments

Mr. Sam Helmbrecht came before the committee representing Rebecca and Todd Levine. He claimed that Ms. Levine's hand was injured due to an acupuncturist located in Chattanooga. He informed the committee that he would bring a suit against the individual again. He claimed that the Office of General Counsel closed this case; however, Ms. Levine has suffered tremendously due to a nerve being damaged due to the carelessness of the acupuncturist. Mr. Waters informed the board that they were not allowed to talk about business matters because it was off the public meeting agenda. The committee thanked Mr. Helmbrecht for his time and his public comment.

Adjourn

The meeting adjourned at 11:03 a.m.