



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

**September 12, 2023**

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**MINUTES**

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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  
Alexa Hulsey, Acupuncturist  
Mandy Colburn, ADS

Staff Present:

Stacy Tarr, Executive Director  
Brandi Allocco, Administrative Director  
Dexter Hawkins, Board Administrator  
John Heacock, Board Attorney

**Conflict Of Interest and Sunshine Policy**

Mr. Heacock provided an overview of the Conflict of Interest and Sunshine Policy, outlining the key points as follows:

Conflict of Interest Policy for Committee Members

Purpose: Ensuring that the individual interests of Committee members do not conflict with their responsibilities to the appointed Committee.

Definition of Conflict of Interest: A circumstance where a committee member's individual interest impairs, impedes, or gives the appearance of impairing or impeding their ability to make unbiased decisions or provide unbiased service.

Disclosure: Each Committee member must disclose any personal relationship, interest, or dealings that may impair, impede, or give the appearance of impairing or impeding their ability to make unbiased decisions.

Recusal: Any Committee member with a conflict of interest must recuse themselves from the matter, prohibiting participation in discussions or votes. They must leave the hearing room during the discussion or vote.

Influence: Committee members with a conflict of interest should not attempt to influence others before the discussion on the relevant matter.

### Open Meetings Act

Guidelines: Committee business should only be discussed during the open Committee meeting, prohibiting discussions via phone calls, emails, or text messages.

Public Comment Requirement: State agencies must allow public comment at public meetings. While time limits may be set, this doesn't apply to meetings held for disciplinary action.

Handling Public Comments: The Committee may consider creating a uniform procedure for public comments, such as designating a single period or allowing comments after each addressed topic.

Current Procedures: The Committee currently does not limit comments by topic, scope, or time, and does not require advance notice or permission to speak. A sign-up sheet is used at meetings.

Consideration of Public Comments: Tennessee's Open Meetings Act may limit the Committee's ability to address certain public comments, serving more as a transparency tool than a means for substantive debate.

### **Consideration Of Applications**

None

### **Approval of Minutes**

Ms. Colburn made a motion to accept the February 13, 2023, meeting minutes. Mr. Roff seconded the motion, and it passed.

Mr. Roff made a motion to accept the March 30, 2023, Declaratory order meeting minutes. Ms. Colburn seconded the motion, and it passed.

### **Conduct New Business**

#### **Ratification of Licenses**

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

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

The committee discussed the out-of-practice policy concerning ADS applicants. Following the discussion, Mr. Roff made a motion to accept amended policy recommendations by Mr. Heacock, which was seconded by Ms. Colburn, and it passed. The revised policy acknowledges that acupuncture and acupuncture detoxification specialist (ADS) licensees may leave their practice voluntarily or involuntarily, requiring those who wish to return to demonstrate maintained skills

and knowledge for safe and effective care. Acupuncturists out of practice for two (2) years or more must submit proof of fifteen (15) NCCAOM-approved continuing education hours per year beyond the two-year grace period and may appear before the Committee if requested. ADS practitioners must engage in current practice within the preceding six (6) months to maintain licensure. Those out of practice for more than six (6) months but less than two (2) years must retake courses in clean needling technique and cardiopulmonary resuscitation (CPR). ADSs out of practice for two (2) years or more must retake a board-approved training program in auricular detoxification acupuncture meeting or exceeding National Acupuncture Detoxification Association standards, as required for their initial ADS certification.

### **Review The Current Continuing Education Policy with Fee Adjustments**

The committee discussed the out-of-practice policy concerning acupuncture applicants. Following the discussion, Mr. Roff made a motion to accept amended policy recommendations by Mr. Heacock, which was seconded by Ms. Colburn, and it passed. The revised policy stipulates that a Tennessee-licensed practitioner must complete thirty (30) hours of Continuing Professional Development Activity (PDA) points in the two years preceding the licensure renewal year. If a practitioner fails to obtain the required continuing education hours, the following consequences apply:

The practitioner must pay a Type C civil penalty within thirty (30) days to cure the deficiency without penalty if five (5) or fewer PDA points are missed. The penalties increase with the number of missed points, ranging from fifty dollars (\$50) to two hundred fifty dollars (\$250).

Payment must be made within sixty days of notification from the Board of the deficiency.

The practitioner must make up the deficient hours within one hundred eighty (180) days of receiving this policy, in addition to completing the continuing education hours requirement for the current calendar year. Documented proof of the deficient hours obtained must be submitted to the Committee upon completion.

Failure to comply with this policy may lead to disciplinary action. Non-compliance with the Committee's documentation request or failure to make up deficient continuing education hours after notification may also result in disciplinary action.

### **Converting ADS Renewal Policy into Rule**

Mr. Heacock informed the committee that the ADS renewal policy would be transformed into a rule. The policy, outlined in Tenn. Code Ann. §63-6-1006, mandates that to renew an ADS certificate, an individual must submit proof of current active practice in auricular detoxification treatment, as determined by the committee.

The Board of Medical Examiners' Advisory Committee for Acupuncture has decided that a letter from a former employer (hospital, clinic, or treatment facility, offering comprehensive alcohol and substance abuse or chemical dependency services under the supervision of a certified acupuncturist or medical director) confirming auricular detoxification treatment practice within the six (6) months immediately preceding the ADS renewal applicant's expiration date will serve as proof of current active practice. ADS renewal applicants unable to provide such a letter may undergo an interview before the Committee.

## **Departmental Reports**

### **Office of Investigations Report**

- Three (3) new open complaints
- Closed three (3) complaints
- Currently (0) open complaints

### **Financial Report**

The committee was informed that a financial report was not available at the current meeting, and they can anticipate receiving it at their upcoming scheduled meeting on February 12, 2024.

### **Managers' Report presented by Ms. Brandi Allocco**

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

- New Applications Received - Acupuncture 17
- Total New Licenses Issued – Acupuncture 19
- Total New License Issued – ADS 6
- Total Number of Acupuncture Reinstatements 8
- Total Number of ADS Reinstatements 0
- Total Numbers of Renewals 62
- Total Number of Online Renewals 56 – 90%
- Total Number of Active Acupuncturists as of August 31, 2023, is 221.
- Total Number of Active ADS as of August 31, 2023, is 33

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

Mr. Heacock initiated his presentation by addressing the need to modify the Lapsed License Policy that imposes a \$25 civil penalty for ADS. The current policy directs lapsed license cases, extending beyond six months, to the Office of General Counsel (OGC) for formal discipline, involving a civil penalty of over \$100 per month for acupuncturists and \$25 for ADS. The Committee is unable to enforce a civil penalty below \$50 per violation. Following this discussion, Mr. Roff proposed a motion to accept the proposed changes, and Ms. Colburn seconded the motion, leading to its approval. The revised policy would adjust the civil penalty for ADS to align with the statutory amount of \$50, rather than the current \$25.

Mr. Heacock provided an update on Disciplinary Activity, noting that as of February 3, 2023, the Office of General Counsel has four open cases. One licensee, Ning Wang (L.Ac #194), is being monitored due to probation, and proof of payment for imposed civil penalties and additional continuing education is expected by September 26, 2023.

Two cases were sent to the OGC under the Lapsed License policy, with proposed Consent Orders from Matthews and Ahles awaiting Committee approval and subsequent BME ratification. Another matter is under investigation, remaining confidential.

Regarding Committee Education for Disciplinary Process, the OGC will review the disciplinary framework, distinguishing informal actions from formal discipline, including reprimands, suspension, probation, revocation, remedial education, civil penalties, and specific practice requirements.

On the rules front, the Committee is working on updating fees and reviewing the Out of Practice (OOP) Interim Policy Statement. Flaws were identified during the COVID-related breaks in practice, emphasizing the need for clear time frames and policies for determining readiness to return to practice. Considering differences between L.Acs and ADS, the Committee is exploring creating a formal OOP policy for ADS before codifying the rule for L.Acs.

### **Legislative Update**

The committee reviewed new legislation, including noteworthy health-related and non-health-related activities. Some key health-related legislative highlights are:

Public Chapter No. 1: Prohibits healthcare providers from performing certain medical procedures on a minor for the purpose of enabling them to identify with a sex inconsistent with their biological sex. This law also addresses the provision of hormones or puberty blockers to minors.

Public Chapter No. 41: Grants criminal immunity to individuals experiencing a drug overdose seeking medical assistance.

Public Chapter No. 42: Modifies rules regarding assignment of benefits to healthcare providers and collection of out-of-network charges by healthcare facilities to comply with the federal No Surprises Act.

Public Chapter No. 48: Extends certain provisions related to COVID-19 established during the 2021 Special Session.

Public Chapter No. 156: Extends the Department of Health to June 30, 2027.

Public Chapter No. 188: Preserves opioid prescription limitations for acute care and exempts individuals who had recent cancer treatment from these limitations.

Public Chapter No. 201: Exempts a patient receiving an initial behavioral health evaluation from the requirement of an in-person encounter within sixteen months prior to the interactive visit.

Public Chapter No. 352: Creates the “No Surprise Billing Consumer Protection Act” outlining how insurers provide benefits for emergency and non-emergency medical services.

Public Chapter No. 477: Creates the “Mature Minor Doctrine Clarification Act,” requiring informed consent from a parent or legal guardian before providing a minor with a vaccination.

Public Chapter No. 486: Defines "sex" in code to mean a person's immutable biological sex determined by anatomy and genetics existing at the time of birth.

These laws cover a range of health-related topics, including drug overdose immunity, opioid prescription regulations, and vaccination consent for minors.

### **Approval of Agreed Citations**

#### **Christina Woolard, L.Ac. #191**

Mr. Roff made a motion to accept the Agreed Citation for Ms. Christina Theresa Arbogast Woolard, and Ms. Colburn seconded the motion. The motion passed, indicating that the committee approved the terms outlined in the Agreed Citation as a resolution for Ms. Woolard's violation related to continuing education credits. As a result, Ms. Woolard will proceed with paying the specified civil penalty in the amount of \$440.00 and providing proof of the required continuing education credits within the agreed timeframe.

#### **Jessica Puckett, L.Ac. #145**

Mr. Roff made a motion to accept the Agreed Citation for Ms. Jessica Puckett, and Ms. Colburn seconded the motion. The motion passed, indicating that the committee approved the terms outlined in the Agreed Citation as a resolution for Ms. Puckett’s violation related to continuing education credits. As a result, Ms. Woolard will proceed with paying the specified civil penalty in the amount of \$120.00 and providing proof of the required continuing education credits within the agreed timeframe.

#### **Penelope Fattebert L.Ac #356**

Mr. Roff excused himself from the proceedings due to a conflict of interest. Ms. Colburn made a motion to accept the Agreed Citation for Ms. Penelope Fattebert, and Ms. Hulsey seconded the motion. The motion passed, indicating that the committee approved the terms outlined in the Agreed Citation as a resolution for Ms. Fattebert’s violation related to continuing education credits. As a result, Ms. Fattebert will proceed with paying the specified civil penalty in the amount of \$600.00 and providing proof of the required continuing education credits within the agreed timeframe.

## **Consent Order**

### **Raymond Ahles L.Ac. #427**

Mr. Heacock presented a Consent Order for Mr. Raymond Ahles (Case No. 2023003721) outlining an agreement between the State of Tennessee, represented by the Office of General Counsel, and Respondent Raymond Ahles, Acu. The key points of the Consent Order are as follows:

#### Authority and Jurisdiction:

The Committee is responsible for regulating acupuncturists in Tennessee, ensuring compliance with state laws to preserve the quality of medical care.

#### Stipulations of Fact:

Respondent has been certified as an acupuncturist in Tennessee (Certificate No. 427, expiration date May 31, 2024). Respondent practiced as an acupuncturist in Kingsport, Tennessee. Respondent's license lapsed on May 31, 2022, reinstated on February 22, 2023, after almost nine months. During the lapse, Respondent practiced on an expired certificate. Respondent claims inadvertence in not renewing the license and states missing the renewal reminder email.

#### Stipulated Grounds for Discipline:

The facts establish a violation of Tenn. Code Ann. § 63-6-1002(b), practicing acupuncture without proper certification, and Tenn. Code Ann. § 63-6-1002(c), a Class C misdemeanor for practicing acupuncture while unlicensed.

Respondent agrees to:

Formal and reportable REPRIMAND. Type C Civil Penalty of \$120.00 per month for the eight months of lapse, totaling \$960.00. Payment of actual and reasonable investigation and enforcement costs (not to exceed \$100.00). Submission of payments within twelve months.

#### Representations of Respondent:

Respondent admits the allegations, waives rights to a hearing, and acknowledges the rights under the Code, Rules, and the Uniform Administrative Procedures Act.

#### Notice:

The discipline will be reported to the National Practitioner Data Bank.

Upon reviewing the Consent Order, Mr. Roff made a motion to accept it, seconded by Ms. Colburn, and the motion passed.

## **Traci Matthews, ADS #144**

Mr. Heacock presented a Consent Order for Ms. Traci Matthews (Case No. 2023007031) outlining an agreement between the State of Tennessee, represented by the Office of General Counsel, and Respondent Traci Matthews, ADS. The key points of the Consent Order are as follows:

### Summary:

The Consent Order details an agreement between the State of Tennessee's Office of General Counsel and Respondent Traci L. Matthews, an Acupuncture Detoxification Specialist (ADS). Key elements of the agreement include:

### Authority and Jurisdiction:

The Committee oversees licensing, regulation, and supervision of acupuncturists and ADSs in Tennessee.

### Stipulations of Fact:

Respondent is a certified ADS practicing in Tennessee. Worked for Correctional Alternatives, Inc., in Memphis. Respondent's license lapsed on July 31, 2022, reinstated on March 7, 2023. Practiced as an ADS during the lapse. Lapse was due to inadvertence; not willful or knowing. Stipulated Grounds for Discipline: Violation of Tenn. Code Ann. § 63-6-1002(b): Unlawful to practice acupuncture without certification. Violation of Tenn. Code Ann. § 63-6-1002(c): Practicing as an ADS while unlicensed is a Class C misdemeanor.

### Stipulated Disposition:

Respondent receives a formal and reportable REPRIMAND. Type C Civil Penalty of \$30.00 per month for the eight-month lapse, totaling \$240.00. Payment of investigation and enforcement costs (not to exceed \$200.00).

### Representations of Respondent:

Admits allegations, waives hearing rights, and understands rights under the Code and Rules.

### Notice:

Disciplinary action will be reported to the National Practitioner Data Bank. Violation of the Order constitutes a separate violation, grounds for further disciplinary action. The Committee may issue the Order without further process, and if rejected, it has no force or effect.

Upon reviewing the Consent Order, Mr. Roff made a motion to accept it, seconded by Ms. Colburn, and the motion passed.



**Public Comments**

None

**Adjourn**

The meeting adjourned at 12:03 p.m.