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TEXAS HOUSE OF REPRESENTATIVES  
*Senfronia Thompson*

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August 23, 2017

Patricia Gilbert  
Executive Director  
Texas Board of Chiropractic Examiners  
333 Guadalupe Street, Suite 3-825  
Austin, TX 78701-3942

Wally Doggett, L.Ac.  
President  
Texas Association of Acupuncture  
and Oriental Medicine  
321 Ben White Boulevard, Suite 204B  
Austin, TX 78704

Dear Ms. Gilbert and Mr. Doggett:

With the special session now behind us, I would like to take this opportunity to strongly encourage the Texas Board of Chiropractic Examiners (TBCE) and Texas Association of Acupuncture and Oriental Medicine (TAAOM) to continue working toward a good-faith resolution of important issues that are the subject of pending litigation between TBCE and the acupuncture profession.

I am aware that initial discussions between the agency and acupuncture stakeholders have been productive, and I applaud the preliminary effort expended by the chiropractic board and TAAOM leadership to agree upon a reasonable path forward to mitigate the need for ongoing litigation between the two parties. I am particularly encouraged by TBCE's formal board vote on May 18 to seek resolution to the ongoing litigation through a negotiated rulemaking process intended to develop a mutually agreeable policy framework that could allow for the limited use of an acupuncture needle within the existing statutory scope of practice of chiropractic.

At a minimum, I would expect such a rulemaking to address the following policy priorities:

- Establishment of appropriate limits on the use of an acupuncture needle by chiropractors, consistent with the chiropractic scope of practice;

- Development of reasonable and relevant minimum training requirements for chiropractors using an acupuncture needle in the practice of chiropractic, with an emphasis on ensuring appropriate educational and clinical competencies are fulfilled;
- Establishment of appropriate transparency measures to ensure chiropractors are not allowed to represent themselves to the public as acupuncturists, and are required to promote any authorized use of an acupuncture needle to patients and the public in a manner that adequately and appropriately reflects their credentials and training;
- Improved regulatory oversight of the use of an acupuncture needle by chiropractors, including better tracking of the level of acupuncture training and appropriate enforcement of violations of training standards or scope of practice limitations; and
- Development of appropriate processes for improved communication and enforcement coordination between the chiropractic and acupuncture regulatory boards.

I believe it is critically important to also include in these discussions those who have been appointed to ensure enforcement of the standards set by the Legislature for the safe, legal, and effective practice of acupuncture. For this reason, I formally request that Mr. Allen Cline, the Chair of the Texas Board of Acupuncture Examiners, be invited to attend and participate in the negotiated rulemaking proceeding and any related stakeholder meetings.

In the months ahead, I look forward to receiving updates on your progress. Clearly, a negotiated resolution would be a welcome alternative to continuing costly litigation. Equally important, I remain optimistic that the consensus you achieve in these negotiations will provide a meaningful basis for needed statutory clarifications in the next legislative session.

Again, thank you for your willingness to work cooperatively to address these important issues and please do not hesitate to let my office know if I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Senfronia Thompson".

Representative Senfronia Thompson

cc: Mark Bronson, D.C., President, Texas Board of Chiropractic Examiners  
Allen Cline, L.Ac., Chairman, Texas Board of Acupuncture Examiners  
Sherif Zaafran, M.D., President, Texas Medical Board  
Scott Freshour, J.D., Interim Executive Director, Texas Medical Board