

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, December 12, 2016 8:10:21 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Sunday, December 11, 2016 11:16 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS MEDICAL BOARD

First Name: Michael

Last Name: Callaghan

Title: Graduate Student, AOMA School of Integrative Medicine

Organization you are affiliated with: None

Email:

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I endorse the continuation of the Texas Medical Board for another 12 years.

I do however believe that the Texas Medical Board needs to be more aggressive in its interaction with other Boards and Agencies in relation to the practice of "Dry Needling", "Trigger Point Needling" and advertisement of acupuncture by Chiropractors.

I am a retired Marine Colonel, who when given the opportunity to make a career change in 2013, made the decision to pursue a career in Acupuncture.

At the time, I researched the requirements for obtaining a license both in Texas and other states. As a person who grew up in Austin and attended Texas A&M University, the decision to return to Texas was easy. But what I have learned since entering this path is that while the Texas Medical Board and the Texas Acupuncture Board which is nested within require me to meet a high standard to practice, that same standard is not followed in other professions that are practicing acupuncture or attempting to. The national accrediting board requires that I have a minimum of 2625 hours of didactic of which 450 are in Chinese Herbs, certification in Clean Needle Technique and a minimum of 870 hours of clinical training. The program I have attended requires me to have 2898 hours of didactic and 972 hours of clinical training. In my instance, I will be graduating with over 1500 hours of clinical training and this is just to be able to sit for the national certification and then to seek and gain a license from the Texas Acupuncture Board.

The lack of equivalent standards is bothersome when I look at what I have learned over the past 3 years in training, my understanding of the body and its reaction to good technique and bad techniques, patient reactions to diagnosis and treatment strategies that are tied specifically to the practice of Traditional Chinese Medicine vis-a-vis someone that is approaching the use of acupuncture needles from a completely different theory and practice of medicine.

My education cost me well over \$70,000 and many of my cohorts are paying in excess of \$100,000 for their

education. When other professions that have not met and are not required to meet the same standards only cheapens the profession but also diminishes public perception and trust in not only an individual practitioner but also the entire profession. In this area, the Texas Medical Board and by extension the Texas Acupuncture Board need to have the ability to censure and halt these practices.

As an example of a state that is working to protect this profession, the State of Hawaii only allows acupuncture to be practiced by those that received a Master's Degree in Acupuncture and Oriental Medicine, passed the national level boards. This simply means that Physicians, Osteopaths, Chiropractors and Physical Therapists are not allowed to practice unless they meet the requirements for and apply for a license to practice acupuncture.

When I look back over my former career as a Marine, I was trained in 1982 to control tactical aircraft to drop bombs on targets, today the ability to control tactical aircraft to strike a target requires a certification as a Joint Tactical Air Controller and no matter what I may think I know, the standards in place today have been developed to ensure that every action taken by the controller is safe, effective and a minimal risk to our troops and civilians in the area. I would think that in medicine, we would want the same things and that is the reason that I am required to have the training and credentials that I am working towards but anyone that is going to insert a solid, filiform needle into a patient, which is acupuncture, needs to have the same basic knowledge of a Licensed Acupuncturist in good standing with the Texas Acupuncture Board.

Any Alternative or New Recommendations on This Agency:

I propose the during the upcoming session of the Texas Legislature, the committee overseeing the Texas Medical Board include language in its enabling legislation that gives the final oversight and licensing of those other specialties that are practicing acupuncture and that this legislation include language to the effect of prohibiting those without a minimum of a Master's Degree of Acupuncture and Oriental Medicine not be allowed to practice acupuncture in the State of Texas. This protects the public and a profession of dedicated individuals that are expending a tremendous amount of both time and money in pursuit of their goals of helping the citizens of Texas achieve and maintain good health.

Secondly, the discussion during the hearing about Texas Medical Board being prohibited from pursuing other agencies that encroach on practices of other professions should not be endorsed. This goes to the heart of the matter when it comes to Licensed Acupuncturist and their ability to practice in Texas. It is one thing to have a friendly competitive market among professions but it certainly another when someone from outside your profession, who is not qualified, is allowed to practice under the "color" of legitimacy provided by another agency that has no standards or tracking methods to ensure compliancy.

Lastly, I would like to comment on the testimony provided by a State Representative concerning making those who bring complaints against physicians public and available to the person that a complaint is filed against. The current regulations allows the complainant to remain anonymous or to have their name released. I would not change that, as it protects the complainant from retaliation or threat of retaliation.

As I stated earlier, I am a retired Marine Colonel, and one of my jobs was as Inspector General of a Major Command. During one of the investigations into hostile work environment, the names of some of those that filed were released, those that were accused began a series of retaliatory actions and in the end, we had to refer these individuals to the US. Department of Justice for protection under the Whistle Blowers Protection Act. I fear that if all complainants names are automatically released, it will have a chilling effect on future complaints against those that are not serving the public and specific individuals.

My Comment Will Be Made Public: I agree