

**DRAFT  
MINUTES**

**DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE  
BOARD OF ACUPUNCTURE**

**GENERAL BUSINESS MEETING  
MARCH 1, 2013**

**Rosen Centre  
9840 International Drive  
Orlando, FL 32819  
(407) 996-9840**

**CALL TO ORDER**

Ms. Clancy, Chair, called the General Business Meeting to order approximately 9:00 a.m. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT**

Melody Clancy, AP, D.O.M., Chair  
Min Tian, AP, D.O.M., Ph.D., Vice-Chair  
Katherine Teisinger, AP  
Barbara Thurman, AP  
Herman Vega, AP, PhD, AMD, LMHC  
Greg Gunter, Consumer Member  
Barbara Rezmer, Consumer Member

**STAFF PRESENT**

Anthony Jusevitch, Executive Director  
Jacqueline Clahar-Anderson, RS II

**COURT REPORTER**

American Court Reporting  
Diana Garcia  
Phone: 850.421.0058

**BOARD COUNSEL**

Lee Ann Gustafson, Esq.  
Senior Assistant Attorney General

**DEPARTMENT PROSECUTING ATTORNEY**

Elana Jones, Esq.  
Assistant General Counsel

***Please note the meeting minutes reflect the actual order agenda items were discussed during the meeting and may differ from the agenda outline.***

***An audio of this meeting can be found by clicking on "Audio Files" at [http://www.doh.state.fl.us/mqa/acupunct/acu\\_meeting.html](http://www.doh.state.fl.us/mqa/acupunct/acu_meeting.html)***

**REVIEW AND APPROVAL OF MINUTES**

**Tab 1 December 14, 2012 General Business Meeting**

Mr. Gunter made a motion to approve the minutes. Ms. Thurman seconded the motion which carried unanimously.

**January 18, 2013 Continuing Education Committee Conference Call**

Ms. Thurman made a motion to approve the minutes. Dr. Tian seconded the motion which carried unanimously.

## January 30, 2013 Continuing Education Committee Conference Call

Ms. Thurman made a motion to approve the minutes. Dr. Tian seconded the motion which carried unanimously.

### **DISCIPLINARY PROCEEDINGS**

#### **Settlement Agreements**

**Tab 2      Ragu P. Nath, A.P.                      Case # 2011-14533                      PCP: Ervolino & Gunter**

Respondent was present with counsel, William Furlow, III, Esq. Elana Jones, Esq., represented the Department and presented the case to the Board. Mr. Gunter was recused based on his participation in the probable cause process.

The department made the following recommendation:

- Reprimand
- Pay \$1,800 fine within 2 years of the filed final order
- Pay \$7,000 costs within 2 years of the filed final order
- Restriction on practice – Respondent may not examine or treat female patients without the presence of a Florida licensed female health care provider who shall maintain a log of each such patient contact with said log immediately available to a Department inspector upon request.

**Action Taken:** Ms. Thurman moved to accept the Settlement Agreement as presented. Ms. Teisinger seconded the motion, which passed unanimously.

**Tab 3      Jean-Michel Walker, A.P.      Case # 2011-06319                      PCP: Ervolino & Gunter**

Respondent was not present nor represented by counsel. Respondent did not receive the meeting notice sent to his current address. Mr. Jusevitch advised the Board they could waive the appearance of the respondent. Mr. Gunter was recused based on his participation in the probable cause process.

Elana Jones, Esq., represented the Department and presented the settlement agreement to the board requiring payment of a \$500 fine.

**Action Taken:** Ms. Teisinger moved to accept the Settlement Agreement as presented. Ms. Thurman seconded the motion, which passed with no opposition.

***BREAK***

#### **Tab 4      REPORTS**

##### **Board Chair Report – Melody Clancy**

No report.

## **Board Counsel Report – Lee Ann Gustafson, Esq.**

### **February 2013 Rules Report –**

#### **Rule 64B1-2.001 Biennial Renewal Fee and 64B1-2.004 Application Fee**

Ms Gustafson explained to the board she was unable to publish the proposed rules since a statement of regulatory alternative was filed by Mr. Richard Freiberg. Ms. Gustafson expressed to the board she is unable to move forward with the rules until a Statement of Estimated Regulatory Cost (SERC) is prepared. Ms. Gustafson suggested the Board withdraw the rules as previously published.

**Action Taken:** Mr. Gunter made a motion to withdraw rules 64B1-2.001 and 64B1-2.004. Ms. Thurman seconded the motion which passed unanimously.

Ms. Gustafson advised she would withdraw the rules and publish a notice of rule development and publish the approved language.

#### **Rule 64B1-3.004 Acupuncture Examination**

Ms. Gustafson advised this rule is in the process to be filed.

#### **Rule 64B1-4.0011 Documentation Necessary for Licensure Application –Withdrawn and Tolled 1/28/13**

Ms. Gustafson explained to board members she was currently working with Ms. Mask on this rule.

#### **Rule 64B1-7.0015 Continuing Education Requirements**

Ms. Gustafson informed board members she had received letters from the Joint Administrative Procedures Committee (JAPC) and was in the process of drafting a response. Board members expressed concerns on not actually seeing copies of the letters. After discussion Ms. Gustafson informed board members she would provide copies of the letters received from the Joint Administration of Procedures Committee (JAPC) at the next general business meeting and also address the contradictions in the current rule.

Mr. Justevitch requested Ms. Gustafson to strike paragraph 4 of that rule since the Department is no longer performing audits and will be integrating the cebroker data base system.

After further discussion on the wording of the rule regarding the HIV/AIDS requirement for continuing education credits, Ms. Clancy made a motion to strike paragraph four and to include the wording for the HIV/AIDS requirements “initial renewal only”. The motion was seconded by Ms. Thurman which passed unanimously.

### ***BREAK***

#### **Prosecution Report:**

Ms. Jones, Esq., stated there were currently ten active cases. She advised probable cause was found on four cases and six cases will be presented at an upcoming probable cause panel meeting.

### **Board Liaison Reports**

#### **Application Examination & Endorsement – Katherine Teisinger & Min Tian**

No Report

#### **Budget – Gregory Gunter**

No report

**Community Relations – Barbara Rezmer**

No report

**Consumer Protection – Barbara Rezmer**

No report

**Continuing Education – Barbara Thurman, Melody Clancy, Min Tian, Herman Vega**

No report.

**Legislative & Rules – Melody Clancy and Min Tian**

Ms. Teisinger informed the board Senator Galvano had proposed a bill, SB612, to exclude healthcare providers from calling themselves doctors or using Dr. as a prefix without a Medical Doctor or Osteopathic Physician degree. Ms. Gustafson informed the board members this bill did not apply to Acupuncturists only to Nurse Practitioners under Chapter 464, F.S.

**Unlicensed Activity – Melody Clancy**

No report

**REVIEW OF CONTINUING EDUCATION COURSES**

<u>Provider Name</u>	<u>Course Name</u>	<u>Course #</u>
<b>Tab 5 Lotus Institute</b>	<b>Demystifying Internet to help your practice</b>	<b>20-377837</b>
<b>Action Taken:</b> Mr. Gunter made a motion to deny course # 20-377837 as the program was primarily devoted to administrative or business management aspects of acupuncture practice. Ms. Clancy seconded the motion which carried unanimously.		
<b>Tab 6 Lotus Institute</b>	<b>An Intro to Chinese Veterinary Medicine</b>	<b>20-377816</b>
<b>Action Taken:</b> Ms. Teisinger made a motion to deny course # 20-377816 as the course is not within the scope and practice of an Acupuncturist. Ms. Thurman seconded the motion which carried unanimously.		
<b>Tab 7 Anika Al-Shura</b>	<b>Health Communications 1</b>	<b>20-376645</b>
<b>Tab 8 Anika Al-Shura</b>	<b>Integrative Perspectives of Cardiovascular Diseases in China</b>	<b>20-376665</b>
<b>Action Taken:</b> Mr. Gunter made a motion to deny courses # 20-376645 and 20-376665, as the instructor does not have two years teaching experience in the subject matter to be presented. Ms. Rezmer seconded the motion which carried unanimously.		
<b>Tab 9 Elasa Tiernan OT/L, CYT</b>	<b>Reiki Master Level 3</b>	<b>20-364723</b>
<b>Action Taken:</b> Ms. Thurman made a motion to approve course # 20-364723. Ms. Teisinger seconded the motion which carried unanimously.		

**NEW BUSINESS**

**Tab 10 Ratification of Licensure – 11/29/12 through 2/15/13**

**Action Taken:** Ms. Rezmer moved to ratify the new licensees, license numbers 3201 through 3235 which was seconded by Mr. Gunter and carried unanimously.

**Tab 11 Ratification of Continuing Education Courses – 11/28/12 through 2/15/13**

**Action Taken:** Ms. Rezmer moved to ratify the continuing education courses list which was seconded by Ms. Teisinger and carried unanimously.

**Tab 12 Information from CE Broker**

Board members discussed the changes which were recommended at the January 30, 2013 continuing education committee conference call. Mr. Jusevitch informed board members the corrected application will be presented to the board members at the next meeting.

After discussion, Dr. Vega inquired how continuing education courses which were more than 10 years old could be audited to determine if they were currently relevant. After discussion Mr. Jusevitch stated he would try to obtain a report on courses older than 10 years and research how these courses can be audited for validity.

**NEXT MEETING**

**May 31, 2013**

**Grand Hyatt Tampa Bay**

**2900 Bayport Drive**

**Tampa, FL 33607**

**(813) 874-1234**

**The meeting adjourned at approximately 11:00 am.**