MINUTES DEPARTMENT OF HEALTH BOARD OF ACUPUNCTURE GENERAL BUSINESS MEETING

TELEPHONE CONFERENCE CALL JUNE 29, 2012

CALL TO ORDER

Melody Clancy, Chair, called the General Business Meeting to order approximately 9:10 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 Greg Gunter, Consumer Member Barbara Rezmer, Consumer Member

BOARD COUNSEL

Lee Ann Gustafson, Esq. Assistant Attorney General STAFF PRESENT

Jacqueline Clahar-Anderson, RSII

COURT REPORTER

Shanda Hoffman For the Record Phone: 850- 222-5491

MEMBERS OF THE PUBLIC PRESENT

Lynn Thames Richard Freiberg Cynthia Clarke

Please note the meeting minutes reflect the actual order agenda items were discussed during the meeting.

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

GENERAL BUSINESS/CORRESPONDENCE

Tab 1

2012-2013 Annual Regulatory Plan

Ms. Gustafson, board counsel, explained the board is required to submit its Annual Regulatory Plan listing rules if any, the Board will be developing during Fiscal Year 2012-2013. Ms Gustafson asked the board members if there were any rules they would like to identify to the Governor's Office through the Legislature.

Ms Gustafson further explained the board does not necessarily have to have one since they worked on its rules last year. She further stated the board updated rule 64B1-9.001, Disciplinary Guidelines and is currently working on rule 64B1-3.004, Acupuncture Examination. She apprised the board she is awaiting the Statement of Regulatory Cost (SERC) before moving forward with this rule. Ms. Gustafson informed the board, there was nothing specific to report, however we are required to send in a report and she wanted to determine she and board staff were not overlooking anything.

Ms Gustafson indicated she would complete the spread sheet form and send it to OFARR. However, she advised the only other thing she could think about was the prior discussion the board had on the formulary for herbs that can be injected and wanted to know if the board wanted to go forward with this discussion or not. The board decided it would set that rule aside.

Mr. Gunter inquired if something new comes up, would the board be allowed to address it. Ms Gustafson stated this would not be a problem since it was not something the board can anticipate. Ms Gustafson further stated the Legislature may pass legislation during the 2013 legislative session that may require the board to develop rules prior to the end of the fiscal year.

Action Taken: After discussion, Mr. Gunter made a motion to grant Ms Gustafson the authority to prepare the report with the aforementioned items that were worked on previously to be presented to the proper authorities. Ms. Rezmer seconded the motion, which passed unanimously 6/0.

Tab 2 Board of Acupuncture Revised Application for Licensure

Ms. Clahar-Anderson expressed to the board there were no substantive changes to the application other than the questions relating to section 456.0635, Florida Statutes, Health Care Fraud. Ms. Gustafson further explained the questions were changed due to the amendments to section 456.0635, F.S., during the 2012 legislative session.

Action Taken: After reviewing the application, Mr. Gunter made a motion to accept the changes to the current application as presented. The motion was seconded by Ms.Rezmer, which passed unanimously 6/0.

Ms Gustafson further explained she was unsure what would happen with adopting the form by rule since the Joint Administrative Procedures Committee (JAPC) has taken the position the Department should be adopting these forms instead of the Board. Ms. Gustafson indicated the Department's General Counsel is meeting with JAPC on this matter. Ms. Gustafson further stated we will have an approved form; however, she does not know when the rulemaking process will take place. Ms. Gustafson asked the board to give her or Jacqueline instructions so that once this is cleared up we can go forward with the document and the necessary rule.

Action Taken: Ms. Rezmer made a motion to authorize the department or Ms Gustafson to adopt the form with the appropriate rule. The motion was seconded by Mr. Gunter, which passed unanimously 6/0.

ADJOURNMENT

Mr. Gunter made a motion to adjourn the general business meeting. Ms. Rezmer seconded the motion which carried 6/0. Meeting adjourned approximately 9:20 a.m.