

DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE  
BOARD OF ACUPUNCTURE

MINUTES  
GENERAL BUSINESS MEETING  
September 7, 2012

Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, FL 32809  
407- 859-1500

1 **CALL TO ORDER**

2 Ms. Clancy, Chair, called the General Business Meeting to order approximately 9:05 a.m. Those  
3 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

**STAFF PRESENT**

Anthony Jusevitch, Executive Director  
Paula Mask, Program Operations Administrator  
Jacqueline Clahar-Anderson, RSII

**COURT REPORTER**

American Court Reporting  
Linda Kalkhurst  
Phone: 407.896.1813  
Fax: 407.896.1814

**BOARD COUNSEL**

Lee Ann Gustafson, Esq.  
Assistant Attorney General

**DEPARTMENT PROSECUTING ATTORNEY**

Cecilie Sykes, Esq.  
Assistant General Counsel

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

6 *An audio of this meeting can be found by clicking on "Audio Files" at*  
7 *[http://www.doh.state.fl.us/mqa/acupunct/acu\\_meeting.html](http://www.doh.state.fl.us/mqa/acupunct/acu_meeting.html)*  
8

9 **REVIEW AND APPROVAL OF MINUTES**

10 **Tab 1 June 1, 2012 General Business Meeting**

11 **Action Taken:** Katherine Teisinger made a motion to approve the minutes as presented: Greg  
12 Gunter seconded the motion which carried unanimously.

13 **Tab 2 June 29, 2012, General Business Meeting Conference Call**

14 **Action Taken:** Greg Gunter made a motion to approve the minutes as presented. Min Tian  
15 seconded the motion which carried unanimously.

1 **DISCIPLINARY PROCEEDINGS**

2 **Settlement Agreements**

3 **Tab 4 Raymond Garner, A.P. Case # 2009-09898 PCP: Ervolino & Gunter**

4 Respondent was present with counsel, Ruel Smith, Esq., and was duly sworn in by the court  
5 reporter. Ms. Sykes represented the Department and presented the case to the Board. Mr.  
6 Gunter was recused based on his participation in the probable cause panel process.

7 The Department filed an administrative complaint alleging a violation of sections 456.072(1)(u)  
8 and 457.109(1)(j), F.S.

9 Ms. Sykes presented the recommended settlement agreement:

- 10 • Pay \$2,344.32 costs within one year of the filed final order
- 11 • Complete a twenty-four (24) hour PBI Professional Boundaries Course within
- 12 one (1) year of the filed final order
- 13 • Probation – 2 years effective upon the date of the filed final order

14 **Action Taken:** Katherine Teisinger moved to reject the settlement agreement as presented.  
15 Melody Clancy seconded the motion, which passed unanimously.

16 **Action Taken:** Katherine Teisinger moved to propose a counter-agreement as follows:

- 17 • Pay \$2,344.32 costs within one year of the filed final order
- 18 • Complete a twenty-four (24) hour PBI Professional Boundaries Course within
- 19 one (1) year of the filed final order
- 20 • Probation – until course is completed. Upon completion of course probation
- 21 removed from license.

22 The motion died for lack of a second.

23 **Action Taken:** Barbara Thurman moved to accept the terms of the settlement agreement  
24 presented by the Department with the following amendment:

- 25 • A reduction from 2 years probation to 6 months probation following
- 26 completion of a twenty-four (24) hour PBI Professional Boundaries Course.

27  
28 Barbara Rezmer seconded the motion which failed 2/3 with Melody Clancy, Katherine Teisinger  
29 and Min Tian opposing the motion.

30 **Action Taken:** Melody Clancy moved to accept the settlement agreement as stated with the  
31 following change:

- 32 • Respondent's license will be placed on probation until he submits
- 33 documentation of successful completion for the twenty-four (24) hour PBI
- 34 Professional Boundaries.

35 Katherine Teisinger seconded the motion which passed 3/2 with Barbara Rezmer and Barbara  
36 Thurman opposing the motion.

37 Respondent agreed with the counter-offer.

1 **ADMINISTRATIVE PROCEEDINGS**

2 **Licensure by Examination**

3 **Tab 19 Angela Rauter – Examination (Addendum, New Item)**

4 Applicant was present with Dr. Joseph Rezenski, Campus President of East West College of  
5 Natural Medicine.

6 **Action Taken:** Katherine Teisinger moved to approve for licensure. Barbara Thurman seconded  
7 the motion which passed unanimously 6/0.

8 ***(Returned to Disciplinary Proceedings)***

9 **Voluntary Relinquishment**

10 **Tab 3 Leslie Yvonne Strauss, A.P. Case # 2012-06308 Waived**

11 Respondent was not present nor represented by counsel. Ms. Sykes represented the department  
12 and presented the case to the board and advised no administrative complaint was filed in this  
13 case as respondent waived probable cause. No board members needed to be recused from this  
14 case since probable cause was waived.

15 **Action Taken:** Barbara Thurman made a motion to accept the voluntary relinquishment. Greg  
16 Gunter seconded the motion which carried unanimously 6/0.

17 **Tab 5 Jean-Michel Walker, A.P. Case # 2011-06319 PCP: Ervolino & Gunter**

18 Respondent was not present nor represented by counsel. Ms. Sykes represented the Department  
19 and presented the case to the Board. Mr. Gunter was recused based on his participation in the  
20 probable cause process.

21 The Department filed an administrative complaint alleging a violation of sections 457.109(1)(x)  
22 and 456.072(1)(q), F.S.

23 Ms. Sykes presented the recommended settlement agreement:

- 24
- 25 • Respondent shall appear before the Board
  - 26 • Pay \$1,500 costs within thirty (30) days of the filed final order
  - 27 • Pay \$500 fine within thirty (30) days of the filed final order
  - Six (6) months probation

28 **Action Taken:** Katherine Teisinger moved to reject the Settlement Agreement as presented.  
29 Barbara Thurman seconded the motion which passed 5/0.

30 **Action Taken:** After additional discussion, Katherine Teisinger proposed a counter-agreement  
31 with the following amendments:

- 32
- 33 • Suspension of license until the licensee is in compliance with each term of  
34 the previous final order and submits payment of the fine and costs imposed  
35 in this settlement agreement
  - 36 • Pay \$665.58 costs (Case # 2011-06319)
  - Pay \$500 fine (Case # 2011-06319)

37 Motion was seconded and carried 5/0.

1 (Break)

2 Informal Hearing

3 **Tab 6 Tin Chow, A.P. Case # 2009-12635 PCP: Ervolino & Gunter**

4 Respondent was not present nor represented by counsel. Ms. Sykes represented the  
5 Department. Mr. Gunter was recused based on his participation in the probable cause process.

6 Ms. Sykes presented the case to the Board The Department filed an administrative complaint  
7 alleging a violation of sections 457.109(1)(p), (q), and (r), F.S.

8 **Action Taken:** Melody Clancy moved to accept the investigative report into evidence for the  
9 purposes of imposing penalty. Barbara Thurman seconded the motion which carried 5/0.

**Action Taken:** Motion made, seconded and passed the respondent was properly served.

**Action Taken:** Motion made, seconded and passed to adopt the findings of fact as set forth in  
the administrative complaint.

**Action Taken:** Motion made, seconded and passed to adopt the conclusions of law as set forth  
in the administrative complaint and find that this constitutes a violation of the Acupuncture  
Practice Act.

10 **Action Taken:** After lengthy discussion, Katherine Teisinger moved to IMPOSE the following  
11 penalty:

- 12 • Pay \$2000.00 fine within 2 years of the filed final order
- 13 • Pay \$926.31 costs within 2 years of the filed final order
- 14 • Letter of concern
- 15 • Prohibited from practicing acupoint injection therapy.
- 16 • Completion of 20 continuing education hours in laws and rules within one (1)  
17 year of the filed final order
- 18 • Suspension for one year and within 30 days of reinstatement of the license,  
19 the licensee shall submit documentation of medical malpractice insurance
- 20 • Probation for one year under direct supervision and follow terms as outlined  
21 in final order
- 22 • The licensee and the approved supervisor shall appear before the Board at  
23 the beginning and end of the probationary period

24 Melody Clancy seconded the motion which passed 5/0.

1 **Prosecutor's Report (Addendum; New Item)**

2 **Inventory of cases as of August 28, 2012:**

3	Number of complaints under review by a department prosecutor:	3
4	Number of complaints drafted for probable cause:	1
5	Number of complaints in the Emergency Action Unit:	1
6	Number of complaints with supplemental/ expert requests:	0
7	Number of complaints in a Holding status:	0
8	Litigation requested or at DOAH:	3
9	Number complaints pending resolution by Board:	4
10		<b>Total: 12</b>

11 **Total Number of Cases Older Than One Year:**

12	2009: 2
13	2010: 4
14	2011: 3
15	<b>Total: 9</b>

16 **REPORTS**

17 **Tab 7**

18 **A. Board Chair Report – Melody Clancy – No report.**

19 Ms. Clancy reminded Ms. Teisinger of a letter she had volunteered to write to the Board of  
20 Chiropractic Medicine on behalf of the Board of Acupuncture.

21 **B. Board Counsel Report**  
22 **Rules Report**

23 **1. Proposed rule language - 64B1-7.0015 Continuing Education Requirement**

24 **Action Taken:** Barbara Thurman moved to accept the proposed changes and to adopt the rule.  
25 Barbara Rezmer seconded the motion which carried unanimously.

26 **2. Letter from Marjorie C. Holladay Re: Rule 64B1-4.0011, F.A.C.**

27 Ms. Gustafson discussed the contents of the letter.

28 **3. Board of Acupuncture Revised Application for Licensure**

29 The Board approved the revised application at the June 29, 2012 conference call meeting.

30 **Action Taken:** Greg Gunter moved to make the changes to the application requested in Ms.  
31 Holladay's letter and to present the application at the next available meeting. Katherine Teisinger  
32 seconded the motion which carried unanimously.

1 **C. Executive Director Report**

2 **1. Statement of Estimated Regulatory Costs (SERC) for Rule 64B1-3.004, F.A.C.,**

3 **Acupuncture Examination**

4 **2. ACAOM Accreditation Manual**

5 **Action Taken:** After discussion Katherine Teisinger motioned to accept the Statement of  
6 Estimated Regulatory Costs. Motion seconded by Melody Clancy and the motion passed with  
7 Ms. Thurman opposing the motion.

8 **Action Taken:** Greg Gunter moved to reject the lower cost alternative submitted by Mr. Freiberg.  
9 Min Tian seconded the motion which passed unanimously.

10 **Action Taken:** Greg Gunter made a motion that the basis for not accepting the lower cost  
11 alternative is based on the fact that Mr. Freiberg's submittal does not offer an alternative that  
12 would accomplish the goal of the rule amendment. Katherine Teisinger seconded the motion  
13 which passed unanimously.

14 **3. Worksheet for Reducing Fees**

15 **Action Taken:** Katherine Teisinger moved to reduce the following fees:

- 16 • Active Renewal fee from \$300 to \$275
- 17 • Initial licensure fee from \$400 to \$200
- 18 • Application fee from \$300 to \$200

19 Min Tian seconded the motion which passed 5/1 with Ms. Clancy opposing the motion.

20 **Action Taken:** Melody Clancy moved to amend the appropriate fee rules. Motion seconded by  
21 Greg Gunter and passed unanimously.

22 **D. Board Liaisons**

23 **Application Examination & Endorsement** – Min Tian and Katherine Teisinger  
24 No report.

25 **Budget** – Gregory Gunter  
26 No report but will be attending budget liaison meeting in Tallahassee on September 12, 2012.

27 **Community Relations** – Barbara Rezmer  
28 No report.

29 **Consumer Protection** – Barbara Rezmer  
30 No Report

31 **Continuing Education** – Barbara Thurman, Melody Clancy, Min Tian  
32 No report.

33 **Legislative & Rules** – Min Tian  
34 No Report

1 Katherine Teisinger read excerpts from a letter written by Harvey Kaltsas. The letter encouraged  
2 Acupuncturists to join the National Guild of Acupuncture and Oriental Medicine (NGAOM), for  
3 reasons such as reinstating PIP for Acupuncturists in Florida.

4 The letter also stated there was no Sunset Review for the Acupuncture profession.

5 **Unlicensed Activity** – Melody Clancy  
6 No report.

7 **REVIEW OF CONTINUING EDUCATION COURSES**

8	<b><u>Provider Name</u></b>	<b><u>Course Name</u></b>	<b><u>Course #</u></b>
9	<b>Tab 8 Lotus Institute</b>	<b>Making Private Practice Work!</b>	<b>20-357035</b>
10	<b>Tab 9 Lotus Institute</b>	<b>Insurance How to Bill, Code, Get Paid</b>	<b>20-357023</b>
11	<b>Tab 11 Lotus Institute</b>	<b>Effective Methods to Double Your</b>	<b>20-356901</b>
12		<b>Practice in 90 Days</b>	

13 **Action Taken:** Katherine Teisinger made a motion to deny tabs 8, 9 and 11 as the practice  
14 management courses are not approved for continuing education credit based on Rule 64B1-  
15 6.005(4), F.A.C., Standards for Approval of Continuing Education Credit. Motion was seconded  
16 by Melody Clancy and passed 6/0.

17	<b>Tab 10 Lotus Institute</b>	<b>Fang Jia Fang: The Art and Science</b>	<b>20-356905</b>
18		<b>Of Herbal Combinations (Part 1)</b>	

19 **Action Taken:** Greg Gunter made a motion to deny the course based on material submitted is  
20 insufficient to justify 6 hours of continuing education credit. Motion was seconded by Melody  
21 Clancy and passed 6/0.

22	<b>Tab 12 Jason Gordon</b>	<b>Clinical Foundations of Medical QiGong</b>	<b>20-350374</b>
23		<b>Therapy (Addendum; Additional Information – pages 34-37))</b>	
24	<b>Tab 13 Jason Gordon</b>	<b>Introduction to Medical QiGong Treatment</b>	<b>20-350373</b>
25		<b>Protocol (Addendum; Additional Information – pages 38-41)</b>	
26	<b>Tab 14 Jason Gordon</b>	<b>Introduction to Medical QiGong &amp;</b>	<b>20-350372</b>
		<b>Self-Cultivation</b>	

27 **Action Taken:** Katherine Teisinger made a motion to approve the courses listed in tabs 12, 13  
28 and 14. Motion was seconded by Barbara Thurman and passed 6/0.

29	<b>Tab 15 Shio Iwae &amp;</b>	<b>Keeping Your Brain Sharp: Surprising</b>	<b>20-338969</b>
30	<b>Associates</b>	<b>Truth of the Middle Aged Mind</b>	

31 **Action Taken:** Barbara Thurman made a motion to deny the course based on the learner  
32 objectives presented and the correct answers to the test were given within the contents. Melody  
33 Clancy seconded which passed 6/0.

1 **OLD BUSINESS**

2 **REVIEW OF CONTINUING EDUCATION COURSES**

3	<b><u>Provider Name</u></b>	<b><u>Course Name</u></b>	<b><u>Course #</u></b>
4			
5	<b>Tab 16 Jill Jaynes, AP</b>	<b>Risk Management &amp; Ethics of</b>	<b>20-176583</b>
6		<b>Insurance Billing</b>	

7 **Action Taken:** After much discussion, Katherine Teisinger made a motion to issue an order to  
8 show cause why approval of this course should not be withdrawn. Greg Gunter seconded the  
9 motion which passed 6/0.

10 **NEW BUSINESS**

11 **Tab 17 Ratification of Licensure – 5/18/12 through 8/21/12**

12 **Action Taken:** Greg Gunter moved to ratify the new licensees, license numbers 3089 through  
13 3136. Barbara Thurman seconded the motion which carried 6/0.

14 **Tab 18 Ratification of Continuing Education Courses – 5/18/12 through 8/17/12**

15 **Action Taken:** Melody Clancy moved to ratify the continuing education courses which was  
16 seconded by Greg Gunter and carried 6/0.

17 **NEXT MEETING**

18 **December 14, 2012**  
19 **Double Tree by Hilton**  
20 **101 South Adams Street**  
21 **Tallahassee, FL 32301**  
22 **(850) 224-5000**

23 The meeting adjourned approximately 11:45 a.m.