

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

**MINUTES  
GENERAL BUSINESS MEETING  
DECEMBER 14, 2012**

**TELEPHONE CONFERENCE CALL**

**1    CALL TO ORDER**

2    Ms. Clancy, Chair, called the General Business Meeting to order approximately 9:00 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  
Herman Vega, AP, PhD, AMD, LMHC  
Greg Gunter, Consumer Member  
Barbara Rezmer, Consumer Member

**STAFF PRESENT**

Anthony Jusevitch, Executive Director  
Paula Mask, Program Operations Administrator

**COURT REPORTER**

For The Record  
Telephone: (850) 222-5491  
Fax:         (850) 224-5316

**BOARD COUNSEL**

Lee Ann Gustafson, Esq.  
Assistant Attorney General

**DEPARTMENT PROSECUTING ATTORNEY**

Elana Jones, 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    REVIEW AND APPROVAL OF MINUTES**

9    **Tab 1            September 7, 2012 General Business Meeting**

10   Dr. Tian made a motion to approve the minutes which was seconded by Ms. Rezmer and the  
11   motion carried unanimously.

**12   ADMINISTRATIVE PROCEEDINGS**

13   **Tab 2            Summary Re: 60 hours Pre-requisite**

14   Mr. Jusevitch explained his summary regarding the 60 college credit hours pre-requisite prior to  
15   entering an acupuncture program.

1 The U.S. Department of Education does not accredit educational institutions and/or programs.  
2 However, the Secretary of Education is required by law to publish a list of nationally recognized  
3 accrediting agencies that the Secretary determines to be reliable authorities as to the quality of  
4 education or training provided by the institutions of higher education and the higher education  
5 programs they accredit. The U.S. Secretary of Education also recognizes State agencies for the  
6 approval of public postsecondary vocational education and nurse education.”<sup>1</sup> The USDOE  
7 Database of Accredited Postsecondary Institutions and Programs website can be found at:  
8 <http://ope.ed.gov/accreditation/Index.aspx>. This website is very helpful and easy to use. It  
9 includes a summary of the US DOE’s role, a search engine for every accredited postsecondary  
10 institution and program, frequently asked questions and a glossary of terms.

11 Mr. Jusevitch affirmed the general source of confusion is regarding massage schools. Applicants  
12 who attend massage schools are not strictly precluded from meeting all or part of the 60 hour  
13 requirement. Some massage schools are accredited by USDOE nationally recognized accrediting  
14 agencies. Therefore, applicants who attended those programs would be eligible for licensure  
15 based on the number of credits the acupuncture schools awards to the applicant prior to their  
16 enrollment in the acupuncture program. The awarding of credits is between the new school and  
17 the applicant, the Board does not have any authority to increase or decrease the number of  
18 credits received for those hours.

19 In the future Board staff will perform the following functions:

20 1. Search the USDOE database for the accreditation of the institution in question at USDOE  
21 website at: <http://ope.ed.gov/accreditation/Index.aspx>

22 2. The USDOE database may not be all inclusive. If the institution is not found in the USDOE  
23 database, then board staff will contact the acupuncture school directly to request proof the school  
24 in question is accredited properly. A letter will also be sent to the applicant outlining what is  
25 required as proof.

26 3. If proof is received as outlined in 1 or 2 the educational prerequisite will be deemed approved.

27 4. If proof is not received as outlined in 1 or 2 above the application will be placed on the Board  
28 agenda.

29 5. The Executive Director will reach out to all acupuncture schools in Florida to inform them of this  
30 interpretation.

31 Mr. Jusevitch had suggested amending rule 64B1-4.0011(3), F.A.C., as follows:

32 (3) 60 college credit hours shall mean 60 academic credit hours. An accredited postsecondary  
33 institution is an institution that is accredited by a national accrediting agency recognized by the  
34 United States Department of Education. ~~an institution accredited by the U.S. Department of~~  
35 ~~Education or a regional accrediting body.~~

36 **Action taken:** After additional discussion, Ms. Teisinger moved to open rule 64B1-4.0011(3)  
37 using Mr. Jusevitch’s draft and adding “regional” accrediting agency and deleting “national”. Ms.  
38 Clancy seconded the motion which passed unanimously.

39 **Tab 3 Yvonne Hernandez-Munoz**

40 Applicant was present without counsel.

1 The board had originally acted on her application at the June 2012 meeting. Ms. Hernandez-  
2 Munoz waived her right to having a decision made on her application within 90 days of  
3 completion. Additionally, the board tabled the application for 1½ years from the date of the filed  
4 order allowing her to obtain the prerequisite college requirements

5 **Action Taken:** After discussion and review of her educational credentials, Ms. Thurman moved to  
6 grant the license unencumbered. Ms. Teisinger seconded the motion, which passed unanimously.

7 **Tab 4 Michael Kennis**

8 Applicant was present without counsel.

9 **Action Taken:** After discussion of the applicant's educational credentials, Ms. Teisinger moved to  
10 grant the license unencumbered. Ms. Clancy seconded the motion which passed 5/2 with Ms.  
11 Thurman and Dr. Vega opposing the motion.

12 **Tab 5 Heather Lee**

13 Applicant was present without counsel.

14 **Action Taken:** After discussion, Ms. Clancy moved to grant the license unencumbered. Ms.  
15 Rezmer seconded the motion, which passed unanimously.

16 **Tab 6 Erica Nieves**

17 Applicant was present without counsel.

18 **Action Taken:** After discussion, Ms. Teisinger moved to grant the license unencumbered. Motion  
19 was seconded the motion which passed 6/1 with Ms. Clancy opposing the motion.

20 **REPORTS**

21 **Tab 7**

22 **A. Board Chair Report – Melody Clancy**

23 Ms. Clancy reported on attending the Board of Nursing meeting, the volume of materials and the  
24 efficiency of their meeting. She also commented on the consistency of actions on cases.

25 **B. Board Counsel Report**

26 Rules Report

27 **64B1-2.001 Biennial Renewal Fee (notice published 11/2/12)**

28 (1) The biennial renewal fee for an active license shall be ~~\$275.00~~ \$300.00.

29 (2) The biennial renewal fee for an inactive license shall be \$150.00.

30 Rule notice was published November 2, 2012.

1 **64B1-2.011 Initial Biennial License Fee (notice published 11/2/12)**

2 The initial biennial license fee shall be \$200.00 ~~\$400.00~~ for those who are licensed during the first  
3 half of the biennial period. For those who are certified during the second half of the biennial  
4 period, the initial certification fee shall be \$200.00.

5 Rule notice was published November 2, 2012.

6 Discussion was held regarding the Formal Objection to Notice of Proposed Rule(s) and  
7 Submission of Lower Cost Alternatives submitted by Richard Freiberg.

8 **Action Taken:** After discussion, Ms. Clancy moved to withdraw the rule and requested Ms.  
9 Gustafson to rewrite the rule to include a one time \$200 licensure fee for both the first half of the  
10 biennial period and the second half of the biennial period and to delete "certification" and insert  
11 "licensure". Ms. Thurman seconded the motion which carried unanimously.

12 **64B1-2.004 Application Fee (notice published 11/2/12)**

13 The application fee shall be \$200.00 ~~\$300.00~~

14 Rule notice was published November 2, 2012.

15 **64B1-3.004 Acupuncture Examination**

16 The Board currently approves as the Florida Examination for licensure the NCCAOM  
17 examination, consisting of the Foundations of Oriental Medicine Module and the Acupuncture  
18 with Point Location Module. Effective October 1, 2014, the Board approves as the Florida  
19 examination for licensure the NCCAOM examination consisting of the Foundations of Oriental  
20 Medicine Module, the Acupuncture with Point Location Module, the Biomedicine Module and the  
21 Chinese Herbology Module.

22 Ms. Gustafson advised a notice of change was published July 20, 2012.

23 **64B1-4.0011 Documentation Necessary for Licensure Application**

24 (1) A properly completed application shall be submitted on Department of Health Form  
25 Acupuncture Application for Licensure with Instructions, DH-MQA 1116, 03/12 ~~42/09~~, adopted  
26 and incorporated herein by reference as this Board's application and available on the web at  
27 www.doh.state.fl.us/mqa/acupunct. To complete the application attach the appropriate fees and  
28 supporting documents and submit it to the Board Office.

29 (2) through (3) No change.

30 Ms. Gustafson advised this rule was tolled August 20, 2012.

31 **64B1-7.0015 Continuing Education Requirements**

32 (1) through (4) No change.

33 (5) In order to meet the requirement of Rule 64B1-6.010, continuing education credit shall be  
34 awarded for the following: Continuing education credit up to a maximum of two hours will be  
35 awarded for each hour of attendance at a Board meeting at which another licensee is disciplined  
36 pursuant to Section 456.013(6), F.S. Only one credit hour will be granted for each hour of  
37 attendance.

38 (a) Attendance by licensees at a Board meeting at which another licensee is disciplined, for  
39 which one hour will be granted for each hour of attendance.

1 (b) Participation of a Board member in disciplinary hearings at a Board meeting or as a  
2 member of the probable cause panel.

3 (c) Provision of an expert opinion to the Department, without other compensation, in a  
4 standard of care disciplinary case when the expert opinion is provided to the probable cause  
5 panel to support either an administrative complaint or a closing order.

6 (6) No change.

7 Ms. Gustafson advised Marjorie Holladay with the Joint Administrative Procedures Committee,  
8 had concerns regarding the rule. Ms. Gustafson will respond and draft additional language which  
9 she will present to the board at its next meeting.

10 **C. Executive Director Report**

11 No report.

12 **D. Board Liaisons**

13 **Application Examination & Endorsement** – Min Tian and Katherine Teisinger

14 No report.

15 **Budget** – Gregory Gunter

16 Informational - Cash Balance Report for 3 months Ending September 30, 2012.

17 **Community Relations** – Barbara Rezmer

18 **Consumer Protection** – Barbara Rezmer

19 No report.

20 **Continuing Education** – Barbara Thurman, Melody Clancy, Min Tian

21 No report. However, discussion was held on how to set course hours based on online courses to  
22 determine if hours noted on coursework actually match the number of hours to take the course.

23 **Legislative & Rules** – Min Tian

24 No Report

25 **Unlicensed Activity** – Melody Clancy

26 No report.

27 **REVIEW OF CONTINUING EDUCATION COURSES**

28	<u>Provider Name</u>	<u>Course Name</u>	<u>Course #</u>
29	<b>Tab 8 Miridia Technology</b>	<b>Clinical Applications of AcuGraph</b>	
30		<b>Meridian Diagnostics</b>	<b>20-350272</b>

31 Dr. Tian advised the board she had requested additional detailed teaching material for the course  
32 and proof the instructor had at least 2 years teaching experience in the subject matter.

33 Dr. Adrian Larson addressed the board.

34 Action taken: After a lengthy discussion Ms. Thurman made a motion to table the application until  
35 Dr. Tian receives the required information, DVD and information on the online course, from the  
36 provider. Ms. Clancy seconded the motion, which carried unanimously.

1 **NEW BUSINESS**

2 **Tab 9 Ratification of Licensure – 8/22/12 through 11/28/12**

3 **Action Taken:** Ms. Clancy moved to ratify the new licensees, license numbers 3162 through  
4 3200. Ms. Rezmer seconded the motion which carried 7/0.

5 **Tab 10 Ratification of Continuing Education Courses – 8/18/12 through 11/13/12**

6 **Action Taken:** Ms. Rezmer moved to ratify the continuing education courses which was  
7 seconded by Ms. Clancy and carried 7/0.

8 **INFORMATIONAL**

9 **Tab 11** Email from Richard Freiberg

10 **Tab 12** Project Snapshot – Continuing Education at Renewal

11 Mr. Jusevitch presented the new project to verify continuing education at renewal. When a  
12 licensee renews their license online, the Department of Health will automatically verify with its  
13 electronic tracking system that the licensee completed their continuing education.

14 Beginning in 2015 practitioners will not be able to renew a license without having their continuing  
15 education reported into CE Broker's database. If licensees do not have hours to report, their  
16 license will move to a delinquent status at expiration.

17 Licensees will be able to report hours free of charge with CE Broker by creating a basic account.

18 Ms. Mask will coordinate a meeting date with the continuing education committee. The committee  
19 members will send materials and questions to the board office for the agenda.

20 **NEXT MEETING**

21 **March 1, 2013**

22 **Rosen Centre**

23 **9840 International Drive**

24 **Orlando, FL 32819**

25 **(407) 996-9840**

26 The meeting adjourned approximately 11:15 a.m.