

# FLORIDA | Board of Acupuncture

**MINUTES**  
**September 5, 2014**

**Renaissance at Seaworld**  
**6677 Sea Harbor Drive**  
**Orlando, FL 32821**



Melody Clancy, AP, D.O.M.  
**Chair**

Min Tian, AP, D.O.M., Ph.D.,  
**Vice-Chair**

Christy Robinson  
**Executive Director**

# FRIDAY, SEPTEMBER 5, 2014

The meeting was called to order by Ms. Melody Clancy, Chair, at 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 Administrator  
Herman Vega, AMD, PhD, AP, LMHC  
Greg Gunter, Consumer Member  
Barbara Rezmer, Consumer Member

## MEMBERS ABSENT:

Barbara Thurman, AP (excused)

## BOARD COUNSELS:

Lee Ann Gustafson, Esq.  
Doug Dolan, Esq.

## STAFF PRESENT:

Christy Robinson, Executive Director  
Alexandra Alday, Program Operations Administrator  
Jacqueline Clahar-Anderson, Regulatory Specialist II

## DEPARTMENT PROSECUTING ATTORNEY:

Elana Jones, Esq.

## COURT REPORTER:

For The Record  
PHONE: 850.222-5491  
FAX: 850.224.5316

*Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. Audio from this meeting can be found online: <http://floridasacupuncture.gov/meeting-information/past-meetings/>*

## REVIEW AND APPROVAL OF MINUTES

### 1. June 13, 2013 General Business Meeting Minutes

**Action Taken:** Mr. Gunter made a motion to approve the minutes as written. Motion was seconded by Ms. Rezmer, which carried unanimously.

## DISCIPLINARY PROCEEDINGS

### Settlement Agreement

#### 1. Hak Woo Lee, AP

CASE # 2010-16954

PCP: Gunter & Ervolino

Respondent was present without counsel.

Ms. Jones represented the Department and presented the case to the board. Mr. Gunter was recused due to participation on the probable cause panel.

Allegations of Administrative Complaint: Section 457.109(1)p F.S.

**Action Taken:** Ms. Teisinger made a motion to accept the Settlement Agreement. Motion seconded by Dr. Vega, which passed unanimously.

**Penalty Imposed:**

- Letter of Concern
- Completion of two hours in Prevention of Medical Errors course and two hours in Florida Laws and Rules course to completed within one year of the filed final order
- Pay \$5382.46 costs within 2 years of the filed final order

**\*REPORTS**

**Board Chair Report** – Melody Clancy

No Report

**Executive Director's Report** – Christy Robinson

Ms. Robinson did not have a formal report, but expressed to the board of her willingness to provide any reports Mr. Jusevitch provided in the past and also to provide anything the board might wish to see in the future.

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

Ms. Gustafson reported that Rule Title 64B1-6.008, F.A.C. Process for Program Approval was noticed for rule development.

Ms. Gustafson introduced Mr. Doug Dolan as the new Board Counsel for the Board of Acupuncture. Mr. Dolan indicated he had been with the Attorney General's office for a few years and was looking forward to working with everyone.

**Application Liaison** – Min Tian and Katherine Teisinger

No report.

**Budget Liaison** – Greg Gunter

Mr. Gunter did not have a report and referred the board to the expenditure report on the agenda.

**Community Relations Liaison** – Barbara Rezmer

No report.

**Consumer Protection Liaison** – Barbara Rezmer

No report.

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

No report.

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

No report.

## **Unlicensed Activity Liaison – Katherine Teisinger**

No report.

## **2. Prosecutor's Report**

**Action Taken:** Ms. Teisinger made a motion to accept the prosecutor's report, and to pursue the cases that were over a year old. Motion was seconded by Dr. Vega, which passed unanimously.

## **ADMINISTRATIVE PROCEEDINGS**

### **Applications for Licensure**

#### **1. Patricia Matthews Hussey – Endorsement by Other State**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Mr. Gunter moved to approve the application with the condition that the applicant complete the 400 hours in herbs and provide proof of liability coverage insurance. Motion seconded by Dr. Tian, which passed unanimously.

#### **2. Nancy Breitbarth – Endorsement by Other State**

Applicant was not present nor represented by counsel.

**Action Taken:** After discussion, Ms. Teisinger moved to grant the license unencumbered. Motion seconded by Dr. Vega, which passed unanimously.

#### **3. Bo Thomas Ost – Endorsement by NCCAOM**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Mr. Gunter moved to grant the license unencumbered. Motion seconded by Ms. Teisinger, which passed unanimously.

### **Request to Remove Conditions from License**

#### **1. Thomas Osterhout, AP 3143**

**Action Taken:** After discussion, Dr. Vega moved to grant the request to remove conditions from license. Motion seconded by Ms. Teisinger, which passed unanimously.

## Request for Exemption from Disqualification of Employment

### 1. Ernest Gonzalez, AP 767

Licensee was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Ms. Clancy moved to table the request until the next meeting on December 3, 2014. Motion seconded by Ms. Rezmer, which passed unanimously.

## Continuing Education Courses

### 1. Health Freedom, LLC – Course 20-430913

**Action Taken:** After discussion, Ms. Teisinger moved to deny approval of the course. Motion seconded by Dr. Tian, which passed unanimously.

### 2. Health Freedom, LLC – Course 20-430914

**Action Taken:** After discussion, Ms. Teisinger moved to deny approval of the course. Motion seconded by Dr. Tian, which passed unanimously.

## NEW BUSINESS

Mr. James Saylor addressed the Board regarding licensed acupuncturist certified in acupoint injection therapy (AIT) not being able to purchase B12 vitamins from pharmacies.

Ms. Gustafson explained that although the acupuncture practice act allows acupuncturists to possess prescriptive devices and they have a rule allowing AIT, there is nothing in the practice act that allows acupuncturists to prescribe. She explained that the pharmacy and drugs, devices and cosmetics practice acts specifically barred those licensees from selling legend drugs to individuals that did not have prescriptive authority in law.

After discussion Mr. Saylor was advised to submit a letter to the board requesting this topic be added to the upcoming agenda for further discussion.

## APPROVAL OF EXECUTIVE DIRECTOR

**Action Taken:** Ms. Teisinger moved to approve Ms. Robinson as the new Executive Director. Motion was seconded by Ms. Clancy, which passed unanimously.

## OLD BUSINESS

### 1. Continuing Education Program Application

Informational

## NEW BUSINESS

### 1. Ratification of Licensure

**Action Taken:** Mr. Gunter moved to ratify the new licensees. Motion seconded by Ms. Clancy, which passed unanimously.

### 2. Ratification of Continuing Education Courses

**Action Taken:** Mr. Gunter moved to ratify the continuing education courses. Motion seconded by Ms. Clancy, which passed unanimously.

## ADJOURNMENT

Meeting adjourned at approximately 10:15 a.m.

DRAFT