

FLORIDA | Board of Acupuncture

Meeting Minutes
December 1, 2017

Embassy Suites Jacksonville, Baymeadows
9300 Baymeadows Road
Jacksonville, FL 32256
(904) 731-3555



Herman Vega, AMD, PhD, AP, LMHC
Chair

Kathy Veon, AP
Vice-Chair

Kama Monroe
Executive Director

FRIDAY, December 1, 2017

Meeting called to order by Dr. Herman Vega at 9:00 a.m.

MEMBERS PRESENT:

Herman Vega, Chair, AMD, PhD, AP, LMHC
Kathy Veon, AP, DOM
Dave Heine, Consumer Member
Steve Moreau, AP
Rodney Dunetz, DAOM, AP, Dipl.Ac.
Janine Margewicz, AP

MEMBERS ABSENT:

Greg Gunter, Consumer Member (Excused)

STAFF PRESENT:

Kama Monroe, J.D. Executive Director
Carol Taylor, Program Administrator

BOARD COUNSEL:

Diane Guillemette, Esq., Board Counsel

COURT REPORTER:

Precision Court Reporting
Naomi McCracken
(904) 629-5310

OTHERS PRESENT:

Juliana Orozco, Applicant
Lathai-A Marlin, Applicant

REVIEW AND APPROVAL OF MINUTES

Tab 1: September 15, 2017 Teleconference General Business Meeting Minutes

Motion: by Herman Vega, seconded by Rodney Dunetz, to approve meeting minutes. Motion carried.

GENERAL BUSINESS

PROSECUTION SERVICES REPORT

Tab 2: The Executive Director informed the board that PSU requested that she present the prosecutor's report. Ms. Monroe presented the report and requested the board approve a motion to allow PSU to continue prosecuting cases that are a year or older.

Motion: by Kathy Veon, seconded by Steve Moreau, to allow PSU to continue prosecuting cases that are one year and older. After discussion, Motion carried

APPLICATIONS

APPLICATION BY ENDORSEMENT- NCCAOM

Tab 3: Juliana Orozco: file number 4437

After discussion,

Motion: by Herman Vega, seconded by Rodney Dunetz, to approve the application. Motion carried.

APPLICATION THROUGH ENDORSEMENT THROUGH ANOTHER STATE

Tab 4: Lethai-A Marlin: File number 4419

After discussion,

Motion: by Kathy Veon, seconded by Janine Margiewicz, to approve the application. Motion carried.

RATIFICATION OF LICENSURE

Tab 5: Ratification of Acupuncturist Licenses Issued from 9/1/2017 through 11/20/2017.

Motion: by Kathy Veon, seconded by Steve Moreau, to approve ratification of licenses issued from September 1, 2017 through November 20, 2017. Motion carried.

Tab 6: Ratification of CE Providers approved from 9/1/2017 through 11/20/2017.

Motion: by Rodney Dunetz, seconded by Steve Moreau, to approve ratification of CE providers approved from September 1, 2017 through November 20, 2017. Motion carried.

Tab 7: Ratification of CE Course Applications approved from 9/1/2017 through 11/20/2017.

Motion: by Kathy Veon, seconded by Steve Moreau, to approve ratification of the continuing education courses approved from September 1, 2017 through November 20, 2017. Motion carried.

Dr. Vega engaged discussion regarding qualifications for continuing education courses and the teaching qualifications. Discussion ensued.

REPORTS

Tab 8: **Board Chair Report** – No report at this time.

Rules Report

Tab 9: June, July, August, September, October and November 2017 Rules report

The reports were placed on the agenda for informational purposes. Board counsel noted that the November report is the most current.

Board Counsel Report

Tab 10: Rule 64B1-6.005, FAC: Standards for Approval of Continuing Education Credits

Board counsel informed the board that this agenda item was placed on the agenda at the request of a board member. She noted that she had suggestions for items to add to the rule.

Tab 11: Rule 64B1-9.007, FAC: Advertising

Board counsel informed the board that the way the rule is currently written, a licensee with only an acupuncture license, but not their doctorate, is allowed to use the term DAOM. Board counsel suggested adding the proposed phrase, "if the individual using the term is otherwise qualified." She noted this would prevent licensees without appropriate qualifications from using the term DAOM. The term DOM was identified as a professional title. Dr. Veon noted that, for all of the titles listed, the statute indicates they are professional titles and are not indicative of a degree. Dr. Dunetz indicated he would prefer the term DAOM be removed from the rule. Dr. Dunetz further noted that DAOM is a degree, where the other terms are not. The consensus from the board was that the rule should be modified to be consistent with the statutes.

Motion: by Steve Moreau, seconded by Kathy Veon, to remove the term DAOM and change (i) from Doctor of Acupuncture and Oriental Medicine to reflect Doctor of Oriental Medicine. Motion carried.

Motion: by Steve Moreau, seconded by Dave Heine, that the proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Motion: by Kathy Veon, seconded by Janine Margiewicz, that the finding of a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

Tab 12: Rule 64B1-9.001, FAC: Disciplinary Guidelines

Board counsel reminded board members that the disciplinary guidelines had been reviewed at the September meeting. She commended the board members on the amount of work they contributed. Board counsel directed the board's attention to concerns JAPC expressed regarding the disciplinary guidelines. Discussion ensued.

Motion: by Rodney Dunetz, seconded by Herman Vega, to delete paragraph 64B1-9.001(1)(cc) and to open Rule 64B1-4.001 for rule development. Board counsel is to bring language to next meeting. Motion carried.

Board counsel identified other JAPC concerns to the board. The Board reviewed the proposed changes and concerns.

Motion: by Steve Moreau, seconded by Herman Vega, to approve the changes as presented. Motion carried.

Motion: by Dave Heine, seconded by Steve Moreau, that the proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Motion: by Steve Moreau, seconded by Janine Margiewicz, that the finding of a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

Tab 14: Delegation to ED for rule certification

Board counsel explained the process and the importance of the delegation. Board counsel further explained the need for delegation to be approved to ensure rules move forward unimpeded. Dr. Vega verbally approved delegation to the Executive Director.

Tab 13: 2017 Annual Report Plan

Board counsel informed the board that the annual report plan had been signed and filed with the Department of Health.

Executive Director Report – Kama Monroe

Tab 15: Introduction of New Board Member

The Executive Director introduced and welcomed new board member Dave Heine to the board.

Tab 16: Update on License Certificate/Title: Acupuncturist vs. Acupuncturist Physician

The Executive Director informed the board, this item is a follow up from the last meeting in response to the chair's inquiry as to why AP appears on Acupuncture licenses. Acupuncture licenses consist of the letters AP and four digits. The Executive Director stated that this is a two-letter code used in the Department's computer system to locate licensees. The Department has this system for all professions.

Tab 17: Multidisciplinary Board Fact Finding Workgroup Controlled Substances

The Executive Director noted that these materials were placed on the agenda for informational purposes. The Executive Director noted that the Multidisciplinary workgroup requested individual boards write and submit letters of support for Senate Bill 8. The Executive Director noted that she could draft a letter should the board so desire. Discussion ensued.

Motion: by Herman Vega, seconded by Rodney Dunetz, to draft a letter of support for Senate Bill 8 for the chair's signature. Motion carried.

Tab 18: Delegation of Authority

The Executive Director requested the board approve the form.

Motion: by Kathy Veon, seconded by Janine Margiewicz, to approve the delegation of authority.

Tab 19: Board Liaison Reports

- **Application - Exam & Endorsement** – Herman Vega
No updates at this time.
- **Budget** – Greg Gunter

- **Community Relations** – Kathy Veon
No updates at this time.
- **Consumer Protection** – Greg Gunter
No updates at this time.
- **Continuing Education** – Janine Margewicz & Steve Moreau
- **Legislative & Rules** – Herman Vega
No updates at this time.
- **Unlicensed Activity** – Steve Moreau
No updates at this time.
- **Healthy Weight Initiative** – Kathy Veon
No updates at this time

OLD BUSINESS

Tab 20: Dry Needling

Board counsel summarized the actions taking place by the Board of Physical Therapy as it relates to Dry Needling. Board counsel provided the board with their options regarding this matter. Discussion ensued. Ellen Teeter, executive director of FSOMA and member of the audience, informed the board that the association is actively seeking action.

Motion: by Steve Moreau, seconded by Herman Vega, for the board Executive Director to draft a letter to the Executive Director of the Board of Physical Therapy to create a joint workgroup with the Board of Acupuncture, in accordance with 456.011(5). The letter should include committee members. The motion was amended to include language that the matter will be forwarded to the State Surgeon General if the workgroup is unable to reach an agreement. Motion carried.

Tab 21: Pulse Survey

Dr. Vega provided background regarding the pulse survey to the board members. The Executive Director stated the purpose of the board is to protect the health, safety, and welfare of our citizens, while making the healing art available to those who seek it. She explained that anything the board does and any monies spent must be directed toward those goals. The Executive Director stated that the final product of the survey exceeded the purview of the board's responsibilities. A Public speaker encouraged the board to use the money to inform the public of the benefit of acupuncture in pain management. Discussion ensued. The board expressed a desire to move forward regarding Acupuncture's role in resolving Opioid Issues and Mental Health issues that the public is currently experiencing.

Motion: by Janine Margewicz, seconded by Steve Moreau, to table the survey and look at other options to best utilize the funds. Motion carried.

NEW BUSINESS

Tab 22: Clarification/Verification of the 5-hour maximum credit

Board counsel explained that there is nothing regarding a minimum or a maximum as it relates to home study or the internet in the rules. She noted that Chapter 456 provides that there is a maximum of a 5 hour credit for approved video cassettes courses.

Tab 23: Election of Officers

Motion: by Steve Moreau, seconded by Janine Margiewicz, to nominate and elect Kathy Veon to serve as board chair. Motion carried.

Motion: by Herman Vega, seconded by Steve Moreau, to nominate and elect Rodney Dunetz to serve as board vice-chair. Motion carried

Continuing Education Liaison Composition

This matter was placed on the agenda to provide the board the opportunity to consider adding a third liaison for continuing education. Board staff informed the board that due to the vast number of applications reviewed and the burden placed on the liaisons, a third liaison could alleviate that burden and would prevent any additional burden should one of the liaisons be unavailable for any period of time. The board agreed to add a third liaison.

Board liaisons for the 2018 calendar year are:

- **Application - Exam & Endorsement** – Kathy Veon
- **Budget** – Greg Gunter
- **Community Relations** – Janine Margewicz
- **Consumer Protection** – Dave Heine
- **Continuing Education** – Janine Margewicz, Steve Moreau & Herman Vega
- **Legislative & Rules** – Kathy Veon
- **Unlicensed Activity** – Steve Moreau
- **Healthy Weight Initiative** – Rodney Dunetz

TAB 24: PUBLIC COMMENT

Motion: by Herman Vega, seconded by Steve Moreau to adjourn.

TAB 25: ADJOURN at 12:05

Next meeting: March 23, 2018