

FLORIDA | Board of Acupuncture

June 22, 2018



Draft Meeting Minutes
Board of Acupuncture
General Business Meeting
June 22, 2018
9 a.m.

Rosen Plaza
9700 International Drive
Orlando, Florida 32819
(407) 996-1931

The meeting was called to order by Dr. Kathy Veon, board chair at approximately 9:02 a.m.

Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

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

STAFF PRESENT:

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

MEMBERS ABSENT:

Janine Margewicz, AP
Greg Gunter, Consumer Member

BOARD COUNSEL:

Diane Guillemette, Esq., Board Counsel

COURT REPORTER:

American Court Reporting
Cindy Green
(407) 896-5309

OTHERS PRESENT:

Rose Garrison, Prosecuting Attorney
John Wilson, Prosecuting Attorney

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

REVIEW AND APPROVAL OF MINUTES

TAB 3: March 23, 2018, General Business Meeting Minutes

Motion: by Dr. Dunetz, seconded by Dr. Vega, to approve meeting minutes with addition of verbal correction. Motion carried.

DISCIPLINARY ACTIONS SETTLEMENT AGREEMENT

TAB 1: CHARLIE J. WARE, A.P., CASE NUMBER 2012-09198
PCP: Gunter

Respondent was present. Respondent was represented by counsel, Steve Rossi, Esquire.

If present, Mr. Gunter would have been recused due to participation on the probable cause panel.

Dr. Dunetz disclosed that he knew Mr. Ware years ago, when they were both in school. Dr. Dunetz has had no contact with Mr. Ware since that time and he is able to make a determination without bias or prejudice.

Rose Garrison represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 457.109(1)(k), Florida Statutes (2011), by making an untrue representation in the practice of acupuncture.

Terms of agreement: Appearance; Letter of Concern; a fine in the amount of six thousand (\$6000.00) dollars payable within one (1) year of the filing of the final order, reimbursement of costs for the investigation and prosecution of this case, payable within three (3) years of the filing of the final order (costs are capped at five thousand (\$5,000.00) dollars; current costs are four thousand eight hundred ninety-nine dollars and ninety-five cents [\$4899.95]); Respondent shall complete the Laws and Rules course, administered by the Florida Medical Association, within one (1) year of the date of the filing of the final order; and Respondent shall provide documentation documenting completion of the course within one (1) year of the date of the filing of the final order incorporating the settlement agreement.

After Discussion

Motion: by Dr. Veon, seconded by Dr. Moreau, to accept the settlement agreement as presented. Motion carried.

TAB 2: PROSECUTION SERVICES REPORT

Mr. Wilson presented the prosecution services report.

Mr. Wilson stated that there are currently fourteen (14) cases in the caseload; with eleven (11) under legal review, three (3) wherein probable cause was found, and one (1) case for board review, which was presented at today's meeting. Mr. Wilson also stated that seven (7) cases in the inventory are a year or older. Mr. Wilson asked the Board to consider allowing PSU to continue to prosecute the year and older cases.

Motion: by Mr. Heine, seconded by Dr. Vega, to allow PSU to continue prosecuting cases one year and older. Motion carried

APPLICATIONS

APPLICATION FOR FULL LICENSURE

TAB 4: Caroline Schultz, AP File #4519

Applicant was present and sworn in.

Action Taken: After discussion, Dr. Veon moved to grant the license. Mr. Heine, seconded the motion. Motion carried.

APPLICATION BY ENDORSEMENT-NCCAOM

TAB 5: Heidi Rocke, AP File #4472

Applicant was present and sworn in.

Action Taken: After discussion, Dr. Moreau moved to grant the license with the condition of a PRN evaluation and a letter from PRN stating the applicant is safe to practice or a PRN evaluation and a signed PRN monitoring contract. Dr. Vega, seconded the motion. Motion carried.

TAB 6: Qing Li, File #4474

Applicant was present and sworn in.

Action Taken: After discussion, Dr. Veon moved to grant the license. Dr. Vega, seconded the motion. Motion carried.

RATIFICATION OF LICENSURE

TAB 7: Acupuncturist-3/1/2018-5/31/2018

Ratification of Acupuncturist Licenses Issued from 3/1/2018 through 5/31/2018.

Motion: by Dr. Dunetz, seconded by Dr. Vega, to approve ratification of licenses issued from 3/1/2018 through 5/31/2018, which included license numbers 3923 through 3952 inclusive. Motion carried.

GENERAL DISCUSSION

TAB 8: CE Provider List-3/1/2018-5/31/2018

This item was placed on the agenda for informational purposes.

TAB 9: CE Course Approved List-3/1/2018-5/31/2018

This item was placed on the agenda for informational purposes.

REPORTS

Board Chair Report

There was no board chair report at this time. Dr. Veon noted that there was a recent chair/vice-chair meeting in Tallahassee that no one from the board was available to attend. The need for sufficient notice for the chair/vice-chair meeting was discussed.

Board Counsel Report – Diane Guillemette, Esq.

Rules Report

TAB 10: June 2018

TAB 11: May 2018

TAB 12: April 2018

The reports were placed on the agenda for informational purposes.

Board counsel Diane Guillemette reviewed the board's proposed changes for each of the rules included on the report. Ms. Guillemette will add the language "active" to Rule 64B1-3.009 and bring to the board at the next meeting.

Rules Discussion

TAB 17: Rule 64B1-4.001, Acupuncture Program Requirements

Ms. Guillemette informed the board that she had included Rule 64B1-4.001, which is not on the rules report, with the board materials. The board had previously asked that Ms. Guillemette delay submitting a notice for development of the rule so as to facilitate the rule going into effect after the next teaching cycle. Ms. Guillemette will research whether there is any authority to create a rule to allow trainers who are unlicensed in Florida to perform certain procedures under their existing license and report back to the board.

After discussion,

Motion by Dr. Veon, seconded by Mr. Heine, to accept the language as presented. Motion carried.

Motion by Mr. Heine, seconded by Dr. Veon, 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. No SERC is needed and no legislative ratification is needed. Motion carried.

Motion by Mr. Heine, seconded by Dr. Veon to find that a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

Rule Discussion

TAB 13: Rule Making Timeline

Ms. Guillemette informed the board that she had included the rule making timeline on the agenda to provide the board an idea of the rulemaking process.

TAB 14: Laws and Rules 2014 AOM

This item was placed on the agenda for informational purposes.

Executive Director Report-Kama Monroe

TAB 15: Physical Therapy Special Committee Request Reply

Executive Director Kama Monroe informed the board that the letter received from the Board of Physical Therapy in response to the letter the Board of Acupuncture sent to them was included in the board materials. She further noted that a letter was sent late June 21, 2018, to the Surgeon General as a result of the letter received from the Board of Physical Therapy. Ms. Monroe read the contents of the letter to the board. Ms. Monroe informed the board that the next step is to receive a response from the Surgeon General.

TAB 16: Board Liaison Reports

- **Application-Exam & Endorsement**-Kathy Veon
There was no report at this time.
- **Budget**-Greg Gunter
Mr. Gunter was not present; therefore, no report at this time.
- **Community Relations**- Janine Margewicz
Ms. Margewicz was not present; therefore, no report at this time.
- **Consumer Protection**- Dave Heine
There was no report at this time.
- **Continuing Education**- Janine Margewicz, Steve Moreau & Herman Vega
There was no report at this time. Dr. Moreau did note that he was happy with the way things are going with CEUs.
- **Legislative & Rules**- Kathy Veon
There was no report at this time.
- **Unlicensed Activity**-Steve Moreau
There was no report at this time.
- **Healthy Weight Initiative**- Rodney Dunetz
There was no report at this time.

OLD BUSINESS

TAB 18: Florida Board of Acupuncture Funds Allocation Discussion

Dr. Veon noted that this item was placed on the agenda to further discuss how the board can use unallocated funds to avoid having them swept. She noted that she had proposed in the past possibly using the funds towards educating the people of Florida of the history and use of Acupuncture in the treatment of pain management, as well as substance abuse, dependency and recovery therapy. Dr. Veon also noted that there is a mental health care crisis occurring in the state of Florida. Ms. Monroe provided the two requirements for spending the funds. There was much discussion regarding different methods of treating opioid addiction through Acupuncture. Dr. Veon noted there is scientific research to support these methods. Dr. Veon questioned whether it would be possible to present the scientific studies to the governor in an effort to open any opportunities in this matter. Dr. Vega stated that the purpose of the survey was to obtain input. Ms. Guillemette noted that the survey as presented did not appear to benefit the people of Florida.

After discussion,

Motion by Dr. Dunetz, seconded by Dr. Moreau, for board staff to research whether the funds can be used to address the items specified in Dr. Veon's letter. Motion carried.

Ms. Guillemette reminded board members that the board as a group can have input into the Department's legislative package. She further noted that as an individual acupuncturist they can do anything they want legislatively.

Ms. Monroe will reach out to budget to see if someone will attend the next board meeting.

TAB 19: Board of Acupuncture Proposed 2019 Meeting Dates and Locations

The board approved the following meeting dates and locations:

March 29, 2019	Tampa
June 28, 2019	Orlando
September 27, 2019	Tallahassee
December 20, 2019	Orlando

Motion by Dr. Veon, seconded by Dr. Vega, to approve the dates and locations. Motion carried.

TAB 20: 456.003 Legislative Intent: Requirements

No discussion

TAB 21: 457.101 Legislative Intent

No discussion

NEW BUSINESS

Ms. Monroe informed the board that the travel reimbursement form is to be submitted with travel receipts. Ms. Monroe further informed them that a copy of the form will be brought to each meeting for ease of the board members.

PUBLIC COMMENT

James Finger noted that he attended the meeting under the belief that he would be on the agenda. He also informed the board of the direction the VA is moving as it relates to Acupuncture. Mr. Finger was informed that he is not on the agenda and therefore the board could not hear his application. He was further informed that the board office would provide notification if and when he is on the agenda.

ADJOURN:

Motion: by Dr. Veon, seconded by Dr. Dunetz, to adjourn.

Next Meeting Date and Location: September 21, 2018-Tallahassee