

FLORIDA | Board of Acupuncture

September 21, 2018



Draft Meeting Minutes
Board of Acupuncture
General Business Meeting
September 21, 2018
9 a.m.

Four Points Downtown
316 W. Tennessee Street
Tallahassee, Florida 32301
(850) 422-0068

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.
Janine Margewicz, AP
Dave Heine, Consumer Member

STAFF PRESENT:

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

MEMBERS ABSENT:

Herman Vega, Chair, AMD, PhD, AP, LMHC
Greg Gunter, Consumer Member
Steve Moreau, AP

BOARD COUNSEL:

Robert Milne, Esq., Board Counsel

COURT REPORTER:

For the Record Court Reporting
(850) 222-5491

OTHERS PRESENT:

John Wilson, Prosecuting Attorney
Kimberly Marshall, 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.

Executive Director, Kama Monroe began the meeting by introducing the following DOH employees: board staff, Rose Burney and Dontae Moore; Chris Ferguson, acting interim director for the Bureau of Enforcement; and John Wilson, prosecuting attorney for the Prosecution Services Unit.

TAB 3: PRESENTATION

NCCAOM: Presentation by Jennifer Nemeth

Jennifer Nemeth, Executive Director of training for the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) delivered a presentation to the board and meeting attendees regarding the goals and objectives of NCCAOM. She further provided NCCAOM's goals and objectives. Applicants become Diplomates when they become certified with NCCAOM. NCCAOM's mission is public safety. Its' goal is to make practitioner's integral to overall healthcare and to ensure they are accessible to the public. Ms. Nemeth stated the way to achieve the mission is to set eligibility standards for applicants to sit for an exam. NCCAOM works within those standards. The exam is administered to applicants and the entry level competencies are reviewed. From that Ms. Nemeth noted that NCCAOM has a code of ethics. NCCAOM has committees who investigate different cases and who have worked closely with different regulatory boards in coordination with different situations. One of NCCAOM's recent strategic goals is to distinguish itself as the expert resource and to be recognized as the gold standard. Additionally, NCCAOM advances professional opportunities for NCCAOM nationally board-certified acupuncturists. A few of the benefits of being a diplomate include, but are not limited to, the fact that being a diplomate provides national recognition of being a board-certified acupuncturist and recognition on NCCAOM's find a practitioner webpage. Being a NCCAOM diplomate also increases the diplomate's mobility from state to state. Every state has different requirements for licensure and re-licensing. NCCAOM's program in Oriental Medicine is accredited through the national commission. Ms. Nemeth explained how a diplomate can assist with exam development committees. Ms. Nemeth also provided the specific programs for which NCCAOM provides certification. She then provided the requirements to become certified. Ms. Nemeth noted that once an applicant meets the eligibility requirements to sit for the exams they are no longer applicants; they are candidates. She then listed the four exams required for certification and noted that the state of Florida requires all four exams. Ms. Nemeth reviewed the exam requirements, which are an application, eligibility to sit for an exam and then taking the exam. Ms. Nemeth additionally explained NCCAOM's process for certifying foreign applicants. Included in the presentation was a map which reflects which certification exams are required by each state. She further noted that NCCAOM is working towards one standard. Ms. Nemeth provided additional detailed information. The presentation was informative and beneficial. Upon completion of the presentation Ms. Nemeth entertained questions.

DISCIPLINARY ACTIONS

DETERMINATION OF WAIVER

TAB 1: TADEUSZ ADAM SZTYKOWSKI, A.P., CASE NUMBER 2017-11096

PCP: Veon & Gunter

This matter was withdrawn due to lack of quorum. It will be placed on the December meeting.

TAB 2: PROSECUTION SERVICES REPORT

Mr. Wilson presented the prosecution services report. The report reflected that the total inventory consists of thirteen cases; eight cases are a year or older, which is down from eleven in June. Mr. Wilson provided the status of cases within the inventory. Mr. Wilson then requested the board authorize the Prosecution Services Unit (PSU) to continue prosecuting cases that are a year and older.

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

PSU: Presentation by John Wilson, Esq

Mr. Wilson provided a brief overview of the enforcement unit. The presentation began with how a complaint begins and the requirements necessary for a complaint to proceed, i.e. legal sufficiency. The functions and processes of both investigative services and prosecution services were provided. The explanation included the prosecution process from receipt of a complaint in PSU through Final Order by the board, which included, actions at a Probable Cause Panel, Informal Hearings, Formal Hearings, Settlement Agreements and Voluntary Relinquishments.

The court reporter began reporting the meeting at this point; therefore, Executive Director Kama Monroe, provided meeting protocol and again called the roll for the benefit of the record. Ms. Monroe additionally requested the motion and vote, previously completed, authorizing PSU to continue prosecution of one year and older cases, be redone for the benefit of the record.

TAB 2: PROSECUTION SERVICES REPORT

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

REVIEW AND APPROVAL OF MINUTES

TAB 4: June 22, 2018, General Business Meeting Minutes

Motion: by Dr. Dunetz, seconded by Dr. Margewicz, to approve meeting minutes. Motion carried.

APPLICATIONS

APPLICATION FOR FULL LICENSURE

TAB 5: James Finger, AP File #4468

Applicant was present and sworn in.

Action Taken: Applicant withdrew his application so that he can take the exams required for licensure.

APPLICATION BY ENDORSEMENT-OUT OF STATE

TAB 6: Pamela Petrus-Purser, AP File #4522

Applicant was present and sworn in.

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

TAB 7: Seung Kim Millette, File #4572

Applicant was present and sworn in.

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

CONTINUING EDUCATION COURSES FOR REVIEW

TAB 8: CTTB CranioSacral Therapy Touching The Brain 2 Stimulating Self-Correction Through The Glial Interface

Applicant was not present.

Action Taken: After discussion, Dr. Veon moved to deny the course because the instructor's education does not meet the minimum requirement of a bachelor's degree, Dr. Dunetz, seconded the motion. Motion carried.

TAB 9: What's Your Story 5 Keys to Having an Authentic and Inspiring Life and Practice
Applicant was not present.

Action Taken: After discussion, Dr. Veon moved to deny the course, because the course content is more practice management and not the practice of the profession. Dr. Margewicz, seconded the motion. Motion carried.

TAB 10: Yamamoto New Scalp Acupuncture in Rehab a Focus on Walking Disabilities & Disturbances
Applicant was not present.

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

TAB 11: Aromatherapy Apothecary
Applicant was present and sworn in.

Action Taken: After discussion, Dr. Margewicz moved to deny the license due to the fact the instructor's education does not meet the minimum requirement of a bachelor's degree. Dr. Veon, seconded the motion. Motion carried.

RATIFICATION OF LICENSURE

TAB 12: Acupuncturist-6/1/2018-8/31/2018

Ratification of Acupuncturist Licenses Issued from 6/1/2018 through 8/31/2018.
Motion: by Mr. Heine, seconded by Dr. Margewicz, to approve ratification of license numbers 3953-3986 issued from 6/1/2018 through 8/31/2018. Motion carried.

GENERAL DISCUSSION

TAB 13: CE Provider List-6/1/2018-8/31/2018

This item was placed on the agenda for informational purposes.

TAB 14: CE Course Approved List-6/1/2018-8/31/2018

This item was placed on the agenda for informational purposes.

REPORTS

TAB 15: Board Chair Report

There was no board chair report at this time.

Board Counsel Report – Robert Milne, Esq.

Rules Report

TAB 16: September 2018

TAB 17: August 2018

TAB 18: July 2018

The reports were placed on the agenda for informational purposes.

Board counsel Robert Milne informed the board that the September rules report reflected the most recent rule history. He further noted that rule 64B1-4.001 was already promulgated. The only rule

currently up for discussion is the application format, rule 64B1-4.0011. Tab 17 shows recent history of the rules that have been worked on. Ms. Fullove stated that the board has until November 14, 2018 to adopt rule 64B1-4.001.

Rules Discussion

TAB 19: Annual Regulatory Plan

Board counsel directed the board's attention to page two of the Annual Regulatory Plan. He noted that page two discloses identified rules proposed for development during the upcoming year. Board counsel then clarified that the plan did not preclude working on any additional rules not identified in the plan.

After discussion,

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

Rule Discussion

TAB 20: Rule 64B1-3.009

Board counsel Robert Milne noted that Ms. Guillemette had requested the board review the strikeouts in the document provided in the agenda materials. He further noted that Ms. Guillemette felt it important for the board to review the changes they requested.

TAB 21: Disciplinary Guidelines

This item was placed on the agenda for reference. No action needed.

TAB 22: Rule 64B1-4.0011

Executive Director Report-Kama Monroe

TAB 23: Standardized Application Review

Executive Director Kama Monroe presented Tabs 22 and 23 together.

Ms. Monroe informed the board that as it relates to the application there are a couple of issues in play. She reminded the board of the standardized application project she had previously presented. Ms. Monroe stated the Department has decided not to proceed with the project. Instead, the Department has decided to have the individual boards standardize the 456 questions and the formatting of their individual applications.

Ms. Monroe then informed the board that there are two changes that need to be made to the current application. The first change needed; is to take out language found in the application instructions for required supplemental documentation for endorsement by NCCAOM certification. The language needs to be brought into compliance with the recent rule changes. Ms. Monroe then noted that the second change needed to the application is the health history questions. She then provided the current proposed health history questions.

Ms. Monroe asked the board's pleasure regarding the two needed changes.

The board determined to move forward on the correction to the application.

After discussion,

Motion: by Dr. Veon, seconded by Dr. Dunetz, to remove the words either, or and Acupuncture. Motion carried.

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

Motion: by Mr. Heine, seconded by Dr. Margewicz, 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 Dr. Veon, seconded by Dr. Dunetz, to have the Health History Questions at the next meeting, so that the board can open the application rule back up. Motion carried.

TAB 24: Acupuncture Renewal of License: Continuing Education

TAB 25: Acupuncture Renewal Statute Revisions

Executive Director, Kama Monroe presented Tabs 24 and 25 from the agenda together. Ms. Monroe provided the board with information regarding moving to a four-year renewal cycle. She informed the board that with the current excess in revenues, it would be possible to move to a four-year renewal cycle without the need to increase renewal fees.

Motion: by Dr. Veon, seconded by Mr. Heine, to move forward with the four-year renewal proposal. Motion carried.

The Executive Director also informed the board that twenty-thousand dollars could be added to their budget to move forward with an Unlicensed Activity campaign. Ms. Monroe provided specific examples of possible advertisements, which could include the information regarding the acupuncturists role in the Opioid Crisis if worded correctly.

After discussion:

Motion: by Dr. Veon, seconded by Dr. Margewicz, to move forward with the campaign. Motion carried.

An inquiry whether a response has been received from the Surgeon General regarding Physical Therapists and Acupoint Injection was posed to Ms. Monroe. She responded that she believes the Surgeon General is waiting on completion of the current rule challenge.

TAB 26: 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.
Budget information was included in the agenda materials for informational purposes.
- **Community Relations- Janine Margewicz**
There was 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.
- **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. An announcement drawing everyone's attention to the display table, including healthy weight materials, was made.

OLD BUSINESS

TAB 27: Florida Board of Acupuncture Funds Allocation Discussion

Discussion of this item occurred earlier in the meeting.

TAB 28: NEW BUSINESS

There was no new business presented.

TAB 29: PUBLIC COMMENT

There was no public comment.

ADJOURN:

Motion: by Dr. Veon, seconded by Mr. Heine, to adjourn.

Next Meeting Date and Location: December 7, 2018-Orlando