

FLORIDA | Board of Acupuncture

March 29, 2019



Draft Meeting Minutes
Board of Acupuncture
General Business Meeting
March 29, 2019
9 a.m.

Doubletree by Hilton Deerfield Beach-Boca Raton
100 Fairway Drive
Deerfield Beach, Florida 33441
(954) 422-1780

The meeting was called to order by chair, Kathy Veon, at approximately 9:00 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
Dave Heine, Consumer Member
Herman Vega, Chair, AMD, PhD, AP, LMHC

STAFF PRESENT:

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

MEMBERS ABSENT:

Janine Margewicz, AP
Steve Moreau, AP

BOARD COUNSEL:

Diane Guillemette, Esq., Board Counsel

PROSECUTING ATTORNEYS:

None

COURT REPORTER:

Veritext, Corp.
Nate Torro
(305) 376-8800
Assignment No. 3173914

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.

DISCIPLINARY ACTIONS

DETERMINATION OF WAIVER

TAB 2: DW-01 TADEUSZ ADAM SZTYKOWSKI, A.P., CASE NUMBER 2017-11096

PCP: Gunter/Veon

This matter was continued.

REVIEW AND APPROVAL OF MINUTES

TAB 1: December 7, 2018, General Business Meeting Minutes

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

TAB 3: PROSECUTION SERVICES REPORT

The prosecution services report was included with the agenda materials for the board's information. Ms. Monroe requested the board allow the Prosecution Services Unit (PSU) to continue prosecuting cases that are a year and older.

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

APPLICATIONS

APPLICATION BY ENDORSEMENT- OUT OF STATE

TAB 4: Tricia Ann Beretz, AP File #4613

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Veon moved to deny the application, but to allow the applicant the opportunity to withdraw the application within fifteen (15) days of the notice, Dr. Dunetz, seconded the motion. Motion carried.

TAB 5: Karen Chase, File #4660

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application. Following adjournment of meeting, applicant recanted her withdrawal.

TAB 6: Rada Drapatskaya, File #4520

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application.

TAB 7: Tara Malhotra, File #4653

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application.

TAB 8: Mark Stoehr, File #4596

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Veon moved to deny the application, but allow the applicant fifteen days (15) to amend or withdraw the application. Dr. Dunetz, seconded the motion. Motion carried.

APPLICATION BY ENDORSEMENT- NCCAOM

TAB 9: Elizabeth Snow File #4628

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application.

TAB 10: Laura Varga, File #4491

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application.

TAB 11: Brandon Yoon, File #4666

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, applicant withdrew application.

REQUEST FOR APPROVAL OF CONTINUING EDUCATION COURSES

TAB 12: People’s Organization of Community Acupuncture

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Veon moved to deny the application, because the course was more of a business course, which is not within the scope. Dr. Dunetz, seconded the motion. Motion carried.

RATIFICATION OF LICENSURE

TAB 13: Acupuncturist-11/21/2018-3/5/2019

Ratification of Acupuncturist Licenses Issued from 11/21/2018 through 3/5/2019.

Motion: by Mr. Heine, seconded by Dr. Vega, to approve ratification of license numbers 4008 through 4032 issued from 11/21/2018 through 3/5/2019. Motion carried.

GENERAL DISCUSSION

TAB 14: CE Provider List-11/21/2018-3/5/2019

This item was placed on the agenda for informational purposes.

TAB 15: CE Course Approved List-11/21/2018-3/5/2019

This item was placed on the agenda for informational purposes.

TAB 16: Acupoint Injection Therapy

An update was provided including the effective date of the revisions to Rule 4.001, F.A.C.; the fact the application was not updated in conjunction with the rule revisions; and that proposed revisions to the application were included on tab 22 on the present agenda.

The board entertained comments from Patrick Downie, Academic Dean of East West College of Natural Medicine and Amy Sear, a continuing education provider, regarding the impact of the rule and concern regarding Acupuncture Injection Therapy (AIT) courses being taken online. Board counsel stated she will research the board’s authority to require courses to be taken live.

After discussion: Motion by Dr. Veon, seconded by Dr. Vega, to open Rule 64B1-4.001, F.A.C., and the continuing education rule, Rule 64B1-6, F.A.C., for development. Motion carried.

TAB 17: Budget Funding for ULA campaign

Ms. Monroe stated the budget is with the legislature and she will provide an update once one is available.

At this point, no bill that would require insurance coverage of Acupuncture as an alternative to opioids has been presented. There is still a possibility that Acupuncture information being provided as an alternative to opioids.

TAB 18: Email From NCCAOM

This item was placed on the agenda for informational purposes.

REPORTS

TAB 19: Board Chair Report

There was no board chair report.

Board Counsel Report – Diane Guillemette, Esq.

TAB 20: Rules Report

March 2019

February 2019

January 2019

December 2018

This item was placed on the agenda for informational purposes.

TAB 21: Rules Discussion

a. JAPC Letter 64B1-8.004

The Joint Administrative Procedures Committee (JAPC) sent a letter identifying a discrepancy with the rule effective date.

After discussion: Motion by Dr. Veon, seconded by Mr. Heine to change the effective date of Rule 64B1-8.004, F.A.C. Motion carried.

Motion: by Mr. Heine, seconded by Dr. Vega, 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. Vega, seconded by 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.

b. Rule 64B1-7.0015, FAC

The JAPC letter identified a technical issue with the rule. Board counsel will make the technical change.

Executive Director Report-Kama Monroe

TAB 22: Acupuncture Application for Licensure

Ms. Monroe informed the board that the application was not revised when Rule 4.001 was revised. She identified the proposed changes for the board.

After discussion: Motion: by Dr. Dunetz, to approve the proposed changes to the application and to approve a change to the rule (Rule 64B1-4.0011, F.A.C.), which incorporates the application, seconded by Dr. Veon. Motion carried.

Motion: by Mr. Heine, seconded by Dr. Vega, 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.

TAB 23: Update on Greg Gunter Award

Executive Director, Kama Monroe, updated the board on the presentation of Mr. Gunter's Years of Service Award.

TAB 24: Physical Therapy Final Order-Informational purposes only

This item was placed on the agenda for informational purposes.

Motion: by Dr. Dunetz, seconded by Dr. Veon to post the Final Order to the board website. Motion carried.

TAB 25: BOARD LIAISON REPORTS

- **Application-Exam & Endorsement-Kathy Veon**
Currently no report.
- **Budget-Mr. Heine**
Budget information was included in the agenda materials for informational purposes. Mr. Heine provided the board with the amount of money that was swept by the state last year. He further stated the board needs to look at ways to utilize the funds and stated one option for using the funds would be to temporarily reduce the renewal fees. There was much discussion regarding the pros and cons of a reduction of renewal fees.
After discussion; Motion: by Dr. Dunetz, seconded by Dr. Veon, to table the matter to allow time to observe the outcome of the Board of Massage Therapy's actions.
- **Community Relations- Janine Margewicz**
Dr. Margewicz was not present. Currently no report.
- **Consumer Protection- Dave Heine**
Currently no report.
- **Continuing Education - Janine Margewicz, Steve Moreau, Herman Vega & Kathy Veon**
Currently no report.

- **Legislative & Rules-** Kathy Veon
Currently no report.
- **Unlicensed Activity-** Steve Moreau
Dr. Moreau was not present. Currently no report.
- **Healthy Weight Initiative-** Rodney Dunetz
Currently no report.

TAB 26: OLD BUSINESS

There was no old business.

TAB 27: NEW BUSINESS

Dr. Vega made inquiry regarding rules prohibiting other providers from practicing Acupuncture. Board counsel stated there are none.

a. 2020 Proposed Meeting Dates and Locations

2020 approved dates and locations are:

March 27, 2020	Boca Raton, Delray Beach, Pompano Beach
June 26, 2020	Kissimmee, Orlando, Altamonte Springs
September 25, 2020	Tampa, St. Pete, Lakeland
December 4, 2020	Altamonte Springs, Orlando, Kissimmee

b. Probable Cause Panel Composition

With the transition of Mr. Gunter from the current board panel member to the past board panel member, there is now a need for a current board panel member. Mr. Heine volunteered to serve in the position.

c. Delegation of Authority

Motion by Mr. Heine, seconded by both Dr. Veon and Dr. Vega, to approve the delegation as presented. Motion carried.

TAB 28: PUBLIC COMMENT

Amy Sear provided comment on possible fee reductions for renewals. Additionally, she stated that unless she has missed something, there has been no adoption of any rules with a five-hour limit for home study.

ADJOURN: Motion by Dr. Veon, seconded by Dr. Dunetz, to adjourn the meeting.

Next Meeting Date and Location: June 28, 2019-Championsgate