

# FLORIDA | Board of Acupuncture

March 25, 2022



**Draft Meeting Minutes**  
Board of Acupuncture  
DoubleTree by Hilton Hotel  
Deerfield Beach-Boca Raton  
100 Fairway Drive  
Deerfield Beach, Florida 33441-1856  
March 25, 2022  
9:00 a.m.

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, DAOM, AP, CCN, Chair  
Steffani Corey, AP, DOM  
Amy Sear, AP, Dipl.O.M.  
Kristen Tiplado, AP, DOM

**MEMBERS ABSENT:**

None

**PROSECUTING ATTORNEYS:**

Andrew Pietrylo  
Cynthia NashEarly

**COURT REPORTER:**

Phipps Reporting  
Tamra K. Piderit  
(888) 811-3408

**STAFF PRESENT:**

Allen Hall, Acting Executive Director  
Carol Taylor, Program Administrator  
Christa Peace, Regulatory Specialist III

**BOARD COUNSEL:**

Diane Guillemette, Esq., Board Counsel

*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.*

## **AGENDA**

### **TAB 1: REVIEW AND APPROVAL OF MINUTES**

December 3, 2022, Minutes for Approval

Motion: by Amy Sear, to approve the December 3, 2022, meeting minutes, seconded by Dr. Steffani Corey. Motion carried.

### **DISCIPLINARY ACTIONS**

#### **INFORMAL**

**TAB 2:** INF-01 Misha Josef Payant, A.P., Case Number 2020-20430

*PCP: Veon & Margiewicz*

Dr. Kathy Veon was recused due to participation on the Probable Cause Panel.

Dr. Steffani Corey chaired this portion of the meeting due to Dr. Veon's recusal.

Cynthia Nash-Early represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 457.109(1)(q), Florida Statutes (2020), by practicing or offering to practice outside the scope of practice

Respondent was served via certified mail. An election of rights was timely received requesting an informal Hearing pursuant to Section 120.57(2).

The Department previously provided a copy of the investigative file in this case to establish a prima facie case regarding the violations as set forth in the Administrative Complaint.

Motion: by Amy Sear, seconded by, Kristen Tipaldo; to accept the Investigative Report into evidence, make a finding that the Respondent was properly served and requested a hearing not involving disputed facts. Motion carried.

Motion: by Amy Sear, seconded by, Kristen Tipaldo, to accept the Investigative Report, into evidence for the purpose of imposing penalty.

Motion carried.

An opportunity for the Respondent to speak was provided; however, Respondent was not present.

Motion: by Amy Sear, seconded by, Dr. Steffani Corey, to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act. Motion carried.

The range of discipline and the Department's recommendation for penalty was provided to the board. The Department recommended a letter of concern, a one thousand (\$1000) dollar fine to be paid within thirty (30) days of the filing of the Final Order in this matter; and four (4) continuing education (CE) hours in the subject of ethics.

After discussion:

Motion: by Kristen Tipaldo, seconded by, Amy Sear, to impose a penalty of: Reprimand; a fine of five thousand (\$5000) dollars fine to be paid within six (6) months of the filing of the Final Order in this matter; four (4) continuing education (CE) hours in Ethics and twenty (20) continuing education (CE) hours in laws and rules to be completed within six (6) months of the filing of the Final Order. Motion carried. The board listed aggravating factors to support the penalty imposed as: the danger to the public and the deterrent effect of the penalty imposed.

The Department presented a Motion to Assess Costs to the Board.

Motion: by Amy Sear, seconded by, Kristen Tipaldo, to assess costs in this matter in the amount of one thousand six hundred seventy-six dollars and twenty-six cents (\$1676.26) to be paid within one (1) year of the filing of the Final Order in this matter. Motion carried.

## **SETTLEMENT AGREEMENT**

**TAB 3:** SA-01 Rodney Dunetz, A.P., Case Number 2019-18576

*PCP: Veon & Heine*

Respondent was present. Respondent was represented by attorney David A. Weiger, Jr., Esq. who was present.

Dr. Kathy Veon was recused due to participation on the Probable Cause Panel.

Dr. Dr. Steffani Corey chaired this portion of the meeting due to Dr. Kathy Veon's recusal.

Andrew Pietrylo represented the Department and presented the case to the Board. Allegations of the Administrative Complaint violation of Section 457.109(1)(p), Florida Statutes (2018), by committing gross or repeated malpractice or the failure to practice acupuncture with the level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

Settlement Agreement Terms: Appearance; Letter of Concern; three thousand (\$3,000.00) dollars fine to be paid within three years of the filing of the Final Order; Costs not to exceed six thousand six hundred (\$6,600.00) dollars, to be paid within three years of the filing of the Final Order; Respondent's license shall be permanently restricted from treating any new patients diagnosed with a severe mental illness.

After lengthy discussion, Respondent agreed to a friendly amendment to the settlement agreement to include, Respondent shall be accompanied by an assistant when seeing all in person patients and Respondent will not acquire any new hands-on acupuncture patients.

Motion: by Dr. Steffani Corey, seconded by Kristen Tipaldo, to accept the Settlement Agreement with the friendly amendment.

Amy Sear opposed the motion. Motion carried.

**TAB 4: PROSECUTION SERVICES REPORT**, Cynthia Nash-Early, Esq.

Andrew Pietrylo represented the Department and provided a summary of the prosecution report which was included in the board materials. A request was made to allow the Prosecution Services Unit (PSU) to continue prosecuting the cases that are a year and older.

Motion: by Dr. Kathy Veon, seconded by Kristen Tipaldo, to allow PSU to continue prosecution of one year and older cases. Motion carried.

## **APPLICANTS**

**TAB 5:** Kathy R. Stahlman, AP, File #4785

Applicant was present. Applicant was not represented by counsel.

After discussion, wherein it was noted, the board could go back to time when Colorado endorsed the Florida license when considering this application:

Motion: by Dr. Kathy Veon, seconded by Kristen Tipaldo, to accept for licensure. Motion carried.

**TAB 6:** Galina Semyonova, AP, File #5028

Applicant was present. Applicant was not represented by counsel.

After discussion:

Motion: by Amy Sear, seconded by, Dr. Steffani Corey, to accept for licensure. Motion carried.

**TAB 7** Brian Martin Salazar, AP, File #50633.

Applicant was present. Applicant was not represented by counsel.

After discussion:

Motion: by Dr. Kathy Veon, seconded by Amy Sear, to accept for licensure. Motion carried.

**TAB 8:** Yaron Seidman, AP, File #4931

Applicant was present. Applicant was not represented by counsel.

After discussion:

Motion: by Amy Sear, seconded by Dr. Kathy Veon, to accept for licensure. Motion carried.

**TAB 9:** Zhizhong Nan, AP, File 4989

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

After discussion:

Motion: by Dr. Kathy Veon, seconded by Dr. Steffani Corey, to deny the license but, prior to denial allow the applicant the opportunity to withdraw the application within fifteen days of the filing of the Notice of Intent to Deny. If the applicant does not withdraw or amend the application within the fifteen days the license will be denied. Motion carried.

## **RATIFICATION OF LICENSURE**

**TAB 10:** Acupuncturist- 11/11/2021 through 2/23/2022

Motion: by Dr. Kathy Veon, seconded by Amy Sear, to approve ratification of the twenty-seven (27) licenses consisting of license numbers 4304 through 4335, issued from 11.11.2021 through 3.21.2022. Motion carried.

## **ADDENDUM: DISCUSSION REGARDING ENDORSEMENT FROM ANOTHER STATE**

Discussion ensued regarding the issues applicants are experiencing obtaining the laws and rules needed for the state-to-state comparison. Board Counsel, Diane Guillemette, informed the board that endorsement from another state requires a state-to-state comparison. She further noted that there would have to be a statutory change to make any correction to this issue. She explained to the board how statutory changes occur, i.e., Department packages, through organizations. She suggested that a way to resolve the issue this would be that if the laws and rules cannot be obtained through due diligence that the board compare the applicant's education and exam requirements to the state of Florida requirements. A recent change to the Board of Psychology process was included in the discussion. After discussion, it was determined that board counsel would draft proposed legislative language and once approved then it could be submitted to the Department for inclusion in the Department's legislative package. Board counsel noted she would begin the process of drafting proposed language.

**TAB 11:** News Article Email from Dr. Veon

Board Chair informed the board that Dr. Moreau has resigned from the board. She noted that with his resignation the vice-chair position is vacant. The Board Chair appointed Dr. Steffani Corey to serve as vice-chair until the next board elections. Dr. Steffani Corey accepted the appointment.

The Board Chair updated members regarding the article she wrote and informed them that many practitioners do not recognize sensitivity (VHS), noting a mission to assist the public.

## **BOARD COUNSEL REPORT - Diane Guillemette, Esq.**

### **TAB 12: RULES REPORT**

February 2022 Rules Report

January 2022 Rules Report

December 2021 Rules Report

Board Counsel, Diane Guillemette informed the board that the materials were there for their information and noted that the board is not currently working on any rules.

## **RULE DISCUSSION**

### **TAB 13: 64B1-7.0015 Continuing Education Requirement**

Board Counsel, Diane Guillemette reminded the board that there were discussions at the September board meeting regarding continuing education credits. At the December meeting it was determined that Board counsel would work with Amy Sear to further define critical need and underserved and bring back proposed language to the March board meeting. The draft was included in the materials.

She asked that Rule 64B1-6.009 be repealed if the instant proposal is approved. She informed the board that it would be incorporated into Rule 64B15-7.0015, Florida Administrative Code, which is a better location.

Motion: by Amy Sear to accept the proposed draft language for Rule 64B1-7.0015, Florida Administrative Code, continuing education requirement, as written with the change of the word application to request in subsection (2) of (2)(e), seconded by Dr. Kathy Veon. Motion carried.

Motion: by Amy Sear, seconded by Dr. Kathy 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. Motion carried.

Motion: by Amy Sear, seconded by Dr. Kathy Veon, 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 Amy Sear, seconded by Dr. Kathy Veon, to not add a sunset provision to this rule, as the rule is in the interest of the health, safety, and welfare of the citizens of Florida.

### **TAB 14: EXECUTIVE DIRECTOR REPORT- Allen Hall, Acting Executive Director**

Acting Executive Director, Allen Hall, introduced himself to the board. He provided a brief background and informed the board members that he was looking forward to working with them.

## **BOARD LIAISON REPORTS**

**TAB 15:** Application-Exam & Endorsement-Kathy Veon  
There was no report.

**TAB 16:** Budget- Steffani Corey  
Dr. Steffani Corey informed the board that the reports were included in the agenda materials and that she had nothing additional to report.

**TAB 17:** Community Relations -Kristen Tipaldo  
There was no report.

**TAB 18:** Consumer Protection -Amy Sear  
There was no report.

**TAB 19:** Continuing Education- Steve Moreau, Kathy Veon & Steffani Corey  
Dr. Moreau's resignation has left a vacant reviewer spot.

**TAB 20:** Legislative & Rules- Kathy Veon  
There was no report.

**TAB 21:** Unlicensed Activity-Steve Moreau  
There was no report. Dr. Moreau's resignation has left this liaison position vacant. Kristen Tipaldo volunteered to serve as liaison.

## **GENERAL DISCUSSION**

**TAB 22:** CE Provider List- 11/11/2021 through 2/21/2022 (informational purposes only)  
This information was provided for informational purposes only.

**TAB 23: NEW BUSINESS**

There was no new business.

**TAB 24: PUBLIC COMMENT**

Amy Sear brought the board's attention to an old Acupuncture pamphlet and inquired if they were still in existence. She asked that board staff research the matter.

**ADJOURN:**

Motion: by Dr. Kathy Veon, seconded by Amy Sear to adjourn.

Motion carried. Meeting adjourned at 12:07 p.m.

Next Meeting Date: June 24, 2022