

FLORIDA | Board of Acupuncture

June 17, 2022



Draft Meeting Minutes

Board of Acupuncture

GoTo Meeting Link

<https://meet.goto.com/650133477>

Meet-Me-Number 1(877) 309-2073

Participation Code 650-133-477

June 17, 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 Tipaldo, AP, DOM

MEMBERS ABSENT:

None

PROSECUTING ATTORNEYS:

Zachary Bell
Cynthia NashEarly

COURT REPORTER:

For the Record Reporting
Ray Convery
(850) 222-5491

STAFF PRESENT:

Allen Hall, Executive Director
Carol Taylor, Program Administrator
Christa Peace, Regulatory Supervisor
Derek Nieves, Regulatory Specialist III

BOARD COUNSEL:

Diane Guillemette, Esq., Board Counsel
Kara Aikens, 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

March 25, 2022, Minutes for Approval

Motion: by Amy Sear, to approve the March 25, 2022, meeting minutes with the noted corrections, seconded by Dr. Kathy Veon. Motion carried.

TAB 2: PROSECUTION SERVICES REPORT, Cynthia Nash-Early, Esq.

Cynthia Nash-Early 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 Amy Sear, to allow PSU to continue prosecution of one year and older cases. Motion carried.

RULE DISCUSSION

TAB 19: Discussion of Rules

Tab 19 included multiple rules, with proposed draft language, for discussion. One of the rules is also included under Tab 8 for discussion. As a result, tab nineteen and tab eight were discussed together.

TAB 8: Discussion of Rule 64B1-3.010 Regarding Licensure by State Endorsement.

Board counsel provided board members with background on the difficulty applicants are experiencing in obtaining other state laws and rules. She stated she had reviewed Section 457.105, Florida Statutes closely and summarized the requirements within the statute. It was noted that the board has been closely reviewing, not only the exam, but also the licensure requirements. Board counsel informed the board that if they wished to interpret the statute as requiring the examination results only and not the licensure requirements, that it might be a way to make it easier for qualified individuals to use this method for licensure. Lengthy discussion ensued including: the definition of a qualified applicant; whether board members would be in favor of proceeding using this interpretation of the statute; whether the statute allows for endorsement; the possible use of NCCAOM to obtain exam information; whether the board wishes to address this issue by statute or rule; and the likelihood that the issue with obtaining out of state laws and rules will increase, thus hindering the licensure process. It was determined that the instant issue before the board was whether they wished to compare education requirements for applicants applying for licensure through endorsement from another state.

After further discussion:

Motion: by Dr. Kathy Veon, to open the rule for development, Rule 64B1-3.010, Florida Administrative Code, licensure by endorsement from another state, seconded by Dr. Steffani Corey. Motion carried.

Motion: by Amy Sear, to open Rule 64B1-4.001, Florida Administrative Code, for rule development, seconded by Dr. Kathy Veon. Motion carried.

Motion: by Dr. Kathy Veon, to open Rule 64B1-4.0011, Florida Administrative Code, for rule development, seconded by Dr. Steffani Corey. Motion carried.

RECONSIDERATION OF DENIAL OF APPLICATION-AMENDED APPLICATION

TAB 3: Zhizhong Nan, AP, Files 4803/4989

Applicant was present. Applicant was represented by counsel, Amanda Hessin.

After discussion, wherein board counsel informed the applicant via his attorney that he did not meet the requirements for licensure under the current rule and suggested the applicant might consider filing a petition for variance or waiver.

The applicant via his attorney requested to continue the request for reconsideration.

After discussion,

Motion: by Kathy Veon, seconded by Dr. Kristen Tiplado, to continue the request for reconsideration.

Motion carried.

RATIFICATION OF LICENSURE

TAB 4: Acupuncturist- 2/24/2022 through 5/24/2022

Motion: by Dr. Steffani Corey, seconded by Dr. Kristen Tiplado, to approve ratification of the twenty-four (24) licenses consisting of license numbers 4336 through 4359, issued from 2/24/2022 through 5/24/2022.

Motion carried.

TAB 5: BOARD CHAIRMAN REPORT-Kathy Veon, DAOM, AP, CCN

There was no report.

BOARD COUNSEL REPORT - Diane Guillemette, Esq.

TAB 6: RULES REPORT

February 2022 Rules Report

January 2022 Rules Report

December 2021 Rules Report

The reports were included on the agenda for informational purposes.

RULE DISCUSSION

TAB 9: 64B1-7.0015 Continuing Education Requirement

Board Counsel, Diane Guillemette noted that at this point there is no rule that allows for credit for pro bono work. A suggestion to add the language allowed by JAPC and delete the language regarding special needs population was made.

Motion: by Dr. Kathy Veon, seconded by Dr. Steffani Corey, to further develop the rule with deletion of the section suggested by the JAPC letter and to renotice the rule with that language. 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 Dr. Kathy Veon, seconded by Dr. Kristen Tiplado, 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 Dr. Kristen Tiplado, seconded by Amy Sear, 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; health and safety of the public is protected by continuing education and the permission to use continuing education is protected by statute. Motion carried.

TAB 10: 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.

Acting Executive Director, informed the board that as of today there has not been an announcement regarding a permanent Executive Director but noted he expects one soon. Accordingly, prior to the next meeting a permanent Executive Director should be in place

Additionally, the board was informed that the Chair/Vice chair meeting is tentatively scheduled for January 6, 2023.

TAB 7: BOARD OF ACUPUNCTURE APPLICATION FOR LICENSURE

Board Counsel, Diane Guillemette requested this issue be continued until the next meeting because there will need to be some additional revisions consistent to the changes for endorsement.

BOARD LIAISON REPORTS

TAB 11: Application-Exam & Endorsement-Kathy Veon

There was no report.

TAB 12: Budget- Steffani Corey

There was no report.

TAB 13: Community Relations -Kristen Tipaldo

There was no report.

TAB 14: Consumer Protection -Amy Sear

There was no report.

TAB 15: Continuing Education-, Kathy Veon & Steffani Corey

The board was informed that the liaisons are working through all the applications.

TAB 16: Legislative & Rules- Kathy Veon

There was no report.

TAB 17: Unlicensed Activity-Kristen Tipaldo

Kristen Tipaldo acknowledged volunteering to serve as liaison.

GENERAL DISCUSSION

TAB 18: CE Provider List- 2/24/2022 through 5/23/2022 (informational purposes only)

This information was provided for informational purposes only.

ADJOURN:

Motion: by Dr. Kathy Veon, seconded by Dr. Kristen Tipaldo to adjourn.

Motion carried. Meeting adjourned at 11:06 p.m.

Next Meeting Date: September 23, 2022