

DRAFT
**DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
FLORIDA BOARD OF ACUPUNCTURE**

**MINUTES
GENERAL BUSINESS MEETING
June 10, 2011**

**The Renaissance Orlando Airport Hotel
5445 Forbes Place
Orlando, FL 32812
407-240-1000**

CALL TO ORDER

Katherine Teisinger, Chair, called the General Business Meeting to order approximately 9:00 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Katherine Teisinger, AP, Chair
Barbara Thurman, AP, Vice Chair
Melody Clancy, AP, D.O.M.
Min Tian, AP, D.O.M., Ph.D.
Greg Gunter, Consumer Member
Barbara Rezmer, Consumer Member

STAFF PRESENT

Anthony Jusevitch, Executive Director
Paula Mask, Program Operations Administrator

COURT REPORTER

American Court Reporting
407.896.1813

MEMBER ABSENT

Barbara Schwartz, AP (excused)

DEPARTMENT PROSECUTING ATTORNEY

George Black, Esq.

BOARD COUNSEL

Lee Ann Gustafson, Esq., Assistant Attorney General

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

REVIEW AND APPROVAL OF MINUTES

Tab 1 March 4, 2011 General Business Meeting

Mr. Gunter made a motion to approve the minutes as written. Ms. Rezmer seconded the motion which carried unanimously 6/0.

DISCIPLINARY PROCEEDINGS

Voluntary Relinquishment

Tab 2 Sabeta Persaud, AP Case No. 2010-20892 P/C/P: Waived

The respondent was not present nor represented by counsel. Mr. Black represented the department and presented the case to the board.

Action Taken: Ms. Clancy moved to accept the voluntary relinquishment of licensure. Mr. Gunter seconded the motion which passed unanimously 6/0.

PROSECUTOR REPORT

The current case load is 18 total acupuncture cases as reported by Mr. Black.

Tab 10 Request for Clarification submitted by Richard Freiberg

Mr. Richard Freiberg submitted a request for the Board of Acupuncture to clarify its laws and rules as to whether Acupuncturists have prescriptive authority as outlined in rules 64B1-4.004 and 4.012, F.A.C.

Ms. Gustafson addressed Mr. Freiberg's concerns.

Discussion was held by audience members and Representative Peter Nehr. Representative Nehr attended as a consumer and stated a clarification is needed.

Action Taken: Mr. Gunter made a motion to request rulemaking on this issue. Ms. Tian seconded the motion which carried unanimously 6/0.

After additional discussion, Mr. Gunter withdrew his motion.

Additional Action Taken: Ms. Teisinger made a motion for the board counsel to research this issue and present clarification at the next meeting. Mr. Gunter seconded the motion which passed unanimously 6/0.

REVIEW OF CONTINUING EDUCATION COURSES

Tab 3 Course # 20- 311585 Touch For Health Intro Part 1 Dee Martin

Action Taken: After discussion Mr. Gunter moved to deny the course as the instructor does not meet the requirements of rule 64B1-6.005(1), F.A.C. Motion was seconded by Ms. Clancy and passed unanimously 6/0.

Tab 4 Course # 20-306126 Tibetan Healing Bowl Therapy International Sound Healing Inst

Action Taken: After discussion Mr. Gunter moved to deny the course as the instructor does not meet the requirements of rule 64B1-6.005(2), F.A.C. The materials do not indicate the instructor's degree is in the subject matter presented. Motion was seconded by Ms. Rezmer and passed unanimously 6/0.

Tab 5 Course # 20-307471 Applied Anatomy of Femur & Biomed Dr. Holmes Keikobad

Action Taken: After discussion Ms. Clancy moved to deny the course as the materials presented do not support credit for either 5 hours or 18 hours. Motion was seconded by Mr. Gunter and passed unanimously 6/0.

Tab 6 Course # 20-307070 5 Element Patterns for Treating Sleep Apnea & Obesity Dr. Holmes Keikobad

Action Taken: After discussion Mr. Gunter moved to deny the course as the materials presented do not support credit for 18 hours. Motion was seconded by Ms. Rezmer and passed unanimously 6/0.

GENERAL BUSINESS/CORRESPONDENCE

REPORTS

Tab 7

Board Chair Report – Katherine Teisinger

No Report.

Board Counsel Report – Lee Ann Gustafson

Ms. Gustafson advised the board:

- Rule 64B1-8.001, Definitions, was approved by OFFAR on June 1, 2011 and a notice was published on June 17, 2011;
- Rule 64B1-8.002, Monitoring Sterilization and Infection Control, was approved by OFARR on June 1, 2011 and a notice was published on June 17, 2011; and
- Rule 64B1-9.001, Disciplinary Guidelines, was approved by OFFAR on June 1, 2011 and a notice was published on June 17, 2011.

Rules Report

Rule 64B1-3.004 Acupuncture Examination

The Board currently approves as the Florida examination for licensure the NCCAOM examination, consisting of the foundations of Oriental Medicine Module, the Acupuncture with Point Location Module, the Biomedicine Module and the Chinese Herbology Module.

This language was approved at the March 4, 2011 conference call meeting.

Action Taken: Mr. Gunter made a motion to state this rule will not have an adverse effect on small business and to delegate authority to the Executive Director to sign the SERC checklist. Motion was seconded and carried unanimously 6/0.

Testing services will be notified concerning this rule.

Rule 64B1-9.001 Disciplinary Guidelines

Action Taken: Mr. Gunter made a motion to state this rule will not have an adverse effect on small business and no SERC is required. Ms. Rezmer seconded the motion which carried unanimously 6/0.

Additional Action Taken: Ms. Clancy made a motion to proceed with promulgation of the rule amendments. Ms. Rezmer seconded the motion which carried unanimously 6/0.

Attorney General Report

Governor's Executive Order

Ms. Gustafson explained the Governor's Executive Order 11-72.

(Board recessed for lunch and reconvened 1:30 p.m.)

Board Liaisons

Application Examination & Endorsement – Katherine Teisinger

No report.

Budget – Gregory Gunter

Mr. Jusevitch reviewed the budget information with the board.

Community Relations – Barbara Rezmer

Consumer Protection – Barbara Rezmer

No report.

Continuing Education – Barbara Thurman, Barbara Schwartz, Melody Clancy, Min Tian

Ms. Thurman had no official report but she addressed concerns regarding instructors' qualifications to present courses.

Ms. Thurman requested board staff to furnish recent information she supplied regarding review of continuing education courses.

Legislative & Rules – Katherine Teisinger

The Chair stated she had heard OFARR was questioning the Board of Medicine's rule regarding being able to perform acupuncture.

Unlicensed Activity – Melody Clancy, Barbara Schwartz

No report.

OLD BUSINESS

Tab 8 **Course # 20- 302342 I Ching for Practitioners of TCM** **Lorne Brown/Christian Nix**

Action Taken: After a report was given by Ms. Tian, a motion was made by Ms. Tian approving the course. Ms. Thurman seconded the motion which carried unanimously 6/0.

Tab 9 **Update - Position Paper on Dry Needling by CCAOM & Supplemental Material from AAAOM re: Dry Needling**

Tab 17 **Objection to Position Paper issued by CCAOM from Richard Freiberg**

Action taken: After a lengthy discussion, Ms. Clancy made a motion to decline support of the position paper from CCAOM regarding dry needling. Ms. Tian seconded the motion which carried unanimously 6/0.

The board suggested a position paper be drafted from the board outlining the following items:

- acupuncture is not a technique and is oriental medicine;
- CCAOM is not representative of the profession;
- focus on the definition;
- clear the confusion for consumers regarding dry needling;
- FDA has issued opinion that acupuncture needles are a prescription device for use in the practice of acupuncture;
- state at the beginning their actions could bring potential harm to the profession; and
- focus on education standards.

Ms. Clancy volunteered to compose the letter.

Action Taken: Mr. Gunter made a motion for Ms. Clancy to draft the letter for the chair's signature for presentation at the next meeting. Motion was seconded by Ms. Tian and carried unanimously 6/0.

NEW BUSINESS

Tab 11 Election of Officers

Mr. Gunter nominated Ms. Teisinger as Board Chair. Ms. Clancy seconded the motion which passed unanimously 6/0. Ms. Teisinger accepted the Board's nomination and expressed her honor to continue serving in the capacity of Board Chair.

Ms. Teisinger nominated Ms. Clancy as Board Vice-chair. Ms. Thurman seconded the motion which carried unanimously 6/0. Ms. Clancy accepted the Board's nomination.

The board determined election of officers should take place every 12 months. It will occur again June 2012.

Tab 12 Long-range policy planning – Section 456.005, Florida Statutes

Action Taken: Ms. Thurman made a motion to address this at the September 16, 2011 meeting. Ms. Teisinger seconded the motion which carried 5/0. (*Mr. Gunter was out of the room.*)

Mr. Jusevitch will email the questionnaire to all board members. The members will fill out the questionnaire and return to Mr. Jusevitch for presentation at next meeting.

Tab 13 Delegation of Authority

Mr. Jusevitch submitted a delegation of authority chart for the members outlining certain situations when a particular duty could be delegated to the Chair, full Board, the Executive Director, the Program Administrator or the Board Counsel.

Action Taken: Ms. Rezmer moved to accept the Delegation of Authority as outlined and adding authority for the Executive Director to certify the Statements of Regulatory Cost (SERC). Motion was seconded by Mr. Gunter and carried unanimously 6/0.

Tab 14 Ratification of Licensure – 2/18/11 through 5/28/11

Action Taken: Ms. Tian moved to ratify the new licensees which was seconded by Ms. Rezmer and carried unanimously 6/0.

Tab 15 Ratification of Continuing Education Courses – 2/18/11 through 5/28/11

Action Taken: Mr. Gunter moved to ratify the continuing education courses which was seconded by Ms. Clancy and carried unanimously 6/0.

INFORMATIONAL

Tab 16 Correspondence to Medical Technology Products, Inc., d/b/a Acu-Market

Informational. No action taken.

Meeting locations for 2012 were designated to include Ft. Lauderdale, Tallahassee, Orlando and Tampa.

Ms. Teisinger welcomed Ms. Gustafson as the board counsel.

NEXT MEETING

September 16, 2011
Tampa Airport Marriott
4200 George J. Bean Parkway
Tampa, FL 33607
813-879-5151

ADJOURNMENT

Mr. Gunter made a motion to adjourn and Ms. Rezmer seconded the motion which carried unanimously 6/0.

Meeting adjourned 2:35 p.m.