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DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
BOARD OF ACUPUNCTURE

MINUTES
GENERAL BUSINESS MEETING
September 4, 2009

Crowne Plaza Universal
7800 Universal Blvd.
Orlando, FL

14 **CALL TO ORDER**

15 Katherine Teisinger, Chair, called the General Business Meeting to order at approximately 9:07 a.m. Those
16 present for all or part of the meeting included the following:
17

18 **MEMBERS PRESENT**

19 Katherine Teisinger, AP, Chair
20 Barbara Schwartz, AP
21 Barbara Thurman, AP
22 Zong Lan Xu, AP
23 Greg Gunter, Consumer Member
24 Barbara Rezmer, Consumer Member
25

STAFF PRESENT

Kaye Howerton, Executive Director
Paula Mask, Program Operations Administrator
Erica Milam, Regulatory Specialist II

COURT REPORTER

American Court Reporting
407.896.1813

26 **MEMBER ABSENT**

27 Qun Wang, AP, Vice Chair (Unexcused)
28

29 **ASSISTANT ATTORNEY GENERAL**

30 Lisa Comingore
31

32 *Please note the meeting minutes reflect the actual order agenda items were discussed during the*
33 *meeting and may differ from the agenda outline.*
34

35 **REVIEW OF MINUTES**

36
37 **Tab 1 June 12, 2009 General Business Meeting**
38

39 **Action Taken:** Mr. Gunter moved to approve the minutes without corrections. Ms. Rezmer seconded the
40 motion, which passed unanimously 6/0.
41

42 **ADMINISTRATIVE PROCEEDINGS**
43

44 **Endorsement**

45 **Tab 2 Nanci J. Kersch**

46 The applicant was present and sworn in by the court reporter. She was not represented by counsel.

47 Ms. Kersch graduated from Acupuncture and Massage College on July 23, 2000. Her transcript reflects the
48 degree earned as Acupuncture Physician with a total of 2628 completed hours.

49 Ms. Kersch advised the Board that she was enrolled into her Acupuncture program prior to August 1, 1997.
50

51 **Action Taken:** Following discussion, Mr. Gunter moved to grant board staff the authority to approve the
52 application contingent upon Ms. Kersch providing documentation that her enrollment date was prior to August 1,
53 1997. She is to submit this information within 60 days. Ms. Xu seconded the motion, which carried
54 unanimously 6/0. Ms. Kersch waived the 90 day deemer clause.
55

56 **Action taken:** Mr. Gunter made a motion to table this item for later in the meeting allowing Ms. Kersch to obtain
57 this information. Ms. Schwartz seconded the motion, which carried unanimously 6/0.
58

59 Ms. Kersch was able to provide the appropriate documentation to be licensed as a Florida Acupuncturist.
60

1 **Tab 3 Richard Greene**

2
3 The applicant was not present nor represented by counsel.

4
5 As a result of the June 12, 2009 meeting, Mr. Greene sent an email advising the current status of enrolling in an
6 herbal program. He stated he would enroll in an herbal program in NY (Pacific), New Jersey (Eastern), or
7 Florida (Florida Integrated) and that he has to consider cost, relocation and time. He is also considering a
8 Chinese Herbal Medicine Tele-Course that begins Tuesday, September 22 that includes NCCAOM CEUs. The
9 program consists of six modules and it ends in June 2010. He asked if the board would accept these hours. He
10 does not know where but in September he will be enrolled in a full-time program.

11
12 Ms. Comingore advised the board that Mr. Greene's application was not considered incomplete and that he
13 waived the 90 day deemer clause at the June 12, 2009 meeting.

14
15 Ms. Comingore will assist board staff in drafting a letter to Mr. Greene advising the board cannot accept the
16 NCCAOM hours; however, it's possible an ACAOM school could accept the NCCAOM hours. Once Mr. Greene
17 has completed 450 hours of herbal study, an official transcript must be sent to the board for processing.

18
19 **Action Taken:** Following discussion, the board moved to table this item until the December 2009 meeting for
20 additional action.

21
22 **REVIEW OF CONTINUING EDUCATION COURSES**

23
24 **Tab 21 Course 20-25466 Gods Playing in the Clouds Chi Gung, Frank Iborra**

25
26 Mr. Iborra was present and sworn in by the court reporter. Mr. Iborra was not represented by counsel.

27
28 **Action Taken:** Ms. Thurman moved to approve the course. Ms. Schwartz seconded the motion which carried
29 unanimously 6/0.

30
31 **Tab 41 Course 20-224947 Medical Qi Qong Certification Program, TAO House**

32
33 Mr. Goren was present and sworn in by the court reporter. Mr. Goren was not represented by counsel.

34
35 Mr. Goren advised the board that this course was broken into 5 sessions. Each session consists of 5 days.

36
37 After discussion, Mr. Goren requested to withdraw the course application and submit each session separately
38 for approval.

39
40 **Action Taken:** Mr. Gunter moved to approve the request to withdraw and submit each session separately for
41 approval. Ms. Schwartz seconded the motion which carried unanimously 6/0.

42
43 **OLD BUSINESS**

44
45 **Tab 33 Chapter 457.102, F.S. Definitions Re: Removal of Acupuncture Needles**

46
47 **Action taken:** After discussion by the board and audience members, the board requested this item be tabled
48 until the December 2009 meeting allowing Ms. Comingore time to research additional information.

49
50 **NEW BUSINESS**

51
52 **Tab 35 Acupoint Injection Therapy, Chapter 64B1-4.012, F.A.C., and rule 64B1-9.001, F.A.C.**

53
54 Ms. Teisinger withdrew this item from the agenda.
55
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2 **REVIEW OF CONTINUING EDUCATION COURSES (continued)**
3

4 **Tab 4 Course 20-226027 Reiki II Attunement & Training, Maria Perry**
5

6 **Action Taken:** After review of the agenda materials Mr. Gunter moved to deny the course based on instructor
7 not meeting requirements listed in rule 64B1-6.005(2), F.A.C. Ms. Rezmer seconded the motion which carried
8 unanimously 6/0.
9

10 **Tab 18 Course 20-236044 Stress Management and Relaxation Training Using Mindfulness**
11 **Techniques, Alternative Educators, Inc.**
12

13 Monica Grey was present and sworn in by the court reporter. Ms. Grey was not represented by counsel.
14

15 **Action Taken:** Ms. Rezmer moved to approve the course. Ms. Schwartz seconded the motion which carried
16 unanimously 6/0.
17

18 **The following continuing education courses, Tabs 19-20 were voted on as one vote:**
19

- 20 **Tab 19 Course 20-236675 Reiki Energy healing Level 1 Certification, Alternative Educators, Inc.**
21 **Tab 20 Course 20-236677 Reiki Energy Healing Level II Certification, Alternative Educators, Inc.**
22

23 Ms. Grey was present and sworn in by the court reporter. Ms. Grey was not represented by counsel.
24

25 Ms. Grey waived the 90 day deemer clause and will file a Petition for Variance and Waiver of rule for
26 consideration.
27

28 **Action Taken:** Ms. Schwartz moved to table until the December 2009 meeting allowing the provider time to file
29 a Petition for Variance and Waiver. Ms. Rezmer seconded the motion which carried unanimously 6/0.
30

31 **The following continuing education courses, Tabs 5-17 were voted on as one vote:**
32

- 33 **Tab 5 Course 20-233851 Comparing The Digestion Diets, Health Concerns**
34 **Tab 6 Course 20-233853 Treating IBS, Chron's Disease and Ulcerative Colitis, Health Concerns**
35 **Tab 7 Course 20-233855 Chinese Herbs for Immune Disorders, Health Concerns**
36 **Tab 8 Course 20-235829 Commonly Seen Liver and Gallbladder Disorders, Health Concerns**
37 **Tab 9 Course 20-235846 Comparing the Digestion Diets, Health Concerns**
38 **Tab 10 Course 20-2358650 Chronic Fatigue Syndrome – Fibromyalgia Link, Health Concerns**
39 **Tab 11 Course 20-235862 Treating IBS, Chron's Disease and Ulcerative Colitis, Health**
40 **Concerns**
41 **Tab 12 Course 20-235866 A Practitioner's Guide to Herb-Drug Interactions and Safety,**
42 **Health Concerns**
43 **Tab 13 Course 20-235868 Chinese Herbs for Immune Disorders, Health Concerns**
44 **Tab 14 Course 20-235869 Focus on Osteoporosis and Preventing Fractures, Health Concerns**
45 **Tab 15 Course 20-235874 Herb Drug Interactions, Case Review II, Health Concerns**
46 **Tab 16 Course 20-235874 Improving Your Clinical Results with Chinese Herbs-Online Course,**
47 **Health Concerns**
48 **Tab 17 Course 20-237710 Treating IBS, Chron's Disease and Ulcerative Colitis, Health**
49 **Concerns**
50

51 Board staff will send to the provider information on filing a Petition for Variance and Waiver of rule.
52

53 Ms. Comingore advised the Board that filing a Petition for Variance and Waiver does not mean an automatic
54 approval and it is required to be reviewed and addressed by the Board.
55

56 **Action Taken:** After discussion Ms. Thurman moved to deny the course unless the provider waives the 90 day
57 deemer clause and files a Petition for Variance and Waiver of rule within 30 days from the date of the notice. Mr.
58 Gunter seconded the motion which carried unanimously 6/0.
59
60

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2 **Tab 38 Course 20-240527 Listening to the Body: Understanding the Language of Stress-**
3 **Related Symptoms, Institute for Brain Potential**
4

5 **Action Taken:** Ms. Thurman moved to approve the course. Ms. Schwartz seconded the motion which carried
6 unanimously 6/0.
7

8 **Tab 39 Course 20-241723 LDT Applications to Viscera: Thorax and Abdomen, The Upledger**
9 **Institute**
10

11 **Action Taken:** Mr. Gunter moved to approve the course. Ms. Xu seconded the motion which carried
12 unanimously 6/0.
13

14 **REVIEW OF ACTION ON BOARD MEMBER'S ABSENCE**
15

16 **Tab 37 Rule 64B1-1.0035, F.A.C., Excused Absences / Mr. Gun Wang's August 20, 2009 Email**
17

18 After discussion, Mr. Gunter asked counsel to draft proposed amendments to rule 64B1-1.0035, F.A.C., and to
19 also include granting the chair authority to excuse members meeting certain criteria.
20

21 **Action Taken:** After review of rule 64B1-1.0035, F.A.C., it was determined Mr. Wang's absence was
22 unexcused.
23

24 **NEW BUSINESS (continued)**
25

26 **Tab 36 2010 Board of Acupuncture General Business Meeting Dates**
27

28 March 5, 2010
29 June 11, 2010
30 September 17, 2010
31 December 3, 2010
32

33 **Action taken:** Mr. Gunter moved to accept the noted meeting dates. Ms. Xu seconded the motion which carried
34 unanimously 6/0.
35

36 **Action taken:** Mr. Gunter moved to reconsider the above motion. Ms. Xu seconded the motion which carried
37 unanimously 6/0.
38

39 **Action Taken:** Mr. Gunter moved to accept the revised change from September 10, 2010 to September 17,
40 2010. Ms. Schwartz seconded the motion which carried unanimously 6/0.
41

42 **PROSECUTOR'S REPORT**
43

44 **Tab 22 August 11, 2009 Prosecution Report**
45

46 Informational only.
47

48 **REPORTS**
49

50 **Tab 23 Board Chair Report – Katherine Teisinger**
51

52 Ms. Teisinger advised the board that staff had sent the letter to Department of Financial Services and insurance
53 companies. Ms. Mask advised the letter had not yet been sent but would be sent upon returning to the office.
54 Note: Item completed.
55

56 Ms. Teisinger advised the board she would be attending the Board Chairs' meeting in September and would
57 report back to the board at the December 2009 meeting.
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Tab 24 Board Counsel Report – Lisa Comingore

Ms. Comingore presented the June 2009 Rules Report.

Action taken: Ms. Gunter moved to schedule a rule hearing on December 3, 2009 at 7:00 p.m. regarding rules 64B1-4.001, F.A.C. and 64B1-6.005, F.A.C. Ms. Rezmer seconded the motion which carried unanimously 6/0.

A letter dated July 30, 2009 from Ms. Comingore to JAPC was discussed re: rules 64B1-8.001 and 64B1-8.002, F.A.C.

Action taken: Mr. Gunter moved to deny the request for workshop regarding rule 64B1-8.001, F.A.C. and rule 64B1-8.002, F.A.C. Ms. Schwartz seconded the motion which carried unanimously 6/0.

Action taken: Mr. Gunter moved to request counsel to move forward with rule 64B1-8.001, F.A.C. and rule 64B1-8.002, F.A.C. Ms. Rezmer seconded the motion which carried unanimously 6/0.

Rule 64B1-4.0011 Documentation Necessary for Licensure Application

Action taken: Ms. Rezmer moved to grant Board staff authority to reorder application questions if necessary. Ms. Schwartz seconded the motion which carried unanimously 6/0.

Action Taken: Ms. Schwartz moved to accept the revised application form. Mr. Gunter seconded the motion which carried unanimously 6/0.

Tab 25 Board Director Report – Kaye Howerton

Ms. Howerton advised the Division of Medical Quality Assurance is recommending streamlining the citation process. Ms. Howerton presented an example of a citation rule from the Board of Podiatry.

No action was taken.

Ms. Howerton advised the board that recent legislation, SB 1986, was passed by the Florida Legislature. The legislation is now incorporated in section 456.0635, F.S. Ms. Howerton explained that healthcare professions are now mandated to obtain certain information from applicants. Therefore, she presented questions the board needed to approve for placement on the application.

Action taken: Ms. Rezmer moved to approve the questions now required to be on the application due to passage of SB1986. Ms. Schwartz seconded the motion which carried 5/1 with Mr. Gunter opposing the motion.

Tab 26 Application Examination & Endorsement Report – Katherine Teisinger and Zong Lan Xu

No Report.

Tab 27 Budget Report – Gregory Gunter

Mr. Gunter advised of the budget sweep of the trust funded professions by the Florida Legislature.

Tab 28 Community Relations Report –Barbara Rezmer

No Report.

Tab 29 Consumer Protection Report - Barbara Rezmer

No Report.

Tab 30 Continuing Education Report – Barbara Thurman, Barbara Schwartz, and Qun Wang

1 No Report.

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4 **Tab 31 Legislative & Rules Report – Zong Lan Xu**

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6 No Report.

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8 **Tab 32 Unlicensed Activity Report – Barbara Schwartz**

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10 No Report.

11

12 **NEW BUSINESS (continued)**

13

14 **Tab 34 Verification of 60 College Credits as a Prerequisite, Chapter 457.105, F.S., and Rule 64B1-**
15 **4.0011, F.A.C.**

16

17 **Action taken:** After discussion and review of rule 64B1-4.0011, F.A.C., an official transcript must be sent directly to
18 the board office from the institution at which the requirements were completed. Staff is to inform applicants about
19 filing a Petition for Variance and Waiver of rule when necessary.

20

21 The meeting adjourned approximately 12:51 p.m.

22