

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

**DRAFT
MINUTES
GENERAL BUSINESS MEETING
December 9, 2011**

**Holiday Inn & Suites
2725 Graves Road
Tallahassee, FL 32303
850-536-2005**

CALL TO ORDER

Katherine Teisinger, Chair, called the General Business Meeting to order approximately 8:30 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Katherine Teisinger, AP, Chair
Melody Clancy, AP, D.O.M., Vice Chair
Barbara Thurman, AP
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
Jackie Clahar-Anderson, RSII

COURT REPORTER

Access Certified Reporters
Kay Pearce
229.416.8500

BOARD COUNSEL

Lee Ann Gustafson, Esq.
Assistant Attorney General

DEPARTMENT ASSISTANT GENERAL COUNSEL

Adrienne Rodgers, Esq.
Cecilie Sykes, Esq.

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

An audio of this meeting can be found by clicking on "Audio Files" at http://www.doh.state.fl.us/mqa/acupunct/acu_meeting.html

REVIEW AND APPROVAL OF MINUTES

Tab 1 September 16, 2011 General Business Meeting

Mr. Gunter made a motion to approve the minutes with the correction made by Ms. Mask on Page 1, which indicated Barbara Thurman as Vice Chair. This was corrected to Melody Clancy as Vice Chair. Ms. Rezmer seconded the motion which carried unanimously 6/0.

Tab 3 REPORTS

Board Chair Report – Katherine Teisinger

Ms. Teisinger indicated that she and the Vice Chair, Melody Clancy, attended the annual meeting of the Board Chairs/Vice Chairs at the Department of Health. The training gave information on Department of Health activities and also strategic planning.

Mr. Jusevitch apologized on behalf of the Bureau Chief, Cassandra Pasley, and Division Director, Lucy Gee, for being unable to attend the board meeting.

Board Counsel's Report

Rules Report

Lee Ann Gustafson indicated that there were five rules in process, with two having been adopted.

64B1-8.001 Definitions.

64B1-8.002 Monitoring Sterilization and Infection Control

Ms. Gustafson advised the proposed amendments were effective August 17, 2011.

64B1-3.004 Acupuncture Examination

Ms. Gustafson advised this rule has been published for rule development and is also the subject of Tab 2, which will be discussed later in the meeting.

64B1-9.001 Disciplinary Guidelines

The amendment was to include the disciplinary guidelines for violations that were established by the adoption of the Medicaid/Medicare Fraud Statute including provisions listed in Chapter 456.0635, F.S. The board voted on the guidelines and received a series of letters from the Joint Administrative Procedures Committee (JAPC).

Action Taken: After lengthy discussion, Ms. Clancy made a motion to toll the discussion until the March 2, 2012 meeting. Motion seconded by Mr. Gunter and passed unanimously 6/0.

Ms Teisinger asked for clarification on Rule 64B1-4.012 Acupoint Injection Therapy, as she was under the impression that a new rule was being created. Ms. Gustafson acknowledged the rule was noticed incorrectly, and a correction was made to reflect a rules workshop to develop a rule on a negative formulary regarding injectable materials for acupuncturists in injection therapy adjunctive modalities. This discussion would be further covered in the rules workshop later in the meeting.

Board Liaison Reports

Application Examination & Endorsement – Katherine Teisinger

No report.

Budget – Gregory Gunter

Mr. Gunter referred the board to the report in the agenda.

Community Relations – Barbara Rezmer

Consumer Protection – Barbara Rezmer

No report.

Continuing Education – Barbara Thurman, Melody Clancy, Min Tian

Ms. Thurman had no official report; however, she addressed concerns regarding submission of courses which are webinars. Ms. Thurman had concerns on some of the webinar courses which did not have a requirement to verify if the participants were actually attending the webinar.

Ms. Thurman requested board continuing education liaisons to pay specific attention to these courses and make sure there are means of assuring attendance of that course.

Legislative & Rules – Katherine Teisinger

The Chair indicated the concerns regarding the negative formulary would be discussed at the rules workshop following the general business meeting.

Ms Teisinger also stated at the Chair/Vice Chair meeting held at the Department of Health, they were asked if there were any concerns between professions that involve any of the other boards at the meeting. Ms. Teisinger indicated Chapter 457, F.S., requires persons to have an acupuncturist license if he/she practices acupuncture. However, a Chiropractor and Medical Doctor only have a rule.

Unlicensed Activity – Melody Clancy

No report.

OLD BUSINESS

Tab 4 Richard Green – Application continued from June 2010 meeting,

Action taken: Mr. Gunter made a motion to approve Mr. Green for licensure. The motion was seconded by Ms. Tian. Motion passed unanimously 6/0.

Mr. Jusevitch requested to return to the Continuing Education Report, Tab 3, given by Ms. Thurman.

Mr. Jusevitch read Rule 64B1-6.006, Requirements for the Provider. After discussion, Ms. Thurman requested there be some mechanism which indicates a person actually took the course and attended the class.

NEW BUSINESS

Tab 5 Ratification of Licensure

Action taken: Ms. Thurman made a motion to ratify the licensure list, license numbers 3020 through 3046, and was seconded by Ms. Tian. Motion passed unanimously 6/0.

Tab 6 Ratification of Continuing Education Courses - 9/1/2011 through 11/29/2011

Action Taken: Barbara Thurman made a motion to ratify the continuing education courses. Motion was seconded by Ms. Clancy and passed unanimously 6/0.

REVIEW OF CONTINUING EDUCATION COURSES

Provider:	Richard The-Fu Tan, Inc.
Tab 7	Course # 20-328877 Treating Zang-Fu Disorders with Meridian – Conversation Therapy
	Course # 20-328876 Introduction to Global Balance
	Course #20-328716 Clinical wonders with Acupuncture 1, 2, 3

Action Taken: Ms. Tian made a motion to approve the courses. Motion was seconded by Ms. Rezmer and passed unanimously 6/0.

Provider:	Kim Brooker
Tab 8	Course # 20-330855 Digital Infrared Thermal Imaging

Action Taken: Ms. Clancy made a motion to deny the course based on the lack of experience of the instructor as specified in rule 64B1-6.005(2), F.A.C. Motion was seconded by Mr. Gunter and passed unanimously 6/0.

GENERAL BUSINESS/CORRESPONDENCE

Tab 2 Email dated October 31, 2011 Re: 64B1-3.004, F.A.C Objection & Request for Multiple Hearings & Workshops around the State

Email dated November 23, 2011 Re: Subject: Objection, Request for Workshop, and Demand for Multiple Hearings Re: 64B1-3.004, F.A.C.

Lee Ann Gustafson gave a detailed explanation of the rule making process and the rule development workshop process.

A lengthy discussion was held and audience members addressed the board.

Action Taken: After discussion and input from the audience, Ms. Clancy made a motion a rules workshop was not necessary for Rule 64B1-3.004, F.A.C., based on discussions of this rule at prior meetings. Ms. Rezmer seconded the motion which carried unanimously 6/0.

Further discussion was held by the board and audience members. Ms. Gustafson advised she will file a notice of rule promulgation for rule 64B7-3.004, F.A.C. Ms. Gustafson asked if Ms. Riggan wanted a public hearing on this rule. Ms. Riggan replied in the affirmative.

Action Taken: Ms. Clancy made a motion for board counsel to file a notice of rule promulgation and notice a public hearing for this rule to be held at the March 2, 2012 board meeting. Motion was seconded by Ms. Rezmer and passed unanimously 6/0.

Provider:	Daniel Clark, M.D.	
Tab 9	Course # 20-329349	Benefits of Pulsed Electromagnetic Field Therapy on Cells and Mitochondria
	Course # 20-329347	Metal Toxicity and Vascular Disease
	Course # 20-329343	Oxytocin Microcirculation and Sexuality
	Course # 20-329340	Immune Mechanisms in Atherosclerosis and Heart Failure Presentation
	Course # 20-329336	New Discoveries in the Art and Science of the Body's Own Quantum Biofield Energetics
	Course # 20-329332	The Anti-aging Trilogy: Telomeres, Stem Cells and Calorie restriction
	Course # 20-329295	Chronic Cerebro Spinal Venous Insufficiency Its Role in Chronic disease
	Course # 20-329293	Nitric Oxide in Health and Disease: A new paradigm for Healthy living
	Course # 20-329287	Bridging the Gap between Dentistry & Medicine
	Course # 20-329263	Treating Type II Diabetes & Osteoarthritis with Low Level Laser Therapy
	Course # 20-329250	The Role of Glutathione in Management of Oxidative Stress in Vascular Disease
	Course # 20-329230	The Etiological Factors Behind Cardiovascular Disease
	Course # 20-329229	Heart Disease – The Silent Killer

Action Taken: Ms. Thurman made a motion to approve the courses. Motion was seconded by Ms. Tian and passed unanimously 6/0.

Provider: Funk Consulting Promotional Services, Inc.
Tab 10 Course # 20-326706 Voices and Choices

Action Taken: Ms. Teisinger made a motion to approve the course. Motion was seconded by Ms. Thurman. The motion failed with vote of 2/4 with Ms. Teisinger and Ms. Thurman voting in favor of the motion.

Additional Action Taken: After further discussion, Mr. Gunter moved to deny the course which was seconded by Ms. Clancy. The motion passed 5/1 with Ms. Thurman opposing the motion.

Provider: The Barral Institute
Tab 11 Course # 20-323899 Muscle Energy Techniques for the Lower Quadrant

Action Taken: Melody Clancy made a motion to approve the course with the provider making corrections to form C of the application. Motion was seconded by Mr. Gunter. The motion passed unanimously 6/0.

INFORMATIONAL

Tab 12 Prosecution Services Unit Report

Adrienne Rodgers, Prosecuting Attorney, gave a report on the number of cases currently in her unit. Ms. Rodgers indicated there have been a significant reduction in the number of cases and also a decrease in older pending cases. A review of the case load shows at least one third of the cases go to final orders and the remaining two-thirds are closed at probable cause which is fairly consistent with other boards. Ms. Rodgers introduced Cecile Sykes, Esq., who will be assisting with the current case load.

In addition, Ms. Teisinger advised she had included in the agenda the Prosecution Services Unit Board Chair Report for Fiscal Year 2010-2011 which was discussed at the Board Chair/Vice Chair meeting.

Rule 64B1-9.001, F.A.C., Disciplinary Guidelines.

Peter Nehr, State Representative, and Kimberly Williams, FSDOM, had additional questions for Ms. Gustafson and requested clarification on correspondence sent to the board from the Joint Administrative Procedure Committee. Ms. Gustafson explained the responses made in the correspondence received by the board.

NEXT MEETING

March 2, 2012
Holiday Inn & Suites – Sawgrass Mills
3003 N. University Drive
Sunrise, FL 33332
954-748-7000

ADJOURNMENT

Ms. Thurman made a motion to adjourn the general business meeting. Ms. Clancy seconded the motion which carried unanimously 6/0. Meeting adjourned approximately 11:15 a.m.