

**ACUPUNCTURE EXAMINING BOARD
PUBLIC SESSION MINUTES
OCTOBER 29, 2008**

I ROLL CALL

PRESENT Henry McCann, Mimi Vassilev-Baker, Roger Rossi, Barbara Montana, Nita Raval, Mark Matzen

ABSENT Shoshanna Katzman, Edith Lee, Karen Wei-Ru Lin

ALSO PRESENT Megan Cordoma, DAG Renee P. Clark, Executive Director Tanya Gollett, Staff

CALL TO ORDER The regular monthly meeting of the Acupuncture Examining Board was called to order at 124 Halsey Street at 10:00 a.m., all members having been notified of the time, date and, place and materials pertinent hereto having been provided.

SUNSHINE LAW In compliance with Chapter 231 the Public Law of 1975, notice of this was sent to the Courier-Post and the Record.

II. MINUTES

A motion was made by Mimi Vassilev-Baker and seconded by Roger Rossi to accept the July 18, 2008 Public Session Minutes with amendments. The motion carried by unanimous vote.

A motion was made by Mimi Vassilev-Baker and seconded by Barbara Montana to accept the September 17, 2008 Public Session Minutes. The motion was carried by unanimous vote.

III. REGULATORY ANALYSIS

Motion was made to approve the changes made to the Acupuncture Regulations and have regulatory analyst Chuck Manning go forward to the Board of Medical Examiners for their approval. However, if the Division of Law decides not to approve the new section and go ahead with the approval process of the regulations. The motion was made by Mark Matzen and seconded by Barbara Montana. The motion was carried by unanimous vote.

IV. CORRESPONDENCE

1. NCR RESEARCH INSTITUTE

Motion was made to send a letter to NCR Research Institute to advise that the board does not have enough information to evaluate the program . The board will also send a copy of the regulations. A motion was made by Mimi Vassilev-Baker and seconded by Roger Rossi. The motion was carried by unanimous vote.

2. LETTER FROM A. VICKI ARIANS

Motion was made to send a letter to the law offices of E. Vicki Arians indicating that chiropractors are able to make an initial referral for acupuncture treatment. A motion was made by Barbara Montana and seconded by Nita Raval. The motion was carried by unanimous vote.

3. LETTER FROM SELECTIVE INSURANCE COMPANY

Motion was made to send a letter to Selective Insurance Company indicating that Maria Alvarez-Prieto is not registered as an MD-Acupuncturist. Physicians are not required to be certified by the Board of Acupuncture if they have taken the requisite training. The Board of Acupuncture does not certify

companies. The matter has been referred to the Board of Medical Examiners. The motion was made by Roger Rossi and seconded by Mimi Vassilev-Baker. The motion carried by unanimous vote.

4. GOLDFARB CHIROPRACTOR AND ACUPUNCTURE CENTER

Henry McCann recused himself.

Motion was made to send a letter to Goldfarb Chiropractic and Acupuncture Center indicating that the information does not pertain to this board and it is not specifically addressed in our regulations. Any diagnostic modality utilized should be interpreted by a licensed practitioner. A motion was made by Barbara Montana and seconded by Mark Matzen. The motion was carried by a unanimous vote.

V. CURRICULUM REVIEW

1. AMERICAN COLLEGE OF ACUPUNCTURE

A motion was made by Mimi Vassilev-Baker and seconded by Barbara Montana to accept The American College of Acupuncture for MD/ Acupuncturist as meeting the statutory and regulatory requirements for an acceptable program for MD/Acupuncturists.

2. SUNY DOWNSTATE

Chair directed administrative office to send a letter to SUNY Downstate for MD/ Acupuncturist Program to get more clarification on the clinical component, the amount of didactic home study, and a list of affiliated centers. This information will be brought back to the board at a later date.

3. INTERNATIONAL COLLEGE OF ACUPUNCTURE AND ELECTRO-THERAPEUTICS

Chair directed the administrative offices to send a letter requesting that the International College of Acupuncture and Electro-Therapeutics send the board clarification of their program for MD/Acupuncturists. This information will be brought back to the board at a later date.

4. EVERGLADES UNIVERSITY

Motion was made by Roger Rossi and seconded by Mimi Vassilev-Baker to send a letter explaining that the Everglades University baccalaureate degree does not meet the regional accreditation standard of our statute and regulation. Motion carried by a unanimous vote.

VI. HENRY MCCANN TO DISCUSS EASTERN SCHOOL TRANSCRIPT PRACTICES

A motion was made Barbara Montana and seconded by Mimi Vassilev-Baker to stand by prior motion on transcript practices that are sent by the Eastern School of Acupuncture. The motion was carried by a unanimous vote.

VII. APPLICATION REVIEW

JANNA ROME

Janna Rome appeared with her husband, Sandy Cutler, and attorney Doreen Piligian. Janna Rome's attorney spoke on her behalf to appeal the decision made by the board in the September 17, 2008 meeting. The Board went into executive session for deliberation and advice of counsel. Upon returning to open session a motion was made by Barbara Montana and seconded by Roger Rossi to provisionally deny Ms. Rome's application by way of Provisional Order of Discipline. The motion passed with all members in favor except Mark Matzen.

Nita Raval made a motion to proceed to Executive Session, seconded by Barbara Montana, to consider and

review advertisement, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board regulations, have occurred. The results of these deliberations will be made known when, and if, the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

Respectfully submitted
ACUPUNCTURE EXAMINING BOARD

Renee P. Clark, Executive Director