



## **State of Arizona Acupuncture Board of Examiners**

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### **REGULAR MEETING**

**January 22, 2014**

### **OPEN SESSION MINUTES**

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, January 22, 2014, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

#### **Board Members Present:**

Christopher M. Clair, Consumer Member, Secretary

Maureen Bronson, Consumer Member

Teresa Buechel, L.AC., Professional Member

B. Jeffrey Jolley, D.C., Professional Member

John M. Rhodes, L.AC., Professional Member

Craig Seitz, D.C., L.AC., Professional Member

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

#### **Attorney General Representative:**

Montgomery Lee, Assistant Attorney General

#### **Call to Order**

Secretary Clair called the meeting to order at 1:03 p.m. The Board recognized newly-appointed Board Members Jose Montoya, L.AC., Jennifer Sandoval, L.AC., and Raoul Jacques, Consumer Member. These three board members will officially join the Board for the February 26, 2014 board meeting.

The following order of business was then considered:

#### **Declaration of Conflicts of Interest**

None.

## Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the December 10, 2013 regular board meeting minutes with Board Member Seitz providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

Board Member Bronson moved the adoption of the December 10, 2013 Executive Session Minutes with Board Member Clair providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

## Professional Business

Discussion of Procedures for Election of Board Officers  
Election of Board Chairperson pursuant to A.R.S. §32-3902 (D)

Board Member Seitz nominated Board Member Rhodes for Chairman.  
The Board elected Board Member Rhodes to serve as Chairman for 2014.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

Election of Board Secretary pursuant to A.R.S. §32-3902 (D)

Board Member Bronson nominated Board Member Buechel for Secretary.  
The Board elected Board Member Buechel to serve as Secretary for 2014.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

Newly-elected Board Chairman Rhodes and Secretary Buechel assumed their new leadership positions at this time.

**Status report from Board consultant on dry needling**

Theresa Ulmer from the Aarons Company informed the Board of a stakeholder meeting being scheduled by the Arizona House of Representatives to address the dry needling issue. Ms. Ulmer explained the continuation bill regarding the Arizona State Board of Physical Therapy and outlined the timeline whereby the acupuncture profession will have an opportunity to share their concerns about dry needling as performed by physical therapists.

**Review and Adoption of 2014 Fees pursuant to A.R.S. §32-3927**

Executive Director Gonzalez provided the Board with an overview of the fee schedule as presented.

The Board discussed the variance of fee schedules with other health professions.

Board Member Jolley moved for the adoption of the 2014 Fees with Board Member Seitz providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

**Preliminary discussion of Strategic Plan—2014**

Chairman Rhodes shared his list of priorities for 2014 to include dry needling and the effort to protect the public. The Board would like to see this issue resolved in order to move forward on other issues facing the profession.

Another topic for future discussion is the practice of auricular acupuncture to include the role of the supervisor who is a licensed acupuncturist.

Chairman Rhodes raised the idea of a “code of ethics” and asked whether the Board should pursue such a code. Board Member Seitz advised the Board to move on this idea with caution, but sees the benefit of exploring this proposal.

**Letter from the Arizona State Board of Physical Therapy in response to Board inquiry of physical therapists using the phrase “certified in dry needling” in their advertisements.**

The Arizona State Board of Physical Therapy at their December 17, 2013 board meeting discussed the Board’s request for response. The Arizona State Board of Physical Therapy responded by sending a letter asking if the Board is requesting and advisory opinion from Arizona State Board of Physical Therapy regarding the appropriateness of Arizona licensed physical therapists using the phrase “certified in dry needling” in advertising.

The Board discussed the response from Arizona State Board of Physical Therapy and determined to proceed with its efforts at the legislature to resolve this matter.

Charles Brown, Executive Director from the Arizona State Board of Physical Therapy, explained the Board’s response in greater detail.

**Administrative Inquiries**

The Board reviewed the materials regarding Ms. Aeimee Diaz, L.AC. These materials include an explanation of Ms. Diaz’s arrest for driving under the influence of alcohol. Ms. Diaz shared details of the charge and court sentence requirements. In addition, Ms. Diaz has sought out and is attending therapy.

Board Member Seitz asked if Ms. Diaz reported her first violation from seven years ago on her initial license application with the Arizona Acupuncture Board of Examiners. Ms. Diaz responded she did not report this incident.

Ms. Diaz did not report the March 23, 2013 incident until November 26, 2013 because her legal counsel instructed her to not report this incident until she was sentenced.

The Board discussed the lack of reporting the first charge on the initial application and on subsequent license renewal applications.

Board Member Rhodes moved to enter executive session to receive legal advice at 2:20 p.m. with Board Member Seitz providing a second. The motion carried by a vote: 5-1.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X		X	X	Aye
			X			Nay
						Recused
						Abstained
						Absent

The Board returned to regular session at 2:34 p.m.

The Board informed Ms. Diaz of the violations identified and they include 1) failure to disclose a conviction on the initial license application; 2) failure to disclose a conviction on license renewal for 2012; 3) failure to disclose a conviction on license renewal for 2013; 4) failure to notify the Board of an arrest on March 2013.

Board Member Rhodes moved to open a complaint against Ms. Aeimee Diaz, L.AC. with Board Member Seitz providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

### Complaints/Investigations

Complaint #2014-24 re: Brazos Minshew (Anonymous Complaint)

Executive Director Gonzalez provided an update on the status of this complaint and shared the difficulty in moving forward on this complaint due to the inability to secure specific information on the allegations made by the anonymous person.

Board Member Seitz questioned how the Board can investigate this complaint without the assistance of the complainant.

Board Member Seitz moved to dismiss Complaint #2014-24 without prejudice and Board Member Bronson provided a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

### Applications for Licensure (without self-disclosures)

The Board reviewed the license applicant chart and Board Member Bronson moved for the approval of the applicants for licensure listed below with Board Member Buechel providing a second. The motion carried by unanimous vote: 6-0.

Thomas M. Lotina  
 Sang Hwa Lee  
 Jennifer Chou  
 Jeanne C. Denaro  
 Saraselene P. Hausman

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

**Applications for Auricular Certificate (without self-disclosures)**

The Board reviewed the license applicant chart and Board Member Bronson moved for the approval of the applicant for certification listed below with Board Member Buechel providing a second. The motion carried by unanimous vote: 6-0.

Andrea K. Miller

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

**Other Applications/Requests – Continuing Education**

“Evidence-Based Radiology and TCM” provided by Chinese Health Center and Dr. Christa Corn, MD on March 16, 2014 for 8 hours in Phoenix, Arizona.

The Board reviewed the application and Board Member Jolley moved for approval of the application with Board Member Rhodes providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

“Pediatric Tuina” provided by the Phoenix Institute of Herbal Medicine and Acupuncture on March 19, 2014 for 3 hours in Phoenix, Arizona.

The Board reviewed the application and Board Member Rhodes moved for approval of the application with Board Member Jolley providing a second. The motion carried by unanimous vote: 6-0.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	Vote
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

**Executive Director Report**

License and Certificate Status Report:

Active Licensed Acupuncturists: 548  
 Expired Licenses: 9  
 Active Certified Auricular Acupuncturists: 39

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for March 2014 licensees were prepared and sent. In addition, expired license and certificate letters for the month of December 2013 were sent.
- Meeting with board consultant, legislators, and legislative staff on dry needling issue.
- Preparing for appointment of new board members.
- Completed and submitted lobbyist reports to the Secretary of State’s office.

Governor’s Budget Recommendation

- The Governor’s budget recommendation will be released on Friday, January 17, 2014.

**Future Meeting Dates**

February 26, 2014  
 March 26, 2014

**Call to the Public**

Jonathan Lindsey, representing the Phoenix Institute of Herbal Medicine and Acupuncture and the Arizona Society of Oriental Medicine and Acupuncture, provided the Board with an explanation of Agenda Item 9 (B)—Pediatric Tuina, continuing education application. In addition, Mr. Lindsey provided a brief overview of the auricular acupuncture training program conducted by the Phoenix Institute of Herbal Medicine and Acupuncture.

**Discussion of Items to be place on a future meeting agenda**

- Report on Dry Needling Legislation

**Adjournment**

Board Member Bronson moved for adjournment and Board Member Buechel provided a second. The motion carried by unanimous vote: 6-0. The Board adjourned at 3:21 p.m.

Bronson	Buechel	Clair	Jolley	Rhodes	Seitz	<b>Vote</b>
X	X	X	X	X	X	Aye
						Nay
						Recused
						Abstained
						Absent

Respectfully Submitted,



Pete Gonzalez  
Executive Director

Approved by the Board: March 26, 2014