



## State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

### REGULAR MEETING

May 28, 2008

(Teleconference)

### MINUTES

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

Della Estrada, L.Ac., Chairman (via telephone)

Toni Bernalley, L.Ac., Professional Member

Ross Adelman, Public Member

Rebecca Wilks, MD, MD(H), Professional Member (via telephone)

Joe Balensi, L.Ac., Professional Member (via telephone)

Diane Pruetz, Public Member (via telephone)

John M. Rhodes, L.Ac., Professional Member (via telephone)

#### **Board Members Absent:**

Toni Karnas, Public Member

Vacancy—Professional Member

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

Marc Harris

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

#### **I. Call to Order**

Chairman Estrada called the meeting to order at 1:02 p.m.

#### **II. Declaration of Conflicts of Interest**

There were not conflicts of interest presented by board members.

#### **III. Discussion and Approval of Minutes**

Board Member Pruetz moved the adoption of the minutes for the April 23, 2008 board meeting with Board Member Estrada providing a second. The Board approved the motion with a 7-0 vote.

#### **IV. Complaints/Investigations**

Complaint 2008-01 (UP) Clark W. Kim

The Executive Director reviewed the complaint board brief on Complaint 2008-01. It has been alleged that Mr. Kim is practicing acupuncture without an Arizona acupuncture license at the Oriental Health Care office in Parker, Arizona.

This complaint was received with a copy of an Oriental Health Care advertisement whereby acupuncture treatments can be provided at this facility. Mr. Kim did apply for licensure in 2004, but was denied due to Mr. Kim's failure to provide evidence of graduation from or completed training in a board approved program of acupuncture.

Two letters have been sent to Mr. Kim instructing him to cease and desist until he has secured an acupuncture license in Arizona. Mr. Kim has submitted copies of his Town of Parker business license and from the Arizona Colorado River Indian Tribes.

On May 21, 2008, the Town of Parker presented Mr. Kim with a letter requesting that an acupuncture license be provided in twenty-four hours so Mr. Kim could retain his business license. The Town of Parker has since revoked Mr. Kim's business license until he can present a valid acupuncture license.

Board Members Balensi and Adelman upon review of the materials provided to the board believe that Mr. Kim has been practicing acupuncture without a license.

Mr. Kim addressed the board and stated he has been practicing acupuncture in Parker, Arizona without any problems for seven years. He indicated that he has treated a number of people in Parker, from California, Colorado River Indian Tribe reservation and winter visitors.

Mr. Kim asked the board to do him a favor by awarding an acupuncture license so he can continue providing acupuncture treatments to residents in Parker, Arizona.

Chairman Estrada reminded Mr. Kim that he does not have an acupuncture license and should not be practicing.

Board Member Rhodes provided a motion for the Board to enter Executive Session to receive legal advice. Board Member Pruetz seconded the motion. The Board approved the motion with a 7-0 vote. The Executive Session started at 1:20 p.m.

The Board reconvened to the regular meeting session at 1:41 p.m.

Board Member Rhodes moved the Board prepare a letter requesting the assistance of the La Paz County Attorney's office on this matter and a second was provided by Board Member Pruetz. The motion was approved 7-0.

Assistant Attorney Marc Harris left the meeting at 1:47 p.m., but available by phone.

**V. Applications for Licensure**

The Board reviewed the license applicant chart and Board Member Bernalley moved for the approval of the applicants for licensure listed below with Board Member Rhodes providing a second. The Board approved the motion with a 7-0 vote.

Jose A. Montoya  
Joseph P. Dudley  
Naomi R. Richman

**VI. Applications for Auricular Certification**

The Board reviewed the auricular certificate applicant chart and Board Member Pruetz moved for the approval of the applicant for certification listed below with Board Member Bernalley providing a second. The Board approved the motion with a 7-0 vote.

Celeste J. Rubio

The Board reviewed the auricular certificate application of Joseph R. Wantland and determined Mr. Wantland had satisfied all the requirements regarding this DUI arrest. Board Member Pruetz moved for the approval of auricular certification for Joseph R. Wantland with Board Member Adelman providing a second. The Board approved the motion with a 7-0 vote.

**VII. Other Applications/Requests – Continuing Education**

The Board reviewed the continuing education application submitted by Joseph Garner, L.Ac.--“Diagnosing Without Needing to Ask: Clinical Face and Body Reading” for 3 CEU's to be held on June 13, 2008.

Board Member Estrada moved for the approval of the application with Board Member Wilks providing a second. The Board approved the motion 7-0.

The Board reviewed the continuing education application submitted by Joseph Garner, L.Ac.--“Pulse Reading that Really Works” for 3 CEU's to be held on July 25, 2008.

Board Member Pruetz moved for the approval of the application with Board Member Wilks providing a second. The Board approved the motion 7-0.

The Board reviewed and discussed the continuing education application submitted by Robin Cupp, L.Ac.--“Applied Kinesiology in the Acupuncture Practice” to be conducted on July 20, 2008 for 7 CEU’s.

Board Member Bernalley moved for the approval of the application with Board Member Adelman providing a second. The Board approved the motion 6 votes in favor and 1 opposed (Board Member Balensi).

The Board reviewed and discussed the continuing education application “Allergy Elimination Made Easy” to be provided by Robin Cupp, L.Ac. on July 18-19, 2008 for 16 CEU’s.

Board Member Bernalley moved for the approval of the application with Board Member Estrada providing a second. The Board approved the motion 7-0.

### **VIII. Executive Director Report**

The Executive Director provided the following information found in his report:

Active Licensed Acupuncturists (as of 5/21/08): 463

Current Expired Licenses: 30

Active Certified Auricular Acupuncturists (as of 5/21/08): 64

The Executive Director reported on his monthly phone call to the Boards and Commissions office regarding the appointment of board members due to term expirations or vacancies. There has not been any response or action taken on this item and the Executive Director will continue to inquire on the status of appointments.

The Executive Director attended the AzSOMA (Arizona Society of Oriental Medicine and Acupuncture) Annual Conference held on May 18<sup>th</sup>. The Executive Director provided the conference attendees with an overview of Board activities and responded to a number of questions related to acupuncture laws, rules and legislation.

For the month of April, the board website was visited by 1033 individuals. A steady increase of hits has taken place in the last two years. In 2006, a total of 7496 individuals used the web and 10,200 in 2007. To date, there have been 4858 visits.

### **IX. Future Meeting Dates**

June 25, 2008

July 23, 2008

**X. Call to the Public**

No requests were submitted.

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

Board Member Bernalley requested the Board schedule a discussion on the posting of board meeting minutes.

Chairman Estrada requested that a discussion take place to determine the date, time and location of a board meeting in Tucson later in the year.

**XII. Adjournment**

Board Member Bernalley moved for adjournment and Board Member Pruetz provided a second. The motion passed by a vote of 7-0. The Board adjourned at 2:01 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Pete Gonzalez".

Pete Gonzalez  
Executive Director

Approved by the Board: June 25, 2008