



## State of Arizona Acupuncture Board of Examiners

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### REGULAR MEETING

October 26, 2011

### OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, October 26, 2011, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

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

Toni Bernalley, L.AC., Chairperson  
Rebecca Wilks, MD, Professional Member, Secretary  
Ross Adelman, Consumer Member (via telephone)  
Maureen Bronson, Consumer Member  
Woohyung Cho, L.AC., Professional Member  
Christopher M. Clair, Consumer Member  
Dianne Darcy, L.AC., Professional Member  
Robert L. Gear, NMD, DC, Professional Member  
Patricia E. Martin, L.AC., Professional Member

#### **Board Member Absent:**

None.

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

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

Monty Lee, Assistant Attorney General

#### **Call to Order**

Chairperson Bernalley called the meeting to order at 1:01 p.m.

The following order of business was then considered:

**Declaration of Conflicts of Interest**

Board Member Bernalley declared a conflict of interest on Agenda Items 4 (A)-Complaint #2012-01 re: John Montoya, L.AC.; 5 (D) (E) License Applications for Bart V. Vermilya and Zachary T. Steinshouer; and 6 (D) continuing education application presented by the Phoenix Institute of Herbal Medicine and Acupuncture.

Board Member Martin declared a conflict of interest on Agenda Items 6 (A) (B) (C) (D) continuing education applications presented by the Eastern Medicine Center and the Phoenix Institute of Herbal Medicine and Acupuncture.

Board Member Bronson declared a conflict of interest on Agenda Item 6 (D) continuing education application presented by the Phoenix Institute of Herbal Medicine and Acupuncture.

**Discussion and Approval of Minutes**

Board Member Wilks moved the adoption of the minutes for the August 24, 2011 regular board meeting with Board Member Bronson providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bernalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Bronson moved the adoption of the minutes for the August 24, 2011 Executive Session minutes with Board Member Clair providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bernalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Bronson moved the adoption of the minutes for the September 28, 2011 regular board meeting with Board Member Wilks providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

**Complaints/Investigations**

Complaint #2012-01 re: John Montoya, L.AC. as filed by Mr. Hector Montano

Board Member Wilks assumed the chair due to conflict of interest stated by Chairman Bennalley.

Executive Director Gonzalez explained the memo prepared for the Board which provides a chronological review of what has taken place to date on this complaint. The Board will need to determine if the allegation of unprofessional conduct by John Montoya, L.AC. took place.

David M. Morrison, representing John Montoya, addressed the Board and stated that no violations of professional standards and no violations of unprofessional conduct occurred. Furthermore, Mr. Morrison informed the Board that Mr. Montoya had been subpoenaed to appear at the custody hearing. Mr. Morrison had not previously included this information in the packet submitted to the Board for review.

The person who filed the complaint, Mr. Hector Montano, was not in attendance of this meeting. Mr. Montano was invited to this board meeting.

Board Member Gear moved to dismiss Complaint #2012-01 with Board Member Martin providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Chairman Bennalley assumed the Chair.

**Applications for Licensure (without self disclosures)**

The Board reviewed the license applicant chart and Board Member Wilks moved for the approval of the applicants for licensure listed below with Board Member Bronson providing a second. The motion carried by unanimous vote: 9-0.

Ellen C. Sudak  
 Stephen H. Wolf  
 Clement P. Ayuen  
 Annette M. Raddatz

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Wilks assumed the chair due to conflict of interest stated by Chairman Bennalley.

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 Cho providing a second. The motion carried by unanimous vote: 8-0.

Bart V. Vermilya  
 Zachary T. Steinshouer

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X		X	X	X	X	X	X	X	Aye
									Nay
	X								Recused
									Abstained
									Absent

Chairman Bennalley assumed the Chair.

**Other Applications/ Requests - Continuing Education**

The Board reviewed the following continuing education applications:

“Acupuncture for Hypertension” provided by the Eastern Medicine Center for 8 hours in Scottsdale, Arizona.

The provider of the following three continuing education applications, Jing Liu, L.AC. and her legal counsel Colleen A. Lomax were available for any questions by the Board. These three courses have been approved by the State of California and the National Certification Commission for Acupuncture and Oriental Medicine.

Board Member Wilks moved for the approval of this continuing education application with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X		X	Aye
									Nay
							X		Recused
									Abstained
									Absent

“Xing Nao Kai Qiao” provided by the Eastern Medicine Center for 24 hours in Scottsdale, Arizona.

Board Member Bronson moved for the approval of this continuing education application with Board Member Clair providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X		X	Aye
									Nay
							X		Recused
									Abstained
									Absent

“30 Clinical Acupoints, Part 1” provided by the Eastern Medicine Center, 15 hours in Scottsdale, Arizona.

Board Member Wilks moved for the approval of this continuing education application with Board Member Bennalley providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X	X		X	Aye
									Nay
							X		Recused
									Abstained
									Absent

Board Member Wilks assumed the chair due to conflict of interest stated by Chairman Bennalley.

“Clinical Technique Observation and Practicum” provided by the Phoenix Institute of Herbal Medicine and Acupuncture on November 15, 16, 17, 22, 23, 29, 30 and December 1 and 7 for three hours per day in Phoenix, Arizona.

Catherine Niemiec and Jonathan Lindsey, from the Phoenix Institute of Herbal Medicine and Acupuncture, provided the Board with an explanation of this

application as compared to the application submitted and approved last year. A student attending this course would be eligible up to 27 hours of continuing education if they attend all nine days.

Board Member Wilks moved for the approval of this continuing education application with Board Member Gear providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X			X	X	X	X		X	Aye
									Nay
	X	X					X		Recused
									Abstained
									Absent

Chairman Bennalley assumed the Chair.

### Professional Business

#### Ethics Advisory Committee Report

Board Member Wilks reported the work of this committee which focused on ethical standards as adopted by other states. The committee identified two items for further clarification: 1) rebates and 2) conduct contrary to established standards of conduct as found in the NCCAOM code of ethics.

The committee recommends that rules be adopted to provide a definition of rebate and incorporate the language found in the NCCAOM code of ethics.

Executive Director Gonzalez provided the Board with a plan of action which will require an opening of a rules docket to meet the recommendations as put forth by this advisory committee.

#### Strategic Plan

The Board reviewed this document and identified a need to begin the process of determining board member appointments to advisory committees.

The members of the legislative advisory committee are: Board Member Patricia Martin, Board Member Robert Gear, Board Member Ross Adelman and Board Member Chris Clair.

Board Member Dianne Darcy was added to the Continuing Education Advisory Committee.

## **Executive Director Report**

### **License and Certificate Status Report:**

Active Licensed Acupuncturists: 509

Expired Licenses: 9

Active Certified Auricular Acupuncturists: 50

### **Board Office Information/Activities:**

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for November and December licensees were prepared and sent. In addition, expired license and certificate letters for the months of August and September 2011 were sent.
- Completed and submitted the Technology Infrastructure and Standards Assessment to the Government Information Technology Agency.
- Completed and submitted the 2011 Pandemic Preparedness Survey to the Arizona Department of Administration.
- Submitted the Fiscal Year 2013 Budget to the Governor's and Legislature
- Attended the Arizona Society of Oriental Medicine and Acupuncture Fall conference.

### **Future Meeting Dates**

November 7, 2011 (Monday)

December 5, 2011 (Monday)

### **Call to the Public**

Catherine Niemiec commented on the titling issue as found in Arizona Revised Statutes §32-3923. Licensees must not advertise themselves as "Doctor".

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

- Strategic Plan
- Ethics Committee
- Dry Needling

### **Adjournment**

Board Member Gear moved for adjournment and Board Member Bronson provided a second. The motion carried by unanimous vote: 9-0. The Board adjourned at 2:15 p.m.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	<b>Vote</b>
X	X	X	X	X	X	X	X	X	
									Nay
									Recused
									Abstained
									Absent

Respectfully Submitted,



Pete Gonzalez  
Executive Director

Approved by the Board: December 5, 2011