



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

December 5, 2011

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, December 5, 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
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 1:02 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 Item 6 (A) License Application for Elias Lu.

Recognition of Rebecca Wilks

The Board recognized Rebecca Wilks for her dedicated service to the State of Arizona

Discussion and Approval of Minutes

Board Member Martin moved the adoption of the minutes for the October 26, 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 November 7, 2011 regular board meeting minutes with Board Member Adelman 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

Presentation on Dry Needling

An overview of legislation, as introduced by physical therapists across the country, regarding dry needling was presented by Ms. Mina Larson, Director of Public, Professional and Regulatory Affairs, National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

The Board reviewed the fact sheet prepared by the NCCAOM. Ms. Larson shared the position statement adopted by the Florida Acupuncture Board regarding dry needling and determined that dry needling is acupuncture.

The NCCAOM has been monitoring the dry needling issue for many years in order to inform the states on this practice by non-licensed acupuncturists.

Board Member Wilks referenced the NCCAOM letter whereby the organization highly recommends that physical therapists meet the same standard for education and examination that licensed acupuncturists must meet in order to practice safely and effectively in the state of Arizona.

Chairperson Bernalley asked if physical therapists are billing for dry needling. Ms. Larson stated that in some states physical therapists are billing using codes for intramuscular therapy but not for dry needling specifically.

Board Member Adelman asked why physical therapists couldn't adopt the same sort of training requirements to practice acupuncture similar to chiropractors currently practicing in Arizona.

Ms. Larson stated the NCCAOM is uncomfortable with the lack of education and training by physical therapists in the field of acupuncture. Questions on whether physical therapists have taken the clean needle training course have surfaced.

Board Member Adelman asked Ms. Larson for some information on what other states have experienced in addressing the dry needling issue.

Board Member Gear described the difference between electromyography and dry needling. Board Member Gear suggested using the term dry needling acupuncture.

Ms. Larson informed the Board that a certain dry needling education provider is actually teaching physical therapists acupuncture which further alarms NCCAOM as they attempt to protect the public.

The NCCAOM is aware and has information of some physical therapists practicing dry needling without any training whatsoever.

John Rhodes, PT, L.AC., reviewed the Fall 2011 Arizona Physical Therapy Association Conference whereby a dry needling course was made available to physical therapists. Mr. Rhodes stated that course participants are instructed not to use the term acupuncture and encouraged to make the distinction between the dry needling term and acupuncture. Furthermore, Mr. Rhodes is concerned with the lacking of training by the physical therapists while using the treatment of dry needling and insurance claims.

Executive Director Gonzalez provided an update on the four complaints against physical therapists that are practicing dry needling or without an acupuncture license.

Board Member Wilks reminded the Board to keep the interests of the public and not take a protective or turf position on the matter.

Susie Cannata addressed the Board to clarify the need for legislative authority for physical therapists to practice dry needling via sunrise legislation.

Applications for Licensure (without self disclosures)

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 applicant for licensure listed below with Board Member Adelman providing a second. The motion carried by unanimous vote: 8-0.

Elias Lu

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.

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 Wilks providing a second. The motion carried by unanimous vote: 9-0.

Kelly R. Sell
 Michael E. Hamilton
 Michele L. Etheridge
 Maurianne V. Montes

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

Application for Auricular Certificate (without self-disclosures)

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

Andrea K. Miller

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

Other Applications/ Requests - Continuing Education

The Board reviewed the following continuing education applications:

“Intro to TCM” provided by Qingsong Xiao, L.AC. for 8 hours in Scottsdale, Arizona.

“Bian Stone Therapy I” provided by Qingsong Xiao for 8 hours in Scottsdale, Arizona.

“Bian Stone Therapy II” provided by Qingsong Xiao for 8 hours in Scottsdale, Arizona.

After some discussion, Board Member Gear moved to table the applications to ascertain additional information from the provider 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

Professional Business

Review and Adoption of 2012 Board Meeting Schedule

Board Member Bennalley moved for the adoption of the 2012 Board Meeting Schedule with Board Member Clair 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

Preparation for Election of 2012 Board Officers

The Board reviewed by memo prepared by the Executive Director in preparation for the January 25, 2012 board meeting.

Petition from Traditional Chinese Medicine Practitioners (Informational Item Only)

Mr. Y.M. Chen, L.AC. presented the Board with a petition, signed by 42 individuals, asking the Board to consider adding lab testing to the scope of practice for acupuncturists.

Board Members shared their thoughts on this request, but no action was taken on this agenda item. The general consensus of the Board was the timing of this request would better served at a future time.

Strategic Plan

The Board will be reviewing and revise the plan at a future board meeting due to changes to board membership.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 514
Expired Licenses: 8
Active Certified Auricular Acupuncturists: 50

Board Office Information/Activities:

- Completed and filed the lobbyist quarterly expenditure report as required by A.R.S. §41-1232.02, 41-1232.03 with the Arizona Secretary of State's office.
- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for January 2012 licensees were prepared and sent. In addition, expired license and certificate letters for the month of October 2011 were sent.
- Attended the Executive Director's meeting on November 8, 2011.
- Coordinated with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) regarding dry needling legislation.
- Received and working on nine complaints that will be reviewed by the Board in the next two months.

Future Meeting Dates

January 25, 2012
February 22, 2012

Call to the Public

Cheryl Kim, Executive Director of the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA), invited the Board to the AzSOMA Chinese New Year celebration on January 29, 2012.

Discussion of Items to be place on a future meeting agenda

- Dry Needling

Adjournment

Board Member Bronson moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 9-0. The Board adjourned at 3:30 p.m.

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

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: January 25, 2012