



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

December 10, 2013

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Tuesday, December 10, 2013, at 1400 West Washington, Suite 230 Conference Room, Phoenix, Arizona.

Board Members Present:

Woohyung Cho, L.AC., Professional Member, Chairman

Christopher M. Clair, Consumer Member, Secretary

Ross Adelman, Consumer Member

Maureen Bronson, Consumer Member

Teresa Buechel, L.AC., Professional Member

Patricia E. Martin, L.AC., Professional Member

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

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

Board Member Absent:

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

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

Chairman Cho called the meeting to order at 1:02 p.m. The Board recognized Board Members Woohyung Cho and Ross Adelman for their time on the Board.

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 September 25, 2013 regular board meeting minutes with Board Member Rhodes providing a second. The motion carried by unanimous vote: 6-0.

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

Board Member Martin moved the adoption of the September 25, 2013 Executive Session Minutes (1:49 p.m. to 2:49 p.m.) with Board Member Bronson providing a second. The motion carried by unanimous vote: 6-0.

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

Board Member Bronson moved the adoption of the September 25, 2013 Executive Session Minutes (3:34 p.m. to 4:16 p.m.) with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

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

Board Member Bronson moved the adoption of the October 23, 2013 regular board meeting minutes with Board Member Adelman providing a second. The motion carried by unanimous vote: 8-0.

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

Board Member Bronson moved the adoption of the November 14, 2013 regular board meeting minutes with Board Member Seitz providing a second. The motion carried by unanimous vote: 7-0.

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

Complaints/Investigations

Complaint #2014-21 Elizabeth Sedano

The Board reviewed the complaint against Ms. Sedano regarding her website advertisement of auricular therapy services. Ms. Sedano is not a certified auricular acupuncturist as required by state law.

Ms. Sedano explained she is taking course work in auricular therapy at the Phoenix Institute of Herbal Medicine and Acupuncture. She encountered some difficulty in completing her clinic hours, as required by the program, due to having to find a supervising acupuncturist who could accommodate her employment situation.

The Board reviewed the statutes related to the requirements for auricular acupuncturists and encouraged Ms. Sedano to become familiar with this statutory language and the restrictions placed on auricular acupuncturists.

Ms. Sedano was instructed to remove all references to auricular therapy and ear acupuncture from her website.

Board Member Martin asked where the clinic training took place and Ms. Sedano stated some of this clinic training was not provided at the Phoenix Institute of Herbal Medicine and Acupuncture. Ms. Sedano indicated the training hours at the school did not fit into her work schedule.

The Board reminded Ms. Sedano to not practice auricular acupuncture until she completes her training at the Phoenix Institute of Herbal Medicine and Acupuncture and applies for a certificate and is approved by this Board to practice.

Board Member Seitz moved to enter executive session to receive legal advice at 1:50 p.m. with Board Member Cho providing a second. The motion carried by a vote: 8-0.

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

The Board returned to regular session at 2:10 p.m.

Board Member Seitz moved for the Board to instruct the Executive Director to do the following: 1) follow up with Ms. Sedano on the removal of language found on her website; 2) check with the Phoenix Institute of Herbal Medicine and Acupuncture on the auricular therapy training program; 3) check on Ms. Sedano’s license with the State of Arizona Board of Behavioral Health Examiners and bring back for future board action with Board Member Bronson providing a second. The motion carried by a vote: 8-0.

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

Applications for Licensure (without self-disclosures)

The Board reviewed the license applicant chart and Board Member Martin moved to table this application until additional information regarding the documentation from the State of Oregon is received with Board Member Adelman providing a second. The motion carried by unanimous vote: 7-1.

Shauna K. Sindo

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

The Board reviewed the license applicant chart and Board Member Seitz moved for the approval of the applicant for licensure listed below with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Courtney A. Ginsberg

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

Application for Licensure (with self-disclosures)

Board Member Rhodes left the board meeting for a moment.

The Board reviewed the license applicant chart and Board Member Seitz moved for the approval of the applicant for licensure listed below with Board Member Bronson providing a second. The motion carried by unanimous vote: 7-0.

Jamie K. Fitzgerald

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

Board Member Rhodes returned to the board meeting.

Professional Business

Update on Dry Needling Issue

The Board heard from Jonathan Lindsey, representing the Arizona Society of Oriental Medicine and Acupuncture, on the activities associated with the dry needling issue at the legislature. Mr. Lindsey stated the sunset hearing for the Arizona State Board of Physical Therapy was held earlier in the day and the issue of dry needling was raised by the legislative committee of reference. In addition, Mr. Lindsey reported a number of people were demonstrating with signs on the capitol grounds asking for the legislature to take action against physical therapists practicing dry needling.

Executive Director Gonzalez stated the Arizona House and Senate Health committee chairs will be convening a stakeholder event in the hopes of resolving this issue. The Board and representatives from the acupuncture community will be participating.

Board Member Adelman articulated his strong desire for the Board and others to prepare in advance of any meeting so our message is not lost.

Theresa Ulmer, board consultant, provided an update on the sunset hearing (Arizona State Board of Physical Therapy) at the legislature. Ms. Ulmer believes there is a better understanding by members of the legislature on this issue so the topic will not be forgotten. Comments by Representative Heather Carter, chair of the house health committee, indicated she is committed to resolving this important matter. Lastly, Ms. Ulmer reported that a large number of licensed acupuncturists and others attended the sunset hearings earlier in the day.

Review and Adoption of 2014 Board Meeting Schedule

The Board reviewed the proposed 2014 board meeting schedule and Board Member Martin moved for the approval of this schedule with Board Member Rhodes providing a second. The motion carried by unanimous vote: 8-0.

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

Preparation for Election of 2014 Board Officers

The Executive Director reviewed the processed to be used at the January 22, 2014 board meeting. No action was taken.

2014 Legislation

Executive Director Gonzalez provided the Board with a review of legislation to be introduced in the upcoming legislative session. No action was required at this time. A draft bill will be presented at the January 22, 2014 board meeting.

Request for Waiver Re: Arizona Physical Therapy Association in connection with its investigation of the propriety of physical therapists using dry needling procedures. (Information only)

The Board reviewed this request and was provided with an explanation by Assistant Attorney General Monty Lee and no action was taken.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 555
Expired Licenses: 9
Active Certified Auricular Acupuncturists: 40

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for February 2014 licensees were prepared and sent. In addition, expired license and certificate letters for the month of November 2013 were sent.
- Attended and presented at the AzSOMA fall conference on Sunday, November 10, 2013.
- Completed and submitted inventory of IT assets to the Department of Administration.
- Completed the process to submit lobbyist reports electronically to the Secretary of State's office.

Future Meeting Dates

January 22, 2014
February 26, 2014

Board Member Bronson left the meeting at 3:30 p.m.

Call to the Public

No requests to speak were submitted.

Discussion of Items to be place on a future meeting agenda

- Dry Needling

Adjournment

Board Member Cho moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 7-0. The Board adjourned at 3:55 p.m.

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

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: January 22, 2014