



**State of Arizona Acupuncture Board of Examiners**  
1400 West Washington, Suite 230, Phoenix, Arizona 85007  
(602) 542-3095 FAX (602) 542-3093

**REGULAR MEETING**  
**(Teleconference)**  
**December 15, 2008**

**MINUTES**

**Board Members Present:**

Della Estrada, L.Ac., Chairperson (by telephone)  
Joe Balensi, L.Ac., Secretary (by telephone)  
Toni Bernalley, L.Ac., Professional Member (by telephone)  
John M. Rhodes, L.Ac., Professional Member (by telephone)  
Rebecca Wilks, MD, MD(H), Professional Member (by telephone)  
Toni Karnas, Consumer Member (by telephone)  
Diane Pruetz, Consumer Member (by telephone)  
Ross Adelman, Consumer Member

**Board Members Absent:**

Vacancy—Professional Member

**Attorney General Representative:**

Seth T. Hargraves, Assistant Attorney General

**Administrative Staff:**

Pete Gonzalez, Executive Director

**1. Call to Order**

Chairman Estrada called the meeting to order at 1:00 p.m.

**2. Declaration of Conflicts of Interest**

Board Member Estrada declared a conflict of interest on applicant for auricular certification: Michelle Stoddard

Board Member Bernalley declared conflicts of interest on applicants for licensure: Harvey Abrams, Chad Powell

**3. Discussion and Approval of Minutes**

Board Member Pruetz moved the adoption of the minutes for the November 25, 2008 board meeting with Board Member Bernalley providing a second. The Board approved the motion with an 8-0 vote.

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

The Board reviewed the license applicant chart and Board Member Adelman moved for the approval of the applicants for licensure listed below with Board Member Estrada providing a second. The Board approved the motion with an 8-0 vote.

Saneyee P. Karve  
Melissa N. Holman

The Board reviewed the license applicant chart and Board Member Balensi moved for the approval of the applicant for licensure listed below with Board Member Estrada providing a second. The Board approved the motion with a 7-0 vote. Board Member Bernalley did not vote due to conflict of interest.

Chad J. Powell

**5. Applications for Licensure (with self-disclosures)**

The Board reviewed the memo prepared the Executive Director regarding the acupuncture license application of Harvey Adams, D.C.

Dr. Abrams is licensed by the Arizona Board of Chiropractic Examiners and has received certification status to practice acupuncture by the same board.

The applicant disclosed past disciplinary actions taken by the Arizona Board of Chiropractic Examiners:

**2008: Complaint Number 2009-030**

This complaint was opened 10/28/08 and pending investigation.

**2001: Complaint Number 2001-075)**

The Arizona Board of Chiropractic Examiners placed Dr. Abrams on probation for a period of one year and paid a civil penalty of \$500. This action was taken by the Board because Dr. Abrams had placed an advertisement in the Qwest Dex yellow pages in the "Acupuncturists" section. Dr. Abrams at the time did not hold a certificate in the specialty of acupuncture as required by the Arizona Board of Chiropractic Examiners.

**1994: Complaint Number 9394-14C**

The Chiropractic Board suspended Dr. Abrams license for failure to file an annual renewal application and pay the annual renewal fee. Dr. Abrams filed the required application and fees along with \$200 civil penalty.

Mr. Abrams addressed the Board and explained the previous complaints filed with the Arizona Board of Chiropractic Examiners.

The Board asked Mr. Abrams a number of questions regarding the disciplinary actions taken by the Arizona Board of Chiropractic Examiners.

Board Member Balensi indicated he has some difficulty with a licensed individual not understanding their statutory responsibilities as referenced to Mr. Abrams not renewing his chiropractic license in a timely manner.

Board Members Adelman, Pruetz, and Estrada would like to wait on this license application review until the Board is able to meet in person along with gathering some additional information before action is taken by the Board.

Board Member Estrada moved to table this application for a future board meeting with a request to secure copies of minutes from the Arizona Board of Chiropractic Examiners meetings regarding the 1994 and 2001 complaints; chiropractic license verification letter from the State of Florida and any additional information Mr. Abrams provides (with approval from his legal counsel) on the pending complaint before the Arizona Board of Chiropractic Examiners. The motion was seconded by Board Member Adelman. The motion was approved 7-0. Board Member Bernalley did not vote due to conflict of interest.

**6. Applications for Auricular Certification**

The Board reviewed the certificate applicant chart and Board Member Bernalley moved for the approval of the applicant for certification listed below with Board Member Pruetz providing a second. The Board approved the motion with a 7-0 vote. Board Member Estrada did not vote due to conflict of interest.

Michelle A. Stoddard

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

The Board reviewed the continuing education application for the course “Principle and Clinical Application of Tung’s Acupuncture” presented by Dr. WC Young, Ph.D., L.Ac., OMD for 15 CEU’s on April 18-19, 2009 in Phoenix.

Board Member Rhodes moved for the approval of the application with Board Member Balensi providing a second. The Board approved the motion 8-0.

## 8. Professional Business

The Executive Director provided the Board with an update on the effort to consolidate health care regulatory boards. At this time, a workgroup of board representatives has been meeting with the Governor's staff to discuss the development of an organizational structure to operate the consolidation effort. There have not been any decisions made on how to create or implement this structure. It is unknown what impact the departure of Governor Napolitano and her staff will have and whether the incoming Governor will continue with this proposal.

Assistant Attorney General Seth T. Hargraves provided the Board with an update on Case #2008-01 regarding Clark W. Kim. According to Mr. Hargraves, he filed a Complaint and Application for Preliminary and Permanent Injunctions against Mr. Kim in La Paz County Superior Court. On November 4, 2008, the court agreed to stipulate to the issuance of preliminary injunction. The court on December 12, 2008 issued an Order Granting Permanent Injunction. A copy of this order will be made available at the January 28, 2009 board meeting. Members of the Board thanked Mr. Hargraves for his efforts on this matter.

The Executive Director reviewed the Budget Management Plan submitted to the Governor's Office of Strategic Planning and Budgeting (OSPB). The OSPB has asked all boards and agencies to submit Budget Management Plans for the current fiscal year—FY2009. This effort is underway to address the state budget shortfall of \$1.3 billion for the current fiscal year which ends June 30, 2009.

The OSPB determined the Board would need to identify an amount of \$9,044 to assist the state in addressing the state budget dilemma. The materials presented are the items identified and submitted to the OSPB by the office that could be suspended, but not without serious harm to the daily operations and statutory responsibilities of the Board. If this action were approved, the health and public safety of the general public could be compromised.

Board Members expressed their concerns regarding this potential budget cut and how the Board could respond in meeting its statutory obligation to serve the public without adequate funding.

The Board reviewed the Board Meeting Schedule for 2009 and asked for the schedule to be placed on the Board's website.

## 9. Executive Director Report

Executive Director Gonzalez provided the following report to the Board.

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

Active Licensed Acupuncturists: 474

Current Expired Licenses: 15

Active Certified Auricular Acupuncturists: 57

## **Board News:**

Still no word from the Governor's Office of Boards and Commissions on appointments to the Board. The terms of Board Members Adelman, Balensi, and Pruetz expired January 2008 and each member has expressed interest in reappointment to the Boards and Commissions office. The Board also has a vacancy due to a resignation in October 2007. The terms of Board Members Bernalley and Wilks will terminate January 2009.

The Board has been invited by the Board of Directors of the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA) to their traditional Chinese New Year Banquet on Sunday, February 1, 2009 from 4:30 p.m. to 8:00 p.m. For additional information, go to [www.azsoma.org](http://www.azsoma.org)

Assistant Attorney General Hargraves reminded the Board to notify the Executive Director if they plan on attending the banquet so a meeting notice can be posted if a quorum of board members will be attending the event.

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

The Executive Director prepared and submitted the Budget Management Plan for the remainder of the current fiscal year as requested by the Governor's Office of Strategic Planning and Budgeting (OSPB).

For the month of November, the board website was visited by 866 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 11,391 unique visits and 431,958 hits.

### **10. Future Meeting Dates**

January 28, 2009  
February 25, 2009

### **11. Call to the Public**

There were no requests made.

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

The Board will be conducting its election of officers at the January 28, 2009 board meeting.

### **13. Adjournment**

Board Member Bernalley moved for adjournment and Board Member Balensi provided a second. The motion passed by a vote of 8-0. The Board adjourned at 2:13 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pete Gonzalez". The signature is written in a cursive style with a large, stylized initial "P".

Pete Gonzalez  
Executive Director

Approved by the Board: January 28, 2009