



State of Arizona Acupuncture Board of Examiners
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REGULAR MEETING

February 25, 2009

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:01 p.m. on Wednesday, February 25, 2009, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bernalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
Della Estrada, L.Ac., Professional Member
Joe Balensi, L.Ac., Professional Member
John M. Rhodes, L.Ac., Professional Member (arrived at 1:30 p.m.)
Rebecca Wilks, MD, MD(H), Professional Member (via telephone)
Toni Karnas, Consumer Member (via telephone)
Diane Pruetz, Consumer Member

Board Members Absent:

Vacancy—Professional Member

Attorney General Representative:

Seth T. Hargraves, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

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 Balensi declared a conflict of interest on Complaint #2009-01.
Board Member Bernalley declared a conflict of interest on Complaint #2009-01.

Discussion and Approval of Minutes

Board Member Pruetz moved the adoption of the minutes for the January 28, 2009 board meeting with Board Member Balensi providing a second. The Board approved the motion with a 7-0 vote.

Board Officers Report

Chairperson Toni Bernalley and Board Secretary Ross Adelman shared their 2009 Strategic Plan that identifies goals to be addressed this year. Chairperson Bernalley acknowledged the accomplishments of the Board under the leadership of Chairperson Della Estrada.

Board Secretary Ross Adelman echoed the thoughts of Chairperson Bernalley and asked Board members to review the Strategic Plan and provide comments to begin the work needed to achieve the goals stated in the plan.

Applications for Licensure (without self disclosures)

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

Steven E. Schermerhorn
William F. Vukmanic

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “Diversity and End-of-Life Care” offered by the Hospice Foundation of America on April 29, 2009 (via satellite and webcast) for 3 continuing education hours.

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

The Board reviewed the continuing education application for the course “Introduction to Pediatric Oriental Medicine” offered by Bee Well Kidz, LLC, Naomi Richman, L.Ac. on May 3 & May 17, 2009 for 16 continuing education hours.

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

The Board reviewed the continuing education application for the course “Jesus Standing Qigong” offered by Li Junfeng on May 16 & 17, 2009 for 12 continuing education hours.

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

The Board reviewed the continuing education application for the course “Sound Mind Body Qi Gong Healing and Rejuvenation Workshop” offered by Pam Wallach, L.Ac. on March 14, 2009 for 7 continuing education hours.

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

The Board reviewed the continuing education application for the course “Integrating Eastern and Western evaluation, treatment and management of lower back pain” offered by Nora Coleman Hashimoto, DC, L.Ac. (CA) for 10 continuing education hours.

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

Executive Director Report

Executive Director Gonzalez provided the following report to the Board.

License and Certificate Status Report:

Active Licensed Acupuncturists: 475
Current Expired Licenses: 9
Active Certified Auricular Acupuncturists: 58

Board Appointment 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 first terms of Board Members Bennialley and Wilks were completed in January 2009.

Board Office Information/Activities:

The Executive Director was interviewed by the Parker Pioneer newspaper from Parker, Arizona about the Board's action regarding the complaint filed against Clark W. Kim. The complaint alleged Mr. Kim was practicing acupuncture without a license and Superior Court Judge Michael Burke issued a permanent injunction on December 2008 that prohibits Mr. Kim from practicing acupuncture. A copy of the newspaper article is provided at this time.

For the month of January, the board website was visited by 1081 individuals. A steady increase of hits has taken place in the last three years. In 2006, a total of 7496 individuals used the web; 10,200 in 2007; and 11,930 in 2008. A total of 459,755 hits were made in 2008. To date, there have been 1681 unique visits and 61,087 hits.

Future Meeting Dates

March 25, 2009

April 22, 2009

Discussion of Items to be place on a future meeting agenda

Further discussion on the 2009 Strategic Plan proposed by Chairperson Toni Bernalley and Board Secretary Ross Adelman.

Discussion on change of license renewal dates.

Complaints/Investigations

Complaint #2009-01 re: Della Estrada, L.Ac.

Board Members Balensi and Bernalley left the table and did not participate on this item having declared a conflict of interest. Board Member Estrada, being the subject of the complaint, also left the table and participated only as the subject of the investigation.

Secretary Adelman assumed the Chair on this item and made a motion to enter executive session at 1:34 p.m. to receive legal advice with Board Member Pruetz providing a second. The motion was approved 5-0.

The Board returned to regular session at 2:01 p.m.

The complaint has been lodged against Della Estrada, L.Ac., by Rene' Parke, L.Ac., alleging unprofessional behavior and possible ethics violations by Ms. Estrada and others concerning decisions made at the Arizona School of Acupuncture and Oriental Medicine (ASAOM) in Tucson, Arizona. Ms. Parke alleges statements made by Ms. Estrada and teachers at the school "...may be interpreted as libelous."

Secretary Adelman provided a brief overview on how the Board would proceed with the matter, hearing from the complainant, the licensee, and then anyone else that wanted to address the Board. Secretary Adelman requested that speakers on this item keep their comments brief and direct their comments to the matter at hand.

In light of the fact that the complaint had been filed against a Board member, Assistant Attorney General Seth T. Hargraves requested that each participating Board member who had not declared a conflict declare on the record their ability to make a fair and impartial decision on the matter based solely on the facts and circumstances of the case. All five board members (Adelman, Rhodes, Pruetz, Wilks, Karnas) made their statements for the record.

Complainant Rene' Parke addressed the Board and asked that Ms. Della Estrada apologize for her actions to the school, students and faculty. Ms. Parke believes that Ms. Estrada acted in an unprofessional manner by sending an email urging people to act as a result of actions taken by the administration at the Arizona School of Acupuncture and Oriental Medicine. Ms. Parke would like Ms. Estrada to admit she made a mistake.

Ms. Della Estrada explained the sequence of events on this matter and stated she has apologized, but Ms. Parke has not been satisfied. Ms. Estrada directed the Board to the messages and letters of support that had been submitted on her behalf.

Stan Posey, licensed acupuncturist and faculty member, at the Arizona School of Acupuncture and Oriental Medicine in Tucson addressed the Board. Mr. Posey spoke in support of Ms. Estrada and stated that he did not believe anything unethical took place.

Hannah Steerman, licensed acupuncturist and faculty member, at the Arizona School of Acupuncture and Oriental Medicine in Tucson provided the Board with her views on the allegation of unprofessional conduct against Della Estrada. Ms. Steerman does not think Della Estrada conducted herself in an unprofessional manner.

Joe Balensi, licensed acupuncturist, stated he believes this matter was a school matter that needs to be addressed by the school.

Board Members proceeded to take turns asking questions of Ms. Parke and Ms. Estrada regarding the allegations and facts of the case.

Board Member Adelman made a motion to enter executive session at 2:44 p.m. to receive legal advice with Board Member Pruetz providing a second. The motion was approved 5-0.

The Board returned to regular session at 2:50 p.m.

Board Member Adelman made a motion to table this matter until the March 25, 2009 board meeting with a second from Board Member Pruetz. The motion passed 5-0.

Call to the Public

Stan Posey, L.Ac., addressed the Board on the matter concerning the complaint filed against Della Estrada.

Michael Prater, President of the Arizona School of Acupuncture and Oriental Medicine in Tucson, made himself available to answer any questions the Board may have at this time.

Adjournment

Board Member Pruetz moved for adjournment and Board Member Adelman provided a second. The motion passed by a vote of 8-0. The Board adjourned at 2:55 p.m.

Respectfully Submitted,

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

Pete Gonzalez
Executive Director

Approved by the Board: March 25, 2009