



State of Arizona Acupuncture Board of Examiners
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REGULAR MEETING

May 27, 2009

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, May 27, 2009, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bernalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
James Bloom, Consumer Member
Woohyung Cho, L.Ac., Professional Member
Della Estrada, L.Ac., Professional Member
Robert L. Gear, N.M.D., D.C., Professional Member
Toni Karnas, Consumer Member (via phone)
John M. Rhodes, L.Ac., Professional Member
Rebecca Wilks, MD, MD(H), 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 1:04 p.m. The following order of business was then considered.

Introduction of New Board Members

Jim Bloom, Robert Gear, and Woohyung Cho introduced themselves to the Board and shared their professional experience and background.

Declaration of Conflicts of Interest

Board Member Bernalley declared a conflict of interest on the acupuncture license application of Harvey Abrams.

Board Member Cho declared a conflict of interest on the acupuncture license application of Harvey Abrams.

Board Member Rhodes declared a conflict of interest on the acupuncture license application of Harvey Abrams.

Board Member Estrada declared a conflict of interest on the auricular acupuncture certificate application of Megan Townsend.

Discussion and Approval of Minutes

Board Member Rhodes moved the adoption of the minutes for the April 22, 2009 board meeting with Board Member Adelman providing a second. The Board approved the motion with an 8-0 vote.

Complaints/Investigations

Complaint #2009-02 re: Qingsong Xiao, L.Ac. #0522 (UC)

The Executive Director reviewed the memo provided to the Board regarding this complaint that alleges Ms. Xiao removed a piece of clothing in the treatment area.

The Board asked Ms. Jennifer Witzke if she had anything further to add regarding her complaint. Ms. Witzke stated she had no further information to share with the Board at this time.

Ms. Xiao's, legal representative, Thomas Moring, addressed the Board and wanted to make the Board aware that Ms. Witzke was not the patient. It was made clear that Mr. Daniel Witzke was the patient, but not treated by Ms. Xiao, but was treated by Puquan Xiao.

The Board asked Mr. Moring on how the treatment area was arranged and whether Ms. Witzke could see the treatment area where Mr. Witzke was being treated. Mr. Moring indicated it was not possible. Mr. Moring stated he does not believe a violation took place to warrant any action against his client, Ms. Xiao.

Board Member Adelman moved for the dismissal of Complaint #2009-02 with Board Member Karnas providing a second. The Board approved the motion with an 8-0 vote.

Complaint #2009-03 re: Guohua Ye Massey (UP)

The Board reviewed the memo prepared by the Executive Director regarding the allegation of practicing acupuncture without a license by Ms. Guohua Ye Massey.

Board Member Adelman asked if Ms. Massey has been notified to cease and desist the practice of acupuncture and the Executive Director informed the Board such a letter has been sent to Ms. Massey. Ms. Massey has provided a response indicating she is not practicing acupuncture and plans to apply for licensure in the future.

Board Member Adelman moved for the dismissal of Complaint #2009-03 with Board Member Wilks providing a second. The Board approved the motion with an 8-0 vote.

Consideration of Request for Approval of Acupuncture Program

The Executive Director provided the Board with an explanation of the memorandum on the request by Ms. Sun Chun to have the American International Acupuncture Institute's program reviewed so she can acquire an acupuncture license.

The Institute operated in Brooklyn, New York, but it has since closed. Prior to closure, the Institute had applied for national accreditation, but the process was not completed with the Institute ceased operations. Pursuant to Board requirements found in R4-8-403 and R4-8-404, the Board reviewed the program to determine if the Institute meets the requirements before taking action on Ms. Chun's application for licensure.

Board Member Rhodes moved for the approval of the acupuncture program provided by the American International Acupuncture Institute with Board Member Adelman providing a second. The Board approved the motion with an 8-0 vote.

Applications for Licensure (without self disclosures)

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

A. Sun Chun

Applications for Licensure (with self-disclosures)

The Board reviewed the license application submitted by Jamie B. Miles and discussed the memo prepared by the Executive Director regarding the self disclosure by Ms. Miles. Ms. Miles included with her license application an explanation of a complaint that had been filed with the National Certification

Commission for Acupuncture and Oriental Medicine (NCCAOM). The complaint was reviewed by the NCCAOM and dismissed.

Board Member Rhodes moved for the approval of applicant Jamie B. Miles for licensure with Board Member Adelman providing a second. The Board approved the motion with an 8-0 vote.

At this time, Board Members Bennalley, Cho and Rhodes left the table and did not participate on this item having declared a conflict of interest, as the Board reviewed the license application of Harvey Abrams. Board Secretary Ross Adelman assumed the chair.

The Board was provided with a history of the Dr. Abrams license application since the Board had tabled the application until hearing from the Arizona Board of Chiropractic Examiners on a complaint filed against Dr. Abrams. The Board was provided a memorandum prepared by the Executive Director which informed the Board of the advisory letter issued by the Arizona Board of Chiropractic Examiners to Dr. Abrams on the complaint filed with their office.

Board Members were informed that two additional complaints have been filed against Dr. Abrams with the Arizona Board of Chiropractic Examiners—Complaint #2009-072 (March 11, 2009) and Complaint #2009-089 (April 11, 2009).

Board Member Karnas left the board meeting at approximately 1:40 p.m.

Board Member Adelman moved to enter executive session to receive legal advice at 1:45 p.m. with Board Member Wilks providing a second. The motion was approved with a 5-0 vote.

The Board returned to regular session at 2:05 p.m.

Board Member Gear moved the Board table this application until further details on pending complaints with the Arizona Board of Chiropractic Examiners are received from Mr. Abrams and the Arizona Board of Chiropractic Examiners. Board Member Adelman provided a second. The Board approved the motion with a 5-0 vote.

Board Member Bennalley assumed the Chair after this item.

Applications for Auricular Certification (with self-disclosures)

The Board reviewed the certificate application submitted by Megan S. Townsend who disclosed she had been arrested and charged in 2003 with the Distribution of Controlled Substance, a third degree felony in New Mexico.

Board Member Estrada left the table and did not participate on this item having declared a conflict of interest.

Board Member Gear moved for the approval of the applicants for certification listed below with Board Member Rhodes providing a second. The Board approved the motion with a 7-0 vote.

Board Member Estrada returned to the board table after the vote was taken.

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application—2009 Lyme-Autism Connection Conference: From Roadblocks to Recovery on June 25-28, 2009 in Phoenix.

Board Members discussed the application and determined the program as presented did not directly relate to the practice of acupuncture. In general, the Board stated the conference appears to be more of informational forum as opposed to continuing education.

Board Member Rhodes moved to not approve of the application with Board Member Estrada providing a second. The Board approved the motion 7-0 vote.

Professional Business

The Board discussed the Strategic Plan 2009 and determined to establish two advisory committees: Continuing Education and Ethics.

Board Member Bernalley moved the creation of the Ethics Advisory Committee to include Board Members Gear, Bernalley, Adelman and Wilks. A second on the motion was provided by Board Member Adelman. The motion was approved by an 8-0 vote.

Board Member Bernalley moved the creation of the Continuing Education Advisory Committee comprised of Board Members Rhodes, Bloom, and Cho. A second on the motion was provided by Board Member Adelman. The motion was approved by an 8-0 vote.

Executive Director Report

Executive Director Gonzalez provided the following report to the Board.

License and Certificate Status Report:

Active Licensed Acupuncturists: 479
Expired Licenses: 5
Active Certified Auricular Acupuncturists: 56

Board Appointment News:

The Governor's Office has appointed James Bloom as a Consumer Member, Woohyung Cho, L.Ac. and Robert L. Gear, N.M.D. and D.C. as Professional Members to the Board. In addition, Rebecca Wilks, MD, MD(H) has been reappointed for a second term.

Board Office Information/Activities:

Provided the new board member (Woohyung Cho and Robert L. Gear) orientation with the assistance of Chairperson Toni Bernalley and Assistant Attorney General Seth T. Hargraves on May 11, 2009. In addition, provided new board member James Bloom with the same orientation on May 21, 2009. The information shared with new board members includes an overview of administrative law and procedures, board meeting schedule, board meeting agenda, board member ethics training requirement, and paperwork to meet state and federal requirements.

Attended the Executive Directors meeting on May 12 called by Jeri Auther, the Governor's Policy Adviser of Regulatory Affairs. Items discussed were:

- Board appointments
- Rulemaking Moratorium
- Legislative report
- Budget

Provided the Governor's Policy Adviser of Regulatory Affairs, Jeri Auther, with the attached letter to comply with the April 20, 2009 request made by Governor Janice K. Brewer.

Completed and submitted the following:

- Internals Control Self-Assessment as required by the Arizona State Department of Administration.
- American Specialty Health Networks, Inc. questionnaire regarding licensure requirements.

Spoke to students (Ethics Course) at the Phoenix Institute of Herbal Medicine and Acupuncture on April 27.

Future Meeting Dates

June 24, 2009

July 22, 2009

Call to the Public

Y.M. Chen, L.Ac. addressed and invited the Board to the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA) forum to be held in Tucson on June 7, 2009.

Discussion of Items to be place on a future meeting agenda

No requests were made.

Adjournment

Board Member Gear moved for adjournment and Board Member Adelman provided a second. The motion passed by a vote of 8-0. The Board adjourned at 2:54 p.m.

Respectfully Submitted,

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

Pete Gonzalez
Executive Director

Approved by the Board: June 24, 2009