



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

August 25, 2010

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, August 25, 2010, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bernalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
Maureen Bronson, Consumer Member
Woohyung Cho, L.Ac., Professional Member
Dianne Darcy, L.Ac., Professional Member
Robert L. Gear, NMD, DC, Professional Member
John M. Rhodes, L.Ac., Professional Member
Rebecca Wilks, MD, MD(H), Professional Member

Board Members Absent:

Board Appointment Vacancy—Consumer Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

Chairperson Bernalley called the meeting to order at 1:09 p.m.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Darcy declared a conflict of interest on the acupuncture license application of Christy L. Allen.

Board Member Bernalley declared a conflict of interest with Agenda Item 8 (B), continuing education application submitted by the Phoenix Institute of Herbal Medicine and Acupuncture.

Board Member Bronson declared a conflict of interest with Agenda Item 8 (B), continuing education application submitted by the Phoenix Institute of Herbal Medicine and Acupuncture.

Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the minutes for the June 23, 2010 regular board meeting with Board Member Rhodes providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bernalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
								Absent

Board Member Bronson moved the adoption of the executive session minutes for the June 23, 2010 regular board meeting with Board Member Rhodes providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bernalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
								Absent

Presentation by Goodman Schwartz Public Affairs regarding Potential Co-Location of Board for the In-Home Care Industry (information only)

Stuart Goodman and Brandy Petrone provided the Board with an explanation of the potential opportunity to co-locate the In-Home Care Industry board with the Acupuncture Board of Examiners. This proposal would reduce some of the Board's costs by sharing its Executive Director and other administrative costs with a proposed regulatory board for the in-home care industry.

The in-home care industry provides services to the elderly or people with disabilities by assisting in their activities of daily living in order to allow these individuals to be able to live at home.

The Arizona Non-Medical Home Care Licensure Coalition (AzNHCL) is a volunteer coalition of non-medical home care services business providers, and other affiliated health care professionals and organizations that are dedicated to work together for safety and quality care for the consumer by establishing reasonable standards for business ethics, training and practices for its industry. Arizona is one of approximately 20 states that does not regulate or otherwise monitor businesses that provide in-home care services and support services.

The Board requested a timeline on this proposal. Mr. Goodman shared that a sunrise report, to create the board, would be submitted in September 2010 to the legislature and with the hopes of having legislation introduced in January 2011 for consideration.

Board Member Adelman asked that a statement of work be developed, if the Board approves this proposal, so the Executive Director's duties are clearly stated to avoid any conflicts between the two boards. Mr. Goodman indicated this effort is to not interrupt the operations of the Acupuncture Board, but to share the skills of the Executive Director for administrative purposes. The new board would need to hire personnel to assist the Executive Director to establish and maintain the operations of the board.

Board Member Rhodes shared his thoughts on this proposal by stating that rent costs, personnel costs, and all other operational costs would be shared by the two boards which are cost effective.

Board Member Gear was interested in what the driving force is behind the thought in creating this new board. Mr. Goodman responded the in-home care industry in Arizona is interested in taking a proactive stance in providing consumers with protection by creating a regulatory board.

Board Member Gear asked Mr. Goodman about the rulemaking and statutory efforts that will be required. Mr. Goodman informed the new board will need to contract with a rule writer to meet their rulemaking needs. Board Member Gear requested that a draft copy of the legislation be provided to the Board. Brandy Petrone and Stuart Goodman indicated they will follow up with the Executive Director to meet this request.

In closing, Mr. Goodman thanked the Board for the opportunity to present this proposal and will be providing a copy of the Sunrise Report to the Board after it has been submitted to the legislature.

Administrative Inquiries

The Board asked Martin D. Werner, L.Ac. to provide them with an explanation of his understanding of the requirements in gaining Board approval for a preceptorship program.

Mr. Werner provided the Board with an overview of his professional training and experience in acupuncture and oriental medicine. He has taught at schools of acupuncture and continues to provide his knowledge to individuals interested in the practice of acupuncture.

Board Member Gear asked Mr. Werner if he is teaching students acupuncture or kung fu so the Board has a better understanding of Mr. Werner's intentions in the field of teaching. Mr. Werner responded by stating that he is not teaching acupuncture at this time. Mr. Werner operates a school to teach kung fu, but not a school to teach acupuncture.

Board Member Bennalley addressed the contradiction of reference of board rules, as provided by Mr. Werner in his correspondence, since the rules have been changed since 2006. Mr. Werner had referenced a rule that didn't exist in 2006. He apologized for this error.

Board Member Gear explained to Mr. Werner that he keep current with board rules to avoid any confusion in the application process to provide a preceptorship program.

Board Member Bennalley asked Mr. Werner why he has not provided a complete preceptorship program and preceptorship supervisor applications.

Board Member Adelman informed Mr. Werner of the process in gaining a review of a preceptorship program and supervisor application. Board Member Adelman shared information with the Board that he had located on Mr. Werner's website. Board Member Adelman informed Mr. Werner of the intent to remove national examinations for preceptorship students by the NCCAOM in the coming year.

Mr. Werner was asked by Board Member Darcy if he had reviewed all the requirements needed to gain board-approval of the preceptorship training program. Mr. Werner was not sure if he had the most current list of requirements and not familiar with the process.

Board Member Rhodes shared his frustrations with this matter and hoped that both sides are able to resolve this misunderstanding.

Assistant Attorney General Monty Lee reviewed the preceptorship and preceptorship supervisor program requirements for Mr. Werner so the Board can review the application materials at a future board meeting.

Mr. Werner shared his materials that include course offerings and descriptions for the Board to review at this time. Board Member Adelman informed Mr. Werner of the exhaustive amount of materials needed for submission to the Board for review.

Board Member Gear suggested to Mr. Werner that he explore the process used by the Private Postsecondary Board in the application of starting a school. In addition, Mr. Werner could apply for continuing education approval from the Board.

Board Member Wilks asked Mr. Werner if he understands the process in getting board-approval for his preceptorship. Mr. Werner answered in the affirmative.

Board Member Darcy commended Mr. Werner for his willingness and commitment to teaching.

Board Member Bennalley reminded Mr. Werner of the NCCAOM’s intent to eliminate the examination process for graduates of preceptorship training programs.

Mr. Werner stated he would rather see the Board establish its own examinations and not rely on the national examinations for board review of licensure.

Executive Director Gonzalez, shared with the Board and Mr. Werner, what is taking place across the country in the area of examinations for state licensure. The majority of states utilize the examination services of the NCCAOM and there is little evidence of this situation undergoing some change in the future.

The Board thanked Mr. Werner for coming before the Board and no action was taken.

Applications for Licensure (without self disclosures)

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

Todd S. Turetsky
Linda C. Marino

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

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 Wilks providing a second. The motion carried by unanimous vote: 7-0.

Christy L. Allen

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

Applications for Auricular Certificate (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 Darcy providing a second. The motion carried by unanimous vote: 8-0.

Tonya A. Thompson
 Brian K. Arbizo
 Erica N. Beca
 Mary Helen Silva
 Shyamia A. Stone
 Andres Yubeta

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

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “Face Reading: Ancient Chinese and Modern Legal Methodologies” offered by Joseph Garner, L.Ac., on October 16, 2010 for 7.5 hours.

Board Member Rhodes moved for the approval of the continuing education application with Board Member Wilks providing a second. The motion carried by unanimous vote: 8-0.

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

Board Member Gear left the meeting at 2:57 p.m.

The Board reviewed the continuing education application for the course “Essentials for Teaching Excellence in AOM education ” offered by the Phoenix Institute of Herbal Medicine and Acupuncture for 30 hours.

Board Member Rhodes moved for the approval of the continuing education application with Board Member Darcy providing a second. The motion carried by unanimous vote: 5-0.

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

Professional Business

Review of Rules for Five-Year Report for Arizona Administrative Code, Title 4, Chapter 8, All Articles

Executive Director Gonzalez provided the Board with the explanation of why this review is required and how the process will develop over the course of the next couple of months. Board members were asked to review the board rules and provide their questions and comments regarding the current set of rules to determine if any rules should be amended, deleted, and improved for the conduct of board business for the next five years. The final review is due by October 26, 2010.

Review of FY 2011 State Boards Office Interagency Service Agreement

Executive Director Gonzalez reviewed the terms of the agreement with the Board. If the Board decides to co-locate with another board the terms of this agreement may change in the future.

Status report on 2010 Strategic Plan

The Board reviewed the Strategic Plan and will be addressing this topic in further detail at future board meetings.

Board Members Wilks and Bronson left the board meeting at 3:23 p.m.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 488

Expired Licenses: 7

Active Certified Auricular Acupuncturists: 63

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for September and October 2010 licensees were prepared and sent. In addition, expired license and certificate letters for the months of June and July were sent.
- Completed and submitted to the Secretary of State's office, the Notice of Agency Ombudsman as required by A.R.S. §41-1006. The Board must annually report the name of the ombudsman to be published in the state register. This requirement was previously required of agencies with over 100 employees, but the requirement now applies to all agencies, boards, and commissions.
- Updated the contact information on the Department of Administration Human Resources Agency Directory on the Human Resources Professional website.
- Completed and submitted Certification of Compliance as required by A.R.S. §41-1091(D). This citation requires the Board to make available a directory of applicable rules and substantive policy statements to the general public.
- Pursuant to Laws 2010, Chapter 88, HB 2009, Second Regular Session, placed a statement on the board website stating where all public notices of meetings will be posted.
- Submitted the Lobbyist Quarterly Expenditure Report for the 2nd Quarter of 2010. This report is required by the Arizona Secretary of State's Office.
- Completed and submitted the information required by the State's Comprehensive Annual Financial Report (CAFR). This includes information relating to the Closing Packages and Capital Leases and Installment Purchases by the State.
- Provided updated information to the American Specialty Health Networks, Inc. (ASH Networks) regarding verification on the education of providers who apply for admission to the network.
- Completed survey information as requested by Aperture, an Ingenix company that is a credentials verification organization contracted to assist health plans with primary source verification of practitioners.
- Certificate of Delegated Procurement Authority as required by the Arizona Department of Administration.
- 2009 2nd Quarter Debt Report to the Office of the Attorney General and the Arizona Department of Administration—General Accounting Office.
- Time Frame Compliance Report (A.R.S. §41-1078(A)) to the Governor's Regulatory Review Council.
- Report of Indebtedness Made To the Arizona Department of Revenue and Lease Purchase/Third-Party Financing Contracts Report Made To The Arizona Department of Revenue as required by A.R.S. §35-501, §35-502 and §35-503.
- Completed and submitted the Annual Agency Survey requested by the Office of the Attorney General.

Future Meeting Dates

September 22, 2010
October 27, 2010

Call to the Public

The Board did not receive any requests.

Discussion of Items to be place on a future meeting agenda

The Board requested the following topics be placed on the next board meeting agenda:

- Strategic plan discussion and update
- Review of board rules
- Co-location with the in-home care industry
- Executive Director performance evaluation

Adjournment

Board Member Rhodes moved for adjournment and Board Member Darcy provided a second. The motion carried by unanimous vote: 5-0. The Board adjourned at 3:35 p.m.

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

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: September 22, 2010