



State of Arizona Acupuncture Board of Examiners
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REGULAR MEETING

August 26, 2009

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:03 p.m. on Wednesday, August 26, 2009, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bennalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
Woohyung Cho, L.Ac., Professional Member
Della Estrada, L.Ac., Professional Member
Robert L. Gear, N.M.D., D.C., Professional Member (arrived at 1:08 p.m.)
John M. Rhodes, L.Ac., Professional Member
Rebecca Wilks, MD, MD(H), Professional Member

Board Members Absent:

James Bloom, Consumer Member
Toni Karnas, Consumer Member

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

Call to Order

Chairperson Bernalley called the meeting to order at 1:03 p.m. The following order of business was then considered:

Moment of Silence: Joanna Wiscombe, L.Ac.

The Board recognized the passing of Joanna Wiscombe with a moment of silence and the following words were provided by Board Member Rhodes.

By her own admission, Joanna was a bit scattered on occasion. As a teacher, she would catch herself off track, at times. It was her ingenuous nature that was so beautiful. Joanna was so authentic and natural. She not only let it be OK not to be perfect, but she would laugh at herself and ease the pressure of other's trying to perform. I loved that about Joanna. She gave me permission to be myself. And she was a constant encourager. I thought Joanna was very cool.

One of Joanna's most precious characteristics was her willingness to be transparent. As a result, her emotions were more spontaneous and genuine than most. This, I think, allowed students and friends, to trust her. In never felt judged by Joanna. I always knew what she was thinking because she not hesitant to say what she was feeling.

It has been a couple of years since I have seen Joanna, but my appreciation and respect for her has never diminished. She will be greatly missed.

Declaration of Conflicts of Interest

Board Member Bernalley declared a conflict of interest on the auricular acupuncture certificate application of Roy A. Johnston.

Board Member Estrada declared a conflict of interest on the auricular acupuncture certificate applications of Kaitlin M. Groch Baroi, Ramona A. Rascon, Fernando A. Duran, and Mona Y. Darwich.

Board Member Rhodes declared a conflict of interest on the auricular acupuncture certificate application of Catherine A. Paddack.

Discussion and Approval of Minutes

Board Member Rhodes moved the adoption of the minutes for the June 24, 2009 board meeting with Board Member Wilks providing a second. The Board approved the motion with a 6-0 vote.

Applications for Licensure (without self disclosures)

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

Gregory V. Hunt, Holly N. Baker, Jason P. Kauffman, Joe D. Mooker

Assistant Attorney General Montgomery Lee introduced himself as the assigned representative from the Office of the Attorney General.

Applications for Auricular Certification

The Board reviewed the certificate applicant chart and Board Member Bernalley moved for the approval of the applicants for certification listed below with Board Member Wilks providing a second. The Board approved the motion with a 6-0 vote. Board Member Estrada did not vote due to conflict of interest.

Kaitlin M. Groch Baroi, Ramona A. Rascon, Fernando A. Duran, Mona Y. Darwich

The Board reviewed the certificate applicant chart and Board Member Adelman moved for the approval of the applicant for certification listed below with Board Member Bernalley providing a second. The Board approved the motion with a 6-0 vote. Board Member Rhodes did not vote due to conflict of interest.

Catherine A. Paddack

The Board reviewed the certificate applicant chart and Board Member Adelman moved for the approval of the applicant for certification listed below with Board Member Wilks providing a second. The Board approved the motion with a 6-0 vote. Board Member Bernalley did not vote due to conflict of interest.

Roy A. Johnston

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “Sheng Zhen Healing Qigong” presented by Li Junfeng for 12 CEU’s on October 10 & 11, 2009 in Phoenix.

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

The Board reviewed the continuing education application for the course “Spirit of the Points—Seminar 1” presented by Tala Lindaro, L.Ac. for 14 CEU’s on October 17 & 18, 2009 in Prescott, Arizona.

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

Professional Business

The report from the Ethics Advisory Committee was presented by Board Member Wilks. Board Member Wilks reported the committee is reviewing some national data and discussing whether a rule or statutory change will be required to accomplish the work of the committee. The committee will continue to report on their progress at future meetings.

The report from the Continuing Education Advisory Committee was provided by Board Member Rhodes as follows:

The committee was charged with the responsibility to research and return to the Board, suggestions and recommendations regarding the topic of approval and/or requirement of Continuing Education in the areas of Cardiopulmonary Resuscitation (CPR) and Ethics for licensure to legally work as an acupuncturist in the State of Arizona. The committee has met twice via teleconference.

Issues recently presented to the Board have raised concerns over the need for possible inclusion of Continuing Education hours in the area of Ethics, as a requirement for licensure. It would be the hope of certain members of the Board, that a requirement for Continuing Education in the area of Ethics would support the high standards of the Acupuncture profession and increase the protection of the consumer.

Research done on behalf of the committee, revealed that of all the medical professional groups that were studied: Nursing, MD’s, PT’s, Chiropractors, and Athletic Trainers: there were no state requirements for continuing education in the area of Ethics. It is already known that the National Certification Commission for Acupuncture and Oriental Medicine requires four of the total thirty hours required for four years of certification, be in the area of Ethics.

There was approval of continuing education hours in the area of Ethics, from the professional boards, as is the case with our Acupuncture board.

Concerning CPR requirements, the licensed Athletic Trainers in Arizona are the only profession that requires annual continuing education for licensure. For some the question of receiving continuing education credits for CPR training has never come up and it considered either a requirement from the place of employment or a personal/professional development concern.

It is the recommendation of this Advisory Committee that the Board continue the policy of including Ethics among the courses for Continuing Education credit, if the course provided by a Board approved organization. It is not recommended that Continuing Education in the area of Ethics be a requirement for licensure and renewal.

It is further recommended that the Board consider the inclusion of CPR training, from an approved course provider, for continuing education credit; typically, one unit of credit for each hour of classroom and lab time. It is not the recommendation of this committee, that CPR be a continuing education requirement for licensure. Meanwhile, the inclusion of CPR among approved courses for continuing education credits may have the effect of significantly increasing the number of licensed acupuncturists who have CPR certification.

The Board further discussed the need for any potential changes to statutes and rules pertaining to unprofessional conduct and ethics. Both advisory committees will continue to explore these topics.

HB 2306, Chapter 137, Laws 2009, 1st Regular Session

Executive Director Gonzalez reviewed the board memorandum on this new legislation. This bill clarifies when an individual must provide documentation of citizenship to obtain a license.

The Board is no longer required to ask for citizenship documentation from individuals on renewal and reinstatement of their license.

An individual is still required to provide documentation of their status if the individual holds a limited form of authorization to work in the country.

Assistant Attorney General Montgomery Lee informed the Board that the Office of the Attorney General will be reviewing this new legislation to determine if corresponding statutes do resolve this matter.

Rulemaking moratorium update

The Board was informed of the rulemaking moratorium implemented by the Office of the Governor. This moratorium is in effect until October 16, 2009. In addition, HB 2008, Third Special Session, Section 28, when enacted will establish a rulemaking moratorium for Fiscal Year 2009-2010 (July 1, 2009 to June 30, 2010).

Publication of Substantive Policy Statement, SPS 2009-001, in the Arizona Administrative Register

The Board reviewed substantive policy statement (SPS 2009-001). The policy statement provides for clarification of acupuncture license and auricular acupuncture certificate renewal date requirements. This statement has been published in the Arizona Administrative Register and became effective on July 1, 2009.

National Center for Complementary and Alternative Medicine (NCCAM) Study

A copy of the press release from the from the National Center for Complementary and Alternative Medicine regarding a new study on out-of-pocket spending by the American public on complementary and alternative medicine was shared with the Board.

Board Member Orientation memorandum prepared by the Office of the Attorney General

The Board was provided with this memorandum as a reminder of statutory responsibilities while serving on the Acupuncture Board of Examiners. The memorandum includes some suggestions for members of the board to consider as they continue their service on the board.

Fiscal Year 2009 Newsletter

Executive Director Gonzalez reviewed the newsletter with the Board. The newsletter includes information on board member terms, number of licensees, auricular acupuncture certificate holders, number of complaints, license renewals and location of acupuncturists found in the state.

In addition, the newsletter has information on new legislation, substantive policy statements, rulemaking, budget, and customer service survey results.

Executive Director Report

Executive Director Gonzalez provided the following report to the Board.

License and Certificate Status Report:

Active Licensed Acupuncturists: 477

Expired Licenses: 5

Active Certified Auricular Acupuncturists: 55

Board Office Information/Activities:

Completed and submitted the following:

- Lobbyist Quarterly Expenditure Report for the 2nd Quarter of 2009. This report is required by the Arizona Secretary of State's Office.
- Provided administrative assistance to the Continuing Education and Ethics Advisory Committees.
- Certification of compliance with 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.
- 5 year review report progress report to the Governor's Regulatory Review Council. The Board is required to report all the activities regarding the adoption of any new rules in the past year.
- 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 privacy source verification information for Med Advantage, a national Credentials Verification Organization that conducts primary source verifications for managed care agencies and hospitals.
- Completed and submitted annual Client Agency Survey as requested by the Arizona Office of the Attorney General.

The Board was awarded a Certificate of Excellence from the Arizona Department of Administration for financial achievement in receiving early pay credit for Arizona Network (AZNET) services and billing.

Attended the Governor's Office of Strategic Planning and Budgeting course on Budget Development System (BUDDIES) on July 30, 2009 in preparation for FY 2011 budget submission.

As President of the Federation of Acupuncture and Oriental Medicine Regulatory Agencies (FAOMRA), I will be attending a joint strategic planning session on September 21, 2009 in San Francisco. The eight national organizations will meet to develop specific action items under several major goals. The major goals and action items will be those that all the organizations believe are important to accomplish for the profession and specific time lines will be developed for implementation.

For the month of July, the board website was visited by 934 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 recorded in 2008. To date, there have been 6871 unique visits and 147,871 hits.

Future Meeting Dates

September 23, 2009
October 28, 2009

Call to the Public

There were no requests made.

Discussion of Items to be place on a future meeting agenda

No requests were made.

Adjournment

Board Member Bernalley moved for adjournment and Board Member Adelman provided a second. The motion passed by a vote of 7-0. The Board adjourned at 2:15 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: September 23, 2009