



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

March 26, 2014

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, March 26, 2014, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

John M. Rhodes, P.T., L.AC., Professional Member, Chairman

Teresa Buechel, L.AC., Professional Member, Secretary

Maureen Bronson, Consumer Member

Raoul T. Jacques, Consumer Member

B. Jeffrey Jolley, D.C., Professional Member

Jose Montoya, L.AC., Professional Member

Jennifer Sandoval, L.AC., Professional Member

Craig Seitz, D.C., L.AC., Professional Member

Board Member Absent:

Christopher M. Clair, Consumer Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

Chairman Rhodes called the meeting to order at 1:05 p.m.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Montoya declared a conflict of interest on Agenda Item 4, Complaint #2014-25 Aeimee Diaz, L.AC.

Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the January 22, 2014 regular board meeting minutes with Board Member Seitz providing a second. The motion carried by unanimous vote: 5-0.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X			X		X		X	Aye
									Nay
									Recused
			X		X		X		Abstained
		X							Absent

Board Member Seitz moved the adoption of the January 22, 2014 executive session minutes with Board Member Bronson providing a second. The motion carried by unanimous vote: 5-0.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X			X		X		X	Aye
									Nay
									Recused
			X		X		X		Abstained
		X							Absent

Board Member Bronson moved the adoption of the February 26, 2014 regular board meeting minutes with Board Member Jacques providing a second. The motion carried by unanimous vote: 8-0.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
		X							Absent

Complaints/Investigations

Complaint #2014-21 Elizabeth Sedano

The Board reviewed the complaint against Ms. Sedano regarding her website advertisement of auricular therapy services on December 10, 2013. Ms. Sedano is not a certified auricular acupuncturist as required by state law.

At the same meeting, Board Member Seitz moved for the Board to instruct the Executive Director to do the following: 1) follow up with Ms. Sedano on the removal of language found on her website; 2) check with the Phoenix Institute of Herbal Medicine and Acupuncture on the auricular therapy training program; 3) check on Ms. Sedano's license with the State of Arizona Board of Behavioral Health Examiners and report back to the Board at a future board meeting.

According to Executive Director Gonzalez, Ms. Sedano addressed all the issues identified by the Board. The Board will be hearing from the Phoenix Institute of Herbal Medicine and Acupuncture on the auricular therapy training program later in the meeting and Ms. Sedano's license with the State of Arizona Board of Behavioral Health is good standing.

Board Member Jolley moved to dismiss Complaint #2014-21 with Board Member Bronson providing a second. The motion carried by unanimous vote: 7-0.

Bronson	Buecheler	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X		Aye
									Nay
									Recused
									Abstained
		X						X	Absent

Complaint #2014-25 Aeimee Diaz, L.AC.

Ms. Diaz read the following statement:

To the Chairman and Arizona Acupuncture Board:

Since my sentencing on November 4th, 2013 I have been compliant with the following court orders;

1. Self-surrendered for 24 days of jail time at tent city with the first 48 hours no release, followed with 6 days' work release and one day in, starting on the 4th of January 2014. I was released on the 28th of January 2014.
2. House arrest began on the 29th of January 2014 for duration of 96 days', under which I am currently in until the 4th of May 2014. Every Wednesday at 9am I

pay \$105 and get my GPS anklet checked to make sure that it's on me. (As a side note: At my initial meeting, signing of contracts and agreements, I was told that I only had 24 days of house arrest. After coming home and reviewing my court papers I knew that they had made a mistake and I immediately called to inform them of the mistake and to please make the correction needed.)

3. I have 36 hours of group therapy at Dynamic Living that I attend on Tuesdays for two hours. I decided to wait until I got out of the tents to begin my classes because of the distance, I take public transportation. Dynamic Living is in Gilbert the tents are off Lower Buckeye Rd. and 35th Ave. I have two more weeks before I am done. I pay \$20 a week to attend for ten weeks and \$85 for 2 eight hour classes on a weekend. I have gone every week since I began therapy not missing one day, never late, participating, and learning many valuable tools on how to manage stress, the effects and damages on the body and mind with drugs and alcohol, and the laws in Arizona dealing with drugs and alcohol. It has helped me to understand the importance even more so for quitting drinking alcohol, to be healthy in mind-body-spirit. I am scheduled to attend an AA meeting as well in early April 2014.
4. On the 18th of every month I make a payment of \$20 to the Mesa Court towards my bill of \$4700. I am current and have been on time every month
5. DMV has suspended my license until December 29th 2014 then I may get an SR-22 and get an interlock put into my vehicle for a year. I have been taking the public transportation.

There have been many challenges to maintain a healthy balance and positive mental attitude. As a single mom of a teenager I've had to insure his care at home by friends and family. The great challenge was working through his anger and regaining his love and respect for me. I've had to pray a lot and keep strong faith in all things in my life.

I recently opened a holistic center in September 2013 with a business partner whom I had to ask to leave because she was stealing money and lying to me. She finally left in March 2014. I am now sole owner of the center which means that I am paying for all of the rent and utilities by myself. It has been doable even with the extra DUI expenses, but very challenging. I have applied at several jobs and have sent out my resume for job inquiries online. I have had a couple interviews but they always say I am over qualified, which makes me muster up a stronger desire to be more serious and successful with my practice and continue my education to be a Doctor of Oriental Medicine. I also desire to have a mentor in my field to help guide me and be a positive role model for me as I strive towards success of a new self.

The things I am taking with me from this DUI experience is the importance of being present, dealing with the situation/emotions/challenges/people at hand with truth, faith, accountability, and integrity. I have personally worked through anger, fear, shame, guilt, self-worth, negligence, accountability, patience, letting go, and consistence.

To my defense against the four complaints brought by the Chairman and Arizona Acupuncture Board, I noticed the renewal license application questioning was different from the initial license application. In the renewal application at the top of the application on page 2 it says, “Within the last 12 months”, while in the initial it does not state that, regarding any offenses. For the two years after my initial license application I did not have any offenses. After coming across this I felt like I should mention it.

I want to thank the Chairman and Arizona Acupuncture Board for allowing me to plead my case and helping to be a better person through this trial. I believe your decision will be one for the highest good for all.

The Board asked Ms. Diaz about her therapy sessions involving drug and alcohol use and whether this use occurred at her practice setting. Ms. Diaz stated her issues are those associated with personal issues.

Assistant Attorney General Lee stated the issue before the Board is whether Ms. Diaz was required to report any violations on the initial application and subsequent renewal applications.

Assistant Attorney General Lee reviewed the Board’s options regarding this complaint.

The Board discussed the options in order to meet their statutory responsibilities and protection of the public. Board Members shared their respective thoughts on how best to ensure the Board is taking the appropriate action regarding the violations cited.

Two individuals spoke in support of Ms. Diaz and wanted the Board to know that Ms. Diaz does not have a drinking problem. Additionally, the individuals informed the Board on how this incident has impacted their lives and how Ms. Diaz has become a better person.

Board Member Rhodes moved for a consent agreement to be prepared by Executive Director Gonzalez and Assistant Attorney General Lee and presented to Ms. Diaz that would include following.

- 1) to place Ms. Diaz on probation for six months to begin on May 4, 2014;
- 2) for Ms. Diaz to continue her treatments with the Dynamic Living Counseling, Inc. with monthly reports to the Board;
- 3) for Ms. Diaz to make arrangements with the Dynamic Living Counseling, Inc. for random urinalysis with monthly reports to the Board.

Board Member Bronson provided a second. The motion was approved by a roll call vote of: 4-3

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandovall	Seitz	Vote
X	X					X	X		Aye
			X	X				X	Nay

					X				Recused
									Abstained
		X							Absent

Complaint #2014-26 Michael Duncan, P.T.

The Board reviewed the complaint against Mr. Michael Duncan, P.T. The complaint has also been filed with the Arizona State Board of Physical Therapy.

Board Member Seitz moved to dismiss Complaint #2014-26 without prejudice with Board Member Jolley providing a second. The motion carried by unanimous vote: 8-0.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
		X							Absent

Applications for Licensure (without self-disclosures)

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

Robin K. Theis
 Jerrie Lynn Nelson
 Amanda L. Brown
 Shauna Sindo
 Caren Ducharme
 Shawn J. Sameiro
 Yu-Ting Liu
 Donna Combs

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
		X							Absent

Presentation of Five Point Protocol for Acupuncture Detoxification and Addiction Treatment

Toni Bennalley, L.AC. and Jonathan Lindsey from the Phoenix Institute of Herbal Medicine and Acupuncture (PIHMA) reviewed the contents of the auricular acupuncture training program provided by PIHMA.

This program was approved by the Board on January 25, 2012.

The purpose of the program is to prepare practitioners to demonstrate the skills necessary to conduct a five point auricular acupuncture addiction treatment. The program follows a curriculum similar to that adopted by the National Acupuncture Detoxification Association (NADA). The program consists of 70 clock hours of training: 30 clock hours of didactic training and 40 clock hours of clinical training. The forty hours of clinical training are conducted under direct supervision of a licensed acupuncturist. The speakers provided the Board with a handout to illustrate greater details of this training.

Students are expected to perform at least 29 treatments during a four hour period with proper point location and needling technique upon completion of the program. All students are required to attend three 12-step program meetings to include: addiction meeting, family support program and behavioral program.

Course participants are expected to read and sign acknowledgement of receipt and reading of Arizona laws and rules regarding the practice of auricular acupuncture.

Chairman Rhodes shared his concern with the potential misunderstanding by some that remote (away from the PIHMA campus) clinical training permits a student to provide treatments without supervision by a licensed acupuncturist.

To date, 14 non-traditional Chinese medicine students have taken some courses, 40 PIHMA students have taken courses with 3 individuals have completed the program.

The Board offered PIHMA the opportunity to work on some potential rule changes to reflect practice trends in auricular acupuncture.

The Board will have another opportunity to review auricular acupuncture at the April 23, 2014 board meeting in Tucson.

Other Applications/Requests – Continuing Education

”Zang Fu Tuina” provided by the Phoenix Institute of Herbal Medicine and Acupuncture for 3 hours on April 9, 2014 in Phoenix, Arizona.

The Board reviewed the application and Board Member Seitz moved for approval of the application with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
		X							Absent

”Transforming Trauma: Taking the 7 Steps of Spiritual Healing” provided by James Finley, Ph.D., for 12 hours on June 20-22, 2014 in Tucson, Arizona.

The Board reviewed the application and Board Member Jolley moved for approval of the application with Board Member Seitz providing a second. The motion carried by a vote of: 7-1.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X		X	X	X	Aye
					X				Nay
									Recused
									Abstained
		X							Absent

Professional Business

Executive Director Gonzalez provided the Board with an update on Senate Bill 1136—acupuncture board of examiners; Senate Bill 1154—physical therapists; dry needling; and House Bill 2087—health regulatory boards; training requirements. The legislature is not moving any bills as they are negotiating with the governor’s office on the state budget.

The Board reviewed and discussed the plans associated with the April 23, 2014 board meeting in Tucson.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 556
 Expired Licenses: 8
 Active Certified Auricular Acupuncturists: 36

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for May 2014 licensees were prepared and sent. In addition, expired license and certificate letters for the month of February 2014 were sent.
- Attended legislative hearings regarding SB 1136—acupuncture board of examiners and Senate Bill 1154—physical therapists; dry needling.
- Submitted the Arizona Acupuncture Board of Examiners Equal Employment Opportunity Plan to the Office of the Governor.
- Completed and submitted report and 2013 lobbyist expenditure report to the Secretary of State’s office.
- Coordinating with the Han University of Traditional Medicine (formerly the Asian Institute of Medical Studies) for the April 23, 2014 board meeting in Tucson.
- Working with the Governor’s Office of Strategic Planning and Budgeting on the Board’s FY 15 budget.

Future Meeting Dates

April 23, 2014 (Tucson)
May 28, 2014

Call to the Public

Melissa Fletcher, L.AC. shared her thoughts regarding here acu-detox experience and wondered if the Board could consider utilizing licensed acupuncturists on future disciplinary directives associated with chemical, substance and alcohol cases.

Discussion of Items to be place on a future meeting agenda

- Han University of Traditional Medicine
- Auricular Acupuncture

Adjournment

Board Member Bronson moved for adjournment and Board Member Buechel provided a second. The motion carried by unanimous vote: 8-0. The Board adjourned at 3:51 p.m.

Bronson	Buechel	Clair	Jacques	Jolley	Montoya	Rhodes	Sandoval	Seitz	Vote
X	X		X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstaine

									d
		X							Absent

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: April 23, 2014