



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

June 26, 2013

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, June 26, 2013, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Woohyung Cho, L.AC., Professional Member, Chairman

Christopher M. Clair, Consumer Member, Secretary

Maureen Bronson, Consumer Member

Teresa Buechel, L.AC., Professional Member

Patricia E. Martin, L.AC., Professional Member

John M. Rhodes, L.AC., Professional Member

Board Members Absent:

Ross Adelman, Consumer Member

Vacancy, Professional Member

Vacancy, Professional Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

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

The following order of business was then considered:

Declaration of Conflicts of Interest

None.

Discussion and Approval of Minutes

Board Member Martin moved the adoption of the May 22, 2013 regular board meeting minutes with Board Member Rhodes providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

Board Member Bronson moved to enter executive session to receive legal advice regarding the executive session minutes at 1:15 p.m. with Board Member Martin providing a second. The motion carried by a vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

The Board returned to regular session at 1:20 p.m.

Board Member Bronson moved to amend the May 22, 2013 executive session minutes as reviewed in executive session with Board Member Martin providing a second. The motion carried by a vote of: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

Complaints/Investigations

Complaint #2013-04--Qingsong Xiao, L.AC.

Executive Director Gonzalez informed the Board this matter has been resolved between the two parties.

Board Member Martin moved to dismiss Complaint #2013-04 with Board Member Bronson providing a second. The motion carried by a vote of: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

Complaint #2013-05—Kyseub Lee, L.AC.

Ms. Danielle Mampel addressed the Board regarding her allegation that Kyesub Lee, L.AC. sexually assaulted her on April 23, 2013 at Mr. Lee's office. The Board was provided with copies of Ms. Mampel's complaint, Chandler Police Department report on the incident and character reference letters provided in support of Ms. Mampel.

Ms. Mampel believes that Mr. Lee violated several sections of unprofessional conduct as found in A.R.S. 32-3901. These include 4 (b) (j) (l) (m) (s) (w). Ms. Mampel asked the Board to revoke Mr. Lee's acupuncture license. Ms. Mampel was seen for depression and she questioned why needles were inserted in the chest area during her treatment. She further questioned if a patient must disrobe for this treatment.

Board Member Martin provided a brief explanation of treatments and confirmed the point in the chest is appropriate.

Mr. Kyesub Lee stated the allegations are false and explained his treatment of Ms. Mampel.

Board Members asked Mr. Lee several questions regarding this treatment methods and how he handles treatments with female patients.

Mr. Lee stated if Ms. Mampel continues her effort against him, he will pursue other options to close the matter.

Ms. Mampel further explained some inappropriate touching and comments by Mr. Lee.

Member Martin moved to enter executive session to receive legal advice at 2:25 p.m. with Board Member Buechel providing a second. The motion carried by a vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

The Board returned to regular session at 2:55 p.m.

Board Member Rhodes moved to close Complaint #2013-05 and issue an advisory letter with Board Member Bronson providing a second. The motion carried by a vote of: 4-2.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X		X	X		X			Aye
		X			X				Nay
									Recused
									Abstained
X									Absent

Professional Business

Lobbyist/Consultant Contract Discussion

Executive Director Gonzalez provided the Board with a report on the requirements to contract for public policy consultation/assistance on the dry needling issue. The consultant will begin working with the Board on July 1, 2013 and extend to June 30, 2014.

Representatives from the Aarons Company introduced themselves to the Board—Theresa Ulmer and Laura Magnus. Both individuals shared their respective backgrounds in government relations and public policy.

Applications for Licensure (without self-disclosures)

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 Rhodes providing a second. The motion carried by unanimous vote: 6-0.

Lea H. Siebert
 Heidi N. McHardy
 Patricia A. Emslie

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

Other Applications/Requests – Continuing Education

“Basic Tung’s Orthodox Acupuncture Course” provided by World Tung’s Acupuncture Association for 36 hours/18 hours per section on September 28-29, 2013 and October 26-27, 2013 in Phoenix, Arizona.

The Board reviewed the application and Board Member Bronson moved for approval of the application with Board Member Rhodes providing a second. The motion carried by a vote of: 5 ayes and 1 abstain.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X		X			Aye
									Nay
									Recused
					X				Abstained
X									Absent

Executive Director’s Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 547
 Expired Licenses: 4
 Active Certified Auricular Acupuncturists: 41

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for August 2013 licensees were prepared and sent. In addition, expired license and certificate letters for the month of May 2013 were sent.
- Attended the June 11, 2013 study committee meeting on dry needling.

Budget Information

- The Legislature has approved the Governor’s budget and the Board’s funding requests have been approved.

Legislation

Senate Bill 1037, introduced by Senator Nancy Barto, includes the Board's legislative recommendations as developed by the continuing education advisory and legislative advisory committees.

SB 1037 was approved by the Arizona State Senate on February 11, 2013 by a vote of 28 ayes and 1 nay and sent to the Arizona House of Representatives for action.

The Arizona House of Representatives Health and Rules have approved SB 1037 with unanimous votes. The Arizona House of Representatives Majority and Minority caucuses have approved the bill and the bill is awaiting committee of the whole action by the Arizona House of Representatives.

Further action on SB 1037 did not take place after the Legislature approved the state budget because they adjourned the legislative session on June 14, 2013 at 12:59 a.m.

Future Meeting Dates

July 24, 2013

August 28, 2013

Call to the Public

Peter Chow, L.AC., presented the Board a copy of the "The 41 Most Destructive Points" as found in martial arts. Mr. Chow asked the Board to stop the practice of dry needling by physical therapists.

Jonathan Lindsey, representing the Phoenix Institute of Herbal Medicine and Acupuncture, spoke to the Board about the study committee on dry needling. Mr. Lindsey shared a letter with the Board that cites concern with one of the study committee members appointed by the Physical Therapy board. Mr. Lindsey believes there is a potential for a conflict of interest by this individual.

Discussion of Items to be place on a future meeting agenda

- Legislative committee
- Number of board meetings attended by phone discussion.

Adjournment

Board Member Rhodes moved for adjournment and Board Member Bronson provided a second. The motion carried by unanimous vote: 6-0. The Board adjourned at 3:54 p.m.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
	X	X	X	X	X	X			Aye
									Nay
									Recused
									Abstained
X									Absent

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: August 28, 2013