



State of Arizona Acupuncture Board of Examiners

**1400 West Washington, Suite 230, Phoenix, Arizona 85007
(602) 364-0145 FAX (602) 542-3093**

REGULAR MEETING

January 26, 2011

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, January 26, 2011, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bennalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary (via telephone)
Maureen Bronson, Consumer Member
Woohyung Cho, L.Ac., Professional Member
Dianne Darcy, L.Ac., Professional Member (via telephone)
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:

Monty Lee, Assistant Attorney General

Call to Order

Chairperson Bernalley called the meeting to order at 1:04 p.m.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Bronson declared a conflict of interest on Agenda Items 8 (H) (I) (J) (K).

Board Member Bernalley declared a conflict of interest on Agenda Items 6 (A) (B) (E) (H).

Board Member Darcy declared a conflict of interest on Agenda Item 5 (B).

Discussion and Approval of Minutes

Board Member Adelman moved the adoption of the minutes for the December 6, 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

Complaints/Investigations

Complaint #2010-01 re: Conrad Loreto (Unlicensed to Practice)

The Board reviewed the memo prepared by the Executive Director regarding this complaint. The complaint was submitted by an individual that does not wish to be identified. The complaint states that Mr. Loreto provided acupuncture treatments to this individual. In addition, the complaint indicates that Mr. Loreto is offering investment opportunities to this individual and the individual has concerns regarding this matter.

The person who filed the complaint is now unwilling to provide any additional information on this matter. This poses a problem for the Board to proceed on this complaint.

The Board asked that a letter be sent to Mr. Loreto outlining the Board is aware of the allegation and that copies of the letter be sent to the National Certification Commission for Acupuncture and Oriental Medicine and the State of California.

Board Member Wilks asked the Executive Director to send the complaint to the Office of the Attorney General for further review.

Board Member Wilks moved sending a letter to Conrad Loreto with Board Member Rhodes 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

Administrative Inquiry

The Board reviewed the copy of the letter from Mr. Monte Gores, L.Ac. whereby he provided court papers outlining the final disposition of the matter with the Flagstaff Municipal Court.

Board Member Gear moved to accept the letter from Mr. Monte Gores, L.Ac. that completes the request made by the Board with Board Member Bronson 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

International College of Classical Chinese Medicine

At the December 6, 2010 board meeting, the Board instructed the Executive Director to prepare and send a letter to the International College of Classical Chinese Medicine (ICCCM) requesting information about the institution and course offerings. In particular, information about the Auricular Medicine Doctorate Program was requested.

The Board reviewed the response submitted by Mr. Sing-Tak (Peter) Chow, L.Ac., on behalf of the ICCCM and determined that additional information is required.

The Executive Director was instructed to contact the ICCCM in order to obtain a more detailed response in time for the March 23, 2011 board meeting.

Board Member Wilks moved that a letter be sent to the ICCCM requesting additional information and attend the March 23, 2011 board meeting with Board Member Bernalley providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X		X	X	X	Aye
								Nay
				X				Recused
								Abstained
								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 Rhodes providing a second. The motion carried by unanimous vote: 7-0.

Perry J. Cooper
 Bryon L. Powers
 Jill E. Rooth
 Kara Janelle Clare

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

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 Rhodes providing a second. The motion carried by unanimous vote: 8-0.

Allan D. Post
 Elisabeth M. Peffley
 Teng Wang Wu
 Brenda F. Broussard
 Celia L. Hildebrand
 Renee V. Hotep

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

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

Patricia A. Lester

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 “What School Should Have Taught You About Acupuncture But Probably Didn’t, Part 1: Treating Your Clients’ Pulse Readings With Acupuncture” offered by Joseph Garner, L.Ac. on February 26, 2011 in Phoenix 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

The Board reviewed the continuing education application for the course “What School Should Have Taught You About Acupuncture But Probably Didn’t, Part II: Trigger Point Acupuncture” offered by Joseph Garner, L.Ac. on March 12, 2011 in Phoenix for 7.5 hours.

Board Member Rhodes moved for the approval of the continuing education application with Board Member Bronson 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

The Board reviewed the continuing education application for the course “What School Should Have Taught You About Acupuncture But Probably Didn’t, Part III: “Internal Channel Pathways and How to Use Them” offered by Joseph Garner, L.Ac. on April 9, 2011 in Phoenix for 7.5 hours.

Board Member Wilks moved for the approval of the continuing education application with Board Member Rhodes 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

The Board reviewed the continuing education application for the course “Face Reading for Business People” offered by Joseph Garner, L.Ac. on May 14, 2011 in Phoenix for 7.5 hours.

Board Member Bennalley moved for the approval of the continuing education application with Board Member Bronson 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

The Board reviewed the continuing education application for the course “Orthopedic and Neurological Examination of the Head and Spine” offered by Jeffrey Utter online for 8 hours.

Board Member Adelman moved for the approval of the continuing education application with Board Member Bronson 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

The Board reviewed the continuing education application for the course “Orthopedic and Neurological Examination of the Lower Extremity” offered by Jeffrey Utter online for 8 hours.

Board Member Adelman moved for the approval of the continuing education application with Board Member Bronson 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

The Board reviewed the continuing education application for the course “Orthopedic and Neurological Examination of the Upper Extremity” offered by Jeffrey Utter online for 8 hours.

Board Member Adelman moved for the approval of the continuing education application with Board Member Bronson 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

The Board reviewed the continuing education application for the course “Overview of Herbal Remedies” offered by Paradise Valley Community College for 15 hours.

Board Member Wilks moved for the approval of the continuing education application with Board Member Cho providing a second. The motion carried by unanimous vote: 7-0.

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

The Board reviewed the continuing education application for the course “Organic Gardening” offered by Paradise Valley Community College for 15 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: 7-0.

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

The Board reviewed the continuing education application for the course “Aromatherapy” offered by Paradise Valley Community College for 15 hours.

Board Member Wilks moved for the approval of the continuing education application with Board Member Rhodes providing a second. The motion carried by unanimous vote: 7-0.

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

The Board reviewed the continuing education application for the course “Health Conditions and Popular Herbs” offered by Paradise Valley Community College for 15 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: 7-0.

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

Professional Business

Discussion of Procedures for Election of Board Officers
 No action was taken on this agenda item.

Election of Board Chairperson pursuant to A.R.S. §32-3902(D)

Board Member Wilks moved for Board Member Bernalley to serve as Board Chairperson with Board Member Adelman providing a second. The motion carried by unanimous vote: 7-0.

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

Election of Board Secretary pursuant to A.R.S. §32-3902(D)

Board Member Adelman moved for Board Member Wilks to serve as Board Secretary with Board Member Bernalley providing a second. The motion carried by unanimous vote: 7-0.

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

Review and Adoption of 2011 Board Meeting Schedule

Board Member Wilks moved for the adoption of the 2011 Board Meeting Schedule 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

Review and Adoption of 2011 Fees pursuant to A.R.S. §32-3927

Board Member Bronson moved for the adoption of the 2011 Fees with Board Member Rhodes 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

Strategic Plan

The Board tabled this agenda item for a future board meeting.

Report by the Ethics Advisory Committee

The following report was presented by Board Member Wilks, Advisory Committee Chair

History:

On May 27, 2009, the Board identified a need to review options for identification of ethical standards established this Advisory Committee.

Process:

The Committee first did a survey of Arizona Health Care Boards, Various State Acupuncture Boards, and the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), reviewing ethical standards.

The following options were identified:

1. Establish a freestanding code of ethics. This would provide standards to our licensees, but would not assist us in evaluating complaints of an ethical nature.
2. Pursue statutory changes, either by amending the Definitions of Unprofessional Conduct in A.R.S. §32-3901 (4), or by adding a code of ethics to statute.
3. Amend rules to clarify the above Definitions of Unprofessional Conduct (UPC).

The Committee has decided to pursue option #3, and evaluated each of the Definitions of UPC. Several legal issues were clarified by Assistant Attorney General Monty Lee.

Recommendation:

Finally, the Committee proposes clarification in rule of the following statutes:

A.R.S. §32-3901 (4) (i) - regarding the definition of "rebate", and

A.R.S. §32-3901 (4) (l) - specifying the NCCAOM Code of Ethics to be the "recognized standard of ethics of the acupuncture profession."

Input on these two points will be requested from the Assistant Attorney General in attendance at the January 26, 2011 board meeting. Our hope is to have rule modifications ready when the state rule-writing moratorium is lifted.

Executive Director's Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 485

Expired Licenses: 8

Active Certified Auricular Acupuncturists: 58

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for February and March 2011 licensees were prepared and sent. In addition, expired license and certificate letters for the month of December 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 by February of each year 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.
- Completed and submitted the Biennial Renewal of Registration of Principals & Public Bodies for 2011-2012 pursuant to A.R.S. §§41-1232 and 41-1232.01. This information is maintained by the Secretary of State's Office.
- Reviewed, completed and submitted information to Med Advantage, a national Credentials Verification Organization (CVO), who conducts primary source verifications for managed care agencies and hospitals.

State Budget

- The Governor has recommended for the current fiscal year to transfer \$13,800 from the Acupuncture Fund to the general fund. In addition, \$10,100 will be transferred to the general fund in fiscal year 2012 which begins July 1, 2011.

Future Meeting Dates

February 23, 2011
March 23, 2011

Call to the Public

Jonathan Lindsey representing the Phoenix Institute of Herbal Medicine and Acupuncture addressed the Board regarding the issue of some physical therapists performing acupuncture outside of their scope of practice.

Discussion of Items to be place on a future meeting agenda

Dry Needling

Adjournment

Board Member Bronson moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 8-0. The Board adjourned at 3:09 p.m.

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

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: March 23, 2011