



State of Arizona Acupuncture Board of Examiners
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REGULAR MEETING

April 28, 2010

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, April 28, 2010, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bennalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
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
Maureen Bronson, Consumer Member

Board Members Absent:

Woohyung Cho, L.Ac., Professional 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 1:04 p.m.

The following order of business was then considered:

New Board Member Maureen Bronson introduced herself to the Board.

Declaration of Conflicts of Interest

Board Member Bernalley declared a conflict of interest on the acupuncture license application of Harvey Abrams.

Applications for Licensure (with self disclosures)

At this time, Chairman Bernalley left the table due to stated conflict of interest regarding the license application of Dr. Harvey Abrams. Secretary Ross Adelman assumed the chairmanship. Board Member Adelman moved to enter executive session to receive legal advice at 1:08 p.m. with Board Member Wilks providing a second. The motion was approved with a 6-0 vote.

The Board returned to regular session at 1:36 p.m.

The Board reviewed the license applicant chart and Board Member Adelman moved to grant or deny an acupuncture license to Harvey Abrams with Board Member Rhodes providing a second. Included in the motion was a request for a roll call vote.

Board Member Rhodes provided the following statement with his vote:

My concern with this applicant is the number of complaints that have been filed since 1994 and the pattern of complaints, filed more recently during 2008 and 2009. Without assigning any responsibility to the charges, the nature of the complaints do present some concern.

After reviewing the investigative reports concerning the three most recent complaints, I find that Dr. Abrams has fulfilled all the requirements necessary to meet the concerns of the Arizona Board of Chiropractic Examiners.

I also find no legal cause to deny Dr. Abrams' application for an Arizona Acupuncture License, and in doing so, vote to accept and approve his application for licensure.

Board Member Wilks shared her thoughts on Dr. Abrams past decision-making before voting in favor of approval.

Board Member Bronson voted in favor of approval citing the same concerns shared by Board Members Rhodes and Wilks.

The motion was approved: 5-1.

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

Discussion and Approval of Minutes

Board Member Rhodes moved the adoption of the minutes for the March 24, 2010 regular board meeting 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
								Recused
								Abstained
			X					Absent

Board Member Wilks moved the adoption of the Executive Session minutes for the March 24, 2010 board meeting with Board Member Rhodes providing a second. The motion carried by unanimous vote: 6-0.

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

Complaints/Investigations

Complaint #2010-01 re: Conrad Loreto

The Board reviewed the memo regarding the anonymous call on the allegation of practicing acupuncture without a valid Arizona acupuncture license. The call received by the Board named Conrad Loreto as the individual who is alleged to be practicing without a valid acupuncture license. A cease and desist letter has been sent to Mr. Loreto.

The response from Mr. Loreto indicates that he is interested in practicing acupuncture on a part-time basis. In addition, Mr. Loreto states his acupuncture school transcripts are not available since the school has ceased its operations.

The Board discussed this complaint and directed the Executive Director to send a letter to Mr. Loreto recommending that he apply for an Arizona acupuncture license. Additionally, Board Member Gear recommended the letter is to include the statutory references and action that will be initiated if Mr. Loreto continues to practice without a valid acupuncture license.

Board Member Rhodes moved for the Executive Director to send a letter to Mr. Conrad Loreto outlining the process in obtaining an Arizona acupuncture license and to send copies be provided to the Arizona Chiropractic, Arizona Veterinary, Arizona Homeopathic, Arizona Naturopathic boards with Board Member Adelman 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
								Recused
								Abstained
			X					Absent

Applications for Licensure (without self disclosures)

The Board reviewed the license applicant chart and Board Members Bennalley moved for the approval of the applicants for licensure listed below with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

- Marilyn Brewer
- Kennedy T. Vo
- Mayo M. Wardle
- Karen C. Johnsrude

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

Applications for Auricular Certificate (without self-disclosures)

The Board reviewed the license applicant chart and Board Member Bennalley moved for the approval of the applicants for licensure listed below with Board Member Adelman providing a second. The motion carried by unanimous vote: 7-0.

Robert E. Dieter
 Angel Valencia
 Mary R. Schlomer

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

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “The Principle and Clinical Application of Abdominal Acupuncture” offered by the Chinese Health Center, Inc. on May 2, 2010 for 8 hours.

Board Member Wilks moved for the approval of the continuing education application with Board Member Bronson 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
								Recused
								Abstained
			X					Absent

The Board reviewed the continuing education application for the course “Advanced Pulse and Body Reading in Chinese Medicine Diagnosis” offered by Joseph Garner, L.Ac. on July 17, 2010 for 7.5 hours.

Board Member Bronson 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
								Recused
								Abstained
			X					Absent

Professional Business

The Board was provided an explanation of the need for the Board to perform a review of its rules at least once every five years. The Governor’s Regulatory Review Council (GRRC) has approved an extension to complete the review of the rules on or before October 26, 2010.

At future board meetings, the Board will review the current rules and determine if any rules should be placed on consideration for amendment, changes, or deletion.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 490
 Expired Licenses: 2
 Active Certified Auricular Acupuncturists: 59

Board Office Information/Activities:

- Completed the Trip Reduction Program Employee Survey as required by the Maricopa County Air Quality Department.
- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for June 2010 licensees were prepared and sent. In addition, expired license and certificate letters for the month of March 2010 were sent.
- Completed and submitted Community Information & Referral yearly survey. This organization connects Arizonans by phone and internet to the services they are looking for all day every day.
- Completed and submitted the Acupuncture & Oriental Medicine State Board Continuing Education survey as requested by the Northwestern Health Sciences University.

- Attended the annual conference of the American Association of Acupuncture and Oriental Medicine (AAOM) in Albuquerque, New Mexico.
- Completed and submitted 1st Quarter Lobbyist Expenditure Report to the Arizona Secretary of State's office.
- Submitted an extension letter to the Governor's Regulatory Review Council regarding the submission of the five-year review report of the Board's rules. The Board is required to perform a review of its rules at least once every five years.
- Working with the University of Arizona on preparations for the May 26, 2010 board meeting in Tucson.
- Providing assistance to the Governor's Boards and Commissions office on a board member replacement due to the resignation of Jim Bloom—consumer member.

For the month of March, the board website was visited by 968 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; 11,930 in 2008 and 10,927 in 2009. To date in 2010, there have been 3228 unique visits and 45,796 hits.

Future Meeting Dates

May 26, 2010 (Tucson)
June 23, 2010

Call to the Public

Catherine Niemiec, President of the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA), shared the efforts of AzSOMA to inform licensees of the May 26 board meeting in Tucson.

Discussion of Items to be place on a future meeting agenda

Request for presentations from the schools of acupuncture and others to be provided at the Tucson board meeting.

Provide the board with a proposal on public notification, on the board website, of individuals who have been identified as practicing acupuncture without a license.

Adjournment

Board Member Rhodes moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 7-0. The Board adjourned at 2:31 p.m.

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

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: May 26, 2010