

Douglas A. Ducey
Governor

Mario Fontes, L.Ac.
Chairman

Mindy Hayden, L.Ac.
Secretary



Acupuncture Board of Examiners

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David Geriminsky
Executive Director
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REGULAR MEETING – July 25, 2018 OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, July 25, 2018, at 1740 W. Adams, Boardroom B, Phoenix, Arizona 85007.

Board Members Present:

Mario Fontes, L.AC., Chairman
Mindy Hayden, L.AC., Secretary
Jamie Fitzgerald, L.AC.
B. Jeffrey Jolley, D.C.
Rosemary Zimmerman, D.C.

Board Members Absent:

None

Board Staff: David Geriminsky, Executive Director

Attorney General Representative: Frankie Shinn-Eckberg, Assistant Attorney General

1. **CALL TO ORDER.** Chairman Fontes called the meeting to order at 1:00 p.m.

2. **RECOGNITION OF BOARD MEMBERS**

3. **DECLARATION OF CONFLICTS OF INTEREST – A.R.S. §38-503**

None

4. **REVIEW, DISCUSSION AND APPROVAL OF BOARD MEETING MINUTES**

a. May 23, 2018 Executive Session Board Meeting Minutes

Board Member Jolley moved for the adoption of the May 23, 2018 Regular Board Meeting minutes with Board Member Williams providing a second. Board Member Zimmerman Recused herself as she was not present at the May 23 Board Meeting. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | | Aye |
| | | | | | | Nay |
| | | | | | X | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

b. June 27, 2018 Regular Session Board Meeting Minutes

Board Member Jolley moved for the adoption of the May 23, 2018 Regular Board Meeting minutes with Board Member Fitzgerald providing a second. Board Member Zimmerman Recused herself as she was not present at the June 27 Board Meeting. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | | Aye |
| | | | | | | Nay |
| | | | | | X | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

5. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATIONS FOR LICENSURE

A. Curry, Elizabeth

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. Board Member Williams moved to grant licensure to Applicant Curry. Board Member Zimmerman seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

B. Gaudard-Castillo, Helene

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. Board Member Fitzgerald moved to grant licensure to Applicant Gaudard-Castillo. Board Member Williams seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

C. Guerra, Amie

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. Board Member Zimmerman moved to grant licensure to Applicant Guerra. Board Secretary Hayden seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|------|
|--------|--------|----------|--------|------------|-----------|------|

| | | | | | | |
|---|---|---|---|---|---|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

D. Kimbrough, Cinamon

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet, asking applicant questions about his history and answers to several questions on the application. Board Member Williams moved to grant licensure to Applicant Kimbrough. Board Member Zimmerman seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

E. Lewis, Benjamin

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. Board Member Jolley moved to grant licensure to Applicant Kellerman. Board Member Williams seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

F. Liang, Wendy

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. The Board found areas of applicant Liang’s application packet that may indicate ineligibility for licensure based on Statutory requirements in the State of Arizona. Applicant Liang was present telephonically.

The Board discussed the steps needed for Applicant Liang to become eligible for licensure and that, while she did not currently meet all the requirements for licensure in the State of Arizona, she was encouraged to re-apply when she could do so. After discussion, Board Member Jolley moved to deny licensure to Applicant Liang based on eligibility. Board Secretary Hayden seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|---------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |

| | | | | | | |
|--|--|--|--|--|--|-----------|
| | | | | | | Abstained |
| | | | | | | Absent |

G. Sweeney, Marla

Executive Director Geriminsky provided a summary of licensure eligibility. The Board reviewed the license applicant chart and packet. Board Member Fitzgerald moved to grant licensure to Applicant Sweeney. Board Member Zimmerman seconded. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

6. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATIONS FOR AURICULAR ACUPUNCTURE CERTIFICATION

None

7. CONSENT AGENDA FOR REVIEW, DISCUSSION, AND POSSIBLE ACTION BY THE BOARD ON RATIFICATION OF RENEWAL OF LICENSES/CERTIFICATES ISSUED BY THE EXECUTIVE DIRECTOR TO INDIVIDUALS WHO MET REQUIREMENTS FOR RENEWAL

(All items listed under the Consent Agenda are considered to be routine or have been previously reviewed by the Board or the Board’s Designee and may be considered for approval as a single action, unless a Board Member or any other interested party wishes to remove an item for independent review, discussion, and possible action.)

- | | | | |
|-------------------|-------------------|----------------------|---------------------------|
| Babak M Nayeri | Jessica L. Myrick | Shelley O'Dell-Brock | Charmaine A Marck |
| Tani J Simpson | Jill S Frey | Peng Sun | Catherine A Paddack |
| Qingsong Xiao | Ranee C Flinn | Nicole A Berrios | Marie McKinnon Vincent |
| Pamela J Wallach | Yasunao Aoi | Jade T Whitney | Linda L Kelley |
| Tess Richardson | Stephen Torowicz | Cheryl L Schultz | Chao C Chen |
| Leah M Chischilly | Stanley G Posey | Wendy M Becker | Linda L Scott |
| Kari-Ann Hubbard | Pei J Kuo | Christine A Cline | Dagmar Bauer-Prigatano |
| Pearl B Chen | Linda J Scott | Lisa M Anderson | Terry L Rudd ND, |
| Blake J. Blowers | Khailitha R Fae | Raymond R Botte | |

The Executive Director provided an overview of licenses renewed stating each had been reviewed, found eligible, and license was renewed Board Member Jolley moved to ratify and approve all applicants for license renewal listed above with Board Secretary Hayden providing a second. The motion passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

8. Review, Discussion and Possible Action Regarding Other Applications/ Requests - Continuing Education Provider Request for Course Approval

a. Nutrition 101

The Board reviewed the CE approval application and found it it met the requirements of Statute and Rule. Board Member Zimmerman moved to approve the course for 12 hours of Continuing Education. Board Secretary Hayden Seconded. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

9. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING CORRESPONDENCE TO THE BOARD

A. Modern Acupuncture

The Board reviewed the letter and had additional questions concerning what duties Assistants to Acupuncturists were performing as referenced in the letter to the Board. The Board moved by consent to direct the Executive Director to request Job Descriptions and the scope of practice of these individuals.

10. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING POLICY/PROCEDURE DOCUMENTS AND OTHER FORMS

- A. Investigations Policy
- B. Chemical Dependency Program Application
- C. Volunteer Services Application

The Executive Director provided an overview of the changes made/creation of these forms and policies. After discussion, Board Member Jolley moved to approve Items A - C while making a change to Item B in providing additional examples of satisfactory documentation. Board Member Zimmerman Seconded. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

11. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING EXECUTIVE DIRECTOR REPORT

The Executive Director provided an update on the functions of the Board Office including:

- A. Budget/Strategic Plan
- B. E-Licensing Solution
- C. Audit 24 month follow up
- D. Executive Order Compliance
- E. Summary of Current Events
- F. Survey Results
- G. CLEAR Conference attendance/training
- H. Mission Statement
- I. Vision
- J. Strategic Issues
- K. Complaints Update

The Board reviewed the FY18 budget as well as projections for FY 19 and were provided an update on pending complaints. Several of these items will appear again on the August Meeting.

The Board took no action at this time.

12. Review, Discussion and Possible Action Regarding Executive Director Performance Review

Board Member Fitzgerald moved to go into Executive Session at 2:30 p.m.. Board Member Zimmerman seconded. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

The Board resumed regular session at 2:36 p.m.

The Board expressed appreciation for the performance of the Executive Director and the operations of the Board Office since his hire and reviewed performance evaluation forms completed prior to the Board Meeting. Board Member Jolley moved to give a salary increase to Executive Director Geriminsky in the amount discussed in Executive Session. Board Member Fitzgerald seconded. The Motion Passed.

13. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE REGULAR MEETING DATES

- August 29, 2018 -To be held in Flagstaff
- September 26, 2018 - Cancelled unless called by the Chairman
- October 24, 2018 - To be held in Tucson
- November 28, 2018
- December 19, 2018 - 3rd Wednesday (teleconference meeting)

The Board discussed these meeting dates and the scheduling conflicts surrounding the September Meeting. Board Member Zimmerman moved to cancel the September meeting unless the Chairman determines there is a need and authorize the Executive Director to approve Initial Applications with no criminal history or other derogatory information and have those approvals ratified at the October Meeting. Board Secretary Hayden Seconded. The Motion Passed.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|-----------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

14. CALL TO THE PUBLIC

No public Comment was received

15. DISCUSSION OF ITEMS TO BE PLACE ON A FUTURE MEETING AGENDA –

Board Members requested several items to be placed on the next agenda including a Quarterly Newsletter, and the communication plan on approvals of Chemical Dependency Programs for Auricular Acupuncturists.

16. ADJOURNMENT. Board Member Jolley moved for adjournment and Board Secretary Hayden provided a second. The motion passed. The Board adjourned at 2:58 p.m.

| Fontes | Hayden | Williams | Jolley | Fitzgerald | Zimmerman | Vote |
|--------|--------|----------|--------|------------|-----------|------|
| X | X | X | X | X | X | Aye |
| | | | | | | Nay |

| | | | | | | |
|--|--|--|--|--|--|-----------|
| | | | | | | Recused |
| | | | | | | Abstained |
| | | | | | | Absent |

Respectfully Submitted,

David Geriminsky
Executive Director