



State of Arizona Acupuncture Board of Examiners
1400 West Washington, Suite 230, Phoenix, Arizona 85007
(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING
February 27, 2008

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Toni Bernalley, L.Ac., Professional Member
Joe Balensi, L.Ac., Professional Member (via telephone)
Ross Adelman, Public Member
Diane Pruetz, Public Member (via telephone)

Board Members Absent:

Rebecca Wilks, MD, MD(H), Professional Member
Toni Karnas, Public Member
Yong Deng, L.Ac., Professional Member
Vacancy—Professional Member

Attorney General Representative:

Seth Hargraves

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 1:06 p.m.

II. Declaration of Conflicts of Interest

None.

III. Discussion and Approval of Minutes

Board Member Bernalley moved the adoption of the minutes for the January 23, 2008 board meeting with Board Member Adelman providing a second. The Board approved the motion with a 5-0 vote.

Board Member Bernalley moved the adoption of the executive session minutes from the January 23, 2008 board meeting with Board Member Adelman providing a second. The Board approved the motion with a 5-0 vote.

IV. Complaints/Investigations

The Executive Director provided the Board with a brief explanation of Complaint #2007-010 regarding Raymond Yau, L.Ac.

The person filing the complaint, Joseph Brady, provided the board (via phone) with his comments regarding this matter. Mr. Brady explained the term of events as he had previously documented in his complaint. Mr. Brady was outraged by the behavior of Mr. Yau and wants the board to know how Mr. Yau treats his patients and believes the residents of Arizona deserve better.

Chairman Estrada asked if Mr. Brady had ever seen an acupuncturist before and Mr. Brady stated this was his first visit with an acupuncturist, but was referred by his doctor so he made the appointment with Mr. Yau.

Mr. Yau explained to the board on how he treats every patient on their first visit so the patient is aware of treatment and payment of services. Mr. Yau does not guarantee that his treatment(s) will work and meet the patient's expectations. Mr. Yau stated he did not charge Mr. Brady for the initial visit because Mr. Brady was unsure if he wanted to pursue the treatment for whatever reason. According to Mr. Yau, Mr. Brady was hesitant to proceed with the treatment due to cost of treatments.

Mr. Brady said Mr. Yau went "ballistic" after Mr. Brady asked for a few moments to discuss treatment payments with his wife. According to Mr. Brady, Mr. Yau exploded and asked the Brady's to leave his office.

Chairman Estrada asked Mr. Brady if he had received any information about treatment payment before he arrived for his appointment. Mr. Brady responded that he had not been made aware of payment requirement.

Mr. Yau stated in his 36 years of practice that he has not had any problems with patients over treatment payments as stated at this time.

Board Member Adelman from his consumer perspective suggested that it may be prudent for acupuncturists to provide patients with a thorough presentation of how treatments are handled, provided and billed.

Mr. Brady again stated he wants the Board to know that in his opinion Mr. Yau treated him in an unprofessional manner.

Board Member Pruetz does not believe that any law was broken by Mr. Yau, but it was a misunderstanding between Mr. Yau and Mr. Brady.

A number of board members agreed that some time be taken by acupuncturists to explain how acupuncture treatments and payments are administered so the new patient/consumer is better informed.

Board Member Pruetz moved that Complaint #2007-010 be dismissed with Board Member Balensi providing a second. A roll call vote was taken as follows and the motion was approved 5-0.

Joe Balensi—Aye
Diane Pruetz—Aye
Toni Bernalley—Aye
Ross Adelman—Aye
Della Estrada—Aye

The board was provided with an overview of Complaint #2007-008 re: the Oriental Healing Center by the Executive Director. The complaint focused on a business transaction between the Oriental Healing Center and a patient. The Oriental Healing Center has been sold and the Board does not have any jurisdiction over the Center, but an effort was made to secure a refund for the patient.

Board Member Estrada moved that Complaint #2007-008 be dismissed with Board Member Pruetz providing a second. A roll call vote was taken as follows and the motion was approved 5-0.

Joe Balensi—Aye
Diane Pruetz—Aye
Toni Bernalley—Aye
Ross Adelman—Aye
Della Estrada—Aye

V. Applications for Licensure

Board Member Bernalley moved for the approval of the applicants for licensure listed below with Board Member Pruetz providing a second. The Board approved the motion with a 5-0 vote.

Cheryl Sheriff
Qing Zhu Zhang
Angelica L. Gomez

VI. Applications for Auricular Certification

Board Member Pruetz moved for the approval of the applicant for licensure listed below with Board Member Balensi providing a second. The Board approved the motion with a 5-0 vote.

Margaret A. Murry
Christine A. Way

VII. Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application submitted by Honso: Fukushima: The Application of Abdominal Diagnosis in Oriental Medicine. The course is scheduled for April 19-20, 2008 for 15 CEU's.

Board Member Bennalley moved for the approval of the application with Board Member Estrada providing a second. The Board approved the motion 5-0.

The Board reviewed the continuing education application submitted by Edward S. Garbacz: The Normal Energetics of the Female Reproductive System and the Treatment of its Disorders with Acupuncture. The course is scheduled for May 17-18, 2008 for 15 CEU's.

Board Member Estrada moved for the approval of the application with Board Member Adelman providing a second. The Board approved the motion 5-0.

The Board reviewed the continuing education application submitted by East-West Seminars: Microcurrent Electro-Acupuncture Techniques: Advanced Pain Management and Facial Rejuvenation. The course is scheduled for April 4-5 and April 11-12, 2008 for 13 CEU's. The Board asked the Executive Director to gather some additional information and reschedule the application for review at the next board meeting.

Board Member Balensi moved to ask for additional information with Board Member Pruetz providing a second. The motion was approved 5-0.

VIII. Professional Business—Review, Discussion and Action

The Executive Director provided the Board with an update on the approval of rules by the Governor's Regulatory Review Council on February 5, 2008. These new rules will take effect in 60 days. These new rules will be posted on the Board's web site.

The Board was also informed of the Governor's and Legislature's efforts in resolving the state budget deficit of \$1.2 billion. State agencies, boards and commissions will have fund balances swept to assist in this effort. This translates into a fund sweep of \$100,000 from the Acupuncture Board of Examiners fund.

The monies found in this fund are derived from the collection of license/certificate application and renewal application fees. The Executive Director will keep the Board apprised of new developments on this issue.

IX. Executive Director Report

The Executive Director reviewed his report with the Board and highlighted two items:

--HB 2019, the board's continuation bill, has been approved the Arizona House of Representatives and has moved to the Arizona State Senate for committee action.

--The Governor's Regulatory Review Council has approved the Board's propose rule changes and these new rules will take effect in 60 days.

X. Future Meeting Dates

March 26, 2008

April 23, 2008

XI. Call to the Public

No requests were submitted.

XII. Discussion of Items to be place on a future meeting agenda

Board meetings at various statewide locations.

XIII. Adjournment

Board Member Pruetz moved for adjournment and Board Member Bernalley provided a second. The motion passed by a vote of 5-0. The Board adjourned at 2:03 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: March 26, 2008