



## **State of Arizona Acupuncture Board of Examiners**

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### **REGULAR MEETING**

**August 22, 2012**

### **OPEN SESSION MINUTES**

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, August 22, 2012, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

#### **Board Members Present:**

Ross Adelman, Consumer Member, Chairman (via telephone)

Toni Bernalley, L.AC., Secretary

Maureen Bronson, Consumer Member

Woohyung Cho, L.AC., Professional Member

Christopher M. Clair, Consumer Member (via telephone)

Dianne Darcy, L.AC., Professional Member (via telephone)

Robert L. Gear, NMD, DC, Professional Member

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

Alan H. Scott, DO, Professional Member

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

#### **Attorney General Representative:**

Montgomery Lee, Assistant Attorney General

#### **Call to Order**

Chairman Adelman called the meeting to order at 1:07 p.m.

The following order of business was then considered:

**Declaration of Conflicts of Interest**

Board Member Bernalley declared a conflict of interest on Agenda Item 5 (B) License Application for Peng Sun and Agenda Item 5 (C) License Application for Suzana Rizvanolli.

**Discussion and Approval of Minutes**

Board Member Scott moved the adoption of the amendment to the March 28, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bernalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	<b>Vote</b>
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Bronson moved the adoption of the June 27, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bernalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	<b>Vote</b>
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Bronson moved the adoption of the June 27, 2012 Executive Session minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bernalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	<b>Vote</b>
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

Board Member Bronson moved the adoption of the July 25, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

**Dry Needling Update**

Chairman Adelman and Secretary Bennalley provided the Board a review of the August 16, 2012 meeting with the Arizona State Board of Physical Therapy President Mark Cornwall and Executive Director Charles Brown to discuss dry needling.

At this meeting, Chairman Adelman approached the issue from the consumer perspective while Secretary Bennalley spoke to training and safety concerns with dry needling by physical therapists. Generally, both thought the meeting went well and look forward to working the Arizona State Board of Physical Therapy and others to resolve this matter.

Arizona State Board of Physical Therapy will be holding stakeholder meetings in Phoenix, Tucson, and Flagstaff in the coming months to better understand the issue of dry needling.

Board Member Gear suggested that other licensed stakeholders, such as chiropractors, naturopaths, and medical doctors be invited to these stakeholder meetings.

Chairman Adelman indicated a joint committee of both boards will be created to address this important matter. Board members will be appointed to this joint committee in the future.

**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 Scott providing a second. The motion carried by unanimous vote: 9-0.

Jennifer K. Moore  
Liliane G. Papin

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									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 Martin providing a second. The motion carried by unanimous vote: 8-0.

Peng Sun  
Suzana Rizvanolli

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	Vote
X		X	X	X	X	X	X	X	Aye
									Nay
	X								Recused
									Abstained
									Absent

**Other Applications/Requests—Continuing Education**

“Advanced Tuina for the Neck, Back and Shoulder” provided by the Asian Institute of Medical Studies on September 29-30, 2012 for 15 hours in Tucson, Arizona.

The Board reviewed the application and Board Member Darcy moved for approval of the application with Board Member Bronson providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

“TCM Endocrinology and Immunology and CPR Certification” provided by the Chinese Health Center on September 23, 2012 for 7 hours and 1.5 hours respectively in Phoenix, Arizona.

The Board reviewed the application and Board Member Martin moved for approval of the application with Board Member Scott providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	Vote
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

**Professional Business**

The Legislative Advisory Committee was established to determine if any legislation is needed for introduction in 2013. The committee will attempt to complete its work by September so full review and action of legislative initiatives can be addressed by the full Board.

Members of the Committee are Board Members Patricia Martin (Chair), Ross Adelman, Chris Clair and Robert Gear.

The Committee has met twice and the following proposals are presented at this time for Board review and consideration.

- Include compensation of board members to include all nine board members
- Remove preceptorship language
- Display of license
- Establish fee for license verifications
- Establish in-active license status
- Establish fee schedule for continuing education applications
- Establish fee schedule for continuing education providers
- Change to license application form so applicants must identify other licenses held when applying for acupuncture license.

The Board reviewed the legislative proposals and Board Member Bronson moved for approval of these proposals and the Board seeks bill sponsors with Board Member Scott providing a second. The motion carried by unanimous vote: 9-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	<b>Vote</b>
X	X	X	X	X	X	X	X	X	Aye
									Nay
									Recused
									Abstained
									Absent

**Assistant Attorney General Report**

Assistant Attorney General Montgomery Lee reviewed several recently enacted laws that may have some impact on the Board and licensees.

H.B. 2070: A.R.S. §41-1080 provides that an agency shall not issue a license to an individual unless the individual provides documentation of citizenship or alien status. The statute lists several categories of documents that an agency may accept as proof of authorized presence in the country. The amendment adds a category of acceptable documents which includes:

Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision that requires proof of citizenship or lawful alien status before issuing the license.

H.B. 2744: The most significant part of this legislation is that it imposes a new requirement on licensing agencies. Under A.R.S. §41-1001.02, a prospective applicant may request from the agency issuing the license a clarification of its interpretation or application of a statute, rule, delegation agreement or substantive policy statement affecting the person's preparation of the application. The request must be submitted in writing and the agency must respond within thirty days. The agency *may* meet with the person to discuss the request and shall provide the requestor with an opportunity to meet and discuss the agency's written response.

The Legislature also amended A.R.S. §41-1008 relating to an agency's authority to charge fees. The amendment adds Subsection D which provides:

Unless the Legislature grants an express exemption through statute or session law from all requirements of this chapter for establishing or increasing a fee, an agency shall comply with all applicable rule making provisions to establish or increase the fee. The agency shall not charge or receive the fee until the rule establishing or increasing the fee is effective under the applicable law of this state.

The bill also added A.R.S. § 41-1091.01 which mandates an agency to post on its website:

1. The full text of each rule currently in use or the website address and location of the full text of each rule currently in use.
2. Each substantive policy statement currently in use, including its full text, if practicable.
3. The notice required by section 41-1091, subsection B, which states:

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

S.B. 1193:

- 1) This makes several changes to the statutes governing appeals of administrative decisions in superior court. The changes are positive and should make the process more efficient.
- 2) It also amends A.R.S. § 41-1092.06(A) to give respondents a right to have an informal settlement conference in contested cases. Prior to the amendment, informal settlement conferences were mandated only in appealable agency actions, e.g., license denial cases. This will apply only to contested cases that the Board refers for a hearing at the Office of Administrative Hearings after August 2, 2012.

S.B. 1365: The Legislature added a new statute—§ 41-1493.04—relating to the “free exercise of religion.” With respect to agencies that issue professional licenses, the statute provides that the agency shall not deny, revoke or suspend a

person's professional license, certificate or registration based on several grounds related to the person's religious beliefs, including the following:

- 1) expressing sincerely held religious beliefs in any context, including a professional context *as long as the services provided otherwise meet the current standard of care or practice for the profession*;
- 2) providing faith-based services *that otherwise meet the current standard of care or practice for the profession*.

The statute also provides that it does not authorize any person to engage in sexual misconduct or criminal activity under the guise of the exercise of religious beliefs.

## **Executive Director Report**

### **License and Certificate Status Report:**

Active Licensed Acupuncturists: 535  
Expired Licenses: 0  
Active Certified Auricular Acupuncturists: 44

### **Board Office Information/Activities:**

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for September and October 2012 licensees were prepared and sent. In addition, expired license and certificate letters for the months of June and July 2012 were sent.
- Completed and submitted the Delegated Procurement Authority paperwork to the Arizona Department of Administration Procurement Office.
- Completed questionnaire from the Aetna Credentialing Department regarding disciplinary actions taken by the Board.
- Completed and submitted Med Advantage survey which completes primary source verifications. The verification process meets national credentialing certification standards of the National Committee for Quality Assurance, URAC and The Joint Commission.
- Attended the NCCAOM Professional Development Activities Advisory Panel meeting in Jacksonville, Florida.

### **Budget Information**

- The office is working to submit the Fiscal Year 2014 budget request to the Governor's office by September 1, 2012.
- The revenue for the just completed fiscal year amounted to \$144,432. In Fiscal Year 2007, the Board generated \$125,757 in revenue.

- A total of 60 acupuncture licenses and 7 auricular certificates were issued in Fiscal Year 2012 (July 1, 2011 to June 30, 2012).

**Future Meeting Dates**

September 26, 2012  
 October 24, 2012

**Call to the Public**

Melissa Fletcher, L.AC., presented AZOM Vision proposals. John Lindsey, representing AZSOMA is prepping to package proposals for new recommendations for review. AZSOMA will have town hall meetings to educate the community to inform and prepare to meet with legislators; they will keep the Board informed on the dates on the town hall meetings. In regards to the dry needling complaints, these are outstanding complaints and the board should pursue.

**Discussion of Items to be place on a future meeting agenda**

- Dry Needling
- Legislative Proposals
- Rulemaking

**Adjournment**

Board Member Bronson moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 9-0. The Board adjourned at 2:39 p.m.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	<b>Vote</b>
X	X	X	X	X	X	X	X	X	
									Nay
									Recused
									Abstained
									Absent

Respectfully Submitted,



Pete Gonzalez  
 Executive Director

Approved by the Board: October 24, 2012