



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

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 364-0145 FAX (602) 542-3093

### **REGULAR MEETING**

**August 24, 2011**

### **OPEN SESSION MINUTES**

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, August 24, 2011, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

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

Toni Bernalley, L.AC., Chairperson  
Rebecca Wilks, MD, Professional Member, Secretary  
Ross Adelman, Consumer Member  
Maureen Bronson, Consumer Member  
Woohyung Cho, L.AC., Professional Member  
Christopher M. Clair, Consumer Member  
Dianne Darcy, L.AC., Professional Member  
Patricia E. Martin, L.AC., Professional Member

#### **Board Members Absent:**

Robert L. Gear, NMD, DC, Professional 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 1:01 p.m.

The following order of business was then considered:

#### **Declaration of Conflicts of Interest**

No conflicts were presented.

**Discussion and Approval of Minutes**

Board Member Bronson moved the adoption of the minutes for the June 22, 2011 regular board meeting with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

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

Board Member Bronson moved the adoption of the minutes for the July 27, 2011 regular board meeting with Board Member Clair providing a second. The motion carried by unanimous vote: 7-0.

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

**Applications for Licensure (without self disclosures)**

The Board reviewed the license applicant chart and Board Member Darcy 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.

Tracy A. Minton  
 Amira J. Ahdut  
 Dana M. Guggenheim

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Wilks	Vote
X	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 “Gynecology in Chinese Medicine” provided by the Pacific College of Oriental Medicine on September 10-11, 2011 for 12 hours in Phoenix, Arizona.

Board Member Martin 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	Clair	Darcy	Gear	Martin	Wilks	Vote
X	X	X	X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
						X			Absent

The Board reviewed the continuing education application for the course “Integrative Approaches to Diagnosis & Treatment of Musculoskeletal Disorders” provided by Don Lee, L.Ac. October 15-16, 2011 for 15 hours in Tempe, Arizona.

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: 8-0.

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

The Board reviewed the continuing education application for the course “Five Element Constitutional Diagnosis—Integral and Evolutionary Perspectives on Chinese Medicine with Lonny Jarrett” provided by the Phoenix Institute of Herbal Medicine and Acupuncture, October 22-23, 2011 for 15 hours in Phoenix, Arizona.

Board Member Darcy moved for the approval of the continuing education application with Board Member Martin providing a second. The motion carried by unanimous vote: 8-0.

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

**Professional Business**

Response from the Arizona State Board of Physical Therapy regarding the dry needling issue

The Board reviewed the memo prepared by the Executive Director Gonzalez regarding the response from Executive Director Charles Brown of the Arizona State Board of Physical Therapy after their July 26, 2011 board meeting. The response is as follows:

“I did discuss the matter with the Board on July 26, 2011. They decided that while they appreciate the offer of the joint committee that they do not feel now is the time to address an issue that has not come to them in the form of a case. The discussion was limited and there was no determination if Dry Needling is within the scope of practice of a physical therapist.

Please thank your Board for the open communication on the matter. Please contact me with any questions”.

Board Member Wilks expressed the need for both boards to ensure the general public is protected and that appropriate training is maintained to achieve this charge. Board Member Wilks asked the Board to consider issuing a statement on the minimal training of physical therapists in the area of dry needling.

Board Member Adelman would like this Board to clearly share the concerns to the Physical Therapy board and examine what other boards require their licensees to have in the way of training to perform acupuncture. Furthermore, Board Member Adelman feels it’s confusing to consumers on which practitioners are trained in any particular technique of treatment such as dry needling. Board Member Adelman believes the Board needs to be proactive on this matter.

Board Member Clair asked if a complaint is submitted to the Physical Therapy board—would this Board be notified of such a complaint.

The Board heard from Jonathan Lindsey from the Phoenix Institute of Herbal Medicine and Acupuncture. Mr. Lindsey stated a complaint is being prepared by the Phoenix Institute of Herbal Medicine and the Arizona Society of Oriental Medicine and Acupuncture alleging that some physical therapists are practicing dry needling which constitutes practicing acupuncture. The complaint will be filed with the Arizona State Board of Physical Therapy and this Board.

Board Member Adelman moved to enter executive session to receive legal advice at 1:26 p.m. with Board Member Clair providing a second. The motion carried by unanimous vote: 8-0.

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

The Board returned to regular session at 1:40 p.m.

### Strategic Plan

The Board reviewed the Strategic Plan with specific attention to the Ethics Advisory Committee and their work. This advisory committee will be addressing the definition of the term “rebate” as found in the statute under the definition of unprofessional conduct. The advisory committee hopes to bring a final product to the Board for consideration.

Chairperson Bernalley asked the Board to consider their willingness to serve on the legislative advisory committee.

### Fiscal Year Reports

Executive Director Gonzalez provided the Board with a memorandum listing the following required reports.

- As found in A.R.S. §32-3924, the Board is responsible for documenting that acupuncture license applicants have met the statutory requirements for licensure.

#### Number of acupuncture license applications

FY 11—50

FY 10—43

FY 09—50

#### Number of acupuncture licenses approved

FY 11—44 acupuncture licenses were issued by the Board. State of Arizona acupuncture license numbers 0735 – 0778.

FY 10—47 acupuncture licenses were issued by the Board. State of Arizona acupuncture license numbers 0688 – 0734.

FY 09—54 acupuncture licenses were issued by the Board. State of Arizona acupuncture license numbers 0634 – 0684.

- As found in A.R.S. §32-3922, the Board may issue an auricular acupuncture certificate to a person who meets the statutory requirements as found in this section of law.

#### Number of auricular acupuncture certificate applications

FY 11—14 auricular acupuncture certificate applications were reviewed by the Board.

FY 10—20 auricular acupuncture certificate applications were reviewed by the Board.

FY 09—12 auricular acupuncture certificate applications were reviewed by the Board.

#### Number of auricular acupuncture certificates approved

FY 11—12 auricular acupuncture certificates were issued by the Board. State of Arizona auricular acupuncture certificate numbers AU-195 – AU-206.

FY 10—20 auricular acupuncture certificates were issued by the Board. State of Arizona auricular acupuncture certificate numbers AU-175 – AU-194.

FY 09—13 auricular acupuncture certificates were issued by the Board. State of Arizona auricular acupuncture certificate numbers AU-162 – AU-174.

- Pursuant to Board Rule (R4-8-408), the Board is authorized to approve continuing education offerings so licensees can meet their fifteen hours of continuing education for license renewal as required by Board Rule (R4-8-206).

#### Continuing Education Approvals

FY 11—34 ceu applications were approved for a total of 387 hours of continuing education

FY 10—16 ceu applications were approved for a total of 142 hours of continuing education

FY 09— 10 ceu applications were approved for a total of 99 hours of continuing education

- Board Rule (R4-8-207) requires the Board to audit a random sample of acupuncture licensees to document compliance with the continuing education requirement for the purpose of renewal of an acupuncture license as found in (R4-8-204). At the present time, the Board has authorized a random sample (15%) of active acupuncture license holders.

#### Continuing education requirement audits

FY 11—75 licensees were audited and found in compliance (4 licenses lapsed).

FY 10—73 licensees were audited and found in compliance (3 licenses lapsed).

FY 09—62 licensees were audited and found in compliance (12 licenses lapsed).

- Board Rule (R4-8-204), stipulates an acupuncture license expires 12 months after the date issued. If the license expires, the licensee has 60 days after expiration of the license to reinstate the license with a late fee (R4-8-205). If the licensee does not reinstate the license after 60 days, the license is placed in a “lapsed” status. The licensee would have to reapply for licensure if the license is not reinstated in 60 days.

#### Number of lapsed acupuncture licenses

FY 11—34 acupuncture licenses lapsed.

FY 10—35 acupuncture licenses lapsed.

FY 09—55 acupuncture licenses lapsed.

- The Board does not have the authority to reinstate an expired auricular acupuncture certificate according to Board Rule (R4-8-303 E). If the certificate expires before renewal, the certificate holder must reapply for a new auricular acupuncture certificate.

#### Number of lapsed auricular acupuncture certificate holders

FY 11—21 auricular acupuncture certificates lapsed.

FY 10—13 auricular acupuncture certificates lapsed.

FY 09—19 auricular acupuncture certificates lapsed.

- The Board in its efforts to better serve the public and license/auricular certificate applicants, solicits feedback via customer satisfaction surveys. A set of five questions are asked to gauge satisfaction from unsatisfactory (1) to very satisfactory (8).

#### Customer Satisfaction Surveys

FY 11—72 responses—13% of licensees—7.7 out of 8

FY 10—72 responses—13% of licensees—7.6 out of 8

FY 09—70 responses—13% of licensees—7.6 out of 8

- The Board receives and processes requests for a complete list of active and license acupuncturists in Arizona. These requests are usually submitted by continuing education providers for the purpose of providing continuing education course information to licensed acupuncturists.

#### Request for list of licensed acupuncturists

FY 11—14 requests were processed

FY 10—17 requests were processed

FY 09—12 requests were processed

#### State Office Budget

Revenue FY 2011--\$139,334

Revenue FY 2010--\$131,846

Revenue FY 2009--\$132,547

Revenue FY 2008--\$134,482

Revenue FY 2007--\$125,757

FY 2011 Legislative Appropriation: \$130,300

FY 2011 Total Expenditures: \$121,022

### **Executive Director Report**

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

Active Licensed Acupuncturists: 508

Expired Licenses: 5

Active Certified Auricular Acupuncturists: 53

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

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for September and October licensees were prepared and sent. In addition, expired license and certificate letters for the months of June and July 2011 were sent.
- Completed and submitted survey requested by the American Specialty Health Networks. This organization provides acupuncture services to members of major health plans. As part of their credentialing process, they are required by the

- National Committee for Quality Assurance (NCQA) to verify the education of providers who apply for admission to the network.
- Completed and submitted the Report of Indebtedness Made to the Arizona Department of Revenue. This report reflects all outstanding bonds excluding lease purchase and third-party financing contracts. In addition, the Lease Purchase/Third Party Financing Contracts Report Made to the Arizona Department of Revenue was submitted. This report outlines lease purchases and third-party financing contracts with terms greater than one year.
  - Completed and filed the lobbyist quarterly expenditure report as required by A.R.S. §41-1232.02, 41-1232.03 with the Arizona Secretary of State's office.
  - Filed with the Arizona Department of Revenue (ADOR) a report on outstanding bonded indebtedness and lease purchase contracts. Pursuant to A.R.S. §35-501, §35-502 and §35-503, ADOR must determine and record all bonded indebtedness of Arizona state government and all local governments. State government consists of any department, commission, board, institution or other agency of the State receiving, expending or disbursing state funds or incurring obligations against the State.
  - Completed and submitted the Agency Survey form as requested by the Office of the Attorney General. This form is submitted with the Attorney General's Master List of State Governmental Programs every year.

### **Budget**

In the process of preparing and submitting the Board budget request for Fiscal Year 2013.

### **Future Meeting Dates**

September 28, 2011 (teleconference meeting)  
October 26, 2011  
December 5, 2011

### **Call to the Public**

No requests were made.

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

- Strategic Plan
- Ethics Committee
- 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 2:07 p.m.



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

Respectfully Submitted,



Pete Gonzalez  
Executive Director

Approved by the Board: October 26, 2011