



State of Arizona Acupuncture Board of Examiners
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REGULAR MEETING

January 27, 2010

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, January 27, 2010, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bennalley, L.Ac., Chairperson
Ross Adelman, Consumer Member, Secretary
Woohyung Cho, L.Ac., Professional Member
Della Estrada, 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

Board Members Absent:

James Bloom, Consumer Member
Toni Karnas, Consumer 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 1:05 p.m. The Board recognized Della Estrada, L.Ac., for her service to the Board for the past 6 years. In addition, Toni Karnas was recognized for her service as well.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Bernalley declared a conflict of interest on the acupuncture license application of Beverly A. Lawrence.

Board Member Adelman declared a conflict of interest on the acupuncture license application of Cathy D. Adelman and Nadine F. Butler.

Discussion and Approval of Minutes

Board Member Adelman moved the adoption of the minutes for the December 7, 2009 board meeting with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Applications for Licensure (without self disclosures)

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

John N. Ross
Melanie L. Miller
Josh Whiteley
Denise M. Jenderzak
Sarah C. Mowdy

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

The Board reviewed the license applicant chart and Board Member Wilks moved for the approval of the applicants for licensure listed below with Board Member Rhodes providing a second. The motion carried by unanimous vote: 5-0.

Cathy D. Adelman
Beverly A. Lawrence

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
			X	X	X		X	X	Aye
									Nay
X	X								Recused
									Abstained
		X				X			Absent

The Board reviewed the license applicant chart and Board Member Bennalley moved for the approval of the applicant for licensure listed below with Board Member Wilks providing a second. The motion carried by unanimous vote: 6-0.

Nadine F. Butler

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
	X		X	X	X		X	X	Aye
									Nay
X									Recused
									Abstained
		X				X			Absent

Application for Auricular Certification (without self-disclosures)

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

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “Orthopedic and Neurological Examination of the Upper Extremities” provided by Jeffrey C. Utter, DC (retired) on February 13, 2010 in Phoenix for 8 continuing education hours.

The Board discussed the course application as to the relevance in the practice of acupuncture. Certain elements of the contents of this course offering are provided to students at acupuncture schools.

Board Member Rhodes moved for the approval of the continuing education application with Board Member Cho providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Requests—Information Only

The Board received a proposal from Joe Balensi, L.Ac., regarding chemical dependency treatment programs approval. The proposal seeks to have the Board approve facilities for administering auricular acupuncture detoxification (acu-detox) services.

Mr. Balensi would like the Board to approve acu-detox facilities without having to be approved behavioral health agency.

The Board referenced board rule R4-8-302 which states the board may approve an alcoholism, substance abuse, or chemical dependency program that provides services and is

licensed by the Arizona Department of Health Services as a behavioral health agency under A.R. S. Title 36, Chapter 4.

The Board was provided an overview of the board’s statutory authority in the area of providing auricular acupuncture treatments in the state. Licensed acupuncturists may provide auricular acupuncture treatments under their current scope of practice. Furthermore, for a non-licensed acupuncturist, the person must gain auricular acupuncture certification and identify a facility that is licensed by the Arizona Department of Health Services as a behavioral health agency in order to provide auricular acupuncture treatments.

Mr. Balensi stated there is a need for more facilities to provide acu-detox services and the board could proactively fill this void since the bureaucracy found at the Arizona Department of Health Services is cumbersome.

The board shared its concerns on whether the proposal would/would not incorporate advisement, counseling and other aspects of acu-detox.

The Board requested that a committee review all aspects of this proposal so all the details are researched and answered before the board takes any action on the proposal. Board members will be providing their thoughts, comments, and questions on the proposal to the Executive Director so he can work with Mr. Balensi on the responses for future discussion by the Board.

Professional Business

Discussion and Approval of Procedures for Elections of Board Officers.
The Board discussed the procedures and no action was taken.

Election of Board Chairperson pursuant to A.R.S. §32-3902(D).

Board Member Gear nominated Toni Bennalley for the position of Board Chairperson with Board Member Rhodes providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Election of Board Secretary pursuant to A.R.S. §32-3902(D).

Board Member Gear nominated Ross Adelman for the position of Board Secretary with Board Member Rhodes providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Review and Adoption of 2010 Board Meeting Schedule.

Changes to the proposed board meeting schedule include changing the February 24, 2010 board meeting to 8 a.m. via telephone and the May 26, 2010 meeting to be held in Tucson. The meeting schedule will be posted on the website. Board Member Gear moved for the adoption of the 2010 board meeting schedule with Board Member Rhodes providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Review and Adoption of 2010 Fees pursuant to A.R.S. §32-3927.

Board Member Bennalley moved the adoption of the 2010 fee schedule as presented with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X	X		X	X	Aye
									Nay
									Recused
									Abstained
		X				X			Absent

Consideration and Discussion on Appointment of Legislative Advisory Committee.

The Board discussed the idea of establishing a legislative advisory committee to best keep the body informed on legislative proposals under consideration by the Legislature. Board members interested on serving in this capacity will notify the Chair and Executive Director of their intentions. No formal action was taken at this time.

Consideration and Discussion on placing the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA) on board meeting agendas for monthly reports.

The Board discussed the opportunity to include AzSOMA, as needed, at the regularly scheduled board meetings. The Board identified the need to improve communication with boards and other appropriate organizations in its strategic plan for the coming year. The Executive Director was asked to contact the AzSOMA on this proposal.

Reports from the Ethics Advisory Committee and Continuing Education Advisory Committee.

There were no reports from either Advisory Committee at this time.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 480

Expired Licenses: 5

Active Certified Auricular Acupuncturists: 58

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for March 2010 licensees were prepared and sent. In addition, expired license and certificate letters for the month of December were sent.
- Attended the December 8, 2009 Executive Directors meeting conducted by the Office of the Governor.
- Completed and submitted the 2009 Statewide Employee Satisfaction Survey as required by A.R.S. §38-618.01(G).
- The Board website www.azacuboard.az.gov has been updated.
- Reviewed and completed the annual property inventory report as required by the Arizona Department of Administration Management Services Division.
- Prepared and submitted the Board's Equal Employment Opportunity Report to the Governor's Office of Equal Opportunity.
- Completed and submitted the State of Arizona Occupational Exposure Risk Assessment for Pandemic Influenza survey as required by the Arizona Department of Administration and the Arizona Department of Health Services.
- Exploring the viability of moving the board web site off the state server to Google. This action would result in cost savings, larger storage space, ability to send large email attachments, and able to connect from anywhere due to Web based service. A number of boards have made this move and are pleased with the performance and cost of the new service.

State Budget:

- The state budget offices have projected a \$1.5 billion shortfall in FY 2010 (current year) and a \$2.6 billion shortfall for FY 2011 which begins on July 1, 2010.
- FY 2011 General Fund revenues are forecasted to grow by 5.1% and revenues would equal \$6.9 billion.
- General fund spending would grow by \$1.3 billion. Of that amount, \$776 million is to replace the loss of one-time federal assistance. Normal formula growth is \$335 million or 3.5%. FY 2011 spending would equal \$9.5 billion.
- A copy of Governor Brewer’s letter to the Legislature that outlines her budget plan is attached.
- The Governor’s FY 2011 budget recommendation for the Acupuncture Board of Examiners is also provided.
- A copy of Executive Order 2010-04 is attached. This Executive Order creates the Commission on Privatization and Efficiency (COPE). The purpose, membership, and duties of COPE are found in this document.

For the month of December, the board website was visited by 777 individuals. In 2006, a total of 7496 individuals used the web; 10,200 in 2007; 11,930 in 2008 and 10,927 in 2009.

Future Meeting Dates

February 24, 2010
March 24, 2010

Call to the Public

There were no requests made.

Discussion of Items to be place on a future meeting agenda


No requests were made.

Adjournment

Board Member Adelman moved for adjournment and Board Member Rhodes provided a second. The motion carried by unanimous vote: 6-0. The Board adjourned at 2:48 p.m.

Adelman	Bennalley	Bloom	Cho	Estrada	Gear	Karnas	Rhodes	Wilks	Vote
X	X		X	X			X	X	Aye
									Nay
									Recused
									Abstained
		X			X	X			Absent

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Pete Gonzalez". The signature is written in a cursive style with a large, stylized initial "P".

Pete Gonzalez
Executive Director

Approved by the Board: February 24, 2010