



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

REGULAR MEETING

January 28, 2009

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairperson
Joe Balensi, L.Ac., Secretary
Toni Bennalley, L.Ac., Professional Member
John M. Rhodes, L.Ac., Professional Member
Diane Pruetz, Consumer Member (via telephone)
Ross Adelman, Consumer Member

Board Members Absent:

Rebecca Wilks, MD, MD(H), Professional Member
Toni Karnas, Consumer Member
Vacancy—Professional Member

Attorney General Representative:

Seth T. Hargraves, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

1. Call to Order

Chairman Estrada called the meeting to order at 1:12 p.m.

2. Declaration of Conflicts of Interest

Board Member Estrada declared a conflict of interest on applicant for licensure:
Marilyn J. Hardesty-Prater.

Board Member Estrada declared a conflict of interest on applicants for auricular
certification: Amy L. Tilley and Brenda R. Morris.

Board Member Bernalley declared conflicts of interest on applicants for licensure: William Kwan, Kayo Malik, Sheila Condit and Harvey Abrams.

3. Discussion and Approval of Minutes

Board Member Bernalley moved the adoption of the minutes for the December 15, 2008 board meeting with Board Member Adelman providing a second. The Board approved the motion with a 6-0 vote.

4. Applications for Licensure (without self disclosures)

The Board reviewed the license applicant chart and Board Member Bernalley moved for the approval of applicant Marilyn J. Hardesty-Prater for licensure with Board Member Adelman providing a second. The Board approved the motion with a 5-0 vote. Board Member Estrada did not vote due to conflict of interest.

The Board reviewed the license applicant chart and Board Member Estrada moved for the approval of applicants William Kwan, Kayo Malik, and Sheila A. Condit for licensure with Board Member Rhodes providing a second. The Board approved the motion with a 5-0 vote. Board Member Bernalley did not vote due to conflict of interest.

The Board reviewed the license applicant chart and Board Member Rhodes moved for the approval of applicants Nobuko M. Pyle, Gary D. Williams, Annette M. Raddatz, Gary D. Marker and Holly E. Sparks for licensure with Board Member Balensi providing a second. The Board approved the motion with a 6-0 vote.

5. Applications for Licensure (with self-disclosures)

A. The Executive Director shared a memorandum with the Board regarding the application of Ms. Toni L. Andrikopoulos. Ms. Andrikopoulos disclosed on her acupuncture license application that the State of Washington had taken action regarding her license to practice acupuncture.

Ms. Andrikopoulos is licensed by the State of Washington Department of Health to practice acupuncture. She was initially licensed on September 30, 1998 and her license is scheduled to expire on April 18, 2009. The license is currently inactive.

The license verification letter provided by the Washington Department of Health reports a disciplinary action against Ms. Andrikopoulos in 2000—(2000-02-0001AC). The official allegation against Ms. Andrikopoulos was listed in the following manner by the Washington Department of Health.

ALLEGATION: You have been providing acupuncture treatment to several clients of a chemical dependency recovery facility by placing needles in and around the clients ears. After placement of the needles you leave the facility

without removing the needles. The patients are told to remove the needles or let them fall out.

On January 29, 2001, Ms. Andrikopoulos signed a Stipulation to Informal Disposition as presented by the Department of Health. The Department determined to resolve this complaint by way of the Stipulation to Informal Disposition which does not require a hearing. The terms of this document called for Ms.

Andrikopoulos to agree to the following:

- Reimburse costs to the Secretary of Health in the amount of \$1,000.
- Complete eight hours of continuing education in the area of clean needle standards and guidelines within two years of the effective date of the Stipulation.
- Complete a Healthcare Integrity and Protection Data Bank Reporting Form.
- Obey all federal, state, and local laws and all administrative rules governing the practice of the profession in Washington.
- Assume all costs of complying with the Informal Disposition.
- The Secretary of Health may take further action against Ms. Andrikopoulos's license if she violates any provision of the Informal Disposition.
- Any changes of address are to be provided, in writing, to the Secretary of Health.

The terms of the Informal Disposition were met by Ms. Andrikopoulos and her license has remained in good standing since 2002.

Copies of the Stipulation to Informal Disposition and License Verification letter from the State of Washington Department of Health were provided and reviewed by the Board. Ms. Andrikopoulos addressed the Board via telephone from Silver City, New Mexico.

The Board reviewed and discussed the memorandum and Board Member Bernalley moved for the approval of applicant Toni L. Andrikopoulos for licensure with Board Member Adelman providing a second. The Board approved the motion with a 6-0 vote.

B. The Board reviewed the memo prepared the Executive Director regarding the acupuncture license application of Harvey Adams, D.C.

The license application submitted by Dr. Abrams was initially reviewed at the December 15, 2008 and tabled this application for a future board meeting with a request to secure copies of minutes from the Arizona Board of Chiropractic Examiners meetings regarding the 1994 and 2001 complaints; chiropractic license verification letter from the State of Florida and any additional information Mr. Abrams provides (with approval from his legal counsel) on the pending complaint before the Arizona Board of Chiropractic Examiners.

Board Member Adelman moved to table this application for a future board meeting to wait for the chiropractic license verification letter from the State of Florida to arrive and wait for disposition on the pending complaint with the Arizona Board of Chiropractic Examiners against Dr. Abram before the Board takes action on the

application. The motion was seconded by Board Member Estrada. The motion was approved 6-0. Board Member Bernalley did not vote due to conflict of interest.

6. Applications for Auricular Certification

The Board reviewed the certificate applicant chart and Board Member Bernalley moved for the approval of the applicants for certification listed below with Board Member Adelman providing a second. The Board approved the motion with a 5-0 vote. Board Member Estrada did not vote due to conflict of interest.

Amy L. Tilley
Brenda R. Morriss

7. Professional Business

A. Disposition of Case #2008-01—Clark W. Kim. The Executive Director informed the Board at the December 15, 2008 board meeting of Judge Michael J. Burke’s (Judge of the La Paz County Superior Court) decision to issue an Order Granting Permanent Injunction as requested the Board. This Order prohibits Mr. Kim from practicing acupuncture in the state until he secures an acupuncture license from this Board. A copy of the Order was provided for review by the Board.

The Board expressed their thanks to Seth T. Hargraves, Assistant Attorney General, for his efforts on this important matter.

B. Review and Adoption of Fees pursuant to A.R.S. §32-3927. The Executive Director provided the Board with a brief overview of the state budget crisis and potential impact to the fees currently in place by the Board. If the budget situation should worsen, the Board may need to revisit this fee structure sometime in the future.

Board Member Balensi moved for the approval of the adoption of 2009 fees with a \$10.00 increase for the list of acupuncturists from \$50.00 to \$60.00 with Board Member Bernalley providing a second. The Board approved the motion 6-0.

2009 FEE SCHEDULE

Type of Fee	Amount
1. Issuance of initial license	\$275.00
2. Acupuncture application	\$150.00
Auricular certificate application	\$75.00
3. Renewal of license	\$275.00

4. Late renewal of license	\$100.00
5. Issuance of duplicate license	\$50.00
6. Visitor professor certificate	\$600.00
7. Visiting professor certificate renewal	\$600.00
8. Issuance of initial auricular certificate	\$75.00
9. Renewal of auricular certificate	\$75.00
10. Copies of records, documents, letters, minutes, applications and files	25 cents per page
11. Copies of current year board meeting minutes	\$25.00 for each set of minutes
12. Sale of lists and directories for commercial purposes	\$60.00

C. Discussion and Approval of Procedures for Elections of Board Officers

The Board reviewed the Proposed Procedure for Election of Officers memo prepared by Assistant Attorney General Seth T. Hargraves.

Board Member Adelman moved for the adoption of the Procedures for Elections of Board Officers with Board Member Rhodes providing a second. The Board approved the motion 6-0.

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

Board Member Estrada nominated herself for the position of Board Chairperson. Board Member Bernalley nominated herself for the position of Board Chairperson.

Board Members Balensi and Estrada registered their votes for Board Member Estrada.

Board Members Pruetz, Adelman, Rhodes, and Bernalley registered their votes for Board Member Bernalley.

By the vote of four (4) votes for Board Member Bernalley, she was elected Chairperson for 2009.

Board members acknowledged the leadership of Della Estrada during her tenure as 2008 Chairperson.

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

Board Member Adelman nominated himself for the position of Board Secretary.

Board Members Pruetz, Adelman, Rhodes, Bennalley, Balensi, and Estrada registered their votes for Board Member Adelman.

By the vote of six (6) votes for Board Member Adelman, he was elected Board Secretary for 2009.

Board Member Adelman recognized the leadership of Della Estrada and Joe Balensi. Furthermore, Board Member Adelman thanked the Board for their support.

8. Executive Director Report

Executive Director Gonzalez provided the following report to the Board.

License and Certificate Status Report:

Active Licensed Acupuncturists: 474
Current Expired Licenses: 15
Active Certified Auricular Acupuncturists: 57

Board Appointment News:

Still no word from the Governor's Office of Boards and Commissions on appointments to the Board. The terms of Board Members Adelman, Balensi, and Pruetz expired January 2008 and each member has expressed interest in reappointment to the Boards and Commissions office. The Board also has a vacancy due to a resignation in October 2007. The terms of Board Members Bennalley and Wilks will terminate January 2009.

Board Office Information/Activities:

The Executive Director prepared and submitted the 2008 Equal Employment port to the Governor's Office of Equal Opportunity.

Completed and filed the Lobbyist Quarterly Expenditure Report for the fourth quarter of 2008 with the Secretary of State's Office.

Pursuant to Arizona Revised Statutes §41-191.04, submitted the report of debts owed to the board. "Debt" is the right to payment, whether such right is reduced to judgment, liquidated, contingent, matured or disputed. It includes all interest, penalties, charges, costs, fees, fines, civil penalties, surcharges, assessments, administrative charges or other amounts associated with an unpaid debt."

Completed and submitted the primary source verifications for managed care agencies and hospitals as requested by Med Advantage. This organization is a national Credentials Verification Organization (CVO) that verifies licensure and

education of healthcare professionals. This process meets national credentialing certification standards, including the National Committee for Quality Assurance (NCQA), the Joint Commission, and the American Accreditation Healthcare Commission (URAC).

Provided verification of agency information to the *Arizona 2-1-1 Online* office. This office is the State of Arizona's official site for all health and human services for the public as well as the official site for all statewide emergency bulletins. The information can be found at <www.az211.gov>

Completed and submitted the Acupuncture and Oriental Medicine State Board of Continuing Education Survey as requested by the Northwestern Health Sciences University.

For the month of December, the board website was visited by 829 individuals. A steady increase of hits has taken place in the last three years. In 2006, a total of 7496 individuals used the web; 10,200 in 2007; and 11,930 in 2008. A total of 459,755 hits were made in 2008. To date, there have been 663 unique visits and 24,030 hits.

The Board received a memorandum from the Secretary of State's Office requiring the agency to withdraw proposed rulemaking filings.

9. Future Meeting Dates

February 25, 2009

March 25, 2009

10. Call to the Public

Catherine Niemiec, President of the Phoenix Institute of Herbal Medicine and Acupuncture, extended an offer to the Board during the difficult budget crisis facing the state. Ms. Niemiec offered the services of her school on use of meeting room space, conference call sponsorship, office volunteers, and office space.

Y.M. Chen, President of the Arizona Society of Oriental Medicine and Acupuncture, invited the Board to the Society's 2009 Banquet in recognition of ten years in existence. The banquet will be held on Sunday, February 1, 2009.

Minerva R. Perez, auricular acupuncturist from Tucson, addressed the Board to request the adoption of a provision for auricular acupuncture certificate holders to be eligible for renewal regardless of the person's employment status. Currently, the person has to be employed by a behavioral health organization and supervised by a licensed acupuncturist.

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


Auricular acupuncture certificate requirements.

Board initiatives to be addressed in 2009.

12. Adjournment

Board Member Adelman moved for adjournment and Board Member Estrada provided a second. The motion passed by a vote of 6-0. The Board adjourned at 2:40 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Pete Gonzalez".

Pete Gonzalez
Executive Director

Approved by the Board: February 25, 2009