



## State of Arizona Acupuncture Board of Examiners

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### REGULAR MEETING

December 3, 2012

### OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Monday, December 3, 2012, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

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

Ross Adelman, Consumer Member, Chairman

Toni Bernalley, L.AC., Secretary

Maureen Bronson, Consumer Member

Woohyung Cho, L.AC., Professional Member

Dianne Darcy, L.AC., Professional Member

Robert L. Gear, NMD, DC, Professional Member

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

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

Christopher M. Clair, Consumer Member

Alan H. Scott, DO, Professional Member

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

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

Diana Stabler, Assistant Attorney General

#### **Call to Order**

Chairman Adelman called the meeting to order at 1:10 p.m.

The following order of business was then considered:

## Declaration of Conflicts of Interest

No declarations were submitted by the Board Members.

## Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the amendment to the October 24, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

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

Board Member Bronson moved the adoption of the November 5, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Clair	Darcy	Gear	Martin	Scott	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 Bennalley moved for the approval of the applicants for licensure listed below with Board Member Darcy providing a second. The motion carried by unanimous vote: 7-0.

Emily P. Thompson  
Lauren V. Berendt

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

**Applications for Auricular Certificate (without self disclosures)**

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

Natividad Cano

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

**Other Applications/Requests – Continuing Education**

The Board reviewed the application and asked the Executive Director to contact the provider and secure additional information before the Board takes action. Ms. Jessica Parker (via-phone call) representing the continuing education provider will respond to the Board Member questions.

**Professional Business**

Review, Discussion and Possible Action on Sunrise Application: Increase in Scope of Practice of the Profession Acupuncture and Oriental Medicine as submitted by the Arizona Society of Oriental Medicine and Acupuncture.

Elyse Tera, L.AC., President of Arizona Society of Oriental Medicine and Acupuncture provided the results of the survey conducted to determine the interest of practice scope of practice changes as it pertains to herbs.

Ms. Tera shared the findings of the survey:

1. Are you a licensed acupuncturist in Arizona?

	Response %	Response Count
Yes	89.7%	104
No	0.0%	0
Student	10.3%	12

2. Have you read the newest Herbal Certificate Proposal (V13), the FAQ sheet, and the Pathways to Certification Guide, found at [www.azsoma.com/survey?](http://www.azsoma.com/survey?)

	Response %	Response Count
Yes	97.4%	114
No	2.6%	3

3. If you think you will be applying for the Herbal Certificate, which pathway do you see yourself as fitting into? Please select all that apply. (Please see Herbal Pathways FAQ)

	Response %	Response Count
Pathway 1	42.0%	47
Pathway 2	3.6%	4
Pathway 3A	33%	37
Pathway 3B	17.9%	20
Not Applying	13.4%	15
Do not fit into any category	8.9%	10

4. What processing fees do you feel are appropriate for a one-time initial Herbal Certificate application?

	Response %	Response Count
Less than \$50.00	53.4%	5
Less than \$100.00	32.0%	33
Less than \$200.00	14.6%	15

5. What fees would you pay to renew your Herbal Certificate on a two-year basis?

	Response %	Response Count
Less than \$50/two years	52.9%	54
Less than \$100/two years	38.2%	39
Less than \$200/two years	8.8%	9

6. Do you feel we should continue to advocate for herbs in our Scope of Practice through this Herbal Certificate proposal?

	Response %	Response Count
Yes	71.6%	78
No	28.4%	31

7. Are you a member of AzSOMA?

	Response %	Response Count
Yes	54.0%	61
No	46.0%	52

Board Member Bernalley asked what happens if a legislator decides to move this proposal for whatever reason.

Elyse Tera, L.AC., stated AZSOMA would stop any movement on the proposal until all parties (licensed practitioners, AZSOMA and Acupuncture Board of Examiners, and other stakeholders) can meet and improve the proposal.

Lloyd Wright, L.AC., AZSOMA board member, shared some comments about the proposal made by a number of practitioners. Mr. Wright was taken aback by the comments—he believes the comments were based due to lack of information or emotional response. He said these types of comments do not help in creating a workable proposal for practitioners and the public.

Board Member Gear reminded everyone that a review of all laws relating to herbs is needed. His thoughts are to bring in someone and explain all relevant laws before any herb proposal is moved forward.

John Rhodes, L.AC., AZSOMA board and legislative committee member, does not believe that any individual(s) will financially benefit if this proposal is approved. We must become a cohesive profession in order to advance the herbal proposal. He strongly supports the herbal proposal.

Della Estrada, L.AC., would like to see the proposal stopped and would have liked to see this sort of discussion taken place before the sunrise application was submitted.

Helene Sorkin, L.AC., stated she went to acupuncture school in order to practice with herbs after she experienced a serious health issue. Ms. Sorkin has been practicing for over 17 years. Lastly, Ms. Sorkin believes the effort to expand the scope of practice as it relates to herbs should be examined very carefully.

Jessica Jordan, L.AC., shared some concerns expressed by practitioners on the cost associated with the creation and implementation of the herb proposal.

Avis Archambault, L.AC., stated the herb proposal was not shared with a majority of licensed acupuncturists and thinks the proposal should be quashed. Ms. Archambault believes the herbal proposal provides no benefit to consumers as other people, who are not licensed in any profession, can sell herbs while licensed acupuncturists are not able to do the same thing.

Another acupuncture organization has been formed and hopefully this Board will hear from this new organization. Ms. Archambault does not support the herb proposal and thinks the proposal should be withdrawn from the Legislature.

Catherine Niemiec, L.AC., President of the Phoenix Institute of Herbal Medicine and Acupuncture, stated the National Certification Commission for Acupuncture and Oriental Medicine thinks the herb proposal should be advanced. Ms. Niemiec spoke to the potential costs associated with the herb proposal and clarified the cost issue.

Board Member Gear stated all states in the country consider herbs as a drug. An acupuncturist in the state who practices with herbs can be brought before this Board for practicing out of scope.

Peter Chow, L.AC. provided the following comments:

Dear Acupuncture Board of Examiners,

I am a TCM practitioner for over 30 years. I received my training in Hong Kong and Guang Zhou TCM University. I also learned under a master of Classical TCM Dr. as an apprentice for about 10 years. I came from a family of 28 generations of TCM, Martial art, Feng Shui and I-Ching. My grandfather was a TCM doctor taking care of the whole village in his home town during the period of Ching Dynasty and the Republic of China.

As far as I know the old school traditional Chinese healing art includes Chinese herbal medicine, I-ching, Astrology and Martial art. Some areas in China, the TCM training still have all of the above subjects. In other words, A real Chinese TCM doctors can use herbs; acupuncture; tuina; anma; bone setting, the Chinese way of Chiropractic work and physical therapy; qi-gong and nutritional suggestion. Another name for the Chinese herbal doctors is, therefore, used to be called a Natural Healer.

If we just talk about Chinese herbal medicine, there are two kinds of practices. The one that people see in New York, or any China Town are all called the “processed herbal practices”. The other kind is “raw unprocessed herbal practitioners”. The raw unprocessed herbal practitioners pick the herbs from the mountain, or trees and use them on the patients right away. Apart from that, the traditional Chinese herbal practices also have two main streams; the Classical TCM and the contemporary TCM doctors. This is defined by the Chinese-English Medical Dictionary, Edited by the Editorial Committee of the People Hygiene Publisher, Beijing, China. The classical TCM and the contemporary TCM are different in many ways. The diagnosis, use of herbs, scope of usage of TCM formulae, treatment plan, understanding of the patients’ problems, the ratio of the herbal ingredients and the terminology used in prescription are all different from the contemporary TCM doctors. The classical TCM training takes about 2000 hours of class room studies verses most of the TCM schools in United States take less than 50 hours on classical understanding. The term Master and apprenticeship come from China. It is because of the fact that people learn martial arts and even other form of Chinese cultural art not from a school but a master. People will admire you and respect you if you learn painting from Cheung Tai Chin instead of learning in a painting school, for example. It is, therefore, our cultural habit to study from master or grand master as an apprentice for so many years to become a reputable practitioner. If it is believed that people graduated before a certain year is outdated or not up to the new version of syllabus, it is absolutely disrespect and down grading to those masters or classical TCM practitioners who keep the philosophy from 5000 years. In China, there are unprocessed TCM practitioners, Classical TCM as well as contemporary TCM doctors. They are all mutually respecting and helping each other; and working together without any discrepancies. It is not necessary to have laws to protect the use of herbs, or to make it legalized for prescribing herbs. In fact, the proposal is pure compartmentalized and disconnected approach and is very disrespectful and insulting to the Chinese as well as Chinese cultural science.

In Arizona, there are farms in northern part of Arizona and Tucson growing herbs. They do not just grow Native American herbs but many of them have a cross over. Ephedra, for example, has been growing in Arizona for a long time. A lot of high schools as well as grade schools will organize a trip to visit those farms every year. All the students treasure the trip as a very good learning experience. Herbs which are not safe, can endanger our lives have all been banned by the US government already. Don’t forget that herbs are still under the Federal Law as food supplement. Everybody can use it. If herbs prescription becomes legal and no longer a food supplement; no grandfather in will be granted, it will be unfair to those acupuncturists who used to be able to give advice to their clients. They have to stop their practice until they get back to school and pass the 450 hours of training, while those who are not licensed acupuncturists can still prescribe and advise people of using herbs and people can still go to health food store or herbal store to get herbs as well. How can the legalization of herbs be able to protect the public then?

The acupuncture licensing fee is almost one of the most expensive charges compare to other profession. If there are laws to govern just the acupuncturists in using herbs, it is going to take away the livelihood of the grandfather acupuncturists and will be too much to all the acupuncturists for they will have to buy extra malpractice insurance, paying more fees for CEU and extra fee for certificate. The law will also give more burdens to the board of examiners. It definitely will create discrepancies between acupuncturists and disharmonize the whole Chinese medical field. At least, I believe the board is hearing some of the voice of antagonism already. Acupuncture has been legalized for more than 10 years but still not reimbursed by many insurance companies. We are still a minor group of practice compare to other kinds of healing arts. I beg our esteem board of examiners not to allow this happen again to diversify us and please help all the acupuncturists to survive. To make a living in America is not that easy.

Appointment of Board Members to Joint Committee with the Arizona State Board of Physical Therapy regarding Dry Needling.

The Board named Board Members Toni Bennalley, L.AC., Maureen Bronson, Patricia Martin, L.AC.

Board Member Adelman moved for the appointment Board Members Toni Bennalley, L.AC., Maureen Bronson, Patricia Martin, L.AC. to serve on the Joint Committee with the Arizona State Board of Physical Therapy regarding Dry Needling with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

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

### Review and Adoption of 2013 Board Meeting Schedule

January 23, 2013

Wednesday, February 27, 2013

Wednesday, March 27, 2013

Wednesday, April 24, 2013 (Tucson Meeting)

Wednesday, May 22, 2013

Wednesday, June 26, 2013

Wednesday, July 24, 2013

Wednesday, August 28, 2013

Wednesday, September 25, 2013

Wednesday, October 23, 2013

Thursday, November 14, 2013

Tuesday, December 10, 2013

Board Member Bennalley moved for the adoption of the 2013 Board Meeting Schedule with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

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

Preparation for Election of 2013 Board Officers  
No action was taken on this agenda item.

Draft legislation for the 2013 Legislative Session

The Executive Director reviewed draft legislation which is the result of the work conducted by the legislative advisory and continuing education committees and approved by the Board.

Strategic Plan

The Board reviewed the 2012 Strategic Plan in preparation for 2013. The Board will develop the Plan at the January 23, 2013 board meeting. A number of goals will be addressed in 2013 to include dry needling, herbs, and other areas.

### **Future Meeting Dates**

January 23, 2013  
February 27, 2013  
March 27, 2013

### **Call to the Public**

Rik Ehmann, L.AC., believes acupuncturists should refrain stating that physical therapists and others are practicing acupuncture so they and the public don't think they are practicing acupuncture.



Jonathan Lindsey, representing AZSOMA, shared information regarding the practice of collagen injection therapy.

Jessica Jordan, L.AC., stated acupuncture needles are considered “class 2 medical surgical device” and the Board may want to keep this in mind when the discussions on dry needling begin.

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

- Dry Needling efforts with the Arizona State Board of Physical Therapy to include appointment of board members to joint committee
- Board Elections
- Strategic Plan
- Legislative Agenda

**Adjournment**

Board Member Bernalley moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 7-0. The Board adjourned at 3:05 p.m.

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

Respectfully Submitted,



Pete Gonzalez  
Executive Director

Approved by the Board: January 23, 2013