

ARIZONA STATE SENATE

RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE
Senator Robert Blendu, Chairman
Representative John Nelson, Cochair

HEATHER OWENS
LEGISLATIVE RESEARCH ANALYST
HEALTH COMMITTEE
Telephone: (602) 926-3171
Facsimile: (602) 926-3833

DATE: December 3, 2007

SUBJECT: Sunset Review of the Acupuncture Board of Examiners

Attached is the final report of the sunset review of the Acupuncture Board of Examiners, which was conducted by the Senate Health and House of Representatives Health Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Janet Napolitano

President of the Senate
Senator Tim Bee

Speaker of the House of Representatives
Representative James Weiers

Senate Members
Senator Tom O'Halleran, Cochairman
Senator Barbara Leff
Senator Paula Aboud
Senator Thayer Verschoor
Senator Amanda Aguirre

House Members
Representative Bob Stump, Cochairman
Representative Nancy Barto
Representative Rick Murphy
Representative David Bradley
Representative Linda Lopez

Acupuncture Board of Examiners
Arizona State Library, Archives & Public Records
Office of the Auditor General

Senate Majority Staff
Senate Research Staff
Senate Minority Staff
Senate Resource Center

House Majority Staff
House Research Staff
House Minority Staff
Chief Clerk

HO/jas
Attachment

***Senate Health and House of Representatives Health
Committee of Reference Report***

ACUPUNCTURE BOARD OF EXAMINERS

Background

Pursuant to Arizona Revised Statutes (A.R.S.) § 41-2953, the Joint Legislative Audit Committee (JLAC) assigned the sunset review of the Acupuncture Board of Examiners (Board) to the Senate Health and House of Representatives Health Committee of Reference.

The Board was established in 1998 to regulate the practice of acupuncture. Statute defines acupuncture as puncturing the skin by thin solid needles to reach subcutaneous structures and stimulating the needles to affect a positive therapeutic response at a distant site. The Board's duties include evaluating license and certificate applications, issuing licenses and certificates, establishing fees, adopting rules, initiating investigations and taking disciplinary actions as necessary.

Pursuant to A.R.S. § 32-3905, the State Treasurer collects all monies received by the Board and deposits ten percent of the monies and all civil penalties imposed on licensees into the state General Fund. The remaining 90 percent of monies received are deposited in the Acupuncture Board of Examiners Fund and are used by the Board for all necessary Board expenses.

Committee of Reference Sunset Review Procedures

The Committee of Reference held one public meeting on November 6, 2007, to review the Board's responses to the sunset factors as required by A.R.S. § 41-2954, subsections D and F, and to hear public testimony. The Board's responses to the 12 sunset factors and four additional questions are attached.

Committee of Reference Recommendations

The Committee of Reference recommends continuing the Board for ten years.

Attachments

1. Staff memo.
2. Sunset report requirements pursuant to A.R.S. § 41-2954, subsections D and F.
3. Meeting notice.
4. An excerpt of the minutes of the Committee of Reference meeting relating to the Board.

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE HOUSE AND SENATE
HEALTH COMMITTEE OF REFERENCE

HEATHER OWENS
ASSISTANT ANALYST
HEALTH COMMITTEE
Telephone: (602) 926-3171
Facsimile: (602) 926-3833

DATE: October 25, 2007

SUBJECT: Sunset Review of the Acupuncture Board of Examiners

The Arizona Acupuncture Board of Examiners (Board) is scheduled to sunset on July 1, 2008. The following is a brief description of the history and duties of the Board, as well as the Board's response to the sunset questionnaire. A public meeting is scheduled for November 6, 2007, to review, discuss and make a final recommendation on the Board's continuation. If you have any questions or need further assistance, please feel free to contact me.

BOARD HISTORY AND MISSION

The Board was established in 1998 to regulate the practice of acupuncture. Statute defines acupuncture as puncturing the skin by thin solid needles to reach subcutaneous structures and stimulating the needles to affect a positive therapeutic response at a distant site. Auricular acupuncture is the application of acupuncture needles to parts of the human ear to treat alcoholism, substance abuse or chemical dependency.

The mission of the Board is to protect the health, safety and welfare of the citizens of Arizona by regulating and maintaining standards of practice for acupuncture.

ORGANIZATION AND DUTIES

The Board consists of nine members who are appointed by the Governor for three-year terms. Four of the Board members must be licensed acupuncturists, three must be public members and two members must be licensed as either a medical doctor, an osteopathic doctor, a naturopathic physician, a homeopathic physician or a chiropractor. The Board appoints an executive director to carry out the Board's functions and perform administrative duties.

The Board's duties include evaluating license and certificate applications, issuing licenses and certificates, establishing fees, adopting rules, initiating investigations and taking disciplinary actions as necessary. The Board estimates that it regulates approximately 450 active acupuncture licensees and approximately 60 certified auricular acupuncturists. In FY 2006-2007, the Board's average timeframe for resolving complaints was 76 days. The Board states that additional duties include updating information technology requirements, budgeting and addressing public inquiries about acupuncture. The Board also holds public meetings at least once a month and maintains a website.

The Board issues acupuncture licenses and auricular acupuncturist certifications to qualified applicants. A person who applies for a license to practice acupuncture must have at least 1,850 hours of

MEMORANDUM

October 25, 2007

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training in a Board-approved program, including at least 800 hours of Board-approved clinical training. An applicant must also be certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or must have been licensed by another state with substantially similar standards and must not have had a license or certificate revoked. An applicant for an auricular acupuncture certificate must successfully complete a Board-approved training program in acupuncture for the treatment of alcoholism, substance abuse or chemical dependency that meets or exceeds the standards of the National Acupuncture Detoxification Association. An applicant must also complete a clean needle technique course approved by the Board.

The Board does not identify any other agencies that duplicate or conflict with the Board. As such, the Board believes that the elimination of the Board would put the public in danger of receiving acupuncture treatment from incompetent and unethical practitioners.

FISCAL ISSUES

The Board's total operating budget for FY 2007-2008 is \$125,500. The Board currently has one full-time equivalent (FTE) position. Pursuant to A.R.S. § 32-3905, the State Treasurer collects all monies received by the Board and deposits ten percent of the monies and all civil penalties imposed on licensees into the state General Fund. The remaining 90 percent of monies received are deposited in the Acupuncture Board of Examiners Fund and are used by the Board for all necessary Board expenses.

LEGISLATIVE ISSUES

The Board states that its current statutes efficiently govern the practice of acupuncture and does not indicate any requests for legislative changes.

ADDITIONAL BACKGROUND

Senate staff received several letters indicating support for continuing the Board from the following persons:

- David Epley, President of the Arizona School of Acupuncture and Oriental Medicine
- Alex Holland, President of the Asian Institute of Medical Studies
- David Sale, Executive Director of the Council of Colleges of Acupuncture and Oriental Medicine
- Lloyd G. Wright, President of the Arizona Society of Oriental Medicine and Acupuncture
- Betsy P. Smith, Associate Deputy Director of NCCAOM
- Catherine Niemiec, President of the Phoenix Institute of Herbal Medicine & Acupuncture

(Please see letters attached with sunset response for more information).

HO/jas

Attachments

Janet A. Napolitano
Governor



Della Estrada, L.Ac., Chairman
Joe Balensi, L.Ac., Secretary

State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007
(602) 542-3095 FAX (602) 542-3093

September 27, 2007

Senator Tom O'Halleran, Chair
Senate Health Committee of Reference
Arizona State Senate
1700 West Washington
Phoenix, AZ 85007

Representative Bob Stump, Chair
House Health Committee of Reference
Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85007

RE: Sunset factors pursuant to A.R.S. §41-2954

Dear Senator O'Halleran and Representative Stump:

In accordance with the provisions of A.R.S. §41-2954 and in response to your letter dated June 20, 2007, I offer the following response to the sunset consideration factors as follows:

I. The objective and purpose in establishing the agency.

The Arizona State Legislature established the Arizona Acupuncture Board of Examiners in 1998 for the purpose of protecting the public health by ensuring that acupuncture is provided by qualified and competent individuals.

The Board is responsible for regulating and monitoring the safe practice of acupuncture in the state. This can be accomplished by investigating complaints against licensees and may discipline licensees that are found to have violated laws related to professional conduct.

The Board also reviews and issues certificates to auricular acupuncturists who are supervised by licensed acupuncturists.

2. The effectiveness with which the agency has met its objective and purpose and efficiency with which it has operated.

The agency meets its objective and purpose through the day-to-day operations with respect to its licensure and certification processes and outcomes, as well as its regulation of the profession. Specifically, the agency has a history of processing applications for acupuncture licensure and auricular acupuncturist certification within the time frames mandated by administrative rule with no time frame violations to report since the codification of the Board's time frame rule (A.A.C. R4-8-105). All applicants are mailed an application deficiency letter upon receipt of their application notifying them of information missing from their file, and all applicants are notified by mail when their applications are administratively complete that also reports on what date the Board will review their application in order to grant or deny licensure/certification.

The Board also investigates all complaints over which the agency has jurisdiction, and adjudicates those cases in a timely and efficient manner. All complaints submitted to the Board are reviewed for jurisdiction considerations, and all complainants are notified of the receipt of the information, the review of the case, any hearings related to the case, and the final case disposition.

Lastly, the Board responds to state requirements related to information technology requirements, inventory of assets reporting, budgeting, rulemaking and addressing consumer inquiries pertaining to the practice of acupuncture.

3. The extent to which the agency has operated within the public interest.

The Board holds meetings at least monthly that, pursuant to state law, are always open to members of the public. The Board meetings are properly announced with agendas posted at a couple of locations within the building in which the Board meets and the Board's website <www.azacuboard.az.us>. Board staff provides the state professional association, the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA), with a calendar of meeting dates, and applicants for licensure and certification receive this information as well.

In 2003, the agency launched its web site for use by the public and by members of the profession. The web site provides the user with information regarding qualifications for licensure, the purpose and composition of the Board, links to the Board's statutes and administrative rules, and information on filing complaints. The newest feature of the web site allows members of the public to search for licensed acupuncturists and for certificated auricular acupuncturists, and to learn whether any of these practitioners have a history of complaints.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

The Board recently undertook and completed a comprehensive review of its rules to ensure consistency with legislative mandate. This review was conducted at monthly board meetings and amendments will be submitted for consideration by the Governor's Regulatory Review Council later this fall.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

At every meeting conducted by the Board, members of the public have the opportunity to make comment to the Board to request consideration of an issue or matter at a future meeting of the Board. Three of the nine members of the Board are public members, and were appointed to bring the perspective of potential impact to the public to the Board when the Board contemplates what actions will be taken. The Board, in its deliberations, attempts to assess how the public will be affected by its decisions, and upholds public protection and interest as its ultimate purpose. The Board has a link to the Secretary of State's website where all proposed rule changes are found in the Arizona Administrative Register.

In addition, the Board produces a monthly newsletter to inform the public of board action and files the appropriate notices according to the Arizona Administrative Procedures Act.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

The Board has handled complaints, within its jurisdiction, in a timely manner. For the recently completed fiscal year 2007, the Board's overall timeframe to resolve complaints was 76 days. A continuous effort is made by the Board to inform the public about the complaint process so their concerns are addressed in a consistent manner. The Board website includes an explanation of the complaint process and the complaint forms are also available online.

The Arizona Acupuncture Board of Examiners utilizes the services of the Arizona Attorney General's office to ascertain legal advice on complaints and investigations.

- 7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.**

A.R.S. §41-192 authorizes the Arizona Attorney General to seek prosecution of individuals whose conduct constitutes a violation of the agency's statutes and rules. In addition, the Board may seek injunctive relief through the attorney general or the county attorney may apply to the superior court for an injunction restraining individuals from violating the statutes governing the Board.

- 8. The extent to which the agency has addressed deficiencies in their enabling statutes which prevent it from fulfilling its statutory mandate.**

The Acupuncture Board of Examiners is able to fulfill its mandate with the statutes currently in place.

- 9. The extent to which changes are necessary in the laws of the agency to adequately comply with these factors.**

Again, the Board is able to meet its statutory mandate. Established statutes are efficient to govern the safe practice of acupuncture.

- 10. The extent to which the termination of the agency would significantly harm the public health, safety or welfare.**

Termination of the state regulation of licensed acupuncturists and certificated auricular acupuncturists would significantly endanger the public. The public demand for treatment by acupuncturists is increasing and a dedicated board has a focus on the insurability of the safe practice of acupuncture.

If the agency were to be terminated, there is no assurance to the public that unqualified or incompetent licensed acupuncturists or certificated auricular acupuncturists, or that unlicensed individuals practicing as licensed acupuncturists or working as certificated auricular acupuncturists, are barred from practicing and treating the public. Additionally, if the agency were to be terminated, there would be no regulatory complaint investigation and adjudication system that would assure the public that licensed acupuncturists and certificated auricular acupuncturists who cause harm would be disciplined and rehabilitated for purposes of returning to the safe practice of the profession.

If the Arizona Acupuncture Board of Examiners were to cease to exist, the public and consumers of acupuncture services would have no source through which to inquire about the profession and obtain information about the individuals practicing in the profession.

11. **The extent to which the level of regulation exercised by the agency is appropriate and whether less or more stringent levels of regulation would be appropriate.**

The Board believes that the current level of regulation exercised is generally appropriate given the agency's statutory mandate to protect the public. As evidenced by recent survey results, the Board appears to be meeting the statutory mandates in a professional, efficient, and timely manner.

12. **The extent to which the agency has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.**

The use of private contractors has proven to be necessary and vital to the effectiveness of the Board. A private contractor was used in the review and development of rule changes which allows the Board to define its purpose and clarify the expectations in the practice of acupuncture in this state. The Board also utilizes an outside contractor to maintain the critical component of public information—its website.

Additional Questions:

1. **Identify the problem or the needs that the agency is intended to address:**

As the number of licensed acupuncturists increases in the state, the Board will need to focus on a number of strategic issues that will better serve the State of Arizona. The continuation of efforts to develop administrative rules and policies and procedures addressing the licensing requirements of Arizona licensed acupuncturists and certificated auricular acupuncturists along with the protection of the public are the priority for the Board.

The greatest challenge to the Board will be to secure and maintain adequate resources for technology enhancements as the growth of licensees materializes. The ability to keep pace with new technology advancements will require the Board to strategically prioritize its goals and challenges.

Lastly, the Board will continue its concerted effort to inform and protect the public by using alternative methods for board meetings and sharing of important information related to the practice of acupuncture.

2. **A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.**

The Board has continued to improve its availability of information to the public and license applicants by enhancing its website. Included in this information are the present rules that guide the Board in carrying out its statutory responsibilities. The Board's efforts in updating and recodifying its rules are a major step in accomplishing one of the goals undertaken by the Board.

At the present time, the Board is able to notify the public of disciplinary actions taken through the use of the website. The Board will continue to make all efforts to not only maintain this important information, but look to improve the delivery of this information to the public.

Additionally, the Board will be exploring the feasibility of providing an interactive process that would enable applicants and the general public to submit board forms in a more efficient and productive manner. This effort may also include an electronic payment system for license renewals.

3. **Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.**

The agency has not identified any other agency (local, state or federal) or private-sector organization with similar or duplicative objectives as those of the Arizona Acupuncture Board of Examiners. The Board has never identified any organization, public or private, whose mission or objectives conflict with those of the Arizona Acupuncture Board of Examiners.

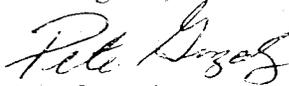
4. **Assess the consequences of eliminating the agency or of consolidating it with another agency.**

The Board has determined that elimination of the agency would place the public at risk for harm from incompetent and unethical practitioners of acupuncture. No alternative agency (local, state or federal) is currently in a position to assume the responsibility of determining and evaluating the qualifications associated with licensing and certifying acupuncturists and auricular acupuncturists. Nor is there an appropriate alternative agency prepared to investigate and enforce standards of practice and care for which the Arizona Acupuncture Board of Examiners is currently responsible. The Board also does not believe that the consolidation of the independent professions would be in the best interest of the public, nor of the professions, for the following reasons:

- A regulatory Board's abilities to carry out their statutory responsibilities to the public should not be diluted by consolidation when efficiencies are created at the expense of compromising already limited resources (i.e. eliminating the necessary staff to serve the Board).
- Boards and Commissions should retain the ability to have complete authority over staff to ensure performance measures are achieved and so that incompetence on the part of staff can be appropriately and effectively addressed.
- Consolidation of regulatory agencies has the potential to establish conflicts of interest between related professions which are grouped together under the guise of a common purpose; autonomous Boards are not influenced by those conflicts and approach regulatory issues and complaints from a less biased perspective. Within the structure of a consolidated regulatory agency, it is reasonable to expect that special interests will often drive decision-making, which is never in the best interest of the public.
- There are complex legal implications concerning elimination and/or consolidation of the agency (i.e. contractual obligations).
- There would be costs associated with consolidation of the agency with another, and those costs should not be assumed by neither the individuals regulated, nor by the public that the agency is intended to protect.

On behalf of the Arizona Acupuncture Board of Examiners, I thank you for the opportunity to respond to these questions. If you have additional questions, or require clarification, please contact me at 602-364-0145.

Best regards,



Pete Gonzalez
Executive Director

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING (Teleconference)

July 26, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Martha Grout, MD., Secretary
Toni Karnas, Public Member
Diane Pruetz, Public Member
Michael J. Robb, DC, Professional Member
Yong Deng, L.Ac., Professional Member
Joe Balensi, L.Ac., Professional Member

Board Members Absent:

Marcey Rosin, L.Ac., Professional Member (unable to participate due to phone difficulties)
Vacancy, Public Member

Attorney General Representatives:

Lisa Miles, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

Chairman Estrada called the meeting to order at 1:06 p.m.

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Grout moved the adoption of the June 28, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Deng. The motion was passed by a vote of 7-0.

III. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Grout made a motion to approve licensure for Patricia E. Martin. A second was provided by Board Member Robb. The motion passed 7-0.

IV. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Grout made a motion to approve the applications of Helen M. Selwitschka and Brian W. Turner. Board Member Robb provided a second and the motion passed 7-0.

V. Professional Business – Review, Discussion and Action

Board Member Grout provided the Board with an update on the status of the review of Board statutes. She assured the Board of an opportunity to discuss any recommended statutory changes once the review has been completed. Executive Director Gonzalez explained the Five-Year Review Report submitted to the office of the Governor's Regulatory Review Council (GRRC).

VI. Executive Director Report

Executive Director Gonzalez informed the Board of the upcoming budget submission to the Governor's Office of Strategic Planning and Budgeting (OSPB) for the next two fiscal years.

VII. Future Agenda Items -- Review, Discussion and Action

No items were provided at this time.

VIII. Future Meeting Dates – Review, Discussion and Action

August 23, 2006
September 27, 2006

IX. Call to the Public

No requests were made.

X. Adjournment

The meeting adjourned at 1:17 p.m. following a motion by Board Member Grout and a second by Board Member Estrada. The motion carried 7-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Pete Gonzalez".

Pete Gonzalez
Executive Director

Approved by the Board: August 23, 2006

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING

August 23, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Toni Karnas, Public Member
Diane Pruetz, Public Member
Michael J. Robb, DC, Professional Member
Yong Deng, L.Ac., Professional Member
Marcey Rosin, L.Ac., Professional Member
Joe Balensi, L.Ac., Professional Member (via telephone)

Board Members Absent:

Martha Grout, MD., Secretary
Vacancy, Public Member

Attorney General Representatives:

Lisa Miles, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

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

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Pruetz moved the adoption of the July 26, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Rosin. The motion was passed by a vote of 7-0.

**III. Consideration of Acupuncture Program: – Review, Discussion and Action.
The Board may go into executive session to obtain legal advice.**

The Executive Director provided an explanation of the request by the Community School of Traditional Chinese Healthcare to gain program approval. The school has been closed, but the previous president of the school submitted the required documentation for program approval by the board. The Board discussed whether the program application was completed and whether all the criteria were applicable given the existence of the school before the Arizona Acupuncture Board was created. Executive Director Gonzalez explained a number of requirements have changed over time and thus the school met the requirements at their time of existence.

Board Member Rosin made a motion to approve the acupuncture program offered by the Community School of Traditional Chinese Healthcare. Board Member Deng provided a second and the motion passed 7-0.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Pruetz made a motion to approve licensure for the following:

Donna M. ne Lona
Karen Johnsrude
Jose Ylagan See
Dahvid Weiss
Yasunao Aoi
Marie A. Yahner
Casey C. Rein
Kathy L. Fisher
Debra S. Manning

A second was provided by Board Member Estrada. The motion passed 7-0.

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Pruetz made a motion to approve the application of Clarence E. Turner. Board Member Rosin provided a second and the motion passed 7-0.

Executive Director Gonzalez provided the Board with an explanation of the applications of David L. Lewis and Dina Cassata. Both of these applicants indicated they had been convicted of a crime so additional documentation was provided to explain the incident(s) and final disposition of the matter(s).

Board Member Pruetz made a motion to approve the application of David L. Lewis. Board Member Estrada provided a second and the motion passed 7-0.

Board Member Pruetz made a motion to approve the application of Dina Cassata. Board Member Rosin provided a second and the motion passed 7-0.

VI. Professional Business – Review, Discussion and Action

The item found on the agenda was withdrawn from action since the Board does not have the authority to provide advisory opinions on applications.

VII. Executive Director Report

The Executive Director informed the Board of activities that have transpired since the last board meeting.

VIII. Future Agenda Items -- Review, Discussion and Action

Chairman Estrada determined that postponement of a Board training session was in order until the Board was at full membership.

IX. Future Meeting Dates – Review, Discussion and Action

September 27, 2006
October 25, 2006

X. Call to the Public

Ms. Juliandra Bailon addressed the Board regarding her application for auricular certificate.

XI. Adjournment

The meeting adjourned at 1:40 p.m. following a motion by Board Member Pruetz and a second by Board Member Rosin. The motion carried 7-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Pete Gonzalez".

Pete Gonzalez
Executive Director

Approved by the Board: September 27, 2006

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING

September 27, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman

Toni Karnas, Public Member

Yong Deng, L.Ac., Professional Member

Rebecca Wilks, Professional Member

Marcey Rosin, L.Ac., Professional Member (via telephone)

Joe Balensi, L.Ac., Professional Member (via telephone)

Board Members Absent:

Diane Pruetz, Public Member

Michael J. Robb, DC, Professional Member

Vacancy, Public Member

Attorney General Representatives:

Lisa Miles, Assistant Attorney General

Christopher A. Munns, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

Chairman Estrada called the meeting to order at 1:01 p.m.

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Deng moved the adoption of the August 23, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Karnas. The motion was passed by a vote of 6-0.

III. Consideration of Administrative Law Judge Decision (Case Number 06A-002-ABE) RE: In the Matter of Jerry Lee McGinnis –Review, Discussion, and Action

Chairman Estrada called for the consideration of the Administrative Law Judge's Recommended Decision in Case Number 06A-002-ABE (Re: the application of Jerry Lee McGinnis). Chairman Estrada asked if the parties are present. Lisa Miles, Assistant Attorney General identified herself on behalf of the State. Mr. McGinnis was not present.

Chairman Estrada asked if board members had received and reviewed a copy of the Administrative Law Judge's decision regarding his matter. All Board Members, with the exception of Board Member Wilks indicated they had received and reviewed the decision. Board Member Wilks asked to excuse herself from this matter since this is her first meeting.

The Board heard the oral argument from Lisa Miles, Assistant Attorney General, on the ALJ's decision and recommended the Board accept the ALJ's recommended findings of fact, conclusions of law, and order and affirm denial of license.

Board Member Rosin made a motion on the Findings of Fact. Board Member Karnas provided a second. The motion was approved 5-0.

Board Member Balensi made a motion on the Conclusions of Law, as proposed in the decision as recommended by the ALJ. Board Member Rosin provided a second. The motion was approved 5-0.

Board Member Deng provided a motion to accept the ALJ's Recommended Order. Board Member Estrada provided a second. The motion was approved 5-0.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Chairman Estrada asked that applicant (E) Jungsoo Shim's application be rescheduled for action in the future. Board Member Rosin moved for the approval of the applicants for licensure listed (A –D) below with Board Member Deng providing a second. The Board approved the motion with a 6-0 vote.

- A. Susan D. Stanko
- B. Suzanne B. Berger
- C. Jera L. Pennington
- D. Michelle C. Larson
- E. Jungsoo Shim

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Balensi moved for approval of auricular certification for the applicants listed below and Board Member Deng provided a second. The Board approved the motion with a 6-0 vote.

- A. Kimberly A. Campbell
- B. Tonya A. Thompson

VI. Consideration of Other Applications—Review, Discussion and Action

Request for Exemption from Continuing Education requirements by Chiu-An Chang, D.O., L.Ac. Reference: R4-8-207

Board Member Rosin cited a conflict of interest regarding this action item. Executive Director Gonzalez provided the Board with a brief explanation of this matter and informed the Board of Dr. Chang's request from last year as well.

Board Members questioned why Dr. Chang had not taken on-line courses at home due to his illness to fulfill his CEU requirement for license renewal.

Assistant Attorney General Lisa Miles provided the Board with legal options to consider with this request.

Board Member Wilks moved that the Executive Director request additional information from Dr. Chang and his physician for Board consideration. Board Member Karnas provided a second on this motion. The motion was approved by a vote of 5-1 (Chairman Estrada).

VII. Appointment of Board Secretary

Chairman Estrada appointed Board Member Balensi to complete the term of Board Secretary until the next Board election in January 2007.

VIII. Professional Business – Review, Discussion and Action

The Executive Director provided the Board with information about the American Association of Oriental Medicine (AAOM) annual meeting (Oct. 19-23) to be held in Litchfield Park, Arizona. Chairman Estrada encouraged Board Members to attend this important meeting if possible.

Executive Director Gonzalez shared information on Chapter 236, House Bill 2786, Laws 2006. This legislation requires licensees to establish a protocol on how to secure storage, transfer and access of patient medical records. This new requirement will need to be met for future license renewal.

Board Member Balensi excused himself for the remainder of the meeting at 1:58 p.m.

IX. Executive Director Report

Executive Director Gonzalez informed the Board of the budget submission for FY 2008-2009.

X. Future Agenda Items -- Review, Discussion and Action

No items were presented.

XI. Future Meeting Dates – Review, Discussion and Action

October 25, 2006
November 22, 2006
December 27, 2006

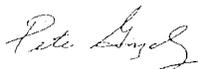
XII. Call to the Public

There were no requests from the public.

XIII. Adjournment

Board Member Estrada moved for adjournment and Board Member Deng provided a second. The motion passed by a vote of 5-0. The Board adjourned at 2:04 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: October 25, 2006

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING

Teleconference

October 25, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Joe Balensi, L.Ac., Secretary
Toni Karnas, Public Member
Yong Deng, L.Ac., Professional Member
Diane Pruetz, Public Member
Michael J. Robb, DC, Professional Member

Board Members Absent:

Rebecca Wilks, Professional Member
Vacancy, Public Member
Vacancy, Professional Member

Attorney General Representatives:

Mark Harris, Assistant Attorney General

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

Chairman Estrada called the meeting to order at 1:02 p.m.

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Deng moved the adoption of the September 27, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Robb. The motion was passed by a vote of 6-0.

III. Consideration of Applicants for Licensure – Review, Discussion and Action

Chairman Estrada moved for the approval of the applicants for licensure listed (A – F) below with Board Member Balensi providing a second. The Board approved the motion with a 6-0 vote.

- A. Jungsoo Shim
- B. Joan E. Spencer
- C. Karl T. Stertzbach
- D. Keith F. Zabik
- E. Marie L. Veverka
- F. Dewey G. Sparger

IV. Professional Business – Review, Discussion and Action

No items were presented.

V. Executive Director Report

Executive Director Gonzalez informed the Board of the resignation of Board Member Marcey Rosin. The letter of resignation has been forwarded to the Office of the Governor.

The Executive Director provided the Board with an explanation of draft rules prepared by the rules attorney. The Board was asked to review the draft in preparation for the November board meeting.

The Board had instructed the Executive Director to investigate the possibility of moving of the November 22 and December 22, 2006 meetings due to scheduling conflicts. The Executive Director informed the Board of two potential dates for consideration—November 20 and December 18, 2006.

A report on the Annual Meeting of the American Association of Oriental Medicine was presented by the Executive Director. This meeting provided a forum for regulatory agencies from throughout the country to meet and discuss issues of mutual interest.

VI. Future Agenda Items -- Review, Discussion and Action

No items were presented.

VII. Future Meeting Dates – Review, Discussion and Action

Chairman Estrada moved that the November board meeting be changed to Monday, November 20, 2006 at 1 p.m. Board Member Deng provided a second and the motion was approved on a 6-0 vote.

Chairman Estrada moved that the December board meeting be changed to Monday, December 18, 2006 at 1 p.m. Board Member Deng provided a second and the motion was approved on a 6-0 vote.

XII. Call to the Public

There were no requests from the public.

XIII. Adjournment

Board Member Pruetz moved for adjournment and Chairman Estrada provided a second. The motion passed by a vote of 6-0. The Board adjourned at 1:25 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: November 20, 2006

State of Arizona Acupuncture Board of Examiners

REGULAR MEETING

Teleconference

November 20, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Joe Balensi, L.Ac., Secretary
Toni Karnas, Public Member
Yong Deng, L.Ac., Professional Member
Diane Pruetz, Public Member
Michael J. Robb, DC, Professional Member
Rebecca Wilks, Professional Member

Board Members Absent:

Vacancy, Public Member
Vacancy, Professional Member

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call To Order

Chairman Estrada called the meeting to order at 1:14 p.m.

II. Board Meeting Minutes—Review, Discussion, and Action

Board Member Pruetz moved the adoption of the October 25, 2006 Regular Meeting Minutes. The motion was seconded by Board Member Karnas. The motion was passed by a vote of 7-0.

III. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Pruetz moved for the approval of the applicants for licensure listed (A – D) below with Board Member Deng providing a second. The Board approved the motion with a 7-0 vote.

- A. Gregory V. Hunt
- B. Keith Simmons
- C. Michelle L. Burton
- D. Dawn L. Krueger-Sherin

IV. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Robb moved for the approval of the applicants for auricular certification listed (A – C) below with Board Member Karnas providing a second. The Board approved the motion by a 7-0 vote.

- A. Abel R. Moreno
- B. Rafael Vega
- C. Karl A. Whyte

V. Professional Business – Review, Discussion and Action

No items were presented.

VI. Executive Director Report

Executive Director Gonzalez provided the Board with a status report of office activities.

VII. Future Agenda Items -- Review, Discussion and Action

No items were presented.

VIII. Future Meeting Dates – Review, Discussion and Action

December 18, 2006

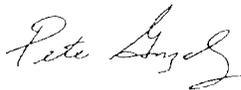
IX. Call to the Public

There were no requests from the public.

X. Adjournment

Board Member Pruetz moved for adjournment and Board Member Karnas provided a second. The motion passed by a vote of 7-0. The Board adjourned at 1:20 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: December 18, 2006



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING

December 18, 2006

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman

Joe Balensi, L.Ac., Secretary

Toni Karnas, Public Member

Yong Deng, L.Ac., Professional Member

Michael J. Robb, D.C., Professional Member

Rebecca Wilks, MD, MD(H), Professional Member

Diane Pruetz, Public Member (by telephone at 1:13 p.m.)

Board Members Absent:

Vacancy, Public Member

Vacancy, Professional Member

Attorney General Representative:

Keely Verstegen

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 1:06 p.m.

II. Board Meeting Minutes – Review, Discussion, and Action

Board Member Deng moved the adoption of the November 20, 2006 Regular Board (Teleconference) Meeting Minutes. The motion was seconded by Board Member Wilks. The motion was passed by a vote of 6-0.

III. Complaints/Investigations – Review, Discussion and Action

Complaint #2006-003 re: Body Wise Natural Health Clinic

Executive Director Gonzalez briefed the Board regarding this complaint and reviewed the information gathered by interview.

Board Member Wilks moved to dismiss this complaint and Board Member Estrada provided a second. The Board voted 7-0 to dismiss this complaint.

Complaint #2006-004 re: Reginald Stout, L.Ac. #0138

The Board heard from the complainant, via telephone, who has filed a complaint against Reginald Stout and he made himself available to questions from the Board.

Licensee Reginald Stout addressed the Board and was asked a number of questions by board members.

Board Member Robb would like to gain additional information on this matter for an informal hearing and made a motion to do so. Board Member Balensi provided a second. The Board approved the motion with a 5-1 vote with Chairman Estrada abstaining.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Balensi moved for the approval of the applicants for licensure listed (A-G) below with Board Member Deng providing a second. The Board approved the motion with a 6-0 vote.

- A. Cheri Brown
- B. James E. Martin
- C. Tanya C. Christensen
- D. Loisanne Keller
- E. Amy E. Ringdahl
- F. Hsiao Hsien Chu
- G. Roger L. Fenneman

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Balensi moved for the approval of the applicants for auricular certification listed (A-B) below with Board Member Wilks providing a second. The Board approved the motion by a 6-0 vote.

- A. Nancy K. Scholtz
- B. Cindy J. Diaz

VI. Consideration of Other Applications – Review, Discussion and Action

Continuing Education:

The Board was provided an explanation of the materials included for review by the Executive Director before the Board considered the applications. The approval checklist was discussed and reviewed.

Board Member Pruetz joined the meeting at 1:13 p.m. by telephone.

Board Member Deng moved for the approval of Continuing Education Applicant listed (A) below with Board Member Estrada providing a second. The Board approved the motion by a 7-0 vote.

- A. “PNE Balancing” provided by East-West Seminars for 20 continuing education units on January 19-21, 2007 at the Crowne Plaza Hotel, Phoenix Airport.

Board Member Estrada moved for the approval of Continuing Education Applicant listed (B) below with Board Member Deng providing a second. The Board approved the motion by a 7-0 vote.

- B. “Advanced TCM Training for Treatment of Chronic Diseases” provided by Honso, USA, Inc. for 16 continuing education units on February 10 & 11, 2007 in Phoenix.

VII. Professional Business—Review, Discussion and Action

- A. Correspondence from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) regarding testing program.

Executive Director Gonzalez reviewed the correspondence as an information item.

- B. Review of Draft Rule Changes

The Board was provided an overview of rules by Jeanne Hann, rules consultant, and the Board reviewed the suggested rule changes.

- C. Discussion regarding Continuing Education Requirements

The Executive Director presented information on a request for board consideration of continuing education credits earned while attending a nursing program. The Board discussed the matter and determined that further study is needed before any changes are made to the existing continuing education requirements.

- D. *Chinese Medical Textbook Piracy*

Board Member Balensi introduced the issue of textbook piracy and requested the Board schedule this item at a future meeting.

VIII. Executive Director Report

- Status report on license/certification data

Executive Director Gonzalez shared a document that outlines data on Board license and certificate approvals for the past few years. This document was presented as an information item.

- Report on website

The Executive Director updated the Board on changes to the Board web site and information on activities associated with providing information to licensees and the general public.

IX. Future Agenda Items -- Review, Discussion and Action

X. Future Meeting Dates – Review, Discussion and Action

January 24, 2007

XI. Call to the Public

A speaker form was submitted by Patricia Martin. Ms. Martin indicated she is the new representative from the Arizona Society of Oriental Medicine and Acupuncture and will be attending Board meetings in the future.

XII. Adjournment

Board Member Balensi moved for adjournment and Board Member Deng provided a second. The motion passed by a vote of 6-0. The Board adjourned at 3:43 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: January 24, 2007



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 24, 2007

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman

Joe Balensi, L.Ac., Secretary (by telephone)

Yong Deng, L.Ac., Professional Member (by telephone)

Michael J. Robb, D.C., Professional Member

Rebecca Wilks, MD, MD(H), Professional Member

Board Members Absent:

Toni Karnas, Public Member

Diane Pruetz, Public Member

Vacancy, Public Member

Vacancy, Professional Member

Attorney General Representative:

Mark Harris

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 1:32 p.m.

II. Board Meeting Minutes – Review, Discussion, and Action

Board Member Wilks moved the adoption of the December 18, 2006 Regular Board Meeting Minutes. The motion was seconded by Board Member Balensi. The motion was passed by a vote of 5-0.

III. Complaints/Investigations – Review, Discussion and Action

Complaint #2006-004 re: Reginald Stout, L.Ac. #0138

Executive Director Gonzalez provided the board with an update on this complaint and presented the request of complaint withdrawal.

Board Member Deng moved to accept the complaint withdrawal. The motion was seconded by Board Member Balensi. The motion was passed by a vote of 5-0.

Mr. Stout addressed the Board and indicated that he has learned a valuable lesson from this experience.

Board Member Deng moved for the dismissal of this complaint. The motion was seconded by Board Member Balensi. The motion was passed by a vote of 5-0.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Balensi moved for the approval of the applicants for licensure listed (A-F) below with Board Member Estrada providing a second. The Board approved the motion with a 5-0 vote.

- A. Ti Lu
- B. Tina M. Carlton
- C. Feral Macloud
- D. Jay D. Zamora
- E. Shch Adams
- F. Ronald J. Borden

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Wilks moved for the approval of the applicant for auricular certification listed below with Board Member Balensi providing a second. The Board approved the motion by a 5-0 vote.

- A. Jason K. Brown

VI. Consideration of Other Applications – Review, Discussion and Action

None at this time.

VII. Professional Business—Review, Discussion and Action

A. 2007 Board Meeting Schedule

Board Member Balensi moved for the approval of the 2007 Board Meeting Schedule with Board Member Wilks providing a second. The Board approved the motion by a 5-0 vote.

The board meeting ended at this time (2:00 p.m.) due to loss of quorum.

B. Review of Fees pursuant to A.R.S. §32-3927

C. Election of Board Officers

D. Review of Draft Rule Changes

VIII. Executive Director Report

- FY 2008-09 Budget recommendations by Governor/JLBC
- Newsletter for 2006

IX. Future Agenda Items -- Review, Discussion and Action

X. Future Meeting Dates – Review, Discussion and Action

February 28, 2007

March 28, 2007

April 25, 2007

XI. Call to the Public

Those wishing to address the Board should fill out a speaker request form. While public input is encouraged, comments may be limited to five minutes and the Board may limit those persons speaking on any one issue to a reasonable number. Please be aware that the Board may not discuss, vote or take any action on items not on the agenda. As those items, the Board may only direct that the matter be placed on a future agenda for discussion and/or action or direct staff to further study it.

XII. Adjournment

The Board adjourned at 2:00 p.m. when the Board no longer had a quorum.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Pete Gonzalez". The signature is written in black ink and is positioned below the text "Respectfully Submitted,".

Pete Gonzalez
Executive Director

Approved by the Board: February 28, 2007



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING

February 28, 2007

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Joe Balensi, L.Ac., Secretary (by telephone)
Michael J. Robb, D.C., Professional Member
Toni Karnas, Public Member (by telephone)
Diane Pruetz, Public Member

Board Members Absent:

Rebecca Wilks, MD, MD(H), Professional Member
Yong Deng, L.Ac., Professional Member
Vacancy, Public Member
Vacancy, Professional Member

Attorney General Representative:

Seth Hargraves

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

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

II. Board Meeting Minutes – Review, Discussion, and Action

Board Member Balensi moved for the adoption of the January 24, 2007 meeting minutes and Board Member Robb provided a second to the motion. The motion was passed by a 5-0 vote.

III. Complaints/Investigations – Review, Discussion and Action

No complaints were scheduled.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Pruetz moved for the approval of the applicants for licensure listed below with Board Member Estrada providing a second. The Board approved the motion with a 5-0 vote.

- A. Donald A. Matesz
- B. Andrea Joscelyn-Nivette
- C. Sami Kay Rank
- D. Linda A. Lee
- E. Daniel Taylor
- F. Joshua E. Ferber
- G. Ryan J. Cashman

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

No applications were presented.

VI. Consideration of Other Applications – Review, Discussion and Action

No other applications were presented.

VII. Professional Business—Review, Discussion and Action

A. Election of Board Officers

Board Member Pruetz nominated Della Estrada for Chairman with a second provided by Board Member Balensi. The motion was approved with 4 votes in favor and Board Member Estrada abstained from voting.

Board Member Estrada nominated Board Member Balensi for Secretary and the motion was seconded by Board Member Pruetz. The motion was approved by a 5-0 vote.

B. Review of Fees

The 2007 Fee Schedule was proposed with a change from \$15 to \$25 for the list of acupuncturists. Board Member Pruetz moved for approval of the 2007 Fee Schedule and Board Member Estrada provided a second. The motion was passed with a 5-0 vote.

C. Legislation Update

The Executive Director explained the contents of HB 2215 in regards to non-disciplinary actions taken by regulatory boards. No action was taken by the Board.

D. Review of Draft Rule Changes

The Board continued the review of its rules currently in place. Discussion focused on the thought of rules pertaining to application information requested by the Board.

VIII. Executive Director Report

The Executive Director provided an update of the FY 2008-09 budget recommendations by the Governor's budget office (OSPB) and the Legislature's Budget Office (JLBC). The Joint Sub-Appropriations Committee approved the Board budget request on February 12, 2007.

Executive Director Gonzalez reported that a records and retention schedule has been established to facilitate the process of licensee records that expire and lapse.

In addition, the office is working to update information found on the Board web page and exploring some options on how best to communicate with licensees via email.

The Board was informed the offices of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) have been relocated from the Washington D.C. area to Jacksonville, Florida. This organization provides and manages the national level examinations for acupuncture.

The National Acupuncture Detoxification Association (NADA) has begun to provide documentation required for auricular acupuncture applications electronically and is working with the board office on additional enhancements.

IX. Future Agenda Items—Review, Discussion and Action

Chairman Estrada presented the idea of having a future training session for board members.

X. Future Meeting Dates—Review, Discussion and Action

March 28, 2007

April 25, 2007

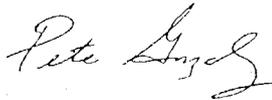
XI. Call to the Public

There were no calls from the public.

XII. Adjournment

Board Member Pruetz moved for adjournment and Board Member Robb provided a second. The motion passed by a vote of 5-0. The Board adjourned at 2:20 p.m.

Respectfully Submitted,

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

Pete Gonzalez
Executive Director

Approved by the Board: April 25, 2007



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING (Teleconference)

March 28, 2007

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman (by telephone)
Joe Balensi, L.Ac., Secretary (by telephone)
Yong Deng, L.Ac., Professional Member (by telephone)
Michael J. Robb, D.C., Professional Member (by telephone)
Toni Karnas, Public Member (by telephone)
Diane Pruetz, Public Member (by telephone)

Board Members Absent:

Rebecca Wilks, MD, MD(H), Professional Member
Vacancy, Public Member
Vacancy, Professional Member

Attorney General Representative:

Seth Hargraves (by telephone if needed)

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 1:00 p.m.

II. Board Meeting Minutes – Review, Discussion, and Action

Chairman rescheduled the adoption of the February 28, 2007 Regular Board Meeting Minutes for the April 25, 2007 board meeting.

III. Complaints/Investigations – Review, Discussion and Action

No complaints to review.

IV. Consideration of Applicants for Licensure – Review, Discussion and Action

Board Member Balensi moved for the approval of the applicants for licensure listed below with Board Member Deng providing a second. The Board approved the motion with a 6-0 vote.

- A. Ronald L. Baddorf
- B. Jacqueline B. Carboni

V. Consideration of Applicants for Auricular Certification – Review, Discussion and Action

Board Member Balensi moved for the approval of the applicant for auricular certification listed below with Board Member Estrada providing a second. The Board approved the motion by a 6-0 vote.

- A. Patty Licon

VI. Consideration of Other Applications – Review, Discussion and Action

None at this time.

VII. Future Agenda Items -- Review, Discussion and Action

No items were presented.

VIII. Future Meeting Dates -- Review, Discussion and Action

April 25, 2007
May 23, 2007

IX. Call to the Public

No requests were made.

X. Adjournment

Board Member Balensi moved for adjournment and Board Member Deng provided a second. The motion passed by a vote of 6-0. The Board adjourned at 1:10 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: April 25, 2007



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING

April 25, 2007

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman

Joe Balensi, L.Ac., Secretary

Yong Deng, L.Ac., Professional Member

Rebecca Wilks, MD, MD(H), Professional Member

Michael J. Robb, D.C., Professional Member

Toni Karnas, Public Member

Diane Pruetz, Public Member

Board Members Absent:

Vacancy, Public Member

Vacancy, Professional Member

Attorney General Representative:

Seth Hargraves

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 12:33 p.m.

II. Declaration of Conflicts of Interest

There were none identified.

III. Board Member Information Session

The Board was provided a brief overview of paperwork and documents required for the State Board's office records. Megan Darian from the State Board's office assisted the Board in the completion of the necessary paperwork.

IV. Discussion and Approval of Meeting Minutes

Board Member Pruetz moved for the approval of the minutes for February 28 and March 28, 2007 with Board Member Balensi providing a second. The Board approved the motion with a 7-0 vote.

V. Complaints/Investigations

Complaint #2007-001 (UC) re: Andre Zitcer, L.Ac.

Executive Director Gonzalez provided the Board with a brief explanation of the complaint that alleges unprofessional conduct by Mr. Zitcer. This complaint was filed by The Meadows Melody House. The complaint alleges that Andre Zitcer had a boundary failure with a client/patient at The Meadows Melody House in Wickenburg, Arizona.

David Morrison, attorney representing Andre Zitcer, addressed the Board and made himself available to the Board for questions. Mr. Morrison stated Mr. Zitcer was no longer treating the patient when the contact took place and therefore no violation occurred.

Board Members asked Mr. Zitcer a number of questions on the incident and what contributed to Mr. Zitcer's decision to leave the facility. Mr. Zitcer acknowledged that on two occasions he met with the client outside of the facility. Mr. Zitcer was asked to describe his training in the area of ethics and boundary issues.

Board Member Pruetz provided a motion for the Board to go into Executive Session to receive legal advice. Board Member Karnas seconded the motion. The Board approved the motion with a 7-0 vote. The Executive Session started at 1:28 p.m.

The Board reconvened to the regular meeting session at 1:59 p.m.

Board Member Robb made a motion to table this complaint until the next meeting with Board Member Deng providing a second. The Board approved the motion with a 7-0 vote.

Complaint #2007-002 (UP) re: Gregory S. Steerman

Complaint #2007-003 (UP) re: Hannah Flance Steerman

Complaint #2007-004 (UP) re: Amara Franko

The Board reviewed and discussed the above listed complaints. Board Member Wilks moved for the dismissal of these complaints with Board Member Deng providing a second. The Board approved the motion with a 7-0 vote.

VI. Applications for Licensure

Board Member Wilks moved for the approval of the applicants for licensure listed below with Board Member Balensi providing a second. The Board approved the motion by a 7-0 vote.

- A. Amara Franko
- B. Yuanli Wang
- C. Justin M. Schares
- D. Gregory S. Steerman
- E. Hannah Flance Steerman
- F. Stefanie E. Lischer
- G. Tammy D. Mullins

VII. Applications for Auricular Certification

Board Member Estrada moved for the approval of the applicants for auricular certification listed below with Board Member Wilks providing a second. The Board approved the motion by a 7-0 vote.

- A. Tiffany Bastedo
- B. Alethea M. Do
- C. Francisco J. Martinez
- D. Katharine F. Billipp
- E. Genaro Diaz
- F. Colleen DeRango

VIII. Other Applications/Requests – Continuing Education

The Board was provided an explanation of the materials by the Executive Director before the Board considered the applications. The approval checklist was discussed and reviewed.

Board Member Deng moved for the approval of the Continuing Education Application listed below with Board Member Pruetz providing a second. The Board approved the motion by a 7-0 vote.

| | |
|--|-----------|
| <u>Acupuncture and Fertility</u> | 1.5 CEU's |
| <u>How to Read Lab Reports</u> | 1.5 CEU's |
| <u>CPR Certification</u> | 2 CEU's |
| <u>Clinical Application of Unusual and Exotic Points</u> | 1 CEU |
| <u>Orthopedic Applications of Scalp Points</u> | 1 CEU |

IX. Professional Business

Executive Director Gonzalez provided the Board with an explanation of Senate Bill 1295. This legislation changes the term "oriental" to "asian" found throughout state law and rule. Board Members expressed a concern with this change due to the vagueness of the term "asian".

The Board continued the review of its rules with the assistance of a rules writer.

X. Executive Director Report

The Executive Director shared a report on the activities for the past month and an update on the state budget.

XI. Future Meeting Dates

The Board changed its May 23, 2007 meeting to May 30, 2007.
June 27, 2007
July 25, 2007

XII. Call to the Public

No requests were made.

XIII. Discussion of Items to placed on a future meeting agenda

No items were identified.

XIV. Adjournment

Board Member Estrada moved for adjournment and Board Member Balensi provided a second. The motion passed by a vote of 7-0. The meeting was adjourned at 4:15 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: 7/25/07



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 542-3095 FAX (602) 542-3093

REGULAR MEETING

May 30, 2007

MINUTES

Board Members Present:

Della Estrada, L.Ac., Chairman
Yong Deng, L.Ac., Professional Member
Rebecca Wilks, MD, MD(H), Professional Member
Michael J. Robb, D.C., Professional Member
Toni Karnas, Public Member
Diane Pruetz, Public Member

Board Members Absent:

Joe Balensi, L.Ac., Secretary
Vacancy, Public Member
Vacancy, Professional Member

Attorney General Representative:

Seth Hargraves

Administrative Staff:

Pete Gonzalez, Executive Director

I. Call to Order

Chairman Estrada called the meeting to order at 1:04 p.m.

II. Declaration of Conflicts of Interest

There were none identified.

III. Complaints/Investigations

Complaint #2007-001 (UC) re: Andre Zitcer, L.Ac.

Chairman Estrada asked David Morrison, attorney for Mr. Zitcer, to address the Board and share any additional information since the last Board meeting. Mr. Morrison submitted two letters of support for Mr. Zitcer.

Executive Director Gonzalez shared written comments provided by Board Member Balensi who was out of town and unable to attend the meeting. The Board further discussed the complaint and determined to offer a consent agreement with a number of provisions. Board Member Robb moved that a consent agreement be prepared for Mr. Zitcer's consideration and Board Member Pruetz seconded the motion. The Board approved the motion with a 6-0 vote.

Complaint #2007-005 (UP) re: Four Winds Health Center

The Board reviewed and discussed the above listed complaint. Board Member Wilks moved for the dismissal of this complaint with Board Member Pruetz providing a second. The Board approved the motion with a 6-0 vote.

IV. Applications for Licensure

Board Member Estrada moved for the approval of the applicants for licensure listed below with Board Member Wilks providing a second. The Board approved the motion by a 6-0 vote.

- A. Marguerite M. Gavel
- B. Kelly Woods
- C. Jacqueline J. Quinn

V. Applications for Auricular Certification

None at this time.

VI. Other Applications/Requests – Continuing Education

None at this time.

VII. Professional Business

The Board continued the review of its rules with the assistance of a rules writer.

VIII. Executive Director Report

The Executive Director shared a report on the activities for the past month.

IX. Future Meeting Dates

The Board cancelled the June 27, 2007 meeting.

The July 25, 2007 meeting was moved from 1:00 p.m. to 10:00 a.m.

X. Call to the Public

Patricia Martin addressed the Board regarding matters of complaints.

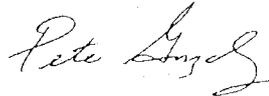
XI. Discussion of Items to placed on a future meeting agenda

No items were identified.

XII. Adjournment

Board Member Deng moved for adjournment and Board Member Robb provided a second. The motion passed by a vote of 6-0. The meeting was adjourned at 3:40 p.m.

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: 7/25/07



Arizona School of Acupuncture and Oriental Medicine
4646 E. Ft. Lowell Rd., Suite 103, Tucson, AZ 85712
(520) 795-0787 or (877) 367-5624 (520) 795-5999 (Clinic) (520) 795-1481 (Fax)
www.asaom.edu

October 9, 2007

Ms. Heather Owens
Arizona State Senate
1700 W. Washington
Phoenix, AZ 85007

RE: Acupuncture Board of Examiners Act -- Sunset Review

Dear Ms. Owens,

The Acupuncture Board of Examiners Act, in my opinion, is the end product of the practice of politics at its best. The act represents the negotiated resolution of conflicting interests, through the legislative process.

Where there was fear, opportunism and suspicion within and between professions, there is now mutual respect, cooperation and good will -- the outcome of creating a reasonable, well-considered means of regulation that has protected the introduction of a new profession to the citizenry of Arizona and is fostering its growth and prosperity.

All has been done at no cost to state government, and the resulting institution is self supporting and self regulating, while making no claim on state tax revenues.

It is significant that the act was drafted with the advice of national accrediting and certifying agencies and represents high standards; the Act also draws on the experience and expertise of regulating bodies in other states.

It is equally significant that the committee in which the provisions of the act were threshed and decided, consisted of representatives of the primary medical professions, who welcomed acupuncture as a coequal profession in the family of medical arts.

Is the act working as intended? As regards safety, complaints from the public about acupuncturists have been very few. Those received have been investigated and dealt with professionally.

Concerning professional practice standards, the granting of acupuncture licenses is done efficiently by standardized administrative processes, under the direction of competent personnel, according to established board rule.

With reference to acupuncture education, the Acupuncture Board each year reexamines and approves the curricula of Arizona's acupuncture schools, in order to assure alignment with the requirements of the Acupuncture Examiner's Act, as well as national school accreditation standards.

As an Arizona-licensed acupuncturist, I appreciate this statute. It provides me, my school and my colleagues with a scope of practice, and boundaries with neighboring professions, that guide and direct us in our daily work. Certainly, the statute has encouraged our school to continually upgrade our standards and become nationally accredited.

The Act provides an independent Board with licensed acupuncturists among its members. (Interestingly, the acupuncturists are not in the majority, which does not seem to have lessened the amicability with which the Board has gone about its work.) The acupuncturist members are knowledgeable about our profession and, together with public representatives and colleagues from other professions, they bring broad expertise to bear in the making of decisions affecting both profession and public.

In brief, the act Acupuncture Practice Act has created a new profession in Arizona whose provisions emphasize the competent administration of quality service for Arizona residents.

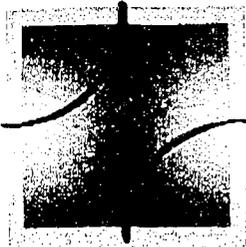
I believe the record speaks for itself: the Arizona legislature has every reason to be proud in the accomplishments of the Acupuncture Practice Act and its Board, processes and personnel.

You asked for my opinion: If you will permit the metaphor, the Act created a fine clock that is keeping good time. I vote not to tinker with it.

Sincerely,

David Epley
David Epley, Ph.D., L.Ac.
President

...listen
this living flowing
land is all there is,
forever
we are it
it sings through us
--Gary Snyder



ASIAN INSTITUTE OF MEDICAL STUDIES

October 9, 2007

Heather Owens
Arizona State Senate
1700 W. Washington St.
Phoenix, AZ 85007

Dear Ms. Owens:

I am responding to your request of September 25, 2007 for comment regarding the sunset review of the Arizona Acupuncture Board of Examiners this year. As the President of the Asian Institute of Medical Studies, and on behalf of our greater school community, I strongly urge the Joint Health Committees of Reference of the Arizona State Legislature to continue the Board in existence so it can ensure that Arizona remains a state with proper regulation of the practice of acupuncture.

The Asian Institute of Medical Studies was founded in the summer of 2000 in Tucson, when Linda Joy Stone, M.S., L.Ac., Leslie Romero, L.Ac., and Richelle Arsenault, M.B.A., C.G.F.M., and I decided to blend our expertise and energy towards the goal of developing a school of Traditional Chinese Medicine that took the principles of Mind/Body/Spirit to deeper levels of understanding. Since that time, the Asian Institute has become well connected with the healing communities in the greater Tucson area. Our approach to service continues to foster strong, healthy and expansive relationships that benefit many hundreds of patients, students, and physicians.

However, even as we continue our mission in education, research, and positive health transformations, one of the most important jobs of protecting the public welfare lies with the State of Arizona Acupuncture Board of Examiners. They continue to perform an invaluable mission to Arizona, providing an "Acupuncture-specific" system of checks and balances to make sure that acupuncturists in our state fulfill their initial and ongoing professional and ethical responsibilities, and to ensure that measures are enacted to prevent the unlawful practice of acupuncture by unlicensed or unqualified individuals. As the demand for acupuncture services and the number of Arizona licensed acupuncturists continue to grow, it is vital to have this agency in place to keep the standards of practice at an extremely high level.

Our graduates must apply for licensure directly to this Board if they wish to practice acupuncture in the State of Arizona. Mr. Gonzales routinely checks in with my staff at the school to ensure the accuracy of records and licensure application materials. Moreover, my staff and graduates routinely give very high marks on the efficiency, capability, and diligence with which the Board is conducting its work, an honest reflection of the dedication of Mr. Gonzales and the Board. The Board's proven ability to provide knowledgeable discussion and oversight of acupuncture matters and concerns is to be commended and its value to Arizona cannot be understated.

Thank you, Ms. Owens, for your consideration of these points. Please let me know if I can be of any further assistance.

Sincerely,

Alex Holland

Alex Holland, M.Ac., L.Ac.
President

Heather Owens

From: David Sale [executivedirector@ccaom.org]
Sent: Wednesday, October 10, 2007 10:14 AM
To: Heather Owens
Cc: Peter Gonzalez
Subject: Letter from CCAOM re Sunset Review for Arizona Acupuncture Board

Dear Ms. Owens:

This letter is in response to your call for comment of September 25, 2007, regarding the sunset review of the Arizona Acupuncture Board of Examiners this year. The Council of Colleges of Acupuncture and Oriental Medicine, the nonprofit membership association for acupuncture and Oriental (AOM) medicine colleges in the U.S., strongly urges the state legislature to continue the Board in existence.

The Council, which was established in 1982, represents some 53 AOM colleges and programs, all of which have achieved either full accreditation or pre-accreditation (candidacy) status with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), which is the official U.S. Department of Education recognized accrediting agency for AOM programs in the U.S. The mission of the Council is to advance AOM by promoting educational excellence in the field. Currently, there are three AOM colleges in Arizona that are also members of the Council: Arizona School of Acupuncture and Oriental Medicine (Tucson), Asian Institute of Medical Studies (Tucson), and Phoenix Institute of Herbal Medicine and Acupuncture (Phoenix).

The continuation of the Arizona Acupuncture Board of Examiners is important in order to ensure the health and safety of citizens of Arizona. Acupuncture is currently regulated by statute in 42 states and the District of Columbia. Where acupuncture is regulated by an independent board, as is the case in Arizona, such boards perform the vital function of screening applicants for licensure by ensuring that they meet appropriate standards of education and training, and that they retain those standards through continuing education. These boards also play an important role in disciplining licensees who engage in misconduct and in taking appropriate administrative action against unlicensed persons who practice unlawfully in the state.

The practice of AOM is safe only when employed by trained and competent persons. With the common use of disposable needles, the risk of infection by the use of unsterilized needles has markedly decreased in recent years, but there is still risk of accidental injury involving the puncture of an internal organ (such as a lung) if acupuncture is used by untrained persons. The contemporary trend toward incorporating acupuncture practice into integrated health care settings involving conventional medical practitioners, such as multidisciplinary clinics or hospitals, only reinforces the need for oversight by the Board to ensure that standards of practice remain high.

With the increasing popularity of complementary and alternative (CAM) means of care among health care consumers, the need for clarity within each state of the qualifications and credentials of CAM practitioners, such as acupuncturists, is underscored. The Board, by virtue of its expertise and administrative mandate, provides an authoritative focal point of clarity for Arizona's health care consumers through the Board's ability to verify that practitioners have met applicable standards and are authorized to practice.

Thank you, Ms. Owens, for your consideration of these points. Please let me know if the Council can be of any further assistance.

Sincerely,

David M. Sale, J.D., LL.M.
Executive Director
Council of Colleges of Acupuncture and Oriental Medicine
3909 National Drive
Suite 125
Burlington, MD 20866
Telephone: 301-476-7791
Fax: 301-476-7792
E-mail: executivedirector@ccaom.org

10/10/2007

Arizona Society of Oriental Medicine and Acupuncture



10645 N. Tatum Boulevard Suite 200-169
Phoenix, AZ 85028
602-258-5587

Board of Directors

Lloyd G. Wright,
L.Ac, DNBAO
President

October 9, 2007

Steve Liu, L.Ac.
Vice President

Dagmar Bauer-Prigatano,
L.Ac.
Secretary

Heather Owens
Arizona State Senate
1700 W. Washington St.
Phoenix, AZ 85007

David KoniKowski L.Ac.
Treasurer

Re: Arizona Acupuncture Board of Examiners Sunset Review

Diane Notarianni,
Ph.D., L.Ac.
Member

Dear Ms. Owens,

Sue Lemmon, L.Ac.
Member

Gail Thurman, L.Ac.
Member

On behalf of the Arizona Society of Oriental Medicine and Acupuncture (AzSOMA) I am writing to express our strong support in favor of legislation to sunrise the Arizona Acupuncture Board of Examiners. AzSOMA is the professional association that represents Licensed Acupuncturists throughout the State of Arizona. Our goal is to support high quality standards of practice to assure the public protection and access to effective health care benefits of acupuncture and Traditional Asian Medicine.

Patricia Martin, L.Ac.
Member

Peggy Meents, L.Ac.
Member

Over the past years we have observed the Arizona Acupuncture Board of Examiners grow and develop into a Board with an excellent record in the regulation of our profession. This function is needed and greatly appreciated by the profession. We are confident that public is best protected by the structure of the existing Board and statutes.

Steve Stubenrauch,
L.Ac.
Member

If we may be of assistance in any way please feel free to call on us at any time.

Sincerely,

Lloyd G. Wright, L.Ac. DNBAO
President



Public Protection Through Quality Credentials

October 4, 2007

Ms. Heather Owens
Arizona State Senate
1700 W. Washington Street
Phoenix, AZ 85007

Dear Ms. Owens:

I am writing in my capacity as the Associate Deputy Director of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), to comment on the performance of the Acupuncture Board of Examiners. We believe that the Acupuncture Board of Examiners serves the public well and should continue its functions.

NCCAOM is a non-profit organization established in 1982. Its mission is to establish, assess, and promote recognized standards of competence and safety in acupuncture and Oriental medicine for the protection and benefit of the public. NCCAOM Certification indicates to employers, patients, and peers that one has met national standards for the safe and competent practice of acupuncture as defined by the profession. NCCAOM's certification programs are accredited by the National Commission for Certifying Agencies (NCCA) of the National Organization for Competency Assurance (NOCA).

As of today, forty of the forty-one states that regulate the practice of acupuncture recognize NCCAOM examinations for licensure purposes. This along with our mission in protecting public safety makes us partners with the states. Over the years, we have worked closely with the Acupuncture Board of Examiners to exchange information confirming that licensure applicants meet national standards. In addition, we have reported disciplinary actions to the Arizona Board. This activity is extremely important in that it protects the citizens of AZ and of other states in cases where licensees have been disciplined for unsafe practice in one state and attempt to practice in another state. Our experience with the Executive Director and the Board itself has been positive in confirming that those who should be licensed and/or certified are safe and discipline-free practitioners. We believe that the fact that this Board exists works as a deterrent to unsafe practice by licensees in your state. Practitioners are aware that the Board will take action and that information will be made public.

I wish to thank you for the opportunity to speak in support of the Acupuncture Board. If I can provide any additional information about our interactions with the Board, please contact me by phone at 904-674-2467 or by email at bsmith@nccaom.org.

Sincerely,


Betsy P. Smith
Associate Deputy Director

Heather Owens

From: cniemiec@pihma.edu
Sent: Monday, October 08, 2007 11:25 AM
To: Heather Owens
Cc: Catherine Niemiec
Subject: Letter regarding Sunset Review for Acupuncture Board

Heather Owens
Arizona State Senate
1700 W. Washington Street
Phoenix, AZ 85007

Dear Ms. Owens:

As a president of an Acupuncture & Oriental medical college located here in Phoenix and as a licensed acupuncturist, I would like to write in support of the continuation of the Acupuncture Board of Examiners. Since its inception in 1998, the Board has met its purpose in protecting the public by setting the standards of practice for acupuncture, which match the national standards of this profession. The Board has required that colleges in this state meet the accreditation requirements set by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) and that licensees meet the certification requirements set by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM). In a state where other healthcare providers are permitted to perform acupuncture in their scope of practice with as few as a couple hundred hours, the acupuncturists licensed by this Board meet the national standard of several thousand hours of training and are thus able to provide a greater depth and range of service in this medicine to the public.

The Phoenix Institute of Herbal Medicine & Acupuncture (PIHMA), College & Clinic, is a 4-year medical college awarding Master of Science degrees in Acupuncture and in Oriental Medicine. The college provides low-cost acupuncture to the public through its clinical program at our campus. Now in our 12th year, we have recently been reaccredited for another 5 years. Throughout this process, all of our interactions with the Acupuncture Board have been positive, supportive and appropriate as the board has acted to set standards and require us to do the same. Whether it be to consistently demonstrate our compliance with legislative mandate or to receive approval for continuing education courses, or to affirm the medical training of our graduates seeking licensure, the Acupuncture Board and its Executive Director has exercised appropriate and positive regulatory action. As a result, the general public has been able to safely benefit from the positive healthcare provided by this medicine, and feel assured that the high standards for practitioners are being met.

In addition, having attended Board meetings dating back to the inception of the board, I have been able to observe that the Board has always worked to achieve compliance and fairness, as well as exhibited balanced judgment and respectful interaction among board members and the public. I have seen the Board also demonstrate great effectiveness in approving licensees and in conducting disciplinary hearings, as well as in drafting regulatory language.

On behalf of the educational community of the Phoenix Institute of Herbal Medicine & Acupuncture, including over 20 staff & faculty and 90 current students, and 60+ graduates to date and their hundreds of patients, as well as the over 2000 patients treated at our clinic, we respectfully seek continuation of this Board to serve and protect the public.

Sincerely,

10/9/2007

Catherine Niemiec, J.D., L.Ac.
President
Phoenix Institute of Herbal Medicine &
Acupuncture (PIHMA), College & Clinic
301 E. Bethany Home Road, A-100
Phoenix, Arizona 85012
cniemiec@pihma.edu
www.pihma.edu
602-274-1885 x 108

ARIZONA STATE SENATE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE HEALTH AND HOUSE HEALTH COMMITTEE OF REFERENCE

Date: Tuesday, November 6, 2007

Time: 9:30 A.M.

Place: SHR 1

AGENDA

1. Call to Order
2. Opening Remarks
3. Sunset Review of the Board of Homeopathic Medical Examiners
 - Presentation by Auditor General
 - Response by Board of Homeopathic Medical Examiners
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
4. Sunset Review of the Regulatory Board of Physician Assistants
 - Presentation by Regulatory Board of Physician Assistants
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
5. Sunset Review of the Board of Behavioral Health Examiners
 - Presentation by Board of Behavioral Health Examiners
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
6. Sunset Review of the Acupuncture Board of Examiners
 - Presentation by Acupuncture Board of Examiners
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
7. Sunset Review of the Board of Occupational Therapy Examiners
 - Presentation by Board of Occupational Therapy Examiners
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference

8. Sunrise application of the Arizona Alliance of Non-Physician Surgical Assistants
 - Presentation by Arizona Alliance of Non-Physician Surgical Assistants
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
9. Sunrise application of the Southern Arizona Behavioral Health Coalition
 - Presentation by Southern Arizona Behavioral Health Coalition
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
10. Sunrise application of the Arizona Dental Association
 - Presentation by Arizona Dental Association
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
11. Sunrise application of Radiology Practitioner Assistants
 - Presentation by Radiology Practitioner Assistants
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
12. Adjourn

Members:

Senator Tom O'Halleran, Co-Chair
Senator Paula Aboud
Senator Amanda Aguirre
Senator Barbara Leff
Senator Thayer Verschoor

Representative Bob Stump, Co-Chair
Representative Nancy Barto
Representative David Bradley
Representative Linda Lopez
Representative Rick Murphy

10/18/07

10/19/07

sp

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE
Forty-eighth Legislature – First Regular Session

**SENATE HEALTH AND HOUSE HEALTH
COMMITTEE OF REFERENCE**

Minutes of Interim Meeting
Tuesday, November 6, 2007
Senate Hearing Room 1 – 9:30 a.m.

Chairman O'Halleran called the meeting to order at 9:32 a.m. and attendance was noted by the secretary.

Members Present

Senator Tom O'Halleran, Co-Chair
Senator Amanda Aguirre
Senator Barbara Leff
Senator Thayer Verschoor

Representative Bob Stump, Co-Chair
Representative Nancy Barto
Representative David Bradley
Representative Linda Lopez
Representative Rick Murphy

Members Absent

Senator Paula Aboud

Speakers Present

Kim Hildebrand, Performance Audit Manager, Office of the Auditor General
Todd Rowe, Board of Homeopathic Medical Examiners
Christine Springer, Board of Homeopathic Medical Examiners
Jerry Weinsheink, representing himself
Marianne Cherney, representing herself
Neil Garfield, Association for Public Access to Medicine
Barney Nugent, representing himself
Linda Heming, CHOICE
Iris Bell, Doctor, Arizona Homeopathic and Integrative Medical Association
Cliff Heinrich, Doctor, representing himself
Kathleen Fry, Doctor, representing herself
Denise Nugent, representing herself
Lee Bakunin, Attorney, representing herself
Bruce Shelton, Doctor, Arizona Homeopathic and Integrative Medical Association
Amanya Jacobs, Director of Evolution of Self School of Homeopathy
Cindy Zukerman, representing herself
Shelly Malone, representing herself
Stan Klusky, representing himself
Gladys Conroy, representing herself

Joan Reynolds, Regulatory Board of Physician Assistants
Debra Rinaudo, Board of Behavioral Health Examiners
Stuart Goodman, Board of Behavioral Health Examiners
Bev Hermon, BH Consulting
Richard Poppy, Therapeutic Practitioners Alliance of Arizona (The Alliance)
Rachael Hopkins, representing herself
Ronald Anton, representing himself
Josephine Sbrocca, representing herself
Cedric Davis, Board of Behavioral Health Examiners
Della Estrada, Arizona Acupuncture Board of Examiners
Kathryn Babits, Arizona State Board of Occupational Therapy Examiners
Eugene Smith, Arizona Alliance of Non-Physician Surgical Assistants
Susie Cannata, Arizona Alliance of Non-Physician Surgical Assistants
Rory Hays, Arizona Nurses' Association
Scott Leckie, Radiology Practitioner Assistants
Jane Van Valkenburg, Certification Board for Radiology Practitioner Assistants (CBRPA)
Mary Connell, M.D., representing herself
Christine Lung, American Society of Radiologic Technologists (ASRT)
John Gray, Grand Canyon University
Joyce Geysler, Arizona Radiological Society
James Abraham, National Society of Radiology Practitioner Assistants
Heather Owens, Senate Health Analyst
Aubrey Godwin, Medical Radiologic Technology Board of Examiners (MRTBE)
Teresa Rodgers, Behavioral Health Coalition of Southern Arizona
David Giles, Behavioral Health Coalition of Southern Arizona
Holly Baumann, Southwest Autism Research and Resource Center
John MacDonald, Arizona Dental Association (ADA)
Rick Murray, Arizona Dental Association
Anita Elliott, Arizona Dental Association
Nicole Laslavic, Arizona State Dental Hygienists' Association
Janet Midkiff, Arizona State Dental Hygienists' Association
Nicole Albo, Arizona Dental Assistants' Association
Alisa Feugate, Arizona Dental Hygienists' Association

OPENING REMARKS

Chairman O'Halleran welcomed everyone and requested that the speakers keep their comments as brief as possible, as the committee members are well-versed in the issues to be discussed today.

SUNSET REVIEW OF THE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

Presentation by Auditor General

Kim Hildebrand, Performance Audit Manager, Office of the Auditor General, gave a presentation on their findings issued in August, 2007 (Attachment 1). She described the history

about the length of the continuation.

Recommendations by the Committee of Reference

Cochairman Stump moved that the Senate and House Health Committee of Reference recommend the continuation of the Board of Behavioral Health Examiners for five years and that the Joint Legislative Audit Committee consider scheduling a performance audit in due haste.

Senator Leff asked if the committee could reconvene after the audit is completed.

Cochairman Stump withdrew his motion.

Cochairman Stump moved that the Senate and House Health Committee of Reference recommend the continuation of the Board of Behavioral Health Examiners for five years and that the Joint Legislative Audit Committee consider scheduling a performance audit as soon as possible with a legislative committee review at the end of such audit. The motion carried by a voice vote.

Chairman O'Halleran recessed the committee at 1:31 p.m.

Chairman O'Halleran reconvened the committee at 2:11 p.m.; all members were present except Senator Aboud and Senator Aguirre.

SUNSET REVIEW OF THE ACUPUNCTURE BOARD OF EXAMINERS

Presentation by Acupuncture Board of Examiners

Della Estrada, Arizona Acupuncture Board of Examiners, explained that the Board provides regulatory oversight of the almost 450 active licensed acupuncturists in Arizona and has successfully accomplished its mandate to ensure the safety of the general public (Attachment 12).

Recommendations by the Committee of Reference

Cochairman Stump moved that the Senate and House Health Committee of Reference recommend the continuation of the Acupuncture Board of Examiners for ten years. The motion carried by a voice vote.

SUNSET REVIEW OF THE BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Presentation by Board of Occupational Therapy Examiners

Kathryn Babits, Arizona State Board of Occupational Therapy Examiners, addressed the board to stress that the Board continues to meet its statutory mandate to ensure the public health by licensing and regulating individuals who provide occupational therapy services.

Janet Midkiff, Arizona State Dental Hygienists' Association, stated that they support the concept of training community people to be dental health representatives, and that the definition of the COHR does make sense to them. She stated concerns about the education, licensing, or certification of the people who fill the COHR positions. She said that her organization would like to work with the ADA and to be a part of the access to care issue.

Nicole Albo, Arizona Dental Assistants' Association, stated her support for the COHR program provided that the positions will be filled by certified dental assistants with additional training components. She stated that she has been working with the ADA to develop a curriculum for expanded COHR training.

Representative Murphy asked if the committee could approve the concept but not specify the details, letting the Legislative process do that. Mr. Murray stated that the supervision issue is the biggest concern.

Alisa Feugate, Arizona Dental Hygienists' Association, stated that she supports the concept of the COHR but is neutral on the application at this time due to concerns about supervision and scope of practice.

Recommendations by the Committee of Reference

Cochairman Stump moved that the Senate and House Health Committee of Reference recommend that the Legislature amend the statutes of the Arizona Board of Dental Examiners to create a new certified professional, the Community Oral Health Representative, to coordinate community-based oral health promotion and provide specified dental care under the general supervision of a licensed dentist. The motion carried by a voice vote.

Without objection, the meeting adjourned at 4:15 p.m.

Jane Dooley, Committee Secretary
November 6, 2007

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov/>)