

2020

MARYLAND STATE ACUPUNCTURE BOARD

NEWSLETTER

BOARD CONTACT NUMBERS

TELEPHONE:
410-764-4766

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1-800-530-2481

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WEBSITE:
[https://
health.marylan
d.
gov/bacc/
Pages/
index.aspx](https://health.maryland.gov/bacc/Pages/index.aspx)

ADDRESS:
4201 Patterson
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Baltimore, MD
21215
Room 311

License Expiration Dates Extended During State of Emergency

Due to the COVID-19 pandemic, Governor Hogan issued an Executive Order to allow for the extension of state licenses, permits and registration expiration dates until 30 days after the State of Emergency is lifted. As of this date, the State of Emergency is still in effect.

You may read the full text of the Executive Order here:

https://governor.maryland.gov/wp-content/uploads/2020/06/2089_001.pdf

Most licensees opted to renew their licenses on time during the May 31, 2020 renewal. The few acupuncturists who elected to allow their licenses to expire on May 31, 2020, may legally continue to practice under their current license until 30 days after the state of emergency is lifted. After that period, they must have renewed or their license will expire and they will have to reinstate. Please note that the Board has elected to waive any late fees and CEU audits during the State of Emergency.

At this time the Board does not know whether the State of Emergency will continue through November. **Licensees with a November 30, 2020 expiration date will have access to the online renewal portal beginning on October 1, 2020.** The Board strongly encourages everyone to renew on time and online as staff is mostly teleworking. If for some reason you do not receive a renewal notice, you can still renew online. If you are unsure of your expiration date, you can check your status here: <https://mdbnc.health.maryland.gov/ACUPTVerification/default.aspx>

The Board will keep its licensees informed on the status of expiration dates as updates from the Governor are provided. Please email the Board at mdh.acupuncture@maryland.gov if you have further questions. As staff is teleworking, phone messages may be delayed.

KEEP YOUR ADDRESSES CURRENT

It is very important to inform the Board of any address or email change you may have, even if you are on an inactive or a non-renewed status, so that you may receive updates during this time. Failure to provide the Board with a change in address may result in a \$50 fine.

PAY ANY OUTSTANDING TAXES BEFORE RENEWAL

Please be aware that if you owe taxes to the State of Maryland you cannot renew your license. The Budget Reconciliation and Financing Act of 2003 requires the Board to verify that all licensees have paid any undisputed taxes or unemployment insurance contributions before renewing their license. The Board checks with the State Comptroller's Office to verify that a licensee applying for renewal has paid or satisfactorily arranged to pay state taxes before the Board can issue a license. If your tax payments are not current, the Board cannot issue a license to you. Any renewal applicant who may owe outstanding taxes or unemployment insurance contributions should satisfy these debts before attempting to renew his or her license. If the debt cannot be satisfied, the applicant should contact the appropriate party (at the Comptroller's Office or at Labor, Licensing and Regulation) to work out a satisfactory payment plan.

For questions or concerns regarding your taxes, please call the Comptroller's Compliance Division at 410 974- 2432 or toll-free at 1-888-674-0016, for further information. The Board can not help you in this matter.

Proper Record Keeping is Essential

It is important that all licensees understand that SOAP notes are a vital part of any medical treatment. It does not matter what style of acupuncture you use (ie: TCM, 5 Element, Japanese) or clinic model (ie: private practice, community, house calls), SOAP notes are essential for providing patients with quality care, ensuring continuum of care, and assisting in mitigating malpractice risks.

WHAT IS A SOAP NOTE?

SOAP is an acronym for:

Subjective - Patients' current condition and why they came to visit.

Objective - The impartial observation of the practitioner which documents the patient's status and facts ie: vital signs, examination results, lab results, patients measurements and age.

Assessment - A brief statement on the analysis and proposed diagnosis for the patient on the day of the visit.

Plan - Documented course of treatment that is needed to achieve stated goals and what is going to happen from this point forward with a patient.

SOAP notes are the recorded account of the medical treatment provided to your patient and are useful to protect both you and your patient. When they are written properly, the document will reflect the medical history of the patient. It is important that any other licensed acupuncturist can pick up and read your SOAP notes and understand why the patient was being treated and what treatment was performed. Long patient narratives are unnecessary in most cases. Please visit the following link on the Board's website to find an example of a properly documented medical record: <https://health.maryland.gov/bacc/Documents/soap.pdf>

IMPORTANT NOTE FROM THE BOARD: The Board frequently reviews clinical records when complaints are received regarding allegations of serious incidents. A properly documented clinical record can assist you and the Board during an investigation of a complaint. The Board has noted a lack of proper documentation during several recent cases and urges you to take the time to review this link and your documentation practices. Thank you.

DUPLICATE LICENSES

The Board would like to remind licensees that you are required to post an official license in every office, clinic, or practice setting in which you are working. It is no longer permissible to post Xerox or scanned copies of your license in your office. The Board will furnish an official duplicate of license to any licensed acupuncturist who currently resides in Maryland, free of cost.

The duplicate license request must be made in writing and an address must be given for each duplicate license requested. Only one duplicate will be granted for each office. If at anytime a license is lost or destroyed, you may request a duplicate, in writing, stating the circumstance under which the license was lost or destroyed.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

Tom Ingegno, L.Ac., DACM
PROFESSIONAL MEMBER

VICE CHAIR:

Sheryl Hongsermeier, L.Ac., RN
PROFESSIONAL MEMBER

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MSOM, DACM
PROFESSIONAL MEMBER

Sherri Black, L.Ac., RN, Esq
PROFESSIONAL MEMBER

Peter Marinakis, L.Ac., PhD
PROFESSIONAL MEMBER

Barbara Huston
CONSUMER MEMBER

Bonnie Miranda
CONSUMER MEMBER

STAFF

EXECUTIVE DIRECTOR:

Penny K. Heisler
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ADMINISTRATIVE OFFICER:

Cynthia Dobbins
cynthia.dobbins@maryland.gov

INVESTIGATOR:

David Bruce

BOARD COUNSEL:

David Finkler, AAG

Public Disciplinary Orders

Sang H. Kim
Violated 1A-309 Immoral Unprofessional Conduct
3/16/20 Order of Summary Suspension
<https://health.maryland.gov/bacc/Documents/sangkim.pdf>

Sang H. Kim
Violated 1A-309 Immoral Unprofessional Conduct
6/9/20 Surrender of License
<https://health.maryland.gov/bacc/Documents/sangkim2.pdf>

Jennifer Yocum
Violated 1A-310 Professional Boundaries
3/3/20 One Year Probation
<https://health.maryland.gov/bacc/Documents/yocumjen.pdf>

FAILURE TO NOTIFY BOARD ON ADDRESS CHANGE \$50 FINE

Failure to notify the Board of a change in your home or office address will result in a \$50 fine. A change in your address can be submitted by mail or email. Whenever the Board receives returned mail from the United States Postal Service, you will automatically receive a fine notice from the Board. Failure to pay the fine may result in disciplinary action against your license.

NAME CHANGE REQUESTS

The Board will change a licensee's name only when a request is received in writing and proper legal documentation is attached. (example: marriage/divorce certificate). Without this documentation, the Board will not reflect the change. Email requests for name changes will not be accepted.

PLEASE DO NOT CALL THE OFFICE TO REQUEST

VERIFICATION OF LICENSE TO ANOTHER STATE

To provide verification of your acupuncture license to another state, please send your verification request or form (available on website) directly to the Board with a **\$50 check** made payable to the Maryland Acupuncture Board. You must provide your name, license number and the state to which you would like the verification mailed. Please ensure that you provide the State's address and phone number.

DO YOU PROVIDE ACUPUNCTURE TREATMENTS AT COMMUNITY ACUPUNCTURE CLINICS ? IF SO, READ THIS:

Acupuncturists that provide treatments to patients at Community Acupuncture clinics are expected by the Board to maintain the same ACAOM standards of practice, measure of care and privacy that you would provide in the confines of a private office.

If you offer treatments to individuals in an open forum, you must ensure that the following procedures are followed, completed or provided:

Informed consent form

History and evaluation

Follow up care and contact information in case of adverse reaction occurs (ie. headache after treatment, swelling, pain)

If requested, treatment rendered in a private place

Maintain record of patient for 5 years

Maintain HIPPA compliance

Maintain sanitation and hygiene such as clean needle technique, sharps container, gloves, hand washing between patients, etc.

Please note that these same standards apply in all other open public forums such as health fairs and exhibits.

Board Office Work Schedule Update - COVID-19

In response to State protocols for the COVID-19 pandemic, effective March 16, 2020, the Board Office is currently operating on a reduced service schedule. The majority of all Board staff are teleworking and completing all possible work that is able to be done remotely from home.

Please make note of the following:

- Until further notice the office at 4201 Patterson Avenue is closed to visitors and only staff members will be allowed in the building. All Board-related meetings and sub-committee meetings will take place via conference call until further notice.
- Until further notice, our Licensing Coordinator will be in the office on Fridays to process paperwork that can not be completed remotely. Our Executive Director will be in on Mondays. These times may change so we are recommending that you email staff instead of calling.
- We strongly encourage all licensees to use online renewals for the May and November renewal periods and pay via credit card versus mailing in a check or money order.
- Immediately after the office processes all online renewals, the license will show online as active with the new expiration date. Until further notice, we will not be sending out paper licenses. You can check the status of your license under the verification link on our website:

<https://mdbnc.health.maryland.gov/ACUPTVerification/default.aspx>

We will continue to keep you updated as we get more information. As always, thank you for your assistance.

For all licensing, verification and renewal questions:
cynthia.dobbins@maryland.gov

For disciplinary matters, scope of practice questions and legal matters:
penny.heisler@maryland.gov

8/6/20 COVID-19 Update Amended Directive and Order

COVID-19 Testing & Reporting

On August 6, 2020, the Secretary of Health issued an amended Directive that provides, in Section 1. C.:

iii. In addition to those individuals already authorized to collect COVID-19 specimens for testing, any individual licensed, registered, or certified by MDH or a Maryland health occupations board **who has appropriate training and supervision** may collect COVID-19 test specimens. Individuals and entities offering to perform COVID-19 specimen collection are responsible for ensuring that individuals collecting specimens for testing have the appropriate training and supervision.

Please be aware that the Acupuncture Board cannot provide any guidance to licensed acupuncturists relevant to this order.

You may read the updated order, in its entirety, on the following link:

<https://health.maryland.gov/bacc/Documents/amenorder71.pdf>

CODE OF ETHICS AND PROFESSIONAL BOUNDARIES

The Board believes that it is worthwhile for licensees to periodically review its Code of Ethics Regulations (COMAR 10.26.03).

The Board encourages licensees to familiarize and concern themselves with Section .05 which focuses on professional boundaries. The section states that a licensee shall:

- (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship;
- (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct; and
- (3) If the licensee and the patient mutually desire a personal relationship, immediately terminate the professional relationship, make an appropriate referral to another health care practitioner, and wait before engaging in such a relationship for a time when it is reasonably certain that the professional relationship has no influence on the personal relationship.

B. The licensee may not:

- (1) Exploit a relationship with a patient for the licensee's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (2) Engage in a sexually intimate act with a patient; or
- (3) Engage in sexual misconduct which includes behavior in which a licensee has engaged in sexual behavior with a patient in the context of a professional evaluation, treatment, procedure, or other service to the patient, regardless of the setting in which the professional service is provided.

Board Meeting Schedule

The Board of Acupuncture traditionally meets on the second Tuesday of every other month, starting at 1:00 p.m. Scheduled months are January, March, May, July, September and November. All meetings are held at 4201 Patterson Avenue, usually in Room 105. However, due to the COVID 19 pandemic, the Board has been holding its meetings virtually. A link to the open meeting can be found on the Board's website.

Scheduled meetings:

November 10, 2020
January 12, 2021
March 9, 2021
May 11, 2021
July 13, 2021
September 14, 2021
November 9, 2021

These meetings are open to the public and you are encouraged to attend. Please call the Board before the meeting to confirm the proper time and room number.

**MARYLAND
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4201 Patterson Ave
Baltimore, MD 21215
Unit 252

