

**MARYLAND BOARD OF ACUPUNCTURE**  
4201 Patterson Avenue  
Baltimore, MD 21215  
Room 105

**MINUTES OF THE REGULAR SESSION**

**NOVEMBER 13, 2012**  
**1:00 p.m.**

**BOARD MEMBERS PRESENT:**

Steve Kaufman, L.Ac., Corinne Axelrod, L.Ac., Kate Carter, L.Ac., Deneb Falabella, L.Ac., Grant Zhang, L.Ac., Jan Exler, Consumer, Charles Neustadt, Consumer

**BOARD MEMBERS ABSENT:**

None.

**BOARD STAFF PRESENT:** Penny Heisler, Executive Director, Cynthia Dobbins, Administrative Officer, Marian Ruth, Investigator and Richard Bloom, AAG

**GUESTS:**

David Wurzel, L.Ac., Paula Hollinger, DHMH, Sharon Bloom, DHMH, John Harris, ADS, Teal Beatty, L.Ac., ADS Supervisor

**1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM**

Mr. Kaufman called the Acupuncture Board meeting to order at 1:00 pm and a quorum was established.

**2. APPROVAL OF SEPTEMBER 11, 2012 MINUTES**

After review of the Minutes, Ms. Carter moved to approve the Minutes with minor changes and Ms. Falabella seconded the motion. The motion passed unanimously.

**3. OLD BUSINESS**

**A. PRELIMINARY SUNSET REVIEW**

Ms. Heisler distributed copies of the preliminary evaluation of the Board and stated that the Department of Legislative Services recommended that the Board be waived from full evaluation and extend the Board's termination date to July 2025.

Ms. Heisler stated that the report recommended the Board continue to work with BPTE, DHMH, and the affected professional associations to ensure appropriate regulation of dry needling, explore why there have not been any additional (animal acupuncture) certifications issued since fiscal year 2008, explore potential reasons for the low number

of ADS registrations, including looking at the experiences of other states and consider the (disciplinary case) spreadsheet to be made more user-friendly and searchable in order to support analysis.

Ms. Heisler explained to the analyst that the Board's current disciplinary case load is between 6 and 10 complaints a year. She stated that at this time, the current excel data base is sufficient to track such low number of cases. However, should the Board notice an increase in complaints, the Board will be certain to implement a more accessible database.

She also explained to the auditor that the low number of animal acupuncture registrations is due to only one course being offered at TAI Sophia. Ms. Falabella stated that the program is offered on a triennial basis. Ms Axelrod stated that the cost of the course is expensive and that could also be factor. She recommended that the Board review other possibilities for training.

The Board will have to submit a follow-up report to the Senate Education, Health and Environmental Affairs Committee, the House Health and Government Operations Committee and the DLS by October 1, 2013.

#### **B. BUDGET**

Ms. Heisler informed the members of the Board that she met with the budget analyst to see where, if any, cuts can be made to avoid raising fees. After extensive review, the budget analyst informed her that there is no place for the Board to cut any funds. The major costs of the Board are for personal, rent, attorney's fees and DHMH indirect costs. Ms. Heisler stated that the Board needed to raise approximately \$5,000 to ensure revenue meets expenditures.

Ms. Heisler stated that the initial licensure fee is \$450 and is issued for 2 years, basically receiving a discount. After discussion by the board, it was decided to raise the initial licensure fee from \$450 to \$525. Mr. Kaufman recommended placing this and the fee schedule in the newsletter explaining the reason for the high fees.

A motion to increase the initial licensure application fee was made by Mr. Neustadt and seconded by Ms. Carter. The motion passed unanimously.

#### **C. DRY NEEDLING**

The Executive Director of the Physical therapy Board shared a copy of a letter from Secretary Sharfstein, in which he stated he finds that the Board's standards proposed are not equivalent to those required by physicians. He has requested that the Board revise their dry needling training requirements and provide a full explanation for their equivalency to physician training. The Secretary also requested that a transition plan be established for physical therapists currently performing dry needling and that they monitor adverse events in order to determine if revisions to the regulations must occur.

## **NEW BUSINESS**

### **A. INITIAL LICENSURE APPLICATION APPROVAL**

Ms. Carter made a motion to approve the list of new applicants and Ms. Axelrod seconded the motion. The Board unanimously approved the list of new licensees.

### **B. HERBAL MEDICINE**

Mr. Kaufman informed the Board that the preliminary evaluation mentioned the Board's desire to regulate herbs and felt that this would be a good time to move forward on legislation. A committee to review the possibility of regulating herbs was established including following members: Grant Zhang, L.Ac., Steve Kaufman, L.Ac., Jan Exler, Consumer, Deneb Falabella, L.Ac., and Tracey Soltesz, L.Ac., MAS.

### **C. NATUROPATHS**

Ms. Heisler stated that the Board of Physicians extended an invitation to the Acupuncture Board to hear representatives from the Maryland Association of Naturopathic Physicians at a meeting on December 19, 2012. The Naturopaths intend to introduce legislation again this session to create their own board. Ms. Hollinger stated that she did not think the bill would pass again this session.

### **D. CEU'S/ETHICS**

Mr. Kaufman stated that the Board should examine current CEU requirements and move towards the required hours of the NCCAOM. The Board's current hours are 20 CEU's per year and the NCCAOM requires 15. Deneb Falabella, L.Ac., Corinne Axelrod, L.Ac., and Kate Carter, L.Ac. volunteered to sit on a committee to recommend possible changes at the next meeting.

### **E. EXECUTIVE DIRECTOR UPDATE**

None.

The meeting adjourned at approximately 2:45 p.m.