

MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

MARCH 13, 2012
1:00 p.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

None.

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

GUESTS:

Tracy Soltész, L.Ac., MAS, David Wurzel, L.Ac., Sharon Bloom, DHMH, Paula Hollinger, DHMH, and Kristen Neville, Regulations Coordinator, Boards and Commission.

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 JANUARY 10, 2011 MINUTES

After review of the Minutes, Ms. Falabella requested that the minutes regarding the deaf patient be amended. Ms. Axelrod requested that the discussion regarding reducing ADS supervision be included. Ms. Falabella moved to approve the Minutes with noted corrections and Mr. Zhang seconded the motion. The motion passed unanimously.

3. OLD BUSINESS

A. DRY NEEDLING

Ms. Heisler stated that a meeting has been scheduled with the Physical Therapy Board on March 27th at 4:00 PM to discuss concerns regarding their proposed dry needle regulations. The Board will present the following concerns:

- The terms “intramuscular manual therapy” and “functional impairment” are misleading. The terms intramuscular needling or trigger point needling are more appropriate;
- The regulation should have standards for training. PT’s are only requiring 40 clinical hours. As a comparison, ADS’s require 40 clinical in training, but these practitioners only needle a very small part of body (ear). Physicians require 100 didactic and 100 clinical in law, but existing courses provide 300 hours;
- Standards to ensure competency of instructor should be developed;
- Supervision requirements need to be developed;
- The regulation should define that needling should only be used for relieving or treating indented muscular pain/impairment;
- Training needs to be separate and distinct from the standard PT training;
- A system is needed to approve trainers and courses;
- A system is needed to ensure that only PT’s who have completed approved training use this technique;
- Certification/Registration needs to be developed and a subsequent roster should be made available to public;
- CEU requirements should be considered; and
- A consent form should be required.

Ms. Soltesz stated that many dry needling courses are still being taught in Maryland with only 27 ½ hours of training provided. There is also advertising misrepresentation by some PT’s and Chiropractors. The Board will present this information to the Physical Therapy Board and question this information.

4. NEW BUSINESS

A. EXEMPTION OF TOEFL REQUIREMENTS

Ms. Heisler received an email inquiry from a potential applicant requesting an exemption from the TOEFL exam. Mr. Bloom stated that the Board does not have the legislative authority to grant such an exemption. Ms. Heisler will write back to the applicant with this information.

B. GROUPON

Ms. Heisler received an email inquiry questioning whether it is appropriate to utilize Groupon/ Social Networking for acupuncture services. Mr. Bloom investigated the matter and stated that Groupon advertising is not considered fee splitting. Therefore, it is appropriate to offer acupuncture services through Groupon.

C. CHILD SUPPORT SERVICES (MOU)

Ms. Heisler stated that Boards have been asked to sign a Memorandum of Understanding from the Department of Human Resources to facilitate the sharing of information in locating and sanctioning health practitioners who owe child support payments. The law states that if DHR notifies a board that a practitioner is in arrears in child support the board shall suspend or deny the license.

Ms. Heisler stated that DHR has been exchanging information with the Boards for years but has never provided an MOU. The Boards have collective concerns with the document. First, the Boards do not collect information from initial applicants. Secondly, the IT staff can not provide the data exchange as requested in section 2.1 of the MOU. Mr. Bloom asked that the Boards inform Kathleen Ellis of these problems.

D. LEGISLATION

Ms. Heisler and Ms. Neville went over several bills affecting the Boards:

SB 63 - Child Abuse and Neglect - Failure to Provide Notice or Report - Civil Liability and Criminal Penalty
All Boards supported this bill.

SB 395 - Health Occupations - Public Disclosure of Professional Credentials and Reports on Advertising Regulations and Policies
No position as introduced, but it has been amended to require all the Boards to submit to the health committees of the legislature any regulations or statutes related to practitioner advertising.

SB 180/HB 620 - Health Occupations - State Board of Naturopathic Medicine
No position. The house bill will be discussed in subcommittee work session on Wednesday morning.

SB 839 - College Affordability and Innovation Act of 2012
Oppose. May allow graduates from an online college to qualify for a license with no clinical training.

SB 378/HB 405 - Maryland Program Evaluation Act - Revisions
No position as introduced. As introduced, it would have eliminated the sunset review process for almost all Boards and would have established an abbreviated process for Physicians, Nursing, Division of Drug Control, Pharmacy, and Morticians. Amendments

were proposed to require all boards except those five to submit a self-evaluation on a prescribed basis.

E. INITIAL LICENSURE APPLICATION

Mr. Zhang moved to close the regular meeting at 3:00 PM and move into Executive Session to discuss an application. Ms. Axelrod seconded the motion and the motion passed unanimously.

Mr. Kaufman reopened the meeting at 3:15 PM. After review of the list of approvals for licensure, Mr. Exler moved to approve the list and Mr. Neustadt seconded the motion. The motion passed unanimously.

Ms. Falabella moved to close the regular session meeting at 3:30 PM and to move into executive session in order to comply with specific constitutional, statutory or judicially imposed requirements that prevent public disclosure about a particular proceeding or matter and to discuss the investigation of complaints against specific licensees. Mr. Neustadt seconded the motion. The motion passed unanimously.