

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

MINUTES OF THE REGULAR SESSION

MARCH 11, 2014
1:00 p.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

None.

BOARD STAFF PRESENT: Penny Heisler, Executive Director, Marian Ruth, Investigator, and Noreen Rubin, AAG, Board Counsel

GUESTS:

Tracy Soltész, L.Ac., MAS, David Wurzel, L.Ac., Susan Illurfio, ADS, and Teal Beatty, L.Ac.

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Ms. Falabella called the Acupuncture Board meeting to order at 1:00 PM and a quorum was established.

2. APPROVAL OF JANUARY 14, 2014 MINUTES

Ms. Carter moved to approve the Minutes and Mr. Ingegno seconded the motion. The motion passed unanimously.

3. OLD BUSINESS

A. DRY NEEDLING REGULATIONS

Ms. Heisler informed the Board that the Physical Therapy Board's latest draft of the dry needling regulations was sent to the Secretary of DHMH for review. The Board will get an opportunity to comment on the draft before publication in the MD Register.

B. AURICULAR DETOXIFICATION SPECIALIST (ADS) STATUTORY CHANGE

Ms. Heisler stated that the original proposal to add Licensed Professional Counselors, (LCPC's) to the applicable list of ADS's as a technical change in the 2014 Corrective Bill proved insufficient. Ms. Rubin later advised that this change was substantive and would require amending 1A-316 under the Maryland Acupuncture Practice Act. Delegate

Rezink, the sponsor of HB 304, agreed to include an amendment in the bill to change 1A-316 (a) (2) as follows:

"Licensed to practice clinical alcohol and drug counseling or clinical professional counseling under Title 17, Subtitle 3 of this article."

C. ETHICS AND REGULATION GUIDE BOOK

After suggestions from the last meeting, Ms. Heisler revised the Guide Book into groups of common subject matter. Ms. Rubin suggested that the Board clarify that some policies in the guide book derived from questions asked by practitioners over the years and that most decisions were made in open board meetings.

D. LEGISLATION 2014

Ms. Heisler stated that HB 304 was heard in the House on Feb 13 and Deneb Falabella testified. SB 0379 was heard in the Senate on Feb 18 and Ms. Heisler testified. The Bills amend 1A 314.1, to give the Board the authority to obtain injunctive relief and issue Cease and Desist Orders to individuals practicing acupuncture without a license. The Bills also authorize the Board to issue a civil penalty, up to \$50,000, for the unauthorized practice of acupuncture. The fine will be allocated to the Board's special fund. The Bills also amend 1A 310.1 to give the Board the authority to impose a monetary penalty on a licensee if he/she is found guilty after a hearing. The fine can be used instead of or in addition to other disciplinary actions. The fine will be limited to \$5,000 and the money would be allocated to the General Fund.

4. NEW BUSINESS

A. INITIAL LICENSURE APPLICATION APPROVAL

Mr. Ingegno moved to approve the list of new applicants and Mr. Zhang seconded the motion. The motion passed unanimously.

B. SCOPE OF PRACTICE

Mr. Ingegno asked the Board to consider allowing neuropuncture, injection of herbs and ordering of lab work under the Maryland Acupuncture Board scope of practice. He stated that there are several other states that allow these practices. Ms. Soltesz said that MAS would support regulation changes to include these techniques, but not statutory changes. Mr. Zhang said that injection therapy is common in China.

Mr. Ingegno will research other state regulations and present them at the next meeting.

C. EXECUTIVE DIRECTOR UPDATE

None

Mr. Neustadt moved to close the regular session meeting at 2:10 PM. and 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. Ms. Carter seconded the motion. The motion passed unanimously.