

# MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue  
Baltimore, MD 21215  
Room 545

## MINUTES OF THE REGULAR SESSION

MARCH 12, 2019

1:00 p.m.

### **BOARD MEMBERS PRESENT:**

Thomas Ingegno, L.Ac., DACM, Chair, Sheryl Hongsermeier, L.Ac., RN, Vice Chair, Brandie Armijo, L.Ac., LPN, BSN, DACM, Sherrie Black, L.Ac., RN, Esq., Peter Marinakis, L.Ac., Ph.D., Barbara Huston, Consumer, Bonnie Miranda, Consumer

### **BOARD MEMBERS ABSENT:**

### **BOARD STAFF PRESENT:**

Penny Heisler, Executive Director, David Bruce, Investigator and David Finkler, AAG

### **GUESTS:**

Kim Lang, MDH, Lillian Reese, Boards and Commission, Adrienne Congo, Board of Chiropractic Examiners, Dr. Robert Frieman, Board of Chiropractic Examiners, Carlton Curry, Board of Physical Therapy, David Blaiwas, MAS,

### **CALL TO ORDER AND ESTABLISHMENT OF A QUORUM**

Dr. Ingegno called the meeting to order at 1:00 PM. Dr. Ingegno welcomed the guests.

### **APPROVAL OF NOVEMBER 13, 2018 MINUTES**

Sherrie Black moved to approve the Minutes as written and Brandie Armijo seconded the motion. The Board unanimously approved the motion.

### **1. OLD BUSINESS**

#### **A. CLEAN UP BILL (HB0404 and SB0303)**

Ms. Heisler stated that hearings were held on HB0404 and SB0303 State Acupuncture Board – Practice of Acupuncture – Definition and Education Requirements on February 12 and February 13, respectively. The Associations representing Physical Therapists, Chiropractors, Nurse Practitioners, Athletic Trainers and Occupational Therapists requested amendments to the Bill to stipulate that the bill will not exclude other professions from performing the list of practices under 1A-101f(2)(iii). She said that she attended a HGO subcommittee meeting on February 21 and the Committee had suggested removing the list of practices since they were covered under the principles of East Asian medical theories. The Board agreed to the recommended changes and the other professional associations subsequently withdrew their amendment requests.

Senator Ferguson has recently expressed concern regarding the Board's amendment to repeal its ability to determine whether a course of training is equivalent to a course approved by ACAOM. Ms. Heisler will work with him to resolve any problems.

## **2. NEW BUSINESS**

### **A. BOARD OF CHIROPRACTIC EXAMINER'S DRY NEEDLING REGULATIONS**

Dr. Ingegno introduced the Chair of the Chiropractic Board, Dr. Robert Frieman. Dr. Frieman provided background on the training students receive in Chiropractic school. He reported that the Chiropractic Board is still in the process of drafting its dry needling regulation. Dr. Frieman stated that he believes that an 80 hour requirement may be proposed; 20 hours of which will be face to face, hands on didactic instruction in dry needling and the other 60 hours will be earned in chiropractic school. Dr. Armijo stated that she believes that Chiropractors should be required to have the same training as physical therapists as they are working through physical therapy privileges. David Blaiwas, representing MAS, agreed. Dr. Frieman stated that he believes a proposed regulation will be presented to his Board for a vote at their April Board meeting. Ms. Heisler stated that she will attend the meeting. Dr. Ingegno thanked Dr. Frieman for his time.

### **B. DRY NEEDLING BROCHURE**

Ms. Heisler reported that the Dry Needling Brochure has been delayed while waiting for the Boards of Chiropractic Examiners and Physical Therapy to promulgate regulations. She stated that the Occupational Therapy Board had been recently invited to contribute to the brochure by MDH. Dr. Ingegno suggested that the Board write a letter to the Secretary to request moving forward on the brochure without the OT Board as dry needling has not been established as an acceptable practice within the OT profession.

### **C. TELEMEDICINE**

Ms. Heisler presented a question that she received from a licensee regarding telemedicine as it applies to acupuncture. The licensee asked whether applications such as Chinese nutritional advice, visual or physiological symptom, assessing tongue or skin coloring or certain physiological injuries/reactions/symptoms would be permitted to treat virtually.

It was concluded that the Board does not have the authority in regulation or statute to advise the licensee on this matter, but that the services she listed seemed reasonable. The Board asked Ms. Heisler to respond that some tasks that do not require touching a patient could possibly be permitted. The Board also offered examples that may be permissible such as intake, follow-up, or dietary recommendations, but that herbs, or anything that would require touching a patient, inserting needles, etc. could not be provided virtually.

### **D. SB 974 - OCCUPATIONAL LICENSES OR CERTIFICATES-APPLICATION DETERMINATIONS-USE OF CRIMINAL HISTORY**

Lillian Reese updated the Board on SB 974. The Bill would prohibit a board from denying someone a license based on a previous criminal record with certain convictions. She said that most boards have opposed the Bill and that she has prepared a position paper in opposition. A hearing on the Bill has been scheduled for March 14.

Dr. Armijo moved to close the meeting at 2:46 PM to go into Administrative Session in accordance with the Maryland Open Meetings Act § 3-305(b)(2) “To protect the privacy or reputation of individuals concerning a matter not related to public business” and Dr. Marinakis seconded the motion. The Board unanimously approved the motion