

# MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue  
Baltimore, MD 21215  
Room 105

## MINUTES OF THE REGULAR SESSION

MAY 13, 2014  
1:00 p.m.

### **BOARD MEMBERS PRESENT:**

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

### **BOARD MEMBERS ABSENT:**

Corinne Axelrod, L.Ac.

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

### **GUESTS:**

Kristen Neville, Regulations Coordinator, David Wurzel, L.Ac., Teal Beatty, L.Ac. and Paula Hollinger

### **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 MARCH 11, 2014 MINUTES**

Mr. Zhang 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 Dr. Sharfstein has still not signed off on the Physical Therapy Board's dry needling regulations. If signed, the draft will be sent to the AELR Committee for publication in the MD Register for public comment.

#### **B. ETHICS AND REGULATION GUIDE BOOK**

Since the last meeting, Ms. Falabella made additional changes to the Guide Book. After review, the Board decided to make further revisions:

- Include the section concerning the DOM, OMD titles

- Reword the section concerning Tai chi and Chi Gong to say that they are acceptable practices performed by acupuncturists,
- Add a section concerning insurance billing,
- Change the title “Consultations for herbs” to “miscellaneous consultations”
- Delete the requirement of a private setting at health fairs and state that a brief intake and history is required.

Ms Falabella requested that the sections regarding the legislative and regulatory processes and the code of ethics be included in the new draft.

### **C. LEGISLATION 2014**

Ms. Heisler informed the Board that HB 304 passed. The Bill amended 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 Bill also authorized 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 Bill also amended 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. The bill will take effect October 1, 2014.

Ms. Heisler stated that Ms. Rubin recommended that the Board change its statute next session to prohibit the stay of a suspension or revocation of a license during an appeal of a Final Order. Currently, a licensee can continue practicing while appealing a Final Order.

Mr. Neustadt moved to change the law so that a Final Order of the Board may not be stayed pending review. Mr. Ingegno seconded and the motion passed unanimously.

### **D. SCOPE OF PRACTICE**

Ms. Heisler noted that she recently received a call questioning whether ear candling was in the acupuncture scope of practice. The Board stated that this practice is not specifically part of the scope but it is a permissible unregulated treatment that can be used by acupuncturists.

Mr. Ingegno stated that 7 states currently allow injection therapy. He stated that various programs offered in different states provide certification in acupuncture point injection therapy. Ms. Soltesz stated that the FDA recently changed its polices so that practitioners can not order injectables unless they have prescriptive authority. Ms. Falabella stated that more research is required before the Board can make a decision to change its scope of practice. Ms. Falabella, Mr. Ingegno, Mr. Zhang and Ms. Soltesz volunteered to sit on a Scope of Practice Committee.

## **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. EXECUTIVE DIRECTOR UPDATE**

None

Mr. Neustadt moved to close the regular session meeting at 3:10 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.

The meeting adjourned at approximately 3:10 PM