

# MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue  
Baltimore, MD 21215  
Room 105

## MINUTES OF THE GENERAL SESSION

May 12, 2015  
1:00 p.m.

### **BOARD MEMBERS PRESENT:**

Kate Carter, L.Ac., Thomas Ingegno, L.Ac., Sheryl Hongsermeier, L.Ac., RN, Grant Zhang, L.Ac., Jan Exler, Consumer, and Barbara Heller, Ph.D., RN, Consumer

### **BOARD MEMBERS ABSENT:**

None

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

### **GUESTS:**

Charles Neustadt, Deneb Falabella L.Ac., David Wurzel, L.Ac., Teal Beatty, L.Ac.

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

Ms. Carter convened the Acupuncture Board meeting into regular session at 1:00 PM and established a quorum. Ms. Carter began the meeting by introducing two new Board members, Sheryl Hongsermeier and Barbara Heller and welcomed them to the Board. She then asked other Board members, staff and guests to introduce themselves.

In appreciation of their service on the Board, Ms. Heisler presented Deneb Falabella, L.Ac. and Charles Neustadt, Consumer Member with Certificates of Appreciation from the Secretary of DHMH and Governor's Citations. Ms. Carter thanked them both for four years of dedicated service on the Board.

### **1. APPROVAL OF MARCH 10, 2015 MINUTES**

The drafted March 10, 2015 Minutes of the General Board meeting were presented to the Board. Ms. Carter opened the floor for additional discussion and comments. Mr. Exler moved to approve the Minutes as written and Mr. Ingegno seconded the motion. The motion was unanimously approved.

### **2. OLD BUSINESS**

#### **A. DRY NEEDLING REGULATIONS**

Ms. Heisler met with Carlton Curry, Executive Director of the Physical Therapy Board, Richard Proctor, Executive Director of the Chiropractor Board and Stephanie Chaney,

DC, Chiropractic Board member, to discuss a possible resolution to the dry needling regulations. Ms. Heisler feels that negotiations have come to a standstill. The Acupuncture Board requested that the definition of dry needling be restricted to one needle with no retention to clearly differentiate between the two practices. Stephanie Chaney stated that Chiropractors use more than one needle at a time and that needles are retained. Ms. Heisler stated that this definition was not representative of earlier conversations nor of the demonstration provided by the PT Board.

Although the regulations were changed to include a registration process, most Board members were not satisfied with the new draft as some of their key concerns were still not adequately addressed. When the regulations are published for public comment in the MD Register, the Board asked Ms. Heisler to send out an email blast to all licensees to alert them of the publication. She is to provide a link to the MD Register's website and inform licensees that negotiations with the PT board failed and that the Acupuncture Board expended every possible avenue to ensure that more rigorous training and practice standards were required for patient safety.

#### **B. SCOPE OF PRACTICE**

Mr. Ingegno informed the Board that the Colorado legislature passed a bill to allow acupuncturists to perform point injection therapy. The bill is a good model and defines injection therapy as "the injection of sterile herbs, vitamins, minerals, homeopathic substances, or other similar substances into acupuncture points by means of hypodermic needles". Prior to practicing injection therapy, an acupuncturist must receive necessary training.

#### **C. ETHICS AND REGULATIONS GUIDEBOOK**

Mr. Finkler stated that he had concerns with the current Guidebook. He advised that any policy that has not been promulgated through regulations is unenforceable. After the Board's review and a lengthy discussion, Mr. Ingegno moved to add the CEU extension and interim number policies to regulation, delete ear candling, Homeopuncture, lab work, Neurofeedback and shamanic rituals from the Guidebook and to ensure that the continuing education policy matches the regulation. Mr. Zhang seconded the motion and the motion was unanimously approved.

### **3. NEW BUSINESS**

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

Ms. Heisler presented the list of new applicants for approval. Ms. Carter opened the floor for discussion. Mr. Zhang made a motion to approve the list of applicants and Mr. Ingegno seconded the motion. The motion was unanimously approved. Ms. Heller questioned the Board's policy to approve applicants that graduate from a school in candidacy status. This will be added to the next board meeting agenda.

#### **B. COMMITTEES**

Ms. Heisler distributed a list of the Board's current standing committees. Because the organizations, FAOMRA and the Council to the Boards and Commission, no longer

exist, they were eliminated. The Continuing Education Committee was eliminated since the Board no longer approves CEU providers. The Board changed the budget, personnel, regulations and foreign review committees to ad hoc. Legislative and Disciplinary will remain as standing committees. Tom Ingegno will serve on the Legislative Committee. Kate Carter, Tom Ingegno and Sheryl Hongsermeier will serve on the Disciplinary Committee.

### **C. ELECTION OF OFFICERS**

Ms. Heisler informed the Board that the election of Officers is held every May of even years. Ms. Carter opened the floor for discussion. Mr. Zhang nominated Ms. Carter as Board Chair and Mr. Ingegno as Vice Chair. Mr. Exler seconded the motion. The Board approved the motion

### **D. EXECUTIVE DIRECTOR UPDATE**

Ms. Heisler wrote the Nursing Board to inquire whether it was within a nurse practitioner's scope to perform acupuncture with 200 hours of training. The Nursing Board responded that acupuncture is not within their scope of practice and that a nurse practitioner must attain full acupuncture licensure to perform acupuncture.

Ms. Heisler stated that she was alerted by MAS that the Montgomery County Council passed a bill requiring energy practitioners to get a license to practice body work, acupressure and massage. She stated that Chiropractors, massage therapists and athletic trainers were exempted from the law. Ms. Heisler immediately contacted Councilman Huck's office and insisted that acupuncturists be exempted from this law as they are legally allowed to perform these procedures in their scope of practice. The Councilman contacted the Council's attorney who advised that the exemption of acupuncturists would be placed in regulation to remedy this oversight.

Mr. Ingegno moved to close the general meeting at 3 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. Mr. Exler seconded the motion. The motion passed unanimously.