

# MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue  
Baltimore, MD 21215  
Room 105

## MINUTES OF THE REGULAR SESSION

SEPTEMBER 14, 2010  
1:00 p.m.

### **BOARD MEMBERS PRESENT:**

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

### **BOARD MEMBERS ABSENT:**

None.

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

### **GUESTS:**

Cara Michele Nether, L.Ac., ADS Supervisor, Tracy Soltesz, L.Ac., MAS and William Carter, ADS

### **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. Mr. Kaufman welcomed guests and asked that they introduce themselves.

Mr. Kaufman welcomed our newest Board member, Jan Exler, and asked that he give a brief overview of his background. Mr. Exler stated that he worked for 33 years as an educator in Baltimore City and also worked in Special Education. He has been a patient of acupuncture and is very happy to be on the Board.

### **2. APPROVAL OF JULY 13, 2010 MINUTES**

After review of the Minutes, Ms. Falabella moved to approve the Minutes and Mr. Zhang seconded the motion. The motion passed unanimously.

### **3. OLD BUSINESS**

#### **A. CEU REQUIREMENTS FOR REINSTATEMENT**

Ms. Heisler informed the Board that she and Ms. Axelrod met to review CEU requirements for reinstatements and have run into some road blocks for changes. First, the language requiring changes exist in statute, not regulation, so a bill would have to be drafted which postpones the ability to make changes until next year. Another problem is whether the Board wishes to continue providing inactive status to licensees. Currently inactive status allows a licensee to go inactive for 6 years by paying a \$100 inactive fee. Upon return, the licensee still has to provide 40 hours over the 6 year period (120 hours) and pay the \$525 renewal fee.

This is not much different than those individuals who simply allow their license to lapse and come back in several years to meet the same requirements with an additional \$200 reinstatement fee.

Ms Axelrod stated that another problem to consider is that an individual can graduate from an accredited school and wait 5-10 years before applying for licensure and never need to fulfill CEU requirements. Mr. Kaufman asked the CEU committee to continue review of the regulation and report back to the Board at the next meeting.

#### **4. NEW BUSINESS**

##### **A. NEW LICENSES**

Ms Axelrod moved to approve the list of applicants for licensure and Ms. Falabella seconded the motion. The motion passed unanimously.

##### **B. AG OPINION ON DRY NEEDLING**

Ms. Heisler informed the Board that they received the Opinion from the Attorney General in response to the Board's letter questioning whether the insertion of acupuncture needles (dry needling) falls within the definition of the practice of physical therapy in Maryland and whether it was appropriate for the Physical Therapy Board to expand the scope of practice of physical therapy to include an invasive technique without first seeking statutory authority.

The Opinion basically stated that the Physical Therapy Board did not follow proper regulatory processes through the State Administrative Procedures Act and therefore the ruling does not carry the force of law. The Opinion further stated that the Physical Therapy Board should have considered "standards of education and training that presumably would be at least as strict as those set by the Legislature for physicians who use acupuncture needles for similar therapeutic purpose". In this opinion, it was determined that Physical Therapists can do dry needling; however, the Board establish education requirements and procedures.

Mr. Kaufman stated that the Board should watch to ensure that the Physical Therapy Board creates regulations as advised by the Attorney General's Office. The Board asked Ms. Heisler to write to the Physical Therapy Board to ask if they would alert the Acupuncture Board when proposed regulations are drafted.

##### **C. BOARD COUNSEL UPDATE**

None. Mr. Bloom suggested removing this item from the Agenda.

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

###### **• New Board Member Orientation**

Ms. Heisler informed the board that a new board meeting orientation will be held on November 8, 2010 at the UMBC Technology Center.

###### **• Email from Applicant**

Ms. Heisler received an email from a potential applicant for initial acupuncture licensure questioning whether she could be exempted from a section in regulations that requires she provide the name of an acupuncturist as a reference. She stated that she has only been in the country for a year and doesn't know anyone in Maryland.

The applicant needs at least 3 references for her application, one of which must be a practicing acupuncturist in Maryland or in a state within the United States that has licensing requirements at least equivalent to those of this State. The Board recommended that Ms. Heisler write back to the applicant and suggest that she contact and join the Maryland Acupuncture Society to meet licensed acupuncturists in Maryland.

- **Yoga**

Ms. Falabella wanted to add information regarding TAI-Sophia's policy on allowing CEU's for Yoga classes. She found that TAI Sophia only offers CEU's to Social Workers.

The meeting adjourned at approximately 1:45 p.m.