

MARYLAND ACUPUNCTURE BOARD

Newsletter

Summer
2011

OUR FUTURE NEWSLETTERS ARE
GOING GREEN!

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In an effort to conserve resources, this will be the last newsletter delivered to you in paper form. The Board will now be delivering its bi-annual newsletter in electronic form. It is very important that we have your correct email address on file. We have been collecting email addresses over the past three years, through renewal forms and initial applications, and feel confident that most licensees' addresses are in our system. If you are not certain that we have your correct email, or wish to send changes, please send them to Ms. Cynthia Dobbins at dobbinsc@dhmf.state.md.us. A copy of the Newsletter will also be available for you to view on the Board's web site.

For licensees who cannot access the internet, a limited number of printed newsletters will be available for distribution. In order to receive a paper copy of the newsletter, you must contact the Board to request that a paper copy be mailed.

In memory of VIOLA LEWIS, L.Ac., BOARD MEMBER 1994-2000

It is with deep regret that we mourn the loss of one of our most dedicated and loving Board members, **Viola Lewis, L.Ac.**, who passed on November 5, 2010. Ms. Lewis was one of the founding members of the Board. Her term commenced on July 1, 1994. She diligently served as Secretary of the Board and chaired both the Personnel and Disciplinary Committees. She was a Board member to whom we could all turn for sound advice and knowledge. She loved the profession and deeply cared about her patients and people in general.

Ms. Lewis earned a Bachelors degree in psychology from Morgan State University and a Masters degree in psychology from Loyola University. She then graduated from the Traditional Acupuncture Institute in 1984. Viola pioneered a program at the Baltimore City Jail treating inmates for drug addiction. Her favorite job was at Total Healthcare treating drug addicts for addiction. She maintained a private practice in Baltimore City and was forced to give up the practice in 2005 due to chronic illness.

We were very fortunate to have Viola as a Board member. Her leadership, mentoring and friendship have not been easily replaced. She clearly played a role in the success of the Board, and we are all deeply saddened by her loss. The Board would like to extend our deepest sympathy to her family and friends.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

Steven Kaufman, L.Ac.
PROFESSIONAL MEMBER

VICE CHAIR:

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PROFESSIONAL MEMBER

Kate Carter, L. Ac.
PROFESSIONAL MEMBER

Corinne Axelrod, L. Ac.
PROFESSIONAL MEMBER

Deneb Falabella, L.Ac.
PROFESSIONAL MEMBER

Jan Exler
CONSUMER MEMBER

Issie Jenkins, Esq.
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BOARD COUNSEL

Richard Bloom, AAG

STATISTICS FISCAL YEAR 2011

(July 1, 2010-June 30, 2011)

Total Active Licenses:

867

341 applied by exam
526 applied by accredited school
754 live in MD
5 live in DE
20 live in DC
11 live in PA
40 live in VA
4 live in WV
19 live in other states

Inactive

Total- 198

19 FY 2011

26 FY 2010

13 FY 2009

New applications:

88 FY 2011

78 FY 2010

89 FY 2009

Verification Requests

37 FY 2011

43 FY 2010

44 FY 2009

Renewals

383 FY 2011

336 FY 2010

320 FY 2009

Reinstatement

6 FY 2011

6 FY 2010

6 FY 2009

3 HOURS OF ETHICS TRAINING REQUIRED FOR RENEWAL

Effective April 20, 2009, changes under COMAR 10.26.02, Continuing Education, were approved to require that at least **3 hours of ethics training be earned every 4 years (every two renewal periods)** as a basis for renewal of your license. See following dates for required ethics hours:

- If you renewed in **November 2009** will be required to earn 3 hours in ethics by **November 2013**;
- If you renewed in **May 2010** you will be required to earn 3 hours in ethics by **May 2014**;
- If you renewed in **November 2011** will be required to earn 3 hours in ethics by **November 2015**;
- If you renewed in **May 2012** you will be required to earn 3 hours in ethics by **May 2016**;

Renewal forms will be requesting this information, so please be sure to earn these hours and retain your documentation. Feel free to call the Board for more information if you have questions about the new requirements.

Continuing Education

The Board requires that for every two years of licensure, 40 hours of continuing education is earned for renewal. It is the responsibility of the licensee to maintain documentation of continuing education. Documentation is acceptable for the May or November 2-year cycle as follows:

Month of Expiration

November 2010
May 2011

Timeframe for accrual of CEU

December 1, 2008 - November 30, 2010
June 1, 2009- May 31, 2011

THE BOARD DOES NOT REQUIRE THAT YOU SUBMIT PAPER DOCUMENTATION OF CEU HOURS UNLESS YOU ARE SELECTED FOR AUDIT. You must simply list the courses you have completed online or on the paper application. If you are selected for audit, the Board will request that you provide copies of your documented hours with your renewal form. Documentation that does not contain the following information will be returned. If replacement documentation is not received, renewal of your license will not be granted.

Continuing education **documentation** must contain the following information in order to be acceptable to the Board.

- Must be on sponsor letterhead
- Must have the complete name of course
- Must have number of credit hours received
- Must have date(s) credit hours were received
- Must have signature of instructor

Licensees who have not met the continuing education requirement **due to extreme hardship** may request an extension of time to meet the requirement. A request for a time extension must be in writing to the Board, and must outline a plan for completing the requirement, and must be received by the Board prior to the deadline for expiration. The Board has sole discretion in granting/denying extension requests.

A licensee will not be renewed unless the continuing education requirement has been met. Licensees who fail to meet this requirement must apply for reinstatement.

The CEU breakdown is as follows:

- **At least 25 hours in formally organized programs which are relevant to the practice of acupuncture.**
- **Not more than 15 hours of training in accredited programs which will assist a licensee to carry out the licensee's professional responsibilities** such as management courses, computer training, CPR, western medicine, massage, foreign language training for translators of relevant texts, or educational methodology for teachers of acupuncture
- **Not more than 15 hours teaching** acupuncture and related oriental medical therapies
- **At least 3 hours in ethics/professional boundary training every 4 years.**
This means that those of you renewing in November 2010 will be required to earn 3 hours of continuing education by November 2014. Those renewing in May 2011 will be required to earn 3 hours in ethics by May 2015.
- **Not more than 10 credit hours in pro bono activity.** 1 credit hour for each 3 hours of pro bono activity is allowed per renewal cycle.

FREQUENT QUESTIONS/ PROBLEMS REGARDING RENEWALS

- ❖ If you are audited for CEU's, you can still renew on-line. Simply complete the on-line renewal form in its entirety, and send in copies of CEU certificates, the same that you have listed on the on-line form. The CEU's listed on-line and the copies of certificates must match or the certificate(s) will not be accepted.
- ❖ The office cannot accept a licensee's credit card by phone or written on an application. The only acceptable method to charge is online renewal.
- ❖ If your tax payments are not current, the Board cannot issue a license to you until your taxes are paid or accounted for payment. Any renewal applicant who may owe outstanding taxes or unemployment insurance contributions should satisfy these debts before attempting to renew his or her license. If the debt cannot be satisfied, the applicant should contact the appropriate party (at the Comptroller's Office or at Labor, Licensing and Regulation) to work out a satisfactory payment plan. For questions or concerns regarding this matter, please feel free to call the Comptroller's Compliance Division at 410 974-2432 or toll-free at 1-888-674-0016, for further information.
- ❖ Under Family Law Article 10-119.3, the Child Support Enforcement Administration (CSEA) under the Department of Human Resources, is authorized to refer the names of delinquent payees to health professional licensing boards to request the suspension of their professional license. The CSEA will send notification to licensing boards when a practitioner is in arrears more than 120 days under the most recent court order. If payments are not made, practitioners could face suspension of their professional license or the denial of an initial application. Practitioners will have 15 days of the date of receiving the notice of referral to a licensing board to pay the arrears in full or request an investigation of the accuracy of the information contained in the notice.

IMPORTANT DUPLICATE LICENSES

The Board would like to remind licensees that you are **required to post an official license in every office, clinic, or practice setting in which you are working.** It is no longer permissible to post Xerox or scanned copies of your license in your office. The Board will furnish an official duplicate of license to any licensed acupuncturist who currently resides in Maryland, **free of cost.**

The duplicate license request must be made in writing and an address must be given for each duplicate license requested. Only one duplicate will be granted for each office. If at anytime a license is lost or destroyed, you may request a duplicate, in writing, stating the circumstance under which the license was lost or destroyed.

NO CPR REQUIREMENT FOR RENEWALS

The Board was asked to consider requiring CPR certification as part of the CEU requirements for the renewal of acupuncture licensure in Maryland. The request may have been prompted by the NCCAOM's recent decision to require CPR certification within its four year renewal cycle. After much debate, Board members unanimously voted **NOT TO MANDATE CPR** training but to encourage licensees to take the course to keep current on CPR rules and emergency procedures in case a patient becomes distressed in the office.

Attorney General's Opinion On Dry Needling By Physical Therapists in Maryland

Last year the Maryland Board of Acupuncture requested an Opinion from the Attorney General to determine whether the Physical Therapy Board had acted outside of its authority by allowing physical therapists (PT's) to perform dry needling. The Board requested the Opinion after receiving a complaint that an acupuncturist was performing a PT technique known as "dry needling". After examining the procedure called dry needling, the Board concluded that the technique was not outside of the scope of practice of acupuncture and closed the complaint, informing the PT Board that no violation of the MD Acupuncture Act had occurred.

In the Opinion, the Attorney General wrote that..." the authority to use acupuncture needles for therapeutic purposes is not necessarily reserved exclusively to licensed acupuncturists or those specifically exempted from the licensing requirement for acupuncturists. State law recognizes that the scope of practice of health care professions may overlap and confers extensive discretion on licensing boards to define the scope of a profession within statutory limits. In our opinion, the Physical Therapy Board may determine that dry needling is within the scope of practice of physical therapy if it conducts rulemaking under the State Administrative Procedure Act and adopts a regulation that relates dry needling to the statutory definition of practice of physical therapy. Any such process should consider standards for 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 purposes."

The PT Board has since created a Task Force to develop regulations to establish standards for education and training of dry needling. The PT Board's proposal will be available for public comment and will be posted in the Maryland Register for all to review. The Board will post the information on its website, when available.

A complete copy of the Attorney General's Opinion can be found on the following link:
<http://www.oag.state.md.us/Opinions/2010/95oag138.pdf>

EAV (Electro-Acupuncture) and EEG Neurofeedback

The Board would like to remind you that the use of EAV and EEG Neurofeedback devices are not within the scope of the practice of acupuncture in Maryland. Practitioners may use these devices as an adjunct in their practice, but should clearly inform their patients that the use of these devices is not acupuncture.

REFERRAL FEES OR FEE SPLITTING CONSIDERED UNETHICAL

The Board has determined that payment by or to an acupuncturist solely for the referral of a patient is considered unethical. The Board feels that these payments violate the requirement to deal honestly with patients and colleagues. Patients rely upon the advice of their health practitioners on matters of referral. Therefore, all referrals and treatments must be based on the skill and quality of the health practitioner to whom the patient has been referred or the quality and efficacy of the treatment prescribed.

It is also unethical for acupuncturists to offer financial incentives or other valuable considerations to patients in exchange for recruitment of other patients. Such incentives can distort the information that patients provide to potential patients, thus distorting the expectations of potential patients and compromising the trust that is the foundation of the patient-physician relationship.

LATE RENEWAL, INACTIVE, REINSTATEMENT

What are the requirements for late renewal, being on inactive status and reinstatement?

LATE RENEWAL: A late renewal means that you have sent in your renewal application within a 30-day grace period after the expiration date of your license. If you file a late renewal, you will be required to pay a **\$100 late fee**. Please remember that a late renewal only applies if you submit your application and fee within 30 days after the expiration date.

PLEASE NOTE THAT IF YOU FAIL TO RENEW YOUR LICENSE ON TIME YOU MAY BE CONSIDERED PRACTICING WITHOUT A LICENSE AND MAY BE CHARGED IN VIOLATION OF THE MARYLAND ACUPUNCTURE PRACTICE ACT.

REINSTATEMENT: If you submit your renewal application more than **30 days after the expiration date**, you will be required to **reinstate** your license. This means that you failed to renew within the 30-day grace period and will have to pay the renewal fee and a reinstatement fee of \$200. You will also have to provide proof of 40 hours of CEU's for every 2 years your license has lapsed.

INACTIVE: Recommended for licensees who will not be practicing acupuncture in Maryland for more than 2 years. If you know that you will be out of state for a period or want to go on maternity leave, you may think about placing your license on **inactive** status. This process avoids the higher cost of reinstatement. To become inactive you simply complete an inactive application, pay a \$100 fee and request that you be placed on an inactive list. Upon your return to your Maryland practice, you can easily fill out a renewal form, pay the renewal fee and provide documentation of 40 CEU's for every 2 years you are inactive. Inactive status is limited to a 6 year time period.

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