

Newsletter

Summer 2015

MARYLAND ACUPUNCTURE BOARD

BOARD CONTACT NUMBERS:

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4201 Patterson Avenue
Baltimore, MD
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FAREWELL TO BOARD MEMBERS

Deneb Falabella, L.Ac., Grant Zhang, L.Ac. and Charles Neustadt

The Board bids farewell to Deneb Falabella, L.Ac. and Charles Neustadt for their four years of dedicated service and to Grant Zhang who served over 8 years on the Board. All three members devoted many hours to resolve Board issues and to protect the interests of Maryland patients.

Ms. Falabella served as Chair on the Board and served on the Legislative and Disciplinary Committees. As a practitioner, Deneb was able to advise the Board on academic and professional matters. Mr. Zhang served as Vice Chair and served on the Disciplinary and Foreign Application Review Committee. Also a practitioner, Grant provided valuable input on foreign transcript review, professional matters and scope of practice issues. Mr. Neustadt became a patient while serving on the Board and provided useful advice as a both a patient and consumer member.

We thank them all for their years of service and wish them well in their future endeavors.

WELCOME NEW BOARD MEMBERS

**Teal Beatty, L.Ac., Sheryl Hongsermeier L.Ac.,
Peter Marinakis, Ph.D., L.Ac. and Barbara R. Heller, Ed.D., R.N., FAAN**

Sheryl Hongsermeier, L.Ac. is a full time general acupuncturist (14 years) and has a private practice in Silver Spring, MD. She is a Diplomate in Oriental Medicine and is a retired registered nurse. Ms Hongersmeier graduated from the MD institute of Traditional Chinese Medicine in Acupuncture and the Tai Sophia Institute in 2011, in Chinese Herbal Medicine.

Peter Marinakis, L.Ac., Ph.D. graduated from the Tai Sophia Institute in 1985, and is a senior faculty member and holds a position as Distinguished Lecturer at Maryland University for Integrative health. He also earned a PhD in clinical psychology. Dr. Marinakis is the founder and first clinical director of the Community Health Initiative in Baltimore. He is past president of the American Association of Acupuncture and Oriental Medicine (AAAOM), past president of the Maryland Acupuncture Society (MAS), past commissioner for the National Accreditation Commission for Acupuncture and Oriental Medicine (ACCOM) and a certified trainer for the National Association of Detox Acupuncture (NADA).

Teal Beatty, L.Ac. graduated from the Tai Sophia Institute and has had a full time practice in Laurel, MD, treating both humans and animals, since 2003. She worked in a hospital setting for 13 years, treating patients for pain management and hospice. Ms. Beatty also works at Awaken Wellness Center in Columbia, treating infertility and is a State trainer for NADA certification in Maryland. She is an addictions counselor and works in various facilities.

Barbara Heller, Ed.D., R.N., FAAN, is former Dean and currently Professor Emeritus of the University of Maryland School of Nursing. Dr. Heller most recently served as Senior Vice-President, Strategic Initiatives, Nursing and Health Sciences, Laureate Education, Inc. She is a Fellow of the American Academy of Nursing and holds a license to practice Nursing in the state of Maryland.

NEW BOARD CHAIR AND VICE CHAIR

Kate Carter, L.Ac. and Tom Ingegno, L.Ac.

At its May 14, 2015 meeting, the Board unanimously approved Kate Carter, L.Ac. as its new Chair and Tom Ingegno, L.Ac. as its Vice Chair. Congratulations to both!

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NOTICE: SCOPE OF PRACTICE

The Board is frequently contacted by licensees regarding scope of practice issues and whether they can perform specific techniques or procedures. The Board would like to hear suggestions or ideas from licensees on allowing new practices in Maryland. Suggestions must be based on practices that are allowed in other states and are taught in an ACAOM accredited school or in an approved CEU course.

All comments and suggestions should be directed to Penny Heisler at penny.heisler@maryland.gov

2015 Legislation Session

House Bill 979 and Senate Bill 580 State Board of Chiropractic and Massage Therapy Examiners and State Board of Physical Therapy Examiners Dry Needling - Registration Requirements

House Bill 979 and Senate Bill 580 were introduced this legislative session to prohibit physical therapists and chiropractors from performing dry needling without registering first with their respective boards and completing training that was at least as stringent as those imposed on physicians who practice acupuncture. Both Bills received an unfavorable report and were withdrawn.

House Bill 232 and Senate Bill 50 State Acupuncture Board-Disciplinary Procedures-Judicial Appeals and Prohibition on Stays

HB 232 and SB 50 would have prohibited an acupuncture licensee from staying a Final Order pending judicial review and prohibit a hearing of charges filed by the Board from being stayed or challenged by procedural defects alleged to have occurred before the filing of charges.

The Board supported these bills as it would have prohibited an acupuncture licensee from staying a Board's Final Order that would revoke or suspend his/her license for committing a serious offense while their case is pending judicial review. The Board only suspends or revokes a practitioner's license for the most egregious cases. The Board was concerned that, without this authority, a dangerous practitioner can stall the order and continue practicing while prolonging an appeal. The Board also supported the prohibition of challenging or staying a hearing of charges because of procedural errors that may have occurred before the filing of charges. The Board believes that technicalities do not change or affect the outcome of a hearing, so a hearing should not be postponed for procedural errors.

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**MARYLAND BOARD OF ACUPUNCTURE
STATISTICS FY 2015 (7/1/14-6/31/15)**

Total Active:

1031	FY 2015
1027	FY2014
1012	FY2013
939	FY2012
867	FY 2011

New Applications:

85	FY2015
88	FY2014
75	FY2013
77	FY2012
88	FY 2011

Verification Requests:

46	FY2015
38	FY2014
20	FY2013
49	FY 2012
37	FY 2011

Application Basis of Total Active:

325	Applied by exam
706	Applied by accredited school

Renewals:

453	FY2015
407	FY2014
420	FY2013
374	FY 2012
383	FY 2011

Reinstatements:

17	FY2015
14	FY2014
21	FY2013
12	FY 2012
9	FY 2011

States:

871	MD
4	DE
27	DC
15	PA
64	VA
5	WV
39	Other

Inactive Requests:

27	FY2015
18	FY2014
23	FY2013
11	FY 2012
19	FY 2011

FREQUENT QUESTIONS 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.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

Kate Carter, L.Ac.

PROFESSIONAL MEMBER

VICE CHAIR:

Tom Ingegno, L.Ac.

PROFESSIONAL MEMBER

Teal Beatty, L.Ac

PROFESSIONAL MEMBER

Sheryl Hongersmeier, L.Ac.

PROFESSIONAL MEMBER

Peter Marinakis, L.Ac., PhD

PROFESSIONAL MEMBER

Jan Exler, M.Ed.

CONSUMER MEMBER

Barbara Heller

Ed.D., R.N., FAAN

CONSUMER MEMBER

STAFF

EXECUTIVE DIRECTOR:

Penny K. Heisler

heislerp@dhmh.state.md.us

ADMINISTRATIVE OFFICER:

Cynthia Dobbins

dobbinsc@dhmh.state.md.us

INVESTIGATOR:

Marian Ruth

BOARD COUNSEL:

David Finkler, AAG

FAILURE TO NOTIFY BOARD ON ADDRESS CHANGE

\$50.00 FINE

Failure to notify the Board of a change in address will result in a \$50.00 fine. A change in your address can be submitted by mail or email. Whenever the Board receives returned mail from the United States Postal Service, you will automatically receive a fine notice from the Board. Failure to pay the fine may result in disciplinary action against your license.

NAME CHANGE REQUESTS

The Board will change a licensee's name only when a request is received in writing and proper legal documentation is attached (example: marriage/divorce certificate). Without this documentation, the Board will not reflect the change. Email requests for name changes will not be accepted.

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PLEASE DO NOT CALL THE OFFICE TO REQUEST ADDRESS OR NAME CHANGES.

DISCIPLINARY ACTIONS

Ted Annenberg: 1/22/15; Violated 1A-309(17); Reprimand

All of the Boards Final Orders can be viewed on the following link:

<http://dhmh.maryland.gov/bacc/SitePages/final.aspx>

Dry Needling By Physical Therapists **The Board of Acupuncture's Role**

As appointed officials, the Board of Acupuncture (the Board) is bound to serve as a regulatory unit under the Department of Health and Mental Hygiene, with limited power to influence other health disciplines. The Maryland Acupuncture Practice Act has specific mandates that only allow the Board to set standards to protect the public by:

1. Ensuring that acupuncturists are appropriately credentialed and licensed to provide safe acupuncture treatment to Maryland patients;
2. Ensuring that acupuncturists maintain a high level of education through renewal of licenses;
3. Setting a scope of practice that reflects new and emergent developments through regulations and legislation; and
4. Receiving and resolving complaints in an effective and timely manner.

To accomplish these mandates, the Board must work within the confines that have been set by DHMH and the Legislature. As part of DHMH, the Secretary must sign off on all legislative proposals coming from the Health Occupations Boards. The Board recently conferred with Secretary Van Mitchell's staff regarding the possibility of introducing a prohibitive bill to stop dry needling and was told that Secretary would be unlikely to approve such a bill because 1) the main concerns are about scope of practice rather than public health/safety, and 2) the proposal would place restrictions on Maryland businesses without a compelling health or safety rationale. Governor Hogan has set a priority on improving the business climate and he must also approve all Board proposals.

In addition, the Secretary must sign off on all proposed regulations. After 4 years of working on dry needling regulations and entertaining public comment, Joshua M. Sharfstein, M.D., the last Secretary of DHMH, signed off on the Physical Therapy (PT) Board's final draft which contained an 80 hour training requirement. Dr. Sharfstein signed the regulation, even though the Board wrote in concerns during the public comment period. This is the extent of the Board's power.

The Acupuncture and Physical Therapy Boards are responsible to formulate a regulation that focuses on protection of the public, not the interests of the two professions. Protecting the interests of the professions is role of the Professional Associations. Also, the Board can not dictate scope of practice to another board. Individual boards have the right to set their own scope of practice. The Legislature is the only authority that can approve changes in practice acts that modify the scope of practice of any healthcare profession.

The Board continues to work the Board of Physical Therapy to negotiate further on the regulations as the Board continues to have concerns with their current proposal. The PT Board has stated that they are open to the Board's input.

Board Meeting Schedule

The Board of Acupuncture traditionally meets on the second Tuesday of every other month, starting at 1:00 p.m. Scheduled months are September, November, January, March, May, and July. The 2014 schedule is as follows:

January 13, 2015
March 10, 2015
May 12, 2015
July 14, 2015
September 8, 2015
November 10, 2015

All meetings are held at 4201 Patterson Avenue in Baltimore, usually at 1 PM on the first floor. These meetings are open to the public and you are encouraged to attend. Please call the Board before the meeting to confirm the proper time and room number.

VERIFICATION OF LICENSE TO ANOTHER STATE

To provide verification of your acupuncture license to another state, please send your verification request or form (available on website) directly to the Board with a \$50 check made payable to the Maryland Acupuncture Board. You must provide your name, license number and the state to which you would like the verification mailed. Please ensure that you provide the State's address and phone number.

**MARYLAND
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Unit 252