

# Newsletter

Winter 2006

## **BOARD CONTACT NUMBERS**

**TELEPHONE:**  
410-764-4766

**TOLL FREE:**  
1-800-530-2481

**FAX:**  
410-358-7258

### **WEBSITE:**

www.dhmh.state.  
md.us/bacc

### **ADDRESS**

4201 Patterson Avenue  
Baltimore, MD  
21215  
Room 320

### **Individual Highlights:**

Massage Boundaries

2

Sanitary Precautions

3

Verification Requests/  
Name changes

4

Board Member

Vacancies

5

# MARYLAND ACUPUNCTURE BOARD

## **BOARD POLICY ON PREPAYMENT PLANS**

**PLEASE READ CAREFULLY**

The Board of Acupuncture has discovered that the National Association of Insurance Commissioners' (NAIC) determined that Prepay Plans are illegal. According to the NAIC, when health care practitioners receive prepayment (either full or partial) the practitioner can be considered engaging in the business of insurance, which may require a separate license from the appropriate state Insurance Commission.

The Board is recommending that acupuncturists who are now offering unlicensed prepayment plans should immediately cease and desist unless they check with, or obtain the appropriate license from, the Maryland Insurance Commission. For further reading on this subject, please refer to an informative article offered by Acupuncture Today, at the following address:

<http://www.acupuncturetoday.com/archives2000/feb/02schroeder.html>

### **BILLING QUESTIONS**

1. Is it within regulations to offer a no cost consultation and evaluation?

Offering no cost consultation/evaluation is not a regulated practice. However, the Board feels it is appropriate to offer no cost consultations at your discretion.

2. With informed consent, can a patient pay in advance for a program of future treatment?

As noted in the above article, the Board does not believe advanced payments (prepayments) fall within current standards of acupuncture practice.

3. Within regulations, can any discounts or reductions in fees be offered for treatment, if a patient pays cash instead of billing insurance?

No, the Board believes this is not appropriate conduct.

**A WORD OF CAUTION**  
**WORKING WITH OR EMPLOYING UNLICENSED**  
**ACUPRESSURE/ENERGY PRACTITIONERS**  
**MASSAGE BOUNDARIES**

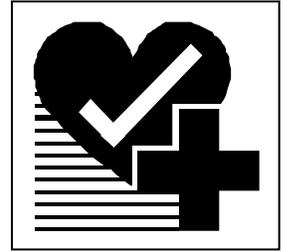
Please be advised that sharing office space with or employment of unlicensed acupressure/energy practitioners must be done so WITH DUE PRECAUTIONS. The Massage Advisory Committee is actively investigating unlicensed practitioners performing techniques considered within the massage scope of practice.

The Board would like to clarify to what extent persons employed by or sharing office space with licensed acupuncturists who are not licensed massage therapists, are permitted to provide hands-on therapy.

As defined in the Massage Therapy Practice Act, massage therapy does not include: "The laying on of hands, consisting of pressure or movement on a fully clothed individual, to specifically affect the electromagnetic energy or energetic field of the human body." Md. Code Ann., Health Occ. ("H.O.") §3-5A-01(g)(2)(iii). Simply stated, *unlicensed persons may only provide hands on therapy to fully clothed individuals*. Fully clothed does not require the wearing of footwear. H.O. § 3-5A-01(g)(3).

**The Massage Therapy Advisory Committee interprets "*pressure or movement*" as being separate and distinct with the key word being "*or*." Since the phrase is pressure "*or*" movement, not pressure "*and*" movement, they may not be combined. For example, using pressure without movement could involve touching a point on the body with direct pressure, but not moving off or from that point. Using movement without pressure could involve moving the hands around the body without making contact with the body. However, if an individual combines pressure and movement, such as touching a point on the body with a finger or hand and then moving in a circular motion, she or he would be practicing massage therapy without a license.**

Please note that practicing without a valid license can lead to criminal prosecution. Also, aiding and abetting an unlicensed practitioner is a violation of the Maryland Acupuncture Practice Act and can subject a licensee to Board action.



## **SANITARY PRECAUTIONS IN AN ACUPUNCTURE OFFICE**

Since its conception, the Maryland Acupuncture Board has elected to refrain from listing every precaution that an acupuncturist must take to ensure safe conditions in their office.

However, the Board feels strongly about several precautionary measures and wishes to highlight them as follows:

### **Disposal /Sterilization of Needles**

The Board requires that needles be sterile and completely free of micro-organisms. The Board recommends that Maryland licensed acupuncturists use disposable needles.

However, if the needles are not disposable, the Board recommends the use of a steam autoclave at 250 degrees F. and 15 lbs. pressure for 30 minutes, after which the pressure is rapidly released. Materials sterilized in an autoclave must be allowed to dry off before they are removed.

Wet packing can wick up contamination if it touches a non-sterile surface or is exposed to airborne organisms. Please note that boiling and alcohol soaking are not acceptable methods.

### **Clean Sheets**

The Board recommends that any paper or other disposable material used as a covering on a chair, seat or table and any towel, cloth, sheet or gown or other article that comes in contact with a patient's skin must be clean and not previously used in connection with any other patient unless laundered after use.

Laundering with hot water and soap detergent are acceptable, but chlorine bleach provides an extra margin of safety.

### **Hand Washing**

The Board requires that acupuncturists wash their hands between patients, immediately before acupuncture treatment and after contact with blood or body fluids or obvious environmental contaminants.

Hand washing should include a vigorous rubbing together of well-lathered hands for at least 10 seconds, followed by rinsing under a stream of running water. Ordinary soap or detergent is satisfactory in most cases.

Washing with anti-microbial products is advised before treating patients who are severely immunocompromised such as patients with AIDS or who are undergoing chemotherapy.

### **Office Surfaces and Equipment**

Disinfectants are recommended for office surfaces and equipment. Please note that they will not kill all germs or spores, but they will reduce the danger of infection.

Clorox, Cidex, Lysol, and Microquat are common disinfectants that will neutralize most viruses, including Hepatitis B. These solutions lose strength over time and must be remade at specified intervals. Be sure to check expiration dates periodically as these solutions cannot be stored indefinitely.

## **BOARD COMPOSITION**

### **BOARD MEMBERS**

#### **CHAIR:**

**David Paton, L.Ac.**

PROFESSIONAL MEMBER

#### **VICE CHAIR:**

**Vacant**

#### **SECRETARY:**

**Barbara Cronin**

CONSUMER MEMBER

\*\*\*\*\*

**Haiyang Li, L.Ac.**

PROFESSIONAL MEMBER

**Tyme Gigliotti, L.Ac.**

PROFESSIONAL MEMBER

**Steven Kaufman, L.Ac.**

PROFESSIONAL MEMBER

**David Mercier, L.Ac.**

PROFESSIONAL MEMBER

**Charles Griffin, Ed.D.**

CONSUMER MEMBER

### **STAFF**

#### **EXECUTIVE DIRECTOR:**

**Penny K. Heisler**

#### **ADMINISTRATIVE ASSISTANT**

**Cynthia Dobbins**

#### **BOARD COUNSEL**

**Richard Bloom, AAG**

## **PROCEDURES FOR NAME CHANGE REQUESTS**

At times, it is necessary for licensees to change their names on their licenses due to divorce, marriage or other reasons. When requesting a name change, the Board requires that you submit a certified copy of a marriage license, divorce decree, or court order indicating the name change, date and place of change. There is no charge for a name change request.

If you have questions regarding these requirements, feel free to contact the Board's office for further assistance.

## **VERIFICATION OF LICENSE REQUESTS**

Verification of license to another state requires a written request to the board office. The fee is \$20.00, made payable to the Maryland Acupuncture Board. Please ensure that the following information is provided with your request:

- Licensee's name.
- The appropriate fee.
- License number.
- The appropriate state's mailing address.

## **EXPERT WITNESSES WANTED**

The Board is interested in recruiting licensed acupuncturists who would be willing to devote approximately 20 hours per disciplinary case as a paid expert witness. The Board will be compiling a list of experts from which it will pool names as needed. Expertise is needed in herbal medicine, oriental medicine, acupuncture, oriental body works and oriental therapies, and ethics and professional conduct. Applicants must have been in practice for a minimum of five years and must be willing to testify during a hearing.

Experts will be compensated \$75.00 per hour.

If interested in becoming an expert witness, please call or e-mail the Board to ask for an application.

## BOARD MEMBER VACANCIES

The appointment terms of **Tyme Gigliotti, L.Ac. (Practitioner)**, **Barbara Cronin (Consumer)** and **Charles Griffin, Ed.D. (Consumer)** on the Maryland Board of Acupuncture will expire on June 30, 2006. All of these members are eligible for reappointment.

Pursuant to Section 1A-202 of the Health Occupations Annotated Code of Maryland quotes "(c) Same - Vacancies - For each vacancy of an acupuncture member, the Board shall compile a list of names to be submitted to the Governor in the following manner: (1) The Board shall notify all licensed acupuncturists in the State of the vacancy to solicit nominations to fill the vacancy; (2) Each professional association of acupuncturists in the State shall nominate at least one person for every two vacancies that exist; and (3) Each education institution that provides acupuncture training in the State shall nominate at least one person for every two vacancies that exist".

If you would be interested in serving on the Board, please contact the Board at (410) 764-4766 by **April 1, 2006** to obtain an application.

The Governor appoints members of the Board of Acupuncture for a term of four years. Each member may not serve more than two consecutive terms. The Board meets the second Tuesday of every other month from 1:00 p.m. until 4:00 p.m. Committee meetings are also held at various times throughout the month. To approximate, membership on the Board requires at least one full day a month of service, or more depending on the Committee on which you serve.

**Applicants for Board membership must be a Maryland resident who has been licensed in Maryland and has practiced acupuncture for at least five years immediately prior to their appointment.**

## SUPERVISORS FOR DISCIPLINARY CASES WANTED

The Board is looking for qualified Maryland acupuncture licensees to supervise licensees who have been disciplined and require supervision.

The Board is currently compiling a list of available supervisors from which it can draw names as needed. Licensees with knowledge in boundary issues, professional conduct, sexual misconduct, herbal medicine, western medicine, acupuncture, oriental body works, and other oriental therapies, may apply. Applicants must have been in practice for a minimum of five years and must fill out an application provided by the Board.

The licensee being supervised must compensate supervisors. Supervisors will be compensated at a rate of \$75.00 per hour

Feel free to call the Board to request an application.

## **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.

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.

---

**MARYLAND  
ACUPUNCTURE BOARD**  
4201 Patterson Ave  
Baltimore, MD 21215  
Unit 252