

WINTER

2009

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MARYLAND ACUPUNCTURE BOARD

Newsletter

ETHICS AND REGULATIONS GUIDEBOOK

The Board of Acupuncture is pleased to announce that it has developed an Ethics and Regulations Guidebook on state acupuncture law, regulation and policy. A copy of the Guide is available on the Board's website for your use and reference: www.dhmh.state.md.us/bacc

The Guidebook is a collective summary of practice guidelines and is designed to provide a quick reference on current laws and rules of the Board. The Guidebook should not be used in place of knowing and understanding the actual statute and regulations as adopted by the Board. The policies cited are subject to change after publication and are not binding when determining state law or regulation.

You should always check on current law or regulation before making any decisions that might affect your practice. Regulations and statute are readily available for your review on the Board's website. The Board also recommends that you seek the advice of attorney for professional, legal or business advice before making a decision in your practice.

If you have questions concerning the guidelines, or would like a printed copy, please contact the Board at 410-764-4766.

NOVEMBER RENEWAL

Renewals were conducted online for a second time this year and comments from the evaluation survey were again positive. The summary showed that most of you found the process very simple and the instructions clear. Most of you found that your renewals were processed efficiently and timely. A few of you called the Board in search of your password (which is the last 4 digits of your social security number) and some had problems with error codes.

Unfortunately, the end of the November renewal period occurred over the Thanksgiving holiday weekend and many of you waited until the last minute to renew. Because of the State holiday, the Board's office was closed for 4 days.

Those of you who waited until the last minute to renew were unable to contact staff over the weekend to resolve problems and you had to wait until Monday, which, unfortunately, was the day after your expiration date. This caused panic in many of you and ruined some holidays. It is therefore in your best interest to ensure that you renew promptly and give your self enough time should you run into problems.

**DON'T WAIT UNTIL THE LAST MINUTE TO RENEW
YOUR LICENSE**

Retention and Disposal of Medical Records and Protected Health Information

The Maryland Department of Health and Mental Hygiene adopted new regulations on March 24, 2008 to regulate the management of medical records by health care practitioners. The following section specifies the appropriate steps you should take to properly transfer medical records upon close of your practice:

10.01.16.06- Instructions for Handling Medical Records Upon Discontinuation of Medical Practice.

A. At the time a health care provider discontinues medical practice, the health care provider shall immediately secure the medical records until one of the following options are taken:

- (1) Medical records may be transferred to a health care provider who will be assuming the medical practice;
- (2) Medical records may be given to the patient;
- (3) At the patient's direction, the medical record may be transferred to a new health care provider; or
- (4) Medical records may be destroyed in accordance with §B of this regulation, Regulation .07 of this chapter, or both.

B. On the death, retirement, surrender of license, or discontinuance of the practice or business of a health care provider, the administrator of the estate or a designee, who:

- (1) Agrees to provide for the maintenance of the medical records of the practice; and
- (2) States in writing to the appropriate health occupations board within a reasonable time that the medical records will be maintained in compliance with this chapter, shall:
 - (a) Publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks:
 - (i) Stating that the medical records will be destroyed or transferred; and
 - (ii) Designating a location, date, and time when the medical records may be retrieved by the person in interest; or
 - (b) Forward the notice required in §B(2)(a) of this regulation to the patient in the following manner:
 - (i) In the case of an adult, the notification shall be sent by first-class mail to the last known address of the patient; or
 - (ii) In the case of a minor, notification shall be sent by first-class mail to the last known address of the parent or guardian, or if the medical care documented was provided under Health-General Article, §20-102(c) or 20-103(c), Annotated Code of Maryland, notification shall be given to the minor, by certified mail, addressee only.

The entire regulation can be viewed at:

www.dsd.state.md.us/comar/subtitle_chapters/10_Chapters.htm#Subtitle01.



AVOIDING PATIENT ABANDONMENT

Over the course of your practice, you may be confronted with patients that are non-compliant, rude or disruptive, chronically late, miss multiple appointments or suffer from mental illness. The Board has been contacted several times this year regarding the appropriate steps you should take to take to dismiss a difficult patient from your practice.

You are not obligated to treat any patient. However, once you have accepted an individual as a patient, you are generally obligated to treat that patient or ensure treatment can be provided by another practitioner. A patient that you have only treated one or twice or have not heard from during a prolonged period of time does not minimize your responsibilities to that patient.

Either you or your patient can initiate the termination. If you are the one that is initiating separation, you must provide adequate time to the patient to allow them to obtain a new practitioner. A letter with names of several acupuncturists as alternatives should be provided to the patient with an authorization for release of medical records. When the patient selects a new practitioner, you can send copies of the patient's medical records to the new practitioner. Charging a fee for the cost of copying is appropriate. You should always be available to the patient for any needs that arise during the transition period.

The Board is aware that some patients can sometimes be harmful to your practice and it is necessary to dismiss them to protect yourself, your staff and other patients. Throughout transition, stress your concern for your patient's well-being and strive to end the relationship on positive note. Also ensure that everything is documented in the patient's file.

The above constitutes general advice and should not be deemed a substitute for consulting your attorney before deciding whether and how to terminate a relationship with a patient.

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.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

Tyme Gigliotti, L.Ac.

PROFESSIONAL MEMBER

VICE CHAIR:

David Mercier, L.Ac.

PROFESSIONAL MEMBER

SECRETARY:

Barbara Cronin

CONSUMER MEMBER

Steven Kaufman, L.Ac.

PROFESSIONAL MEMBER

Grant Zhang, L.Ac.

PROFESSIONAL MEMBER

David Cai, L.Ac.

PROFESSIONAL MEMBER

Charles Griffin, Ed.D.

CONSUMER MEMBER

STAFF

EXECUTIVE DIRECTOR:

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ADMINISTRATIVE ASSISTANT

Cynthia Dobbins

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BOARD COUNSEL

Richard Bloom, AAG

Licensure Statistics

Total Active: 816

404	applied by exam
412	applied by accredited school
678	live in MD
4	live in DE
20	live in DC
16	live in PA
47	live in VA
7	live in WV
48	live in other states

Non-Renewed

553 total since 1985

2005	45
2006	55
2007	38
2008	27

Inactive

153 total since conception of Board (1994)

2005	13
2006	15
2007	16
2008	14

Number of New Applications

2005	79
2006	71
2007	67
2008	76

LATE RENEWAL, INACTIVE, REINSTATEMENT

What is the difference between a 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 \$325. You will also have to provide proof of 40 hours of CEU's.

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 high cost and CEU penalties 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 CEU's for a 2-year period. Inactive status is limited to a 6 year time period.

SUPERVISORS/EXPERT WITNESSES FOR DISCIPLINARY CASES WANTED

The Board is looking for qualified Maryland acupuncture licensees to provide expertise in disciplinary cases, or to supervise licensees who have been disciplined and require supervision.

The Board is currently compiling a list of available supervisors/experts 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.

Volunteers will be compensated at the rate of \$75 per hour. Supervisors will be compensated by the practitioner.

Feel free to call the Board to request an application for either placement.

BOARD MEMBER VACANCIES

The appointment terms of **Steve Kaufman and David Mercier** on the Maryland State Board of Acupuncture, expire on June 30, 2009. Both Kaufman and Mercier are eligible for reappointment. Both are professional members.

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, 2009** 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.

Note:

Applicants for Board membership must be a Maryland resident who has been licensed in Maryland and has practiced acupuncture for at least 5 years immediately prior to their appointment.


**MARYLAND
ACUPUNCTURE BOARD**
4201 Patterson Ave
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