

# MARYLAND ACUPUNCTURE BOARD

## Newsletter

Winter 2014

### 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

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## BOARD MEMBER VACANCIES

The appointment terms of **Grant Zhang and Corinne Axelrod** on the Maryland State Board of Acupuncture, will expire on June 30, 2014. Both vacancies are open. Ms. Axelrod is eligible for reappointment but is not seeking another term. Mr. Zhang is not eligible. 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 email Penny Heisler at [penny.heisler@maryland.gov](mailto:penny.heisler@maryland.gov) or contact the Board at (410) 764-4766 by **April 1, 2014** 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.**

## QUESTIONS:

### **CAN A MARYLAND LICENSED ACUPUNCTURIST ORDER LAB WORK?**

An acupuncturist who is licensed in Maryland is not allowed to order lab tests or make medical diagnoses. The ordering or analysis of a lab test is considered the practice of medicine and not part of the Oriental diagnostic theories and practices. You may, however, refer a patient to another health care provider to make the diagnosis and then you may use that diagnosis to prepare treatment plans.

### **REMOVAL OF NEEDLES**

The Board considers the insertion and removal of needles as part of practice of acupuncture, for which a Maryland acupuncture license is required. Delegation of the removal of needles may result in an acupuncturist being charged for aiding and abetting the unlicensed practice of acupuncture.

### **Tax Clearances for Renewal of License**

The Board has encountered several practitioners who have experienced problems renewing their licenses due to unpaid taxes. The Budget Reconciliation and Financing Act of 2003 requires that the Board must first verify that all renewing licensees have paid all undisputed taxes and unemployment insurance contributions before renewing their license. Therefore, the Board of Acupuncture checks with the State Comptroller's Office to verify that a licensee applying for renewal has paid or satisfactorily arranged to pay state taxes before the Board can issue a license.

If your tax payments are not current, the Board cannot issue a license to you until your taxes are paid or are 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.

## **Changes to Acupuncture Board Through HB 305 and SB 379**

The Board of Acupuncture is seeking changes to its statute through HB 304 and SB 379 this legislative session to give the Board the authority to seek injunctive relief or issue cease and desist orders to individuals practicing acupuncture without a license and subject them to a fine of up to \$50,000. Any monies collected would accrue to the Acupuncture Board fund and could be used to offset the costs of investigating and prosecuting these cases. The Boards of Physical Therapy, Pharmacy and Psychology, Physicians and Podiatry already have this authority

The Bill would also give the Board the ability to impose a civil fine on licensees found guilty after a hearing. The fine can be used instead of or in addition to other disciplinary actions. All other health boards have this provision in their law and the Board's Counsel recommended that we attain the same authority. These fines, not to exceed \$5,000, will accrue to the General Fund and will be defined in regulation.

A copy of the bill can be found on the following link:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb0304&stab=01&pid=billpage&tab=subject3&ys=2014RS>

### **THE LEGISLATIVE PROCESS**

The Maryland General Assembly enacts all Maryland statutory law. The statute that governs the practice of Acupuncture can be found under Title 1A of the Health Occupations Article of the Annotated Code of Maryland. If the Board wishes to consider new legislation or an amendment to its statute, the Board must draft a proposal and submit it to the Department of Health and Mental Hygiene (DHMH) for review and approval. If DHMH decides not to sponsor the proposal or bill, the Board must seek a legislator who has a particular interest in the bill and would be willing to sponsor and introduce the material.

Individuals and groups, including professional associations, can also ask members of the General Assembly to sponsor a bill. A bill goes through committee hearings, lobbying, debates, and usually redrafting. Board members and interested parties may testify before legislative committees in favor or against a bill while it is being reviewed by both houses of the General Assembly (Senate and House of Delegates).

If the Bill is passed by each House with changes, it is submitted to a conference committee for further debate and drafting. If the bill is passed by both houses with no changes, it is presented to the Governor for signature or veto. After is signed by the Governor, it becomes a Chapter of the laws of Maryland and the effective date is included in the law.

**BOARD  
COMPOSITION**

**BOARD MEMBERS**

**CHAIR:**

**Deneb Falabella, L.Ac.**

PROFESSIONAL MEMBER

**VICE CHAIR:**

**Kate Carter, L.Ac.**

PROFESSIONAL MEMBER

\*\*\*\*\*

**Corinne Axelrod, L.Ac.**

PROFESSIONAL MEMBER

**Tom Ingegno, L.Ac.**

PROFESSIONAL MEMBER

**Grant Zhang, L.Ac.**

PROFESSIONAL MEMBER

**Jan Exler**

CONSUMER MEMBER

**Charles Neustadt.**

CONSUMER MEMBER

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**STAFF**

**EXECUTIVE DIRECTOR:**

**Penny K. Heisler**

[heislerp@dhmh.state.md.us](mailto:heislerp@dhmh.state.md.us)

**ADMINISTRATIVE  
OFFICER:**

**Cynthia Dobbins**

[dobbinsc@dhmh.state.md.us](mailto:dobbinsc@dhmh.state.md.us)

**INVESTIGATOR:**

**Marian Ruth**

**BOARD COUNSEL:**

**Noreen Rubin, 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.

**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.

**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 your 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 any time a license is lost or destroyed, you may request a duplicate, in writing, stating the circumstance under which the license was lost or destroyed.

**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:

- Tuesday, January 14, 2014
- Tuesday, March 11, 2014
- Tuesday, May 13, 2014
- Tuesday, July 8, 2014
- Tuesday, September 9, 2014
- Tuesday, November 18, 2014\*\***

**\*\* Due to November 4th being Election Day and November 11th being Veteran's Day, this meeting has been scheduled for the 3rd Tuesday of November instead of the 2nd Tuesday, as usual.**

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.

**Disciplinary action:**

Kevin Turner, L. Ac:  
Engaged in a course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture, and violated Md. Code Ann., Health Occ. § 1A-309(17). Mr. Turner agreed to abide by the terms of a Public Consent Order.