

Newsletter

Winter 2007

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MARYLAND ACUPUNCTURE BOARD

ANOTHER WORD OF CAUTION

**Working With or Employing Unlicensed
Acupressure/Energy Practitioners**

MASSAGE BOUNDARIES

The Board of Acupuncture is again posting this article in an effort to caution practitioners on sharing office space with or employing unlicensed acupressure/energy practitioners, as the Massage Advisory Committee is actively investigating unlicensed practitioners performing techniques considered within the massage scope of practice. Many arrests have been made in shopping malls as a result of these investigations. Many of these unlicensed practitioners state that they are working under the supervision of licensed acupuncturists which gives the public a sense of validity to their practice, albeit false. As you know, licensed acupuncturists only hold statutory authority to supervise auricular detoxification specialists in Maryland.

In October, the Chiropractic Board held a town meeting with mall managers, leasing agents and law enforcement officials to educate them on illegal massage operations in shopping malls. In most cases, investigators of the Chiropractic Board have found that the individuals providing energy therapy treatments are in fact providing western massage 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.

NOTICE:

Unpaid taxes may result in the denial of your renewal

All health professionals renewing a Maryland license are required to have paid all state income taxes, and are required to have filed all necessary state income tax returns.

If you have failed to pay your taxes, the Office of the Comptroller will notify the Acupuncture Board. When a renewal applicant has been identified as delinquent by the Office of the Comptroller, the Board will issue a written notice to the renewal applicant stating that:

- (a) the applicant has been identified by the Office of the Comptroller as delinquent in the payment of taxes or unemployment insurance contributions as applicable; and
- (b) the application for a renewal license will be denied if a verification is not submitted to the Board within 30 days after the notice is issued or prior to the expiration date of the current license, whichever is later.

If the Board does not receive verification within 30 days after the Board issued the notice or prior to the expiration date of the current license, whichever is later, the Board shall:

- (a) Deny the renewal application; and
- (b) Inform the renewal applicant in writing that the renewal application has been denied.

The National Provider Identifier (NPI)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandated that the Secretary of Health and Human Services adopt a standard unique health identifier for health care providers. On January 23, 2004, the Secretary published a Final Rule that adopted the National Provider Identifier (NPI) as this identifier.

All HIPAA covered healthcare providers, whether they are individuals or organizations, must obtain an NPI for use, to identify themselves in HIPAA standard transactions. Once enumerated, a provider's NPI will not change. The NPI remains with the provider regardless of job or location changes.

HIPAA covered entities, such as providers completing electronic transactions, healthcare clearinghouses, and large health plans, must use the NPI by May 23, 2007. Small health plans must use the NPI by May 23, 2008.

The Maryland Health Care Commission has prepared a number of educational materials to assist you understand and make the necessary changes in your billing systems to implement NPI requirements successfully. You can download materials on the MHCC website at:

<http://mhcc.maryland.gov/npi/index.htm>.

Cultural Competency Awareness

Cultural competency in healthcare refers to being aware of cultural differences among diverse racial, ethnic, and other minority groups, respecting those differences, and taking steps to apply that knowledge to professional practice. Understanding and respect of the cultural, religious and lived experience of others is key in every aspect of existence, but it is especially important in the health care arena. There is indisputable data that illustrates that increasing cultural competency of health care providers is associated with increased trust in the medical system, enhanced patient satisfaction, and greater adherence to treatment regimen.

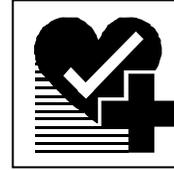
In order to increase the cultural competency of health care providers, the United States Department of Health and Human Services, Office of Minority Health developed and tested a curriculum on cultural competency training for health providers entitled "A Family Physician's Practical Guide to Culturally Competent Care." The teaching module which leads to 9 CME units is interactive, *free* and is based on the latest research in the area of cultural competence. It incorporates the CLAS (Culturally and Linguistically Appropriate Services) standards and can be accessed on the following site:

<http://thinkculturalhealth.org/cccm/>

This article was prepared by the Maryland's Department of Health and Mental Hygiene, Office of Minority Health and Health Disparities, that is charged with promoting programs to eliminate health disparities in racial and ethnic minority groups in the state of Maryland.

Check out their website at www.mdhealthdisparities.org

Disposal of Needles In Your Acupuncture Office



Special care and caution must be exercised by acupuncturists in the use and disposal of needles or sharps.

ALWAYS place used sharps in a puncture-resistant, leak-proof container designated for sharps disposal. **DO NOT** place sharps in regular trash receptacles. Containers for sharps disposal must be closed (lid or cover closed and sealed with tape) and submitted for waste pickup when they are no more than $\frac{3}{4}$ full. Never overfill or force items into these containers.

Improper management of discarded needles and other sharps can pose a health risk to the public and waste workers. For example, discarded needles may expose waste workers to potential needle stick injuries and potential infection when containers break open inside garbage trucks or needles are mistakenly sent to recycling facilities. Janitors and housekeepers also risk injury if loose sharps poke through plastic garbage bags. Used needles can transmit serious diseases, such as HIV and hepatitis.

Most manufactured sharps containers can be purchased at local pharmacies. Below are several ways to safely dispose of used sharps when safely stored in an approved manufactured sharps container. There may be a fee for this service.

- **Drop Box or Supervised Collection Sites**

Sharps users can take their own sharps containers filled with used needles to appropriate collections sites: doctors' offices, hospitals, pharmacies, health departments, or fire stations. Services are free or have a nominal fee. Check with your pharmacist or other health care provider for availability in your area.

- **Mail-back Programs**

Sharps users place their used sharps in special containers and return the container by mail to a collection site for proper disposal. This service usually requires a fee. Fees vary, depending on the size of the container. Check with the yellow pages, or search the Internet using keywords "sharps mail back."

IMPORTANT **DUPLICATE LICENSES**

At its meeting on January 9, 2007, the Maryland Board of Acupuncture voted to furnish duplicate licenses to licensed acupuncturists who reside in Maryland, for each office in which the practitioner works. **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. Duplicate licenses will be issued on a trial basis at no cost for one year.

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.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

David Paton, L.Ac.

PROFESSIONAL MEMBER

VICE CHAIR:

Tyme Gigliotti, L.Ac.

PROFESSIONAL MEMBER

SECRETARY:

Barbara Cronin

CONSUMER MEMBER

Haiyang Li, L.Ac.

PROFESSIONAL MEMBER

Steven Kaufman, L.Ac.

PROFESSIONAL MEMBER

David Mercier, L.Ac.

PROFESSIONAL MEMBER

Charles Griffin, Ed.D.

CONSUMER MEMBER

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BOARD COUNSEL

Richard Bloom, AAG

IMPORTANT

Maryland Health Care Commission User Fee

The Maryland Health Care Commission currently collects a user fee from eleven "health care practitioner" boards, insurance carriers and third party administrators. The Commission attaches their fee to Board renewal fees and collects the revenue at the end of the year in a lump sum. ***Please note that this extra money is realized by the Commission, not the Acupuncture Board.*** The Commission extracts this extra revenue directly from the Board's budget, in a lump sum, at the end of each fiscal year.

The Board of Acupuncture has incorporated this user fee in its renewal fee over the past 6 years, so you have probably not noticed that the extra fee was being accessed. However, due to budget constraints, the Board can no longer carry this fee separately and must tack on the additional \$ 29.50 to every renewal fee starting May 2007.

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 at dobbinsc@dhmh.state.md.us to ask for an application.

BOARD MEMBER VACANCIES

The appointment terms of **David Paton L.Ac. (Practitioner), and Haiyang Li, L.Ac. (Practitioner)** on the Maryland Board of Acupuncture **will expire on June 30, 2007**. Neither of these members is 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, 2007** 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.

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.

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
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