

# MARYLAND ACUPUNCTURE BOARD

## Newsletter

Summer 2012

### **BOARD CONTACT NUMBERS:**

**TELEPHONE:**  
410-764-4766

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

**FAX:**  
410-358-7258

**WEBSITE:**  
  
[www.dhmv.state.md.us/bacc](http://www.dhmv.state.md.us/bacc)

**ADDRESS**  
4201 Patterson  
Avenue  
Baltimore, MD  
21215  
Room 320

### **Individual Highlights:**

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### **Professional Boundaries**

At no time would the Board consider it appropriate for a practitioner to establish an intimate relationship with a patient. An acupuncturist must maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship.

If a licensed acupuncturist and his/her patient mutually desire a personal relationship, the professional relationship must be terminated and the acupuncturist must refer the patient to another health care practitioner. Both parties must wait before engaging in an intimate relationship for a time when it is reasonably certain that the professional relationship has no influence on the personal relationship.

A licensed acupuncturist may not exploit a relationship with a patient for the licensee's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship. It is unacceptable to engage in a sexually intimate act with a patient. It is also unacceptable to engage in sexual misconduct which includes behavior in which a licensee has engaged in sexual behavior with a patient in the context of a professional evaluation, treatment, procedure, or other service to the patient, regardless of the setting in which the professional service is provided.

Warning signs of sexual misconduct may include:

- Excessive sharing of personal information
- Change of appointments to a social location
- Use of alcohol or drugs during treatment
- Constant questioning about sexual issues that are not related to treatment
- Requests for secrecy
- Physical contact or bodily exposure that is not part of acupuncture treatment
- Touching in a sexual manner

Always respect and maintain professional boundaries with your patients. Ensure that your patient is reasonably informed about treatments before they are rendered. Make sure that your patients are comfortable with the treatments and that you cause them no embarrassment.

## **REMINDER**

### **3 HOURS OF ETHICS TRAINING REQUIRED FOR RENEWAL**

COMAR 10.26.02, Continuing Education, requires that at least **3 hours of ethics training be earned every 4 years (every two renewal periods)** as a basis for renewal of your license. See following dates for required ethics hours:

- If you renewed in **November 2009** will be required to earn 3 hours in ethics by **November 2013**;
- If you renewed in **May 2010** you will be required to earn 3 hours in ethics by **May 2014**;
- If you renewed in **November 2011** will be required to earn 3 hours in ethics by **November 2015**;
- If you renewed in **May 2012** you will be required to earn 3 hours in ethics by **May 2016**;

Renewal forms will be requesting this information, so please be sure to earn these hours and retain your documentation. Feel free to call the Board for more information if you have questions about the new requirements.

### **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.

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

## Maryland Medical Records Act

The MD Medical Records Act states that unless a patient is a minor, medical records, laboratory and X-ray reports must be kept at least five years (see §4-403 below):

### Annotated Code of Maryland Health-General Article Title 4. Statistics and Records § 4-403

**(b)** Except for a minor patient, unless a patient is notified, a health care provider may not destroy a medical record or laboratory or X-ray report about a patient for 5 years after the record or report is made.

**(c)** In the case of a minor patient, a medical record or laboratory or X-ray report about a minor patient may not be destroyed until the patient attains the age of majority plus 3 years or for 5 years after the record or report is made, whichever is later, unless:

1. The parent or guardian of the minor patient is notified; or
2. If the medical care documented in the record was provided under § 20-102(c) or § 20-103(c) of this article, the minor patient is notified.

**(d)** The notice under subsections (b) and (c) of this section shall:

1. Be made by first-class mail to the last known address of the patient;
2. Include the date on which the record of the patient shall be destroyed; and
3. Include a statement that the record or synopsis of the record, if wanted, must be retrieved at a designated location within 30 days of the proposed date of destruction.

**(e)** After the death, retirement, surrender of the license, or discontinuance of the practice or business of a health care provider, the health care provider, the administrator of the estate, or a designee who agrees to provide for the maintenance of the medical records of the practice or business and who states, in writing to the appropriate health occupation board within a reasonable time, that the records will be maintained in compliance with this section, shall:

1. Forward the notice required in this section before the destruction or transfer of medical records; or
2. Publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks:
  - (i) Stating the date that the medical records will be destroyed or transferred; and
  - (ii) Designating a location, date, and time where the medical records may be retrieved, if wanted.

**(f)** (1) After consulting with the Association of Maryland Hospitals and Health Systems, the Maryland State Medical Society, and other interested parties, including consumers and payors, the Secretary shall adopt regulations governing the destruction of medical records.

*(continued page 4)*

## Maryland Medical Records Act (cont'd)

- (2) The regulations adopted under this subsection shall:
- (i) Specify the manner in which a health care provider shall maintain and store medical records to:
    - 1. Ensure confidentiality; and
    - 2. Provide limited access to the medical records until the records are destroyed; and
  - (ii) Ensure that the method of destruction renders the medical records unreadable.
- (3) The regulations adopted under this subsection may not:
- (i) Require or encourage the destruction of medical records; or
  - (ii) Be inconsistent with any provision of law applicable to the maintenance or destruction of medical records.

**(g)** (1) A health care provider or any other person who knowingly violates any provision of this subtitle is liable for actual damages.

(2) (i) In addition to any other penalties provided under this article, a health care facility that knowingly violates this section is subject to an administrative fine not exceeding \$10,000 for all violations cited in a single day.

(ii) 1. In addition to any other penalties provided under this article, an individual who knowingly violates this section is subject to the fines provided in sub-subparagraph 2 of this subparagraph if the individual is:

A. A health care provider, as defined under subsection (a)(1)(i) through (vi) or (viii) through (xx) of this section; or

B. An agent, employee, officer, or director of a health care provider.

2. The administrative fines applicable to an individual covered under sub-subparagraph 1 of this subparagraph shall be assessed as follows:

A. The first fine assessed or first set of fines assessed concurrently for all violations cited in a single day may not exceed \$1,000;

B. The second fine assessed or second set of fines assessed concurrently for all violations cited in a single day may not exceed \$2,500; and

C. The third or subsequent fine assessed or third or subsequent set of fines assessed concurrently for all violations cited in a single day may not exceed \$5,000.

**BOARD  
COMPOSITION**

**BOARD MEMBERS**

**CHAIR:**

**Steven Kaufman, L.Ac.**

PROFESSIONAL MEMBER

**VICE CHAIR:**

**Corinne Axelrod, L.Ac.**

PROFESSIONAL MEMBER

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**Grant Zhang, L.Ac.**

PROFESSIONAL MEMBER

**Kate Carter, L.Ac.**

PROFESSIONAL MEMBER

**Deneb Falabella, 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  
ASSISTANT:**

**Cynthia Dobbins**

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

**BOARD COUNSEL:**

**Richard Bloom, AAG**

**STATISTICS  
FISCAL YEAR 2012**

**(July 1, 2011-June 30, 2012)**

Total Active:

939

343 applied by exam

596 applied by accredited school

817 live in MD

2 live in DE

23 live in DC

11 live in PA

46 live in VA

5 live in WV

6 live in other states

Inactive Requests

11 FY 2012

19 FY 2011

26 FY 2010

13 FY 2009

Verification Requests

49 FY 2012

37 FY 2011

43 FY 2010

44 FY 2009

New applications:

77 FY2012

88 FY 2011

78 FY 2010

89 FY 2009

Reinstatements

12 FY 2012

9 FY 2011

6 FY 2010

6 FY 2009

Renewals

374 FY 2012

383 FY 2011

336 FY 2010

320 FY 2009

**GROUPON/LIVING SOCIAL**

The Board has determined that online discount marketing services such as Groupon and Living Social are not considered fee splitting or kickbacks to find new patients. Therefore, it is acceptable to use these services.

## 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 2012 schedule is as follows:

January 10, 2012  
March 13, 2012  
May 8, 2012  
July 10, 2012  
September 11, 2012  
November 13, 2012

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 directly to the Board with a \$20 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.

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