

MARYLAND BOARD OF ACUPUNCTURE
4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

NOVEMBER 12, 2013
1:00 p.m.

BOARD MEMBERS PRESENT:

Corinne Axelrod, L.Ac., Kate Carter, L.Ac., Deneb Falabella, L.Ac., Thomas Ingegno, L.Ac., Grant Zhang, L.Ac., Jan Exler, Consumer, Charles Neustadt, Consumer

BOARD MEMBERS ABSENT:

None.

BOARD STAFF PRESENT: Penny Heisler, Executive Director, Cynthia Dobbins, Administrative Officer, Marian Ruth, Investigator, and Noreen Rubin, AAG, Board Counsel

GUESTS:

Kristen Neville, Regulations Coordinator and David Wurzel, L.Ac.

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Ms. Carter called the Acupuncture Board meeting to order at 1:00 pm and a quorum was established.

APPROVAL OF SEPTEMBER MINUTES

Mr. Exler moved to approve the Minutes and Mr. Zhang seconded the motion. The motion passed unanimously.

2. OLD BUSINESS

A. DRY NEEDLING REGULATIONS

Ms. Heisler informed the Board that the Physical Therapy Board's Executive Director, Mr. Carlton Curry, informed her that the third draft of the dry needling regulation is almost finalized and will be sent to Secretary Sharfstein on November 19th, 2013, for review. The Acupuncture Board will be given a courtesy copy. The Board will have the opportunity to send comments to Secretary Sharfstein.

B. HERBAL MEDICINE

Ms. Heisler informed the Board that the Committee has decided not to pursue regulation of herbs at this time.

C. AURICULAR DETOXIFICATION

Ms. Heisler informed the Board that Mr. Wurzel sent a letter to the Board indicating that the Board of Professional Counselors no longer separates mental health and addiction counselors. They have been merged into one category called Behavioral Health Counselors. Currently, the Acupuncture Board's statute states that all counselors have to be alcohol and drug certified or licensed to perform auricular detoxification. The statute does not include licensed professional Counselors, LCPC. Therefore, Mr. Wurzel requested that the Board change its statute to reflect the changes made to the Professional Counselor's subtitles.

Ms. Neville stated that the Board may be able to correct these subtitle references in the 2014 Corrective Bill since they are not substantive and are more technical in nature. Ms. Carter moved to change 1A-316 to reflect changes to Title 17 through the 2014 Corrective Bill and Mr. Ingegno seconded the motion. The motion passed unanimously.

3. NEW BUSINESS

A. INITIAL LICENSURE APPLICATION APPROVAL

Mr. Ingegno moved to approve the list of new applicants and Mr. Neustadt seconded the motion. The motion passed unanimously.

B. ETHICS AND REGULATION GUIDE BOOK

Ms. Rubin recommended that the Board review the current Guide Book and determine whether the given policies cited are in law or regulation. A Committee was formed to review the Guide Book and report back to the Board at its next meeting. Ms. Falabella, Mr. Neustadt and Ms. Carter volunteered to sit on the Committee.

C. CEASE AND DESIST AUTHORITY

Ms. Heisler informed the Board that the Board does not have the authority to issue a Cease and Desist Order to someone practicing acupuncture without a license. Ms. Heisler and Ms. Rubin stated that this authority needs to be included in law. Currently, if someone is practicing without a license, the Board can only refer the individual to the Fraud Unit of the Attorney General's Office. Cease and desist authority would allow the Board to issue a public order to cease and desist the unauthorized practice.

Mr. Neustadt moved to change the Board's law to include Cease and Desist authority. Ms. Axelrod seconded the motion. The motion passed unanimously.

D. AUTHORITY TO IMPOSE MONETARY PENALTY

Ms. Heisler informed the Board that it does not have the authority to impose a monetary penalty on a licensee if he/she is found guilty and placed on probation or suspension after a hearing. Ms. Rubin suggested seeking that authority. Ms. Heisler stated that most boards limit the fine to \$5,000 and that the money is allocated to the

General Fund. Mr. Ingegno moved to amend the Board's statute to include the ability to impose monetary penalties up to \$5,000 and Mr. Exler seconded the motion. The motion passed unanimously.

E. REGULATION CHANGE FOR CEU REINSTATEMENT REQUIREMENT

Ms. Heisler stated that when the Board changed its Continuing Education Regulation from 40 hours to 30 hours, it did not change Section 10.26.02.05 to reflect this change. The reinstatement regulation still requires licensees to earn 40 hours for each renewal period. Ms. Axelrod moved to correct the reinstatement requirements to 30 hours and Mr. Zhang seconded the motion. The motion passed unanimously.

F. REINSTATEMENT REQUIREMENTS

Ms. Heisler stated that the Board failed to update the required continuing education hours for reinstatement from 40 to 30 in COMAR. Ms. Axelrod made a motion to change the hours and Mr. Ingegno seconded the motion. The Board unanimously approved the motion.

G. EXECUTIVE DIRECTOR UPDATE

Ms. Heisler informed the Board that she met with staff of MHCC regarding the user fee that they currently charge health care professionals. She showed them a copy of the NCCAOM job analysis report and informed them that acupuncturists have no Medicare or medical assistance and are not accepted by all insurances. Ms. Heisler was successful with her explanations and the staff at MHCC agreed that acupuncturists should be exempt from this fee. Ms. Zombro of MHCC said that she will take this exception to the commission.

The meeting adjourned at approximately 3:15 p.m.