

MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

NOVEMBER 15, 2016
1:00 p.m.

BOARD MEMBERS PRESENT:

Kate Carter, L.Ac., Thomas Ingegno, L.Ac., Teal Beatty, L.Ac., Sheryl Hongsermeier, L.Ac., Peter Marinakis, L.Ac., Ph.D., Jan Exler, M.Ed., Consumer, and Barbara Heller, Ed.D., R.N., Consumer

BOARD MEMBERS ABSENT:

None

BOARD STAFF PRESENT: Penny Heisler, Executive Director, Cynthia Dobbins, Administrative Officer, Danielle Vallone, Investigator and Grant Gerber, AAG

GUESTS:

Tracey Soltesz, L.Ac., MAS, David Wurzel, L.Ac., Candy Wilson, JB Andrews, USAF, Donna Felling, Maryland Veterans Administration

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

APPROVAL OF SEPTEMBER 13, 2016 MINUTES

After review of the Minutes, Mr. Exler moved to approve the Minutes as written and Dr. Marinakis seconded the motion. The Board unanimously approved motion.

1. OLD BUSINESS

A. BATTLEFIELD ACUPUNCTURE

Donna Felling, RN, stated that the Defense Department and the Maryland Veteran's Administration have endorsed a Battlefield Acupuncture (BFA) program for pain management created by Dr. Richard Niemtow. Both the Department and the Administration are seeking alternatives to prescription drugs to address acute and chronic pain suffered by veterans. However, they have been informed that they must seek State approval before allowing nurses to practice BFA on patients in Federal facilities. She asked the Board to consider granting this approval.

Ms. Felling stated that nurses will be required to complete a 4-hour BFA training course recognized by the Department of Defense and the Veterans Hospital Administration and provide the BFA provider training certificate upon completion.

Mr. Gerber stated that the Board can not approve her request as nurses are not exempt from the Maryland Acupuncture Practice Act and, therefore, it must be accomplished through legislation. Dr. Marinakis asked how long nurses have been performing BFA in Maryland Federal facilities and how many are currently practicing. He also asked whether the ability of nurses to perform BFA is being sought nationwide. Ms. Felling did not know the numbers of those practicing but did state that there are a small number of BFA satellites being established nationwide.

Dr. Marinakis asked Ms. Felling what protocol was in place if a patient had a bad reaction to BFA. Ms. Felling stated that there are physicians on site to assist with adverse effects.

Ms. Carter asked Ms Felling to specifically state what she expected from the Board. Ms. Felling stated that she would like the Board to consider changing its statute to allow nurses working in Federal facilities to practice battlefield acupuncture. Ms. Carter thanked both guests for their presentation.

Ms. Soltesz stated that MAS would be opposed to this proposal. She stated that BFA is effective because acupuncture is effective. She stated that Maryland has over 1100 acupuncturists that could effectively provide this type of acupuncture treatment to veterans. Dr. Heller stated that the Board should only be interested in public protection and should first consider what is best for veterans.

Dr. Marinakis asked Ms. Heisler to write to Ms. Wilson and Ms. Felling and ask for an official request from them in writing.

C. SCOPE OF PRACTICE

Mr. Ingegno stated that he has been receiving a lot of email inquires about the ability of Maryland acupuncturists to do lab work and injection therapy. He stated that he has found that procurement of injectables will most likely require prescription rights. He stated that he hopes to have a more in depth report for the Board at its next meeting.

3. NEW BUSINESS

A. AURICULAR DETOXIFICATION – TEACHERS

Ms. Heisler stated that she received a letter from Ms. Sarah Roogow, a teacher at Howard Community College, requesting that the Board consider allowing teachers to register and perform auricular detoxification. Mr. Gerber stated that teachers are not listed in the Maryland Acupuncture Practice Act as a qualified professional to register to perform auricular detoxification. After a brief discussion, the Board requested that Ms. Heisler respond to Ms Roogow stating that, by current law, teachers are not permitted to register or perform auricular detoxification in Maryland.

B. NORTH CAROLINA BOARD OF DENTAL EXAMINERS VS FEDERAL TRADE COMMISSION

Mr. Gerber stated that it is very important that the Health Occupational Boards adopt some type of active supervision in statute to avoid exposure to antitrust liability. He stated that the Attorney General's Office Workgroup is meeting tomorrow to finalize a legislative solution to the NC Dental decision.

Ms. Heisler stated that at the last Workgroup meeting, there were several options for active State supervision offered such as utilizing the Office of Administrative Hearings or using the Secretary or his designees. Ms. Heisler stated that the Executive Directors and Board Chairs are meeting on November 17 to discuss these various options.

The meeting adjourned at 2:40 PM.