

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

MINUTES OF THE REGULAR SESSION

JANUARY 14, 2014
1:00 p.m.

BOARD MEMBERS PRESENT:

Deneb Falabella, L.Ac., Kate Carter, L.Ac., Corinne Axelrod, 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:

Tracy Soltesz, L.Ac., MAS, David Wurzel, L.Ac., Paula Hollinger, DHMH, Sharon Bloom, DHMH, Kristen Neville, Regulations Coordinator and Teal Beatty, L.Ac.

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

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

2. APPROVAL OF NOVEMBER 12, 2013 MINUTES

Ms. Carter moved to approve the Minutes and Mr. Ingegno seconded the motion. The motion passed unanimously.

3. 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 still not finalized. He stated that he expected the draft to be completed in the near future and will furnish the Acupuncture Board with a copy when completed.

B. AURICULAR DETOXIFICATION REGULATION CHANGE

Ms. Heisler stated that the Board's Regulations Coordinator, Kristen Neville, was able to include the corrections needed in 1A-316 to include licensed professional Counselors, LCPC in the 2014 Corrective Bill.

C. ETHICS AND REGULATION GUIDE BOOK

Ms. Heisler outlined sections in the Guide Book to show whether the given policies were cited in law or regulation. Ms. Falabella, Mr. Neustadt and Ms. Carter currently sit on the Committee. Ms. Axelrod recommended that the sections be grouped in order of common subject matter to facilitate further review.

D. CEASE AND DESIST AUTHORITY

Ms. Heisler informed the Board that the Dietetic Practice Board agreed to include in their bill changes to 1A 314.1, which would give the Board the authority to obtain injunctive relief and issue Cease and Desist Orders to individuals practicing acupuncture without a license. The bill will also authorize the Board to issue a civil penalty, up to \$50,000, for the unauthorized practice of acupuncture. The fine would be allocated to the Board's special fund.

E. AUTHORITY TO IMPOSE MONETARY PENALTY

Ms. Heisler informed the Board that the Dietetic Practice Board agreed to add in their bill the Acupuncture Board's changes to 1A 310.1 which would give the Board the authority to impose a monetary penalty on a licensee if he/she is found guilty after a hearing. The fine can be used instead of or in addition to other disciplinary actions. The fine would be limited to \$5,000 and the money would be allocated to the General Fund.

4. NEW BUSINESS

A. INITIAL LICENSURE APPLICATION APPROVAL

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

B. EXECUTIVE DIRECTOR UPDATE

Ms. Heisler stated that she received an inquiry from a licensee who requested to use basic lab tests to assess adrenal, digestive, and hormonal function in her practice. She completed a Functional Medicine course at the Kalish Institute. After a brief discussion, the Board determined that use of these lab tests is western medicine and lies outside the scope of acupuncture.

Ms. Heisler stated that she received an inquiry from a DC licensee who wanted to give a yoga class in Maryland and provide auricular detoxification during the class. Ms. Heisler stated that under 1A-301, the Board can only approve exemptions from licensure to students, trainee, or visiting teachers who participate in a course of study or training under the supervision of a licensed acupuncturist in a program that is approved by the Board or the State Board of Higher Education. After a brief discussion, the Board directed Ms Heisler to inform the individual she would need a Maryland license to perform auricular detoxification.

The meeting adjourned at approximately 2:10 PM