

MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

MAY 9, 2017
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 David Finkler, AAG

GUESTS:

David Blaiwas, L.Ac., MAS, Sharon Bloom, DHMH, Brandon Wright, DHMH, Kristen Neville, DHMH

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

2. APPROVAL OF JANUARY 10, 2017

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

3. OLD BUSINESS

A. DRY NEEDLING/BATTLEFIELD ACUPUNCTURE

Ms. Heisler stated that the Physical Therapy (PT) Board dry needling regulations have not been approved as the PT Board received over 100 comments, mostly from acupuncturists, and is in the process of responding back to their concerns. She also stated that she has had no update on the Board of Chiropractic Examiner's dry needling regulations or on the battlefield acupuncture issue. Brandon Wright stated that he will work on scheduling a date with the Secretary's Chief of Staff to discuss the Board's concerns on these 2 issues.

B. SCOPE OF PRACTICE

Mr. Ingegno stated that the Committee has been working on a draft regulation and he hopes to have a more in-depth report for the next meeting.

Ms. Heisler stated that the Board received an inquiry from a practitioner who questioned whether a properly trained acupuncturist could administer light therapy through a hollow needle using Chinese medicine philosophy. Dr. Marinakis stated he felt that hollow needles should be permitted and moved to allow the use of hollow needles exclusively on acupuncture points and not in a vein or artery. After a brief discussion, Dr. Marinakis moved to postpone the motion to get more information from the practitioner on this technique. Ms. Heisler will gather questions from Board members to send to the practitioner and invite him to the next board meeting.

C. LEGISLATION 2017

Ms. Heisler stated that the Office of the Attorney General's NC Dental Bill, HB 628, passed this session. The bill will provide Board members with state-action immunity in the event of an anti-trust action against the Board.

Another bill that passed was HB 503- Health Occupations Boards - Racial and Ethnic Health Disparities- Information Campaigns- Reporting. This bill will require that the Boards collectively report at the end of the year on their efforts to educate licensees on racial and ethnic health disparities.

4. NEW BUSINESS

A. CALIFORNIA EXAM

Ms. Heisler stated that she received an inquiry regarding whether an applicant could provide passage of the California Exam in lieu of the NCCAOM exam as a pathway for licensure. David Blaiwas stated that the California exam may no longer be an option as the California sunset committee recommended to the legislature that they change the law to allow for the NCCAOM exam.

B. CLEAN UP BILL 2018

Ms. Heisler stated that the Board attempted to introduce a cleanup bill in 2008 include the term Oriental Medical Therapies within the definition of acupuncture. The bill would have also have eliminated the specified number of hours in training that is required to obtain an acupuncture license in Maryland and defer to the standards set by the ACAOM. The Board's current law states that applicants for acupuncture licensure must receive a minimum of 1800 hours of training, which is below the current 3,000 hours standard.

Ms. Heisler also stated that the American Association of Collegiate Registrars and Admissions Officers (AACRAO), the agency the Board used to review the transcripts of graduates from foreign and non-accredited schools folded and that there is no longer a credible agency to vet these applicants. Dr. Marinakis has received some of the recent applications from foreign graduates and stated that he can not assure these individuals have appropriate training. He recommended that the Board eliminate the Board's authority to determine ACAOM equivalency and require that these applicants take the NCCAOM exam.

Mr. Ingegno moved to submit a pre-proposal concept paper to DHMH to propose changes to its statute to include Oriental Medicine in its scope, repeal foreign equivalency review, and revise

the number of hours of training to reflect current standards. Dr. Marinakis seconded the motion and the Board unanimously approved the motion. Ms. Carter asked Dr. Marinakis, Mr. Ingegno to work together as a committee to craft the proposal. She asked Mr. Blaiwas if he would act as a consultant and he agreed.

C. PROPOSED REGULATION CHANGES

Foreign Application Review

Due to the lack of a credible agency to review transcripts, Dr. Marinakis moved to delete the following Section COMAR 10.26.02.03 G. Review of Foreign Credentials and Mr. Ingegno seconded the motion. The Board unanimously approved the motion.

[G. Review of Foreign Credentials.

(1) An applicant shall provide proof of equivalency to a course accredited by the ACAOM by submitting to the Board:

(a) An official transcript from the colleges or universities attended which lists:

(i) 1,800 hours of training in acupuncture, of which 300 hours are clinical; and

(ii) Subjects taken and the credits earned by the applicant; and

(b) A translation into the English language, certified by an individual acceptable to the Board, of a transcript which is in a language other than English.

(2) In addition to §G(1) of this regulation, the Board may require the applicant to submit the education credits at the applicant's expense to an educational evaluation agency approved by the Board with the request that the evaluation report be sent directly to the Board.]

Reciprocity

Ms. Heisler recommended that the Board delete the following section COMAR 10.26.02 D (3), because there is no statutory authority to support or permit reciprocity.

[Existing license, certification, or registration in acupuncture in another state that has a reciprocity agreement with Maryland and has education, practice, or examination requirements equal to or greater than those established in this State.]

Ms. Beatty moved to delete section COMAR 10.26.02 D (3), and Mr. Ingegno seconded motion. The Board unanimously approved the motion.

D. TEACHER EXEMPTION

Ms. Heisler stated the Board's statute allows for an exemption to allow teachers to come to Maryland to teach classes without having to attain licensure. She recently received a request from Professor Zhiyun Bo to perform a two-day live presentation on abdominal acupuncture to be held on May 25 & 26, 2017 at the US center for Chinese Medicine in Rockville. The Board

was provided with Professor Bo's resume and an in-depth description of the course. After a brief discussion, Ms. Hongersmeier moved to approve the exemption and Dr. Heller seconded the motion. The Board unanimously approved the motion.

D. ELECTION OF OFFICERS

Ms. Carter called for nominations for the office of Board Chair. Mr. Exler nominated Mr. Ingegno, who accepted. Dr. Marinakis seconded the motion. Dr. Heller nominated Dr. Marinakis, who declined. Dr. Heller nominated Ms. Hongersmeier, who accepted. Ms. Beatty seconded. Votes were taken by ballot. The ballots were counted and Ms. Heisler announced that Mr. Ingegno won 4 to 3.

Ms. Carter called for nominations for the office of Board Vice Chair. Mr. Ingegno nominated Dr. Marinakis, who accepted. Mr. Exler seconded the motion. Dr. Heller nominated Ms. Hongersmeier, who accepted. Ms. Beatty seconded. Votes were taken by ballot. The ballots were counted and Ms. Heisler announced that Ms. Hongersmeier won 4 to 3.

The meeting adjourned at 3:00 PM.