

Newsletter

SUMMER 2006

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MARYLAND ACUPUNCTURE BOARD

BOARD POLICY ON PREPAYMENT PLANS

PLEASE READ CAREFULLY

Prompted by numerous requests from practitioners, the Board of Acupuncture revisited the article published in its Winter 2006 newsletter regarding prepayment policies, at its meeting on May 9, 2006. After considering practitioners' testimony and a statement issued by the Maryland Insurance Commission, the Board of Acupuncture decided to rescind the article and acknowledge prepayment capability with due caution.

One of the Board's most pressing concerns with prepayment plans is the patient's ability to recoup monies if the patient decides not to continue treatment. Another concern is what repercussions or penalties will ensure if a contract is broken. Will the patient be fully informed of all monetary consequences before agreeing to sign the contract?

The Board is recommending that if a practitioner chooses to offer prepayment plans, he/she must carefully explain all terms and conditions to the patient. A contract should detail all terms and conditions of the prepayment plan and be signed by the patient. In addition to full disclosure to the patient of the nature and consequences of treatment, the contract must outline payment terms stating exactly what monies will be reimbursed to the patient if the contract is broken, and whether the discounted price will be waived and full charges imposed. It must state whether there is a time limit to the contract. It must also clearly stipulate whether administrative charges will be imposed. If your patient can not make informed decisions on his own, or is a minor, be sure to attain the signature of his or her personal representative. As a rule, if it is not stated in the contract, it can not be imposed.

Please ensure that if your patient wishes to cancel treatment and requests reimbursement of unused payments, they should be paid back immediately. Failure to reimburse your patient or provide the proper informed consent may be considered a violation of the Maryland Acupuncture Practice Act and could lead to disciplinary action against your license.

Feel free to contact the Board's office if you have questions or concerns regarding this matter.



WAIVER OF RENEWAL FEE

In an effort to decrease carryover funds, members of the Acupuncture Board voted to reduce renewal fees from \$525 to \$400 over the next two renewal cycles.

The waiver will be effective from November 2006 through May 2008.

RENEWAL POLICY

NO EXCUSES FOR LATE RENEWAL

License renewal materials will be mailed to all licensees at the address currently on file with the Board. For May renewals, applications go out in early April, and for November, in early October. If you do not receive your renewal, it is your responsibility to contact the Board office to obtain those materials. Never receiving the renewal application is NOT an excuse for failing to renew a license.

Renewal deadline is post-marked November 30, or May 31 of each year. Any renewals received after that date will be assessed a \$100.00 late fee. To avoid late renewals, please make sure you keep the board office informed of any change of address.

ADVERTISING PROTOCOL

When advertising in a local newspaper, telephone directory, on radio or television, please remember that you must list the **current** address and telephone number of your office(s).

Also, you may not express statements that:

1. Contain misrepresentation of facts;
2. Are likely to mislead or deceive the public because you only make partial disclosure of relevant facts;
3. Intend to create false or unjustified expectations of favorable results;
4. Do not fully disclose all relevant variables relating to fees;
5. Convey the impression that you could influence a public body, official, corporation or person for your patient;
6. Represent that you are willing to perform any procedure that is illegal under the laws or regulations of Maryland or the United States; or
7. Contain representations by which an ordinarily prudent person would misunderstand or be deceived.



Public Participation at Board Meetings

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. All meetings are held at 4201 Patterson Avenue in Baltimore, on the first floor.

The Board invites licensees to attend its sessions so that they may become better acquainted with the operation and programs of the Board and that the Board may have the opportunity to hear the wishes and ideas of the public.

In order to assure that individuals wishing to appear before the Board may be heard, and at the same time conduct its meetings properly and efficiently, any individual desiring to speak shall give their name or the group that is represented, and the specific agenda item they wish to address. The presentation should be as brief as possible. A speaker shall be limited to five minutes, unless the Chair grants an extension of time.

It should be noted that Board meetings are open to the public; however, they are not considered public forums. The Board's function is to make decisions, and time spent answering routine questions or criticisms must be taken from Board business. If a guest has a question about the operation of the Board, the guest is encouraged to first contact the Executive Director.

No one person, or group of persons, acts in the name of the Board. When an item of business comes before the Board in the form of a motion, it is necessary that a majority of votes be cast in favor of the motion for the Board to act. Members of the Board are without authority to act independently as individual Board members.

Please call the Board before the meeting to confirm the proper time and room number.

The National Provider Identifier (NPI)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandated that the Secretary of Health and Human Services adopt a standard unique health identifier for health care providers. On January 23, 2004, the Secretary published a Final Rule that adopted the National Provider Identifier (NPI) as this identifier.

All HIPAA covered healthcare providers, whether they are individuals or organizations, must obtain an NPI for use to identify themselves in HIPAA standard transactions. Once enumerated, a provider's NPI will not change. The NPI remains with the provider regardless of job or location changes.

HIPAA covered entities such as providers completing electronic transactions, healthcare clearinghouses, and large health plans, must use only the NPI to identify covered healthcare providers in standard transactions by May 23, 2007. Small health plans must use only the NPI by May 23, 2008.

BOARD COMPOSITION

BOARD MEMBERS

CHAIR:

David Paton, L.Ac.

PROFESSIONAL MEMBER

VICE CHAIR:

Tyme Gigliotti, L.Ac.

PROFESSIONAL MEMBER

SECRETARY:

Barbara Cronin

CONSUMER MEMBER

Haiyang Li, L.Ac.

PROFESSIONAL MEMBER

Steven Kaufman, L.Ac.

PROFESSIONAL MEMBER

David Mercier, L.Ac.

PROFESSIONAL MEMBER

Charles Griffin, Ed.D.

CONSUMER MEMBER

STAFF

EXECUTIVE DIRECTOR:

Penny K. Heisler

ADMINISTRATIVE ASSISTANT

Cynthia Dobbins

BOARD COUNSEL

Richard Bloom, AAG

PROCEDURES FOR NAME CHANGE REQUESTS

At times, it is necessary for licensees to change their names on their licenses due to divorce, marriage or other reasons. When requesting a name change, the Board requires that you submit a certified copy of a marriage license, divorce decree, or court order indicating the name change, date and place of change. There is no charge for a name change request

If you have questions regarding these requirements, feel free to contact the Board's office for further assistance.

VERIFICATION OF LICENSE REQUESTS

Verification of license to another state requires a written request to the board office. The fee is \$20.00, check or money order, made payable to the Maryland Acupuncture Board. Please ensure that the following information is provided with your request:

- Licensee's name
- The appropriate fee
- License number
- The appropriate state's mailing address

EXPERT WITNESSES WANTED

The Board is interested in recruiting licensed acupuncturists who would be willing to devote approximately 20 hours per disciplinary case as a paid expert witness. The Board will be compiling a list of experts from which it will pool names as needed. Expertise is needed in herbal medicine, oriental medicine, acupuncture, oriental body works and oriental therapies, and ethics and professional conduct. Applicants must have been in practice for a minimum of five years and must be willing to testify during a hearing.

Experts will be compensated \$75.00 per hour.

If interested in becoming an expert witness, please call or e-mail the Board to ask for an application.

Continuing Education

The Board believes that the fulfillment of continuing education is a means for practitioners to stay current with acupuncture and oriental medicine profession which subsequently provides better services to patients.

The Board requires that for every two years of licensure, 40 hours of continuing education is earned for renewal. It is the responsibility of the licensee to maintain documentation of continuing education. Documentation is acceptable for the May or November 2-year cycle as follows:

| <u>Month of Expiration</u> | <u>Acceptable Dates for Documentation</u> |
|----------------------------|---|
| November 2006 | December 1, 2004 - November 30, 2006 |
| May 2007 | June 1, 2005- May 31, 2007 |

Continuing education documentation must contain the following information in order to be acceptable to the Board.

- 1) Must be on sponsor letterhead
- 2) Must have the complete name of course
- 3) Must have number of credit hours received
- 4) Must have date(s) credit hours were received
- 5) Must have signature of instructor

The renewal application asks you to certify that you earned 40 CEU's. If you answered that you earned the required CEU's and you did not, you have falsified your application and may be subject to disciplinary action.

THE BOARD DOES NOT REQUIRE THAT YOU SUBMIT DOCUMENTATION OF CEU HOURS UNLESS YOU ARE SELECTED FOR AUDIT.

If you are selected for audit, the Board will request that you provide documentation of your hours with your renewal form. Documentation that does not contain the above information will be returned and if replacement documentation is not received, then licensure renewal will not be granted.

Licensees who have not met the continuing education requirement **due to extreme hardship** may request an extension of time to meet the requirement. A request for a time extension must be in writing to the Board, and must outline a plan for completing the requirement, and must be received by the Board prior to the deadline for expiration. The Board has sole discretion in granting/denying extension requests.

A licensee will not be renewed unless the continuing education requirement has been met. Licensees who fail to meet this requirement must apply for reinstatement.

The Board believes that careful oversight of its continuing education requirements is important in implementing its mission and goals. Continuing education is a means for practitioners to stay abreast of current knowledge, practices and regulations -- thereby providing better services to consumers.

MEDICAL RECORD RETENTION

Question: *May I charge patients when they request a copy of their medical records?*


Answer: Yes you may charge for the copying of a medical record. A health care provider may require a person in interest or any other authorized person who requests a copy of a medical record to pay the cost of copying and postage for mailing.

Question: *How long do I have to retain a patient medical record after the patient has died or ceased coming to my practice?*

Answer: If the patient is an adult, you must retain the medical record for 5 years from the date the record was created. For a record created about a minor patient, the record must be maintained until the patient reaches the age of majority plus three years (i.e., $18 + 3 = 21$ years of age) or 5 years after the record was created, whichever is later.

Question: *May I refuse to disclose a medical record to a patient, if the patient fails to pay for health care rendered by me?*

Answer: No, you may not refuse to disclose a medical record because of the patient's failure to pay a medical bill from you. In addition, if you do not disclose the medical record for this reason, you could be found guilty of a misdemeanor and on conviction could be subject to a fine not exceeding \$1,000 for the first offense and not exceeding \$5,000 for each subsequent conviction for this violation [Health General Article Section 4-309(d)].



MARYLAND
ACUPUNCTURE BOARD
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