

MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

MARCH 10, 2009
1:00 p.m.

BOARD MEMBERS PRESENT:

Steve Kaufman, L.Ac., Tyme Gigliotti, L.Ac, David Mercier, L. Ac., and Grant Zhang, L.Ac., David Cai, L.Ac. and Barbara Cronin, Consumer

BOARD STAFF PRESENT: Penny Heisler, Executive Director, Cynthia Dobbins, Administrative Officer, and Richard Bloom, AAG

BOARD MEMBERS ABSENT:

Charles Griffin, Consumer

GUESTS:

Deneb Falabella, L.Ac, Cara Michele Nether, L.Ac., Steve Solomon, L.Ac., MAS, David Wurzel, L.Ac., Senator Paula Hollinger and Sharon Bloom

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Mr. Gigliotti called the Acupuncture Board meeting to order at 1:00 pm and a quorum was established. Mr. Gigliotti welcomed the guests and asked that they introduce themselves.

2. APPROVAL OF JANUARY 13, 2009 MINUTES

After review of the Minutes, Ms. Cronin moved to approve the Minutes and Mr. Cai seconded the motion. The motion passed unanimously.

3. OLD BUSINESS

A. AURICULAR DETOXIFICATION SUPERVISOR PROGRAM

At the last board meeting, Mr. Gigliotti asked Mr. Mercier, Mr. Kaufman and Ms. Heisler to meet to discuss whether supervisors of Auricular Detoxification Specialists should be required in regulation to complete a supervisory training program. Mr. Mercier informed the Board that the committee held an extensive conference call to discuss mandating

ADS supervisor training and concluded that at this time there are not enough programs across the country to mandate this education. However, supervisors should be encouraged to obtain this training through newsletters and on the Board's website.

Ms. Heisler informed the Board that there is an error in the ADS regulations which causes a contradiction in the time frame in which a supervisor is to sign and submit competency forms. In one section, the regulation states that the competency forms must be sent in "after 30 days" of temporary certification and in another section it states "before 30 days".

After discussion, it was decided to change the regulations to reflect that competency forms be submitted "within" the 30 day supervisory time frame. In accordance with the discussion, Ms. Cronin moved to change the regulation as follows:

COMAR 10.26.09

B. Registration. Before registering with the Board as an auricular detoxification specialist, an applicant shall

(7) Provide a competency form completed by the supervising acupuncturist [after] within a 30-day temporary registration period.

E. Temporary Registration.

(1) After approval of initial application, a temporary registration number shall be issued to an auricular detoxification specialist and be in effect for 30 days.

(2) [Before] Within the 30 day period [expires] expiration date, the supervising acupuncturist shall complete a competency form supplied by the Board and return the form to the Board for final approval.

Mr. Kaufman seconded the motion and the motion passed unanimously.

B. CEU CREDIT FOR PRO BONO WORK

In accordance with the comments from the last meeting, Ms. Heisler prepared changes to the previous regulation draft to include pro bono work as an acceptable activity for required CEU hours under COMAR 10.26.02.04 F. Pro bono hours must be documented as all other hours and the licensee should ensure that the facility in which the pro bono hours are rendered document the place, time and type of work completed. Mr. Cai moved to accept the changes as written and Ms. Cronin seconded the motion. The motion passed unanimously

4. NEW BUSINESS

A. NEW LICENSES

Mr. Kaufman moved to approve the list of applicants for licensure and Mr. Grant seconded the motion. The motion passed unanimously.

B. COMMITTEES

Committees have been revised to include new board members. Mr. Zhang volunteered to be added to the Disciplinary Committee and Mr. Cai volunteered to replace Mr. Gigliotti on the Legislative Committee.

C. FAOMRA

Ms. Heisler informed the Board that there will be no FAOMRA meeting this April. Most states are faced with budget constraints and limits on out-of-state travel. The next meeting will be held April, 2010 in Albuquerque, NM.

Ms. Heisler also informed members that the NCCAOM is holding a WEBINAR for all States, in which she will be presenting a brief introduction to FAOMRA and a slide presentation.

D. LEGISLATION 2009

HB 1275 - Ms. Heisler gave an overview of the bill stating that bill would mandate the following:

- Members appointed to the Board are diverse;
- The Boards notify all licensees of vacancies on the Board;
- Each Board develop tools and training materials in cultural competency for all new Board members;
- The Secretary shall confirm each new Board Executive Director;
- The scope of subpoenas shall be limited to the facts being investigated;
- Each Board shall establish a disciplinary subcommittee;
- Certain cases may not be brought up for charges after 6 years;
- Boards that use peer review must share the preliminary peer review report with the licensee;
- Boards may develop an alter program instead of a formal hearing for a single standard of care violation;
- Adopt sanctioning guidelines;
- Post final orders on the website and remove posting in 6 years if certain conditions are met;
- Secretary shall establish goals for timely case resolution;
- AG office shall develop guidelines for separating AG functions;
- AG Establish pool of advocates for health boards; and
- Boards may hire own personnel if they have funds.

Ms. Heisler also stated that the hearing for this Bill is on Wednesday, March 18 in the House and on Wednesday March 25 in the Senate.

HB-756 - Ms. Heisler stated that this bill would mandate that professional societies establishing a Cultural and Linguistic Health Care Provider Competency Program and development training programs for cultural competency.

HB-1380 - Complimentary Alternative Medicine Health Care Providers Ms. Heisler stated that this bill puts an exemption in the physicians practice act to allow certain practitioners to provide treatment and advice if registered under a complimentary and alternative medicine health care provider registry. She stated that problems with the bill lay mainly with the board of physicians. The hearing is to be held on Tuesday, March 24th.

E. BOARD COUNSEL UPDATE

None.

F. EXECUTIVE DIRECTOR UPDATE

None.

The meeting adjourned at 1:55 p.m.