

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

**MINUTES OF THE REGULAR SESSION**

**NOVEMBER 18, 2014**  
**1:00 p.m.**

**BOARD MEMBERS PRESENT:**

Kate Carter, L.Ac., Thomas Ingegno, L.Ac., Grant Zhang, L.Ac., Jan Exler, Consumer, Charles Neustadt, Consumer

**BOARD MEMBERS ABSENT:**

Deneb Falabella, L.Ac.

**BOARD STAFF PRESENT:** Penny Heisler, Executive Director, Cynthia Dobbins, Administrative Officer, Marian Ruth, Investigator, Noreen Rubin, AAG and David Finkler, AAG

**GUESTS:**

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

**1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM**

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

**2. APPROVAL OF SEPTEMBER 2, 2014 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 REGULATIONS**

Ms. Heisler informed the Board that the regulations were published in the Maryland Register for comment. There were enough comments to place the regulation on hold. Most comments were made via a national petition created by the Safe Acupuncture Practices Coalition. There have been suggestions that a hearing may be held.

**B. ETHICS AND REGULATION GUIDE BOOK**

Tabled for discussion at the next meeting.

**C. SCOPE OF PRACTICE**

Mr. Ingegno reviewed scope of practice laws in 10 different states. He noted that injection therapy is not clearly defined in any law. Mr. Ingegno stated that he would contact the Maryland Acupuncture Society for assistance in setting up a survey to poll interest in various practices.

Several scope of practice questions were emailed to the Board for a response:

- Can an acupuncturist use laser treatment in his practice? The Board determined that cold laser is within the scope but because hot laser can cause significant burning, hot laser is not within the scope.
- Can an acupuncturist sell dietary supplements and receive a percentage? Selling dietary supplements is not within the purview of the Board. Acupuncturists should call the Dietary Board for guidance. Also, the Board does not condone receiving a percentage for selling products.

#### **4. NEW BUSINESS**

##### **A. INITIAL LICENSURE APPLICATION APPROVAL**

After review of the list of applicants by the Board, Mr. Zhang moved to approve the list of applicants and Mr. Ingegno seconded the motion. The Board unanimously approved the motion.

##### **B. FEE SPLITTING**

Ms. Heisler stated that she received a question on whether a licensee can sell a company's herbs and get a percentage on the sale. The Board asked Ms. Heisler to write to other boards to inquire whether they have self referral or fee splitting regulations.

##### **C. ADS QUESTIONS**

The Board of Acupuncture received several questions regarding Auricular Detoxification Specialists. The first question concerned whether it is appropriate for an ADS to use press tacks or seeds on patients. After a lengthy discussion, the Board determined that it is acceptable for an ADS to use seeds but felt that press tacks can cause infection if not rendered properly. .

Secondly, there was a question whether an ADS can maintain registration if they are not actively working. The regulations require that the ADS meet with his/her supervisor for renewal to prove competency. The Board ruled that it is acceptable to maintain ADS registration if the ADS elects not to work but must work with the supervisor to maintain competency. It will be up to the supervisor to devise a plan.

##### **D. EXECUTIVE DIRECTOR UPDATE**

Ms. Heisler stated that the Maryland Health Care Commission is proposing to increase their user fee from \$12 million to \$16 million. She is still working on getting acupuncturists exempted entirely from the fee.

The meeting adjourned at approximately 2:05 p.m.