

MARYLAND BOARD OF ACUPUNCTURE

4201 Patterson Avenue
Baltimore, MD 21215
Room 105

MINUTES OF THE REGULAR SESSION

January 13, 2015
1:00 p.m.

BOARD MEMBERS PRESENT:

Deneb Falabella, L.Ac., Thomas Ingegno, L.Ac., Grant Zhang, L.Ac., Jan Exler, Consumer, Charles Neustadt, Consumer

BOARD MEMBERS ABSENT:

Kate Carter, L.Ac.

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

GUESTS:

Kristen Neville, Regulations Coordinator, Paula Hollinger, Sharon Bloom, David Wurzel, L.Ac. , Teal Beatty, L.Ac. and Carlton Curry, Executive Director, Board of Physical Therapy

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.

APPROVAL OF NOVEMBER 18, 2014 MINUTES

Mr. Zhang moved to approve the Minutes as written and Mr. Ingegno seconded the motion. The motion was unanimously approved.

2. OLD BUSINESS

A. DRY NEEDLING REGULATIONS

Ms. Heisler informed the Board that, at the request of Delegate Pena Melnyk, she and Mr. Ingegno met with representatives from MAS, the PT Board, the Physician's Board, and the Maryland and National PT Associations to discuss a possible compromise for dry needling requirements. At the meeting Mr. Ingegno and Ms. Heisler were provided with a letter from the OAG clarifying that the AG's Opinion did not suggest that any particular number of hours of training should be required. The letter stated that the PT Board should consider training for physical therapists comparable in rigor, not specifically in hours. They also learned that Dr. Sharfstein knew about this letter which explained why Dr. Sharfstein approved the regulation with only 80 hours of training. They were

also informed that PTs penetrate the skin with scalpels for wound care. After the meeting, a majority of the Board agreed to compromise with the PT Board, and accept 80 hours of training, a registration and accreditation process and emailed Delegate Pena Melnyk about the agreement.

Ms. Heisler informed the Board that Delegate Pena Melnyk emailed her this morning stating that the agreement was not acceptable and that she was going to proceed with a bill this session. Ms. Heisler provided the Board with the Delegate's terms:

1. The bill shall require responsible, adequate education and clinical preparation for physical therapists and chiropractors to protect the public with no less training as is required by statute for physicians.
2. The bill shall require that physical therapists and chiropractic training in invasive needling must be offered by an accredited program rather than commercial CEU providers that have no regulated oversight of the curriculum or adequate qualification standards of instructor expertise to safely teach invasive needling.
3. The bill shall require that both the physical therapy and chiropractic core curricula for dry needling be developed conjointly by the Maryland Acupuncture Board and that the two respective licensing boards obtain approval by the Maryland Higher Education Commission.
4. The bill shall require the establishment of a formal registration process for physical therapists and chiropractors authorized to perform invasive needling, which includes a proof of completion of education.
5. The bill shall require that only those that meet these requirements shall be authorized to perform dry-needling, or any procedure involving intra-muscular manual therapy.

Mr. Ingegno moved to support the email as communicated and Mr. Neustadt seconded the motion. The motion was unanimously approved.

Mr. Curry thanked the Board, personally, for trying to resolve the dry needling issue outside of legislation.

B. ETHICS AND REGULATION GUIDE BOOK (Draft)

Mr. Finkler stated that any policies made by the Board which are not specified in regulation are not enforceable. He stated that most of the Guide Book reflects provisions already specified in regulation and he did not see a problem with its publication.

Mr. Neustadt moved to approve the Guide Book with a minor spelling correction on page 15 and Mr. Ingegno seconded the motion. The motion was unanimously approved. Ms. Falabella will send Ms. Heisler a clean copy for publication.

C. SCOPE OF PRACTICE

Mr. Ingegno stated that he did research on the injection therapy scope of practice in other states. Based on his findings, injection therapy seems to be a separate certification with 60 hours of training. Mr. Ingegno plans to contact the new President of the Maryland Acupuncture Society, Emily Crumb, for her input and interest in developing a survey to assess the acupuncture community's interest.

3. NEW BUSINESS

A. INITIAL LICENSURE APPLICATION APPROVAL

After review, Mr. Neustadt moved to approve the new list of applicants and Mr. Zhang seconded the motion. The motion was unanimously approved.

B. EXECUTIVE DIRECTOR UPDATE

Ms. Heisler informed the Board that Senator Carter Conway and Delegate Bromwell agreed to sponsor the Acupuncture Board Bill that would prohibit a stay on the Board's Final Order during judicial appeal.

Also, MAS wanted to know whether the Board considered dry needling within the acupuncture scope of practice. After a brief discussion, members agreed that dry needling is within the scope of the MD Acupuncture Practice Act.

The meeting adjourned at approximately 2:20 p.m.