

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

MINUTES OF THE REGULAR SESSION

JANUARY 10, 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 Grant Gerber, AAG

GUESTS:

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

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

APPROVAL OF NOVEMBER 15, 2016 MINUTES

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

1. OLD BUSINESS

A. BATTLEFIELD ACUPUNCTURE

Ms. Heisler stated that the Board received a letter from Donna Felling, RN, from the Veterans Administration Maryland Health Care System, requesting that the Board consider language that would allow licensed nurses to perform Battlefield Acupuncture (BA) in Maryland, if they are trained and certified in BA and are working in Federal facilities. She stated that the language would read as follows:

“Licensed Nurses, employed in the VA/DoD Federal facilities in Maryland, who are certified to perform Auricular Battlefield Acupuncture, may provide that service in those facilities.”

After a lengthy discussion, Dr. Heller moved to write to Ms. Felling stating that the Maryland Board of Acupuncture would like to review a copy of the draft bill before a decision is rendered and Mr. Ingegno seconded the motion. The Board unanimously approved motion.

B. DRY NEEDLING

Ms. Heisler stated that the Physical Therapy Board regulations were posted on the Maryland Register's website for comment on November 14, 2016. Comments were to be received no later than December 14, 2016. Kristen Neville stated that the Physical Therapy Board received over 100 comments, mostly from acupuncturists.

Ms. Heisler stated that the Board of Chiropractic Examiners intends to draft its own dry needling regulations. The Board's Executive Director mentioned that the Chiropractic Board is contemplating lower hours and a grandfather clause. Dr. Marinakis recommended meeting with Mr. Dennis Schrader, the new Secretary of the Department of Health and Mental Hygiene, to fully apprise him on the history of dry needling and the Board's new concerns of other health care practitioners possibly performing dry needling with lesser hours of training. Mr. Ingegno moved to form a Committee to prepare and present an informational packet on dry needling to Secretary Schrader and Dr. Marinakis seconded the motion. The Board unanimously approved the motion. Ms. Carter, Dr. Marinakis and Mr. Exler volunteered to sit on the Committee. Mr. Wright stated that he would work on scheduling a date with the Secretary.

C. SCOPE OF PRACTICE

Mr. Ingegno stated that he has been receiving a lot of email inquires concerning the ability of Maryland acupuncturists to do lab work and injection therapy. He stated that he has found that procurement of injectables will most likely require prescription rights. He stated that he hopes to have a more in depth report for the Board at its next meeting.

D. NC DENTAL SUPREME COURT RULING

Ms. Heisler stated that the Office of the Attorney General's NC Dental Workgroup had its last meeting on November 14, 2016. The workgroup has been working on resolving the board member liability concerns stemming from the NC Dental anti-trust ruling.

The workgroup proposed several options:

- Authorize the Secretary to provide active supervision and require him/her to conduct the review of a Board decision to determine if there were any anticompetitive effects;
- Authorize the Office of Administrative Hearings to provide the active supervision.

The workgroup concluded that the Office of Administrative Hearings would prove best in providing this review. The Office of the Attorney General will be drafting a bill to be introduced this legislative session.

3. NEW BUSINESS

A. 2017 LEGISLATION

Ms. Heisler stated that prefilled bills are being posted on the Maryland General Assembly's website. She stated that HB 48 - Criminal Procedure - Shielding - Nolle Prosequi was posted and that it would require the court to shield a charge in a criminal case 60 days after the State enters a nolle prosequi as to the charge. This bill will not impact the Boards as Boards have access to any shielded records.

B. BUDGET

Ms. Heisler provided the Board with a mid year budget report.

ITEM	FY17 Approp	Expenditures to Date
SALARIES	213,880.00	103,179.31
PER DIEM	4,000.00	2,100.00
COURT REPORTERS	822.00	1,486.00
INVESTIGATIONS	146.00	0.00
POSTAGE/TELEPHONE	2,713.00	570.95
IN-STATE TRAVEL	1,173.00	723.69
DHMH AG COSTS	28,056.00	28,056.00
BANK ACCOUNT CHARGES	2,780.00	1,191.16
BLDG REP	20.00	0.00
CONTRACTUAL LABOR	26.00	0.00
EDUCATION & TRAINING	600.00	0.00
EQUIPMENT REPAIRS	144.00	0.00
EQUIPMENT SERVICE CONTRACTS	2.00	0.00
LITIGATION	1,013.00	0.00
INDIRECT COST RECOV	9,557.00	153.92
PRINTING	1,883.00	0.00
RETIREMENT ADMINISTRATIVE FEE	362.00	362.00
DOIT SERVICES ALLOCATION	476.00	0.00
ENTERPRISE BUDGET SYSTEM	592.00	0.00
STATEWIDE PERSONNEL SYSTEM	1,007.00	0.00
SPECIAL PROJECTS	4,982.00	652.17
CORP PURCHASING CARD	0.00	372.38
FOOD	155.00	0.00
OFFICE SUPPLIES	1,091.00	382.03
RENT	13,685.00	13,685.00
SUBSCRIPTIONS	354.00	251.72
TOTAL	289,519.00	153,166.33
TOTAL REVENUE TO DATE		162,966
PROJECTED END OF YEAR REVENUE		315,000

C. NEW BOARD MEMBER APPOINTMENTS

Ms. Heisler stated that appointment terms of Kate Carter and Tom Ingegno will expire on June 30, 2017. Ms. Carter is not eligible for reappointment. Mr. Ingegno is eligible for

reappointment to serve a second term. She will send out an email to all active licensees to alert them of the upcoming board member open positions.

D. TIPPING

Ms. Heisler stated that she received a letter from an acupuncturists inquiring whether acupuncturist could accept tips or gifts from patients. Mr. Finkler stated that accepting gifts is not regulated and the Board can not advise on this issue.

The meeting adjourned at 3:15 PM.