

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

MINUTES OF THE REGULAR SESSION

JULY 10, 2012
1:00 p.m.

BOARD MEMBERS PRESENT:

Steve Kaufman, L.Ac., Deneb Falabella, L.Ac., Kate Carter, L.Ac., Corinne Axelrod, L.Ac., Grant Zhang, L.Ac., Jan Exler, Consumer, Charles Neustadt, Consumer

BOARD MEMBERS ABSENT:

None.

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

GUESTS:

David Wurzel, L.Ac., Kristen Neville, Regulations Coordinator, Paula Hollinger, DHMH, William Carter, ADS, John Harris, ADS, Teal Beatty, L.Ac., ADS Supervisor and Kaitlyn Shulman, Legislative Analyst

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Mr. Kaufman called the Acupuncture Board meeting to order at 1:00 pm and a quorum was established.

2. APPROVAL OF May 8, 2012 MINUTES

After review of the Minutes, Ms. Falabella moved to approve the Minutes with minor corrections and Mr. Neustadt seconded the motion. The motion passed unanimously.

3. OLD BUSINESS

A. DRY NEEDLING

Ms. Heisler distributed a copy of the Physical Therapy (PT) Board's draft regulations to the Board for review. After discussion, Mr. Kaufman stated that he did not feel that the Physical Therapy (PT) Board included any of the recommendations made by the Acupuncture Board or the Maryland Acupuncture Society (MAS), such as use of the term Intramuscular Manual Therapy, certification procedures, added training and tracking of practitioners, etc.

Ms. Heisler also distributed a letter of concern from MAS which they are sending to Dr. Sharfstein, Secretary of DHMH.

Mr. Kaufman recommended that the Board also send a letter of concern to the PT Board. All members agreed. Ms. Neville informed the Board that the draft regulations are currently with the Secretary.

B. AURICULAR DETOXIFICATION SPECIALIST REGULATIONS

Ms. Heisler stated the Auricular Detoxification Specialist Committee found in statute that the Board already holds the authority to lessen supervision. The law states that:

(2) *As defined by the Board in regulations:*

- (i) *Periodic direct supervision where the licensed acupuncturist is present or on-site during treatment; and*
- (ii) *General supervision where the licensed acupuncturist is neither present nor on-site during treatment.*

The Board feels that the proposed supervision changes outlined in the proposed regulations are sufficient and will not be drafting the bill to lessen hours. Secretary Sharfstein signed off on the regulations and the proposal will be forwarded to AELR for review and then published for comment in the Maryland Register on August 10, 2012. Mr. Carter stated that he disagreed with the Board's decision and may introduce a bill on his own.

NEW BUSINESS

A. INITIAL LICENSURE APPLICATION APPROVAL

Ms. Falabella moved to accept the list of new applicants and Ms. Axelrod seconded the motion. The Board unanimously approved the list of new licensees.

B. SUNSET REVIEW

Ms. Heisler informed the Board that a preliminary sunset audit is being conducted on the Board by Kaitlyn Shulman of the Legislative Services Division. Ms. Heisler also informed the Board that a preliminary review was conducted in 2002. At that time, the following recommendations were given:

- Board member terms be changed from 3 years to 4 years
- Reduction in fees to reduce carryover. The Board opted to waive fees for 2 renewal cycles, which brought carryover down.
- Increase staff. The Board changed the Executive Director's percentage from 50% to 80% and a Board investigator PIN was added
- Mandate the NCCAOM. The Board proposed a bill in 2004 to require the national exam but it failed. A bill did pass to correct a loophole whereby students could take exam the without completing education and get a license. The Board now requires that applicants attain diplomate status.

C. ACUPUNCTURE STATISTICS

Ms. Heisler distributed to the Board licensing statistics and will publish them in the summer newsletter.

D. EXECUTIVE DIRECTOR UPDATE

Ms. Heisler informed the Board that she met with the legislative analyst. One concern was the lack of procedures for conflict of interest/recusal for Board members. Ms. Heisler will place procedures for this in the Board's Operating Procedures.

The meeting adjourned at approximately 1:47 p.m.