

# Newsletter

Winter 2010

## BOARD CONTACT NUMBERS:

TELEPHONE:  
410-764-4766

TOLL FREE:  
1-800-530-2481

FAX:  
410-358-7258

## WEBSITE:

[www.dhmd.state.md.us/bacc](http://www.dhmd.state.md.us/bacc)

## ADDRESS

4201 Patterson Avenue  
Baltimore, MD 21215  
Room 320

## Individual Highlights:

Pro Bono Work

1

Child Support/

Patient Abandonment

2

Bd member vacancies/

Tax Clearances for

Renewal

3

Duplicate License/

Expert Witness,

Supervisors Wanted

4

Late Renewal, Inactive,

Reinstatement/ Ethics

5

Board meeting schedule/

Renew on Time

6

# MARYLAND ACUPUNCTURE BOARD

## WELCOME NEW BOARD MEMBER

**KATE CARTER**

Kate Carter, L.Ac., has been practicing acupuncture for 15 years, and considers acupuncture her "life work." She graduated from the University of Maryland in 1971 with a Bachelor's degree in French Education, but decided not to teach and entered the business world in Baltimore. Many years later, in 1992, after the births of her 2 daughters, Kate entered the Traditional Acupuncture Institute (now the Tai-Sophia Institute), where she taught for 10 years after graduating. As a patient of acupuncture for over 30 years, Kate is looking forward to working with the Board to help ensure the continuation of the high quality care and treatment she has received for these many years. Kate is a partner at The Center for Mind-Body Therapies in Frederick, Maryland. She loves to travel, kayak, read and observe nature.

## NEW

### PRO BONO WORK ALLOWED FOR CONTINUING EDUCATION

Effective December 7, 2009, the Board adopted regulations that will allow you to claim pro bono work as part of your required continuing education hours for the renewal of your license.

The Board is allowing you to earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 10 credit hours per renewal cycle. When completing pro bono work, you should obtain written documentation from the facility in which you are volunteering that includes:

- the name of the facility
- address where the pro bono work was provided
- The type of work that was done,
- the number of hours of actual work that was provided for which the licensee desires credit hours
- A statement from the facility that guarantees that the work provided had no financial benefit to the licensee

Please remember that the Board requires that you earn a minimum of 25 hours in formally organized programs that are relevant to the practice of acupuncture. These programs are usually offered by organizations such as NAOMA, AAAOM, CCAOM, and accredited schools.

You may earn a maximum of 15 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation that are relevant to the practice of acupuncture and are sponsored by organizations such as WHO, NIH, NIHOAM, AMA, or the Red Cross.

You may also earn a maximum of 15 hours of training in accredited programs that will assist a licensee to carry out the licensee's professional responsibilities, such as management courses for a school administrator, computer courses, foreign language training for translators of relevant texts, etc.

**NOTICE****Delinquent Child Support Payment  
Professional License Suspension Program**

Under Family Law Article 10-119.3, the Child Support Enforcement Administration (CSEA) under the Department of Human Resources, is authorized to refer the names of delinquent payees to health professional licensing boards to request the suspension of their professional license. The CSEA will send notification to licensing boards when a practitioner is in arrears more than 120 days under the most recent court order. If payments are not made, practitioners could face suspension of their professional license or the denial of an initial application.

Practitioners will have 15 days of the date of receiving the notice of referral to a licensing board to pay the arrears in full or request an investigation of the accuracy of the information contained in the notice.

Before a license is suspended, the Board must send written notice of suspension to the individual including their right to contest the action. The only cases that can be contested will be those demonstrating mistaken identity.

**AVOIDING PATIENT ABANDONMENT**

The Board frequently receives telephone calls requesting guidance on the appropriate manner in which to dismiss a patient from their practice. Sometimes patients can be extremely rude, chronically miss appointments, avoid payment, or cause disruptive behavior that may negatively impact your staff or other patients.

Once you have accepted to treat a patient, you are consequently obligated to treat or arrange treatment for your patient. A single visit or long period of time between patient contact does not minimize your responsibilities to that patient.

Either party can initiate a termination. If the patient refuses care and fails to return for completion of their treatment, this should be documented. You could send the patient a letter stressing the need for follow-up.

If you are the one that is initiating separation, you must provide adequate time to the patient to allow them to obtain a new practitioner. A letter with names of several acupuncturists as alternatives should be provided to the patient with an authorization for release of medical records. When the patient selects a new practitioner, you can send copies of the patient's medical records to the new practitioner. Charging a fee for the cost of copying is appropriate. You should always be available to the patient for any needs that arise during the transition period.

As you know, not every practitioner is "right" for every patient and vice versa. Strive to end your relationship with your patient on as positive a note as possible. Each practitioner-patient relationship is unique and should be dealt with individually. If you are uncertain in a particular situation, you should always consult your attorney before deciding whether and how to terminate a relationship with a patient.

### **BOARD MEMBER VACANCIES**

The appointment terms of **Barbara Cronin (consumer), Charles Griffin (consumer) and Tyme Gigliotti (practitioner)** Maryland State Board of Acupuncture expire on June 30, 2010. Mr. Gigliotti and Ms. Cronin are not eligible for reappointment.

Pursuant to Section 1A-202 of the Health Occupations Annotated Code of Maryland quotes "(c) Same - Vacancies - For each vacancy of an acupuncture member, the Board shall compile a list of names to be submitted to the Governor in the following manner: (1) The Board shall notify all licensed acupuncturists in the State of the vacancy to solicit nominations to fill the vacancy; (2) Each professional association of acupuncturists in the State shall nominate at least one person for every two vacancies that exist; and (3) Each education institution that provides acupuncture training in the State shall nominate at least one person for every two vacancies that exist".

If you would be interested in serving on the Board, please contact the Board at (410) 764-4766 by **April 1, 2010** to obtain an application.

The Governor appoints members of the Board of Acupuncture for a term of three years. Each member may not serve more than two consecutive terms. The Board meets the second Tuesday of every other month from 1:00 p.m. until 4:00 p.m. Committee meetings are also held at various times throughout the month. To approximate, membership on the Board requires at least one full day a month of service, or more depending on the Committee on which you serve.

**Applicants for Board membership must be a Maryland resident who has been licensed in Maryland and has practiced acupuncture for at least five years**

### **Tax Clearances for Renewal of License**

The Board has encountered several practitioners who have experienced problems renewing their licenses due to unpaid taxes. The Budget Reconciliation and Financing Act of 2003 requires that the Board must first verify that all renewing licensees have paid all undisputed taxes and unemployment insurance contributions before renewing their license. Therefore, the Board of Acupuncture checks with the State Comptroller's Office to verify that a licensee applying for renewal has paid or satisfactorily arranged to pay state taxes before the Board can issue a license.

If your tax payments are not current, the Board cannot issue a license to you until your taxes are paid or are accounted for payment. Any renewal applicant who may owe outstanding taxes or unemployment insurance contributions should satisfy these debts before attempting to renew his or her license. If the debt cannot be satisfied, the applicant should contact the appropriate party (at the Comptroller's Office or at Labor, Licensing and Regulation) to work out a satisfactory payment plan.

For questions or concerns regarding this matter, please feel free to call the Comptroller's Compliance Division at 410 974-2432 or toll-free at 1-888-674-0016, for further information.

## BOARD COMPOSITION

### BOARD MEMBERS

#### CHAIR:

Tyme Gigliotti, L.Ac.

PROFESSIONAL MEMBER

#### VICE CHAIR:

Vacant

#### SECRETARY:

Barbara Cronin

CONSUMER MEMBER

\*\*\*\*\*

Grant Zhang, L.Ac.

PROFESSIONAL MEMBER

Steven Kaufman, L.Ac.

PROFESSIONAL MEMBER

David Cai, L.Ac.

PROFESSIONAL MEMBER

Charles Griffin, Ed.D.

CONSUMER MEMBER

\*\*\*\*\*

### STAFF

#### EXECUTIVE DIRECTOR:

Penny K. Heisler

[heislerp@dhmh.state.md.us](mailto:heislerp@dhmh.state.md.us)

#### ADMINISTRATIVE ASSISTANT

Cynthia Dobbins

[dobbinsc@dhmh.state.md.us](mailto:dobbinsc@dhmh.state.md.us)

#### BOARD COUNSEL

Richard Bloom, AAG

## IMPORTANT DUPLICATE LICENSES

The Board would like to remind licensees that you are **required that to post an official license in every office, clinic, or practice setting in which you are working.** It is no longer permissible to post Xerox or scanned copies of your license in your office. The Board will furnish an official duplicate of your license to any licensed acupuncturist who currently resides in Maryland, free of cost.

**The duplicate license request must be made in writing and an address must be given for each duplicate license requested.** Only one duplicate will be granted for each office. If at anytime a license is lost or destroyed, you may request a duplicate, in writing, stating the circumstance under which the license was lost or destroyed.

## SUPERVISORS FOR DISCIPLINARY CASES WANTED

The Board is looking for qualified Maryland acupuncture licensees to supervise licensees who have been disciplined and require supervision.

The Board is currently compiling a list of available supervisors from which it can draw names as needed. Licensees with knowledge in boundary issues, professional conduct, sexual misconduct, herbal medicine, western medicine, acupuncture, oriental body works, and other oriental therapies, may apply. Applicants must have been in practice for a minimum of five years and must fill out an application provided by the Board.

The licensee being supervised must compensate supervisors. Supervisors will be compensated at a rate of \$75.00 per hour.

**Feel free to call the Board to request an application.**

## EXPERT WITNESSES WANTED

The Board is interested in recruiting licensed acupuncturists who would be willing to devote approximately 20 hours per disciplinary case as a paid expert witness. The Board will be compiling a list of experts from which it will pool names as needed. Expertise is needed in herbal medicine, oriental medicine, acupuncture, oriental body works and oriental therapies, and ethics and professional conduct. Applicants must have been in practice for a minimum of five years and must be willing to testify during a hearing.

Experts will be compensated \$75.00 per hour.

If interested in becoming an expert witness, please call or e-mail the Board at [dobbinsc@dhmh.state.md.us](mailto:dobbinsc@dhmh.state.md.us) to ask for an application.

## LATE RENEWAL, INACTIVE, REINSTATEMENT

What are the requirements for late renewal, being on inactive status and reinstatement?

**LATE RENEWAL:** A late renewal means that you have sent in your renewal application within a 30-day grace period after the expiration date of your license. If you file a late renewal, you will be required to pay a **\$100 late fee**. Please remember that a late renewal only applies if you submit your application and fee within 30 days after the expiration date.

**PLEASE NOTE THAT IF YOU FAIL TO RENEW YOUR LICENSE ON TIME YOU MAY BE CONSIDERED PRACTICING WITHOUT A LICENSE AND MAY BE CHARGED IN VIOLATION OF THE MARYLAND ACUPUNCTURE PRACTICE ACT.**

**REINSTATEMENT:** If you submit your renewal application more than **30 days after the expiration date**, you will be required to **reinstate** your license. This means that you failed to renew within the 30-day grace period and will have to pay the renewal fee and a reinstatement fee of \$200. You will also have to provide proof of 40 hours of CEU's for every 2 years your license has lapsed.

**INACTIVE:** Recommended for licensees who will not be practicing acupuncture in Maryland for more than 2 years. If you know that you will be out of state for a period or want to go on maternity leave, you may think about placing your license on **inactive** status. This process avoids the higher cost of reinstatement. To become inactive you simply complete an inactive application, pay a \$100 fee and request that you be placed on an inactive list. Upon your return to your Maryland practice, you can easily fill out a renewal form, pay the renewal fee and provide documentation of 40 CEU's for every 2 years you are inactive. Inactive status is limited to a 6 year time period.

### REMINDER 3 HOURS OF ETHICS TRAINING REQUIRED FOR RENEWAL

**Effective April 20, 2009**, changes under COMAR 10.26.02, Continuing Education, were approved to require that at least **3 hours of ethics training be earned every 4 years (two renewal periods)** as a basis for renewal of your license. This means that those of you who renewed in November 2009 will be required to earn 3 hours of continuing education by November 2013. Those renewing in May 2010 will be required to earn 3 hours in ethics by May 2014 and those renewing in November 2010 will need the hours by November 2014.

Renewal forms will be requesting this information, so please be sure to earn these hours and retain your documentation. Feel free to call the Board for more information if you have questions about the new requirements.

## **Board Meeting Schedule**

The Board of Acupuncture traditionally meets on the second Tuesday of every other month, starting at 1:00 p.m. Scheduled months are September, November, January, March, May, and July.

All meetings are held at 4201 Patterson Avenue in Baltimore, usually at 1 PM on the first floor.


These meetings are open to the public and you are encouraged to attend. Please call the Board before the meeting to confirm the proper time and room number.

### **DON'T WAIT UNTIL THE LAST MINUTE TO RENEW YOUR LICENSE**

Unfortunately, the end of the November renewal period occurred over the Thanksgiving holiday weekend and many of you waited until the last minute to renew. Because of the State holiday and a furlough day, the Board's office was closed for 5 days.

Those of you who waited until the last minute to renew were unable to contact staff over the long weekend to resolve problems and you had to wait until Monday, which, unfortunately, was the expiration date of your license. This caused panic in many of you and ruined some holidays. It is therefore in your best interest to ensure that you renew promptly and give your self enough time to avoid any problems.

---



**MARYLAND  
ACUPUNCTURE BOARD**  
4201 Patterson Ave  
Baltimore, MD 21215  
Unit 252