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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF ACUPUNCTURE
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
APRIL 19, 2019**

The Michigan Board of Acupuncture, Rules Work Group, met on April 19, 2019, at 611 West Ottawa Street, Upper Level Conference Center Room 4, Lansing, Michigan 48933.

CALL TO ORDER

David Krofcheck, OMD, Chairperson, called the meeting to order at 11:40 a.m.

ATTENDANCE

Members Present: David Krofcheck, OMD, Chairperson
Jonathan Zaidan, MD, Vice Chairperson
Beth Converse, RAc

Members Absent: None

Staff Present: Kimmy Catlin, Board Support, Board and Committees Section
Rick Roselle, Policy Analyst, Board and Committees Section

Public Present: None

RULES DISCUSSION - Copy of the current rules are attached

R 338.13010 Registration by endorsement; acupuncturist.

Roselle advised the Committee that the Department would like to seek clarity pertaining to current subrule (3), which pertains to registration by endorsement. Subrule (3) requires an applicant for a registration by endorsement to either possess current certification in acupuncture or oriental medicine from NCCAOM or possess an active license or registration from another state with licensure or registration requirements that are equivalent to the NCCAOM certification in acupuncture or oriental medicine standards.

When promulgating the current rule, the Board had sought to allow applicants from California to meet the registration by endorsement requirements. However, California

does not require the NCCAOM certification examinations and there is no authoritative evidence to support the fact that California's acupuncture exam is equivalent to the NCCAOM examinations.

Roselle offered one option for amending subrule (3) as follows:

Allow an applicant who is registered or licensed as an acupuncturist in another state to receive a registration by endorsement if he or she has the NCCAOM certification in acupuncture or oriental medicine or has established he or she has satisfied a list of specific requirements that would be enumerated in the rule to align with the NCCAOM requirements. For example, the rule could require an applicant who does not have NCCAOM certification to have passed the three NCCAOM exams required for certification, the clean needle technique required for NCCAOM certification, and have met the educational and training requirements for NCCAOM certification. This would allow applicants to qualify for endorsement if they are licensed or registered in states that rely on NCCAOM's requirements but don't specifically require the NCCAOM certification.

Roselle offered another option for amending subrule (3) that would only accept applicants who have the NCCAOM certification in acupuncture or oriental medicine.

Roselle noted that NCCAOM has continuing education requirements that must be met to maintain the certification.

Roselle indicated other options could be discussed as well.

Converse stated she would like to require NCCAOM certification in acupuncture or oriental medicine because it will provide a uniform standard that best ensures public safety. Converse stated the profession needs to rely on the NCCAOM standards for those in practice in order to keep the public safe.

Zaidan agreed and stated that other professions hold their applicants to a certain degree and standard and the profession of acupuncture should do the same.

Converse stated that she agreed that this provided a level of clarity to those applying.

Converse would like the rule changed to instead require NCCAOM certification in acupuncture or oriental medicine in order to make it clear what requirements need to be met.

Krofcheck and Zaidan both agree with Converse.

R 338.13010 Renewal of registration; requirements.

Converse stated she wanted this rule to also be clear to the public.

Roselle advised that this rule requires maintaining certification.

Zaidan questioned whether someone who was once certified, but has not maintained certification, can be eligible for renewal if he or she was registered for a certain period of time.

Roselle stated he will look into the possibility of adding that if registered after X date, they meet the requirement.

Roselle suggested that he draft the discussed changes and present the draft rules at the next regularly scheduled Board meeting and have the Board vote on them.

Krofcheck questioned if the next meeting is cancelled what happens to the rules.

Roselle advised that the meeting is only cancelled if there is a lack of items to discuss or if quorum is lost. With the draft rules being an item for discussion for the next meeting, it will not be cancelled by the Department unless quorum is not met.

ADJOURNMENT

The meeting adjourned at 11: 58 a.m.

Prepared by:
Kimmy Catlin, Board Support
Bureau of Professional Licensing

April 24, 2019

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACUPUNCTURE – GENERAL RULES

(By authority conferred on the director of the Department of Licensing and Regulatory Affairs by sections 16141, 16145, 16148, 16174, 16201, 16287, and 16525 of 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16201, 333.16287, and 333.16525 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.13001 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the Michigan board of acupuncture created under section 16521 of the code, MCL 333.16521.
- (b) "Code" means public health code 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13002 Training standard for identifying victims of human trafficking; requirements.

Rule 2. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking registration or registered shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall cover all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial registration, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to registration renewals beginning July 2, 2018 and for initial registrations beginning April 22, 2021.

History: 2016 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13003 Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13004 Professional certification organizations.

Rule 4. The board approves the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or its successor organization, as a professional acupuncture certification organization.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13005 Application for acupuncturist registration; requirements.

Rule 5. An applicant for registration as an acupuncturist, in addition to meeting all the requirements of the code, shall comply with all of the following provisions:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Have completed an educational program that satisfies the requirements of R 338.13030.

(c) Possess a current certification in acupuncture or in oriental medicine granted by an organization approved under R 338.13004.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13010 Application for acupuncturist by endorsement; requirements.

Rule 10. (1) An applicant for an acupuncturist registration by endorsement, in addition to meeting all the requirements of the code, shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant shall be actively licensed or registered in another state of the United States immediately preceding the date of filing an application for this state's registration. The applicant's license or registration shall be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds an active license or registration or ever held a license or registration as an acupuncturist. Verification includes providing documentation of any disciplinary action taken or pending against the applicant.

(3) An applicant shall satisfy either of the following:

(a) Possess current certification in acupuncture or in oriental medicine from an organization approved under R 338.13004.

(b) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13015 Applicant with nonaccredited training; requirements.

Rule 15. (1) An applicant who has completed training from a program that does not meet the program accreditation standards adopted under R 338.13030 shall satisfy the following requirements:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Submit documentation that verifies he or she possesses current certification in acupuncture or in oriental medicine from an organization approved under R 338.13004.

(c) Demonstrate a working knowledge of the English language by obtaining a score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-iBT) administered by the Educational Testing Service.

(2) The requirement of subrule (1)(c) of this rule is satisfied if the applicant's educational program was taught in English.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13020 Renewal of acupuncturist registration; requirements.

Rule 20. (1) An applicant for renewal of a registration who has been registered for the 2-year period immediately preceding the expiration date of the registration shall satisfy 1 of the following:

(a) Have maintained certification in acupuncture or in oriental medicine from an organization approved under R 338.13004, during the 2 years immediately preceding an application for renewal.

(b) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The board may require an applicant to submit evidence to demonstrate compliance with this rule. An applicant for renewal shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for renewal of a registration. Failure to comply with this rule shall be a violation of section 16221(h) of the code, MCL 333.16221(h).

History: 2011 AACCS; ; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13025 Application for acupuncturist reregistration; requirements.

Rule 25. (1) An applicant whose registration has lapsed for less than 3 years immediately preceding the date of application for reregistration may be reregistered under section 16201(3) of the code, MCL 333.16201(3), by satisfying the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under section 1 of 1974 PA 381, MCL 338.41.

(c) Complies with either of the following:

(i) Submits evidence of current certification in acupuncture or oriental medicine from an organization approved under R 338.13004.

(ii) Submits evidence that he or she possesses an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.

(2) An applicant whose registration has lapsed for 3 years or more immediately preceding the date of application for reregistration may be reregistered under section 16201(4) of the code, MCL 333.16201(4), by satisfying the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under section 1 of 1974 PA 381, MCL 338.41.

(c) Submits fingerprints pursuant to section 16174(3) of the code, MCL 333.16174(3).

(d) Complies with either of the following:

(i) Submits evidence of current certification in acupuncture or oriental medicine from an organization approved under R 338.13004.

(ii) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.

(3) A license, registration, or certification shall be verified by the registration or licensing agency of any state of the United States in which the applicant holds or has ever

held a registration or license as an acupuncturist. Verification includes providing documentation of any disciplinary action taken or pending against the applicant.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13030 Educational program standards; adoption by reference.

Rule 30. The board approves and adopts by reference in these rules the standards for accrediting programs in acupuncture and oriental medicine adopted by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), which are set forth in the publication entitled “ACAOM Comprehensive Standards and Criteria for Master’s Level Programs and Professional Doctorate Programs” May 16, 2018. Copies of these standards may be obtained at no cost from the commission's website at www.acaom.org and at Accreditation Commission for Acupuncture and Oriental Medicine, 8941 Aztec Dr. Suite 2, Eden Prairie MN 55347. Copies are available for inspection and distribution at cost from the Michigan Board of Acupuncture, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13035 Delegation; supervision.

Rule 35. An acupuncturist shall practice under the delegation of an allopathic physician or osteopathic physician and surgeon in accordance with sections 16104, 16109, and 16215(3) of the code, MCL 333.16104, 333.16109, and 333.16215(3).

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13040 Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13045 Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.