

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 16525 and 16148 of 1978 PA 368, MCL 333.16525 and MCL 333.16148 and Executive Reorganization Order Nos. 1996-1, 1996-2 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.13001 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the board of acupuncture.
- (b) "Code" means 1978 PA 368, MCL 333.1101.
- (c) "Department" means the department of community health.
- (d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction are substantially equivalent to the criteria established and described in section 16186 of the code.

History: 2011 AACS.

R 338.13002 Training Standards 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 Michigan or 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 subrule (1)(a) of this rule 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 with the first renewal cycle after the promulgation of this rule and for initial registrations issued 5 or more years after the promulgation of this rule.

History: 2016 MR 8, Eff. April 22, 2016.

R 338.13003 Practice of acupuncture; minimum level of regulation.

Rule 3. In accordance with MCL 333.16215(5) and 333.16525(2), the board has established the minimum level of regulation necessary to protect the public, as follows:

(a) An acupuncture educational program shall be at least 3 academic years and not less than 27 calendar months in duration. The curriculum shall consist of a minimum of 1,900 hours, or its equivalent, of didactic and clinical instruction that is composed of at least all of the following:

(i) 790 hours, or its equivalent, in theory and treatment techniques in acupuncture and related studies. Topics shall include, but shall not be limited to, the following:

- (A) History of acupuncture.
- (B) Basic theory.
- (C) Point location and channel (median) theory.
- (D) Acupuncture treatment.
- (E) Treatment techniques.
- (F) Ethics.
- (G) Practice management.

(ii) 660 hours, or its equivalent, in clinical training. The program shall require each student to participate in a minimum of 500 hours of supervised care of patients that includes the performance of acupuncture. Of the remaining 160 hours of clinical training, 150 hours shall be acquired by an individual's observation of the performance of acupuncture.

(iii) 450 hours, or its equivalent, in biomedical clinical sciences, including but not limited to, clean needle technique.

(b) An applicant for registration shall demonstrate his or her completion of an acupuncture educational program that meets the requirements of this rule by submitting to the department proof of current certification conferred either by the national certification commission for acupuncture and oriental medicine (nccaom) or by an organization with equivalent certification standards as determined by the board.

History: 2011 AACCS.

R 338.13005 Application for acupuncturist registration; requirements.

Rule 5. An applicant for registration as an acupuncturist, in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with both of the following provisions:

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

(b) Possess a current certification that was conferred either by nccaom or by an organization with equivalent certification standards as determined by the board.

History: 2011 AACCS.

R 338.13010 Registration by endorsement; acupuncturist.

Rule 10. (1) An applicant for an acupuncturist registration by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. An applicant shall meet the requirements of the code and the administrative rules promulgated under the code.

(2) If an applicant was registered or licensed as an acupuncturist in another state where the requirements for registration or licensure were substantially equivalent to the requirements specified in the code and these rules, has held a valid registration or license in that state immediately preceding the date of filing an application for a Michigan registration, and provides documentation that he or she is currently certified in acupuncture or oriental medicine either by nccaom or by an organization with equivalent certification standards as determined by the board, then it is presumed that the applicant meets the requirements of R 338.13005.

(3) If an applicant does not meet the requirements of this rule, then the applicant shall comply with the requirements specified in R 338.13015.

(4) To determine substantially equivalent as specified in subrule (2) of this rule, an applicant may be required to submit, or cause to be submitted, all of the following materials:

(a) A copy of the certification criteria, including but not limited to, educational and experiential requirements.

(b) A copy of the examination booklet or a description of the content of the examination and examination scores, as issued by the certifying or testing agency.

(c) An affidavit from the appropriate certifying body or testing agency that describes the certification examination at the time that the examination was administered.

(d) An affidavit from either the appropriate state licensing or registration board or a licensing or registration examination agency that describes the examination and the legal standards that had been in effect at the time of licensure.

History: 2011 AACCS.

R 338.13015 Applicants with nonaccredited training; registration requirements.

Rule 15. (1) If an applicant completed an educational program that does not meet the standards as adopted by reference in R 338.13030, then the applicant shall comply with all of the following provisions in addition to meeting the requirements of the code:

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

(b) Provide documentation to verify his or her education and training.

(c) Have his or her educational program evaluated to determine if it is equivalent to the program standards that are adopted by reference in R 338.13030.

(d) Provide documentation that he or she possesses a current certification in acupuncture or oriental medicine conferred by nccaom or by an organization with equivalent certification standards as determined by the board.

(e) Demonstrate a working knowledge of the English language, if an applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, an applicant shall establish either of the following:

(i) That he or she has obtained a score of not less than 550 on the test of English as a foreign language (toefl) administered by the educational testing service and obtained a score of not less than 50 on the test of spoken English administered by the educational testing service.

(ii) That he or she has obtained a score of not less than 89 on the test of English as a foreign language internet-based test (toefl ibt) administered by the educational testing service.

(2) To determine substantially equivalent as specified in subrule (1)(d) of this rule, an applicant may be required to submit, or cause to be submitted, all of the following materials:

(a) A copy of the certification criteria, including but not limited to, educational and experiential requirements.

(b) A copy of the examination booklet or a description of the content of the examination and examination scores, as issued by the certifying or testing agency.

(c) An affidavit from the appropriate certifying body or testing agency that describes the certification examination at the time that the examination was administered.

(d) An affidavit from either the appropriate state licensing or registration board or a licensing or registration examination agency that describes the examination and the legal standards that had been in effect at the time of licensure.

History: 2011 AACCS.

R 338.13020 Renewal of 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 maintain certification that was conferred either by nccaom or by an organization with equivalent certification standards as determined by the board, during the 2 years preceding an application for renewal.

(2) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 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.

History: 2011 AACCS.

R 338.13025 Application for acupuncturist re-registration; requirements.

Rule 25. An applicant for re-registration as an acupuncturist whose registration has expired may be re-registered, as provided under section 16201 of the code, upon submission of a completed application form provided by the department with the requisite fee and upon satisfying both of the following requirements:

(a) Establishing that he or she is or has been registered or licensed in another state. If the applicant is or has been registered or licensed in another state, documentation shall be submitted to indicate that the registration or license is unrestricted and in good standing at the time of application.

(b) Possessing a current certification that was conferred by nccaom or by an organization with equivalent certification standards as determined by the board.

History: 2011 AACCS.

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 Accreditation Manual," July 2008. Copies of these standards may be obtained at no cost from the commission's website at www.acaom.org. Copies are available for inspection and distribution at cost from the Michigan Board of Acupuncture, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909. A master's level program in acupuncture and oriental medicine that is accredited by the accreditation commission for acupuncture and oriental medicine is an educational program that is acceptable to the board.

History: 2011 AACCS.

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.

History: 2011 AACCS.

R 338.13040 Patient records; retention; disposition; confidentiality.

Rule 40. (1) In accordance with section 16213 of the code, an individual covered by these rules shall retain a patient record for the following time periods:

At least 7 years from the date of the last acupuncture service.

(b) For a minor client, at least 7 years from the date of the last acupuncture service, or until the minor client reaches the age of 19, whichever is later.

(2) An individual covered by these rules shall store and dispose of written, electronic, and other client records so as to ensure their confidentiality, except as otherwise proscribed by law.

History: 2011 AACCS.

R 338.13045 Prohibited conduct.

Rule 45. Prohibited conduct includes, but is not limited to, the following acts or omissions by any individual covered by these rules:

(a) Refusing to provide professional service to a person because of the person's race, creed, color, national origin, age, sex, sexual orientation, or disability.

(b) Being involved in a situation that creates a conflict of interest that interferes with the exercise of professional discretion or makes a patient's interests secondary.

(c) Being involved in or soliciting a sexual relationship with a current patient or a member or members of the current patient's immediate family.

History: 2011 AACCS.