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BILL ANALYSIS

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House Bill 5205 (Substitute H-3 as passed by the House)
Sponsor: Representative Randy Richardville
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 11-30-04

CONTENT

The bill would amend the Public Health Code and add Part 165 to the Code to provide for the registration of acupuncturists. The bill would do all of the following:

- Establish a \$75 application processing fee and an annual \$150 registration fee.**
- Prohibit an individual from calling himself or herself an acupuncturist, or using certain other titles, without being registered.**
- Create the Michigan Board of Acupuncture within the Department of Community Health (DCH).**
- Require the DCH, in consultation with the Board, to promulgate rules setting forth the minimum standards for registration as an acupuncturist.**
- Specify that Part 165 would not require new or additional third-party reimbursement or mandated worker's compensation benefits for services rendered by a registered acupuncturist.**

"Acupuncturist" would mean an individual who practiced acupuncture and related therapies and was registered, or otherwise authorized, under Part 165. "Acupuncture" would mean the insertion and manipulation of needles through the surface of the human body and the use of related therapies at specific locations on the human body for the prevention or correction of disease, injury, pain, or other condition. Part 165 would not apply to a licensed physician or an individual certified by the National Acupuncture Detoxification Association.

After the Board promulgated rules specifying requirements for registrations, renewals, examinations, and required passing scores, an individual could not use the title "acupuncturist", "certified acupuncturist", or "registered acupuncturist" unless he or she were registered under Part 165. Those titles could be used only by people authorized under the Code to use them in the prescribed way.

The bill would create the Michigan Board of Acupuncture within the DCH. The Board would consist of eight voting members meeting the requirements of Part 161 of the Code (described below). Four of the members would have to be acupuncturists, and three would have to be licensed physicians. One would have to be a public member.

The Department, in consultation with the Board, would have to promulgate rules setting forth the minimum standards for registration as an acupuncturist. In consultation with the Board, the DCH could adopt by reference the professional standards issued by a certified

program that was recognized by the National Commission for Certifying Agencies or by a nationally recognized trade association. The DCH could not promulgate rules that diminished competition or exceeded the minimum level of regulation necessary to protect the public.

(Under Part 161, a member of any registration board must be at least 18 years old, be of good moral character, be a Michigan resident for at least the six months immediately preceding the appointment, and be currently registered in that health profession in Michigan. Additionally, the member must have actively practiced that profession or taught in an approved educational institution that prepares applicants for registration in that profession in any state for at least the two years immediately preceding the appointment. The Governor also may appoint members who either are certified or otherwise approved by a national organization that certifies or approves individuals in the profession to be registered by the board, or have actively practiced the profession or taught in an educational institution that prepares applicants for registration in that profession for at least the two years immediately preceding the appointment.)

MCL 333.16131 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The State would incur costs associated with the administration, staffing, and per diem reimbursement for the Michigan Board of Acupuncture as well as the costs incurred in regulating the activities of registered acupuncturists in the State.

This cost would be offset by the \$75 application processing fee for initial registration as an acupuncturist and the \$150 annual registration fee for registered acupuncturists. While the number of individuals who would seek the registration is not clear, the Michigan Association of Acupuncture and Oriental Medicine provided an estimate of 200 individuals in the State who currently meet the certification standards of the National Certifying Commission for Acupuncture and Oriental Medicine, a national certifying body for acupuncture practitioners.

It could be expected that after the bill was enacted the number of individuals who meet the registration requirements would increase, as those who practice acupuncture would have greater incentive to meet Michigan Board of Acupuncture standards and become registered.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.