

# SENATE BILL No. 683

November 30, 2017, Introduced by Senator O'BRIEN and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16215, 16322, 16501, 16511, 16521, 16525, and 16529 (MCL 333.16215, 333.16322, 333.16501, 333.16511, 333.16521, 333.16525, and 333.16529), section 16215 as amended by 2005 PA 211, sections 16322, 16501, 16525, and 16529 as added by 2006 PA 30, section 16511 as amended by 2006 PA 397, and section 16521 as amended by 2010 PA 79, and by adding sections 16513, 16515, and 16517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16215. (1) Subject to subsections (2) to (6), a  
2   licensee who holds a license other than a health profession  
3   subfield license may delegate to a licensed or unlicensed  
4   individual who is otherwise qualified by education, training, or

1 experience the performance of selected acts, tasks, or functions  
2 where the acts, tasks, or functions fall within the scope of  
3 practice of the licensee's profession and will be performed under  
4 the licensee's supervision. A licensee shall not delegate an act,  
5 task, or function under this section if the act, task, or  
6 function, under standards of acceptable and prevailing practice,  
7 requires the level of education, skill, and judgment required of  
8 the licensee under this article.

9 (2) Subject to subsection (1) and except as otherwise  
10 provided in this subsection and subsections (3) and (4), a  
11 licensee who is an allopathic physician or osteopathic physician  
12 and surgeon shall delegate an act, task, or function that  
13 involves the performance of a procedure that requires the use of  
14 surgical instrumentation only to an individual who is licensed  
15 under this article. A licensee who is an allopathic physician or  
16 osteopathic physician and surgeon may delegate an act, task, or  
17 function described in this subsection to an individual who is not  
18 licensed under this article if the unlicensed individual is 1 or  
19 more of the following and if the procedure is directly supervised  
20 by a licensed allopathic physician or osteopathic physician and  
21 surgeon who is physically present during the performance of the  
22 procedure:

23 (a) A student enrolled in a school of medicine or  
24 osteopathic medicine approved by the Michigan board of medicine  
25 or the Michigan board of osteopathic medicine and surgery.

26 (b) A student enrolled in a physician's assistant training  
27 program approved by the joint physician's assistant task force

1 created under part 170.

2 (3) Subject to subsection (1), a licensee who is an  
3 allopathic physician or osteopathic physician and surgeon may  
4 delegate an act, task, or function described in subsection (2) to  
5 an individual who is not licensed under this article and who is 1  
6 of the following:

7 (a) ~~Performing~~ **UNTIL 12 MONTHS AFTER THE EFFECTIVE DATE OF**  
8 **THE RULES PROMULGATED UNDER SECTION 16525, PERFORMING**  
9 acupuncture.

10 (b) Surgically removing only bone, skin, blood vessels,  
11 cartilage, dura mater, ligaments, tendons, pericardial tissue, or  
12 heart valves only from a deceased individual for transplantation,  
13 implantation, infusion, injection, or other medical or scientific  
14 purpose.

15 (4) Subject to subsection (1), a licensee who is an  
16 allopathic physician or osteopathic physician and surgeon may  
17 delegate an act, task, or function described in subsection (2) to  
18 an individual who is not licensed under this article if the  
19 procedure is directly supervised by a licensed allopathic  
20 physician or osteopathic physician and surgeon who is physically  
21 present during the performance of the procedure, the delegation  
22 of such procedure is not prohibited or otherwise restricted by  
23 the board or that health facility or agency, and the delegation  
24 of that act, task, or function is specifically authorized by that  
25 health facility or agency to be delegated and performed by either  
26 of the following unlicensed individuals:

27 (a) A surgical technologist who meets the qualifications

1 established by the health facility or agency with which he or she  
2 is employed or under contract. ~~with.~~

3 (b) A surgical first assistant who meets the qualifications  
4 established by the health facility or agency with which he or she  
5 is employed or under contract. ~~with.~~

6 (5) A board may promulgate rules to further prohibit or  
7 otherwise restrict delegation of specific acts, tasks, or  
8 functions to a licensed or unlicensed individual if the board  
9 determines that the delegation constitutes or may constitute a  
10 danger to the health, safety, or welfare of the patient or  
11 public.

12 (6) To promote safe and competent practice, a board may  
13 promulgate rules to specify conditions under which, and  
14 categories and types of licensed and unlicensed individuals for  
15 whom, closer supervision may be required for acts, tasks, and  
16 functions delegated under this section.

17 (7) An individual who performs acts, tasks, or functions  
18 delegated pursuant to this section does not violate the part that  
19 regulates the scope of practice of that health profession.

20 (8) The amendatory act that added this subsection does not  
21 require new or additional third party reimbursement or mandated  
22 worker's compensation benefits for services rendered by an  
23 individual authorized to perform those services under subsection  
24 (4).

25 Sec. 16322. Fees for ~~a person registered or seeking~~  
26 ~~registration as an acupuncturist~~ **AN INDIVIDUAL WHO IS LICENSED OR**  
27 **SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF ACUPUNCTURE** under

1 part 165 are as follows:

2	(a) Application processing fee.....	\$ 75.00
3	(b) <del>Registration</del> -LICENSE fee, per year.....	\$ 200.00
4	(C) LIMITED LICENSE, PER YEAR.....	\$ 200.00
5	(D) TEMPORARY LICENSE FEE.....	\$ 200.00

6 Sec. 16501. (1) As used in this part:

7 (A) "ACUPRESSURE" MEANS A FORM OF MANUAL THERAPY IN WHICH  
8 PHYSICAL PRESSURE IS APPLIED TO VARIOUS POINTS ON THE BODY.

9 (B) ~~(a)~~"Acupuncture" means the insertion and manipulation  
10 of needles through the surface of the human body. ~~at specific~~  
11 ~~locations on the human body for the prevention or correction of~~  
12 ~~disease, injury, pain, or other condition.~~ACUPUNCTURE INCLUDES,  
13 BUT IS NOT LIMITED TO, LASER ACUPUNCTURE, ELECTROACUPUNCTURE,  
14 PRICKING THERAPY, DRY NEEDLING, AND INTRAMUSCULAR STIMULATION.

15 (C) ~~(b)~~"Acupuncturist" means an individual who ~~practices~~  
16 ~~acupuncture and is registered, or otherwise authorized,~~LICENSED  
17 under this part TO ENGAGE IN THE PRACTICE OF ACUPUNCTURE.

18 (D) "CUPPING" MEANS THE PLACEMENT OF A SPECIALLY DESIGNED  
19 CUP ON THE BODY TO CREATE SUCTION.

20 (E) "DERMAL FRICTION" MEANS THE USE OF REPEATED, CLOSELY  
21 TIMED, UNIDIRECTIONAL PRESS-STROKING WITH A SMOOTH-EDGED  
22 INSTRUMENT OVER A LUBRICATED AREA OF THE BODY.

23 (F) "DIETARY COUNSELING" MEANS THE PROCESS OF ADVISING A  
24 PATIENT ABOUT HEALTHY FOOD CHOICES AND HEALTHY EATING HABITS IN  
25 ACCORDANCE WITH EAST ASIAN MEDICAL THEORY.

26 (G) "DRY NEEDLING" MEANS A REHABILITATIVE PROCEDURE USING

1 FILIFORM NEEDLES TO PENETRATE THE SKIN OR UNDERLYING TISSUES BY  
2 TARGETING ONLY MYOFASCIAL TRIGGER POINTS AND MUSCULAR AND  
3 CONNECTIVE TISSUES TO AFFECT CHANGE IN BODY STRUCTURES AND  
4 FUNCTIONS FOR THE EVALUATION AND MANAGEMENT OF  
5 NEUROMUSCULOSKELETAL PAIN AND MOVEMENT IMPAIRMENT. DRY NEEDLING  
6 DOES NOT INCLUDE THE STIMULATION OF AURICULAR POINTS OR OTHER  
7 ACUPUNCTURE POINTS.

8 (H) "EAST ASIAN MEDICINE TECHNIQUES" INCLUDES, BUT IS NOT  
9 LIMITED TO, ACUPUNCTURE, MANUAL THERAPY, MOXIBUSTION, HEAT  
10 THERAPY, DIETARY COUNSELING, THERAPEUTIC EXERCISE, ACUPRESSURE,  
11 CUPPING, DERMAL FRICTION, HOMEOPATHY, LIFESTYLE COACHING, AND  
12 TREATMENT WITH HERBAL MEDICINES.

13 (I) "HEAT THERAPY" MEANS THE USE OF HEAT IN THERAPY, SUCH AS  
14 FOR PAIN RELIEF AND HEALTH.

15 (J) "HERBAL MEDICINE" MEANS THE INTERNAL AND EXTERNAL USE OF  
16 A PLANT OR A PLANT EXTRACT, A MINERAL, OR AN ANIMAL PRODUCT, THAT  
17 IS NOT A PRESCRIPTION DRUG AS THAT TERM IS DEFINED IN SECTION  
18 17708.

19 (K) "HOMEOPATHY" MEANS THE USE OF A HIGHLY DILUTED NATURAL  
20 REMEDY FROM THE PLANT, MINERAL, AND ANIMAL DOMAIN.

21 (L) "LIFESTYLE COACHING" MEANS THE PROCESS OF ADVISING A  
22 PATIENT ABOUT HEALTHY LIFESTYLE CHOICES AND HABITS IN ACCORDANCE  
23 WITH EAST ASIAN MEDICAL THEORY.

24 (M) "MANUAL THERAPY" MEANS THE APPLICATION OF AN ACCURATELY  
25 DETERMINED AND SPECIFICALLY DIRECTED MANUAL FORCE TO THE BODY.

26 (N) "MOXIBUSTION" MEANS BURNING THE DRIED PLANT ARTEMISIA  
27 VULGARIS ON OR VERY NEAR THE SURFACE OF THE SKIN AS A FORM OF

1 THERAPY.

2 (O) "PRACTICE OF ACUPUNCTURE", SUBJECT TO SUBSECTION (2),  
3 MEANS THE USE OF TRADITIONAL AND CONTEMPORARY EAST ASIAN MEDICAL  
4 THEORY TO ASSESS AND DIAGNOSE A PATIENT, TO DEVELOP A PLAN TO  
5 TREAT THE PATIENT, AND TO TREAT THE PATIENT THROUGH EAST ASIAN  
6 MEDICINE TECHNIQUES.

7 (P) "PRACTICE OF MASSAGE THERAPY" MEANS THAT TERM AS DEFINED  
8 IN SECTION 17951.

9 (Q) "PRACTICE OF MEDICINE" MEANS THAT TERM AS DEFINED IN  
10 SECTION 17001.

11 (R) "PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY" MEANS  
12 THAT TERM AS DEFINED IN SECTION 17501.

13 (S) "PRACTICE OF PHYSICAL THERAPY" MEANS THAT TERM AS  
14 DEFINED IN SECTION 17801.

15 (T) "REGISTERED ACUPUNCTURIST" MEANS AN INDIVIDUAL WHO IS  
16 REGISTERED OR OTHERWISE AUTHORIZED UNDER THIS PART BEFORE THE  
17 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 16513.

18 (U) "SYSTEMATIC ACUPUNCTURE EDUCATION" MEANS A COURSE OF  
19 EDUCATION THAT COVERS THE FOUNDATION OF ACUPUNCTURE SCIENCE AND  
20 THEORY, CHANNEL AND POINT LOCATION, NEEDLING TECHNIQUES,  
21 APPROACHES TO DIAGNOSIS AND THERAPY, AND PATIENT MANAGEMENT.

22 (V) "THERAPEUTIC EXERCISE" MEANS A RANGE OF PHYSICAL  
23 ACTIVITIES THAT HELP RESTORE AND BUILD PHYSICAL STRENGTH,  
24 ENDURANCE, FLEXIBILITY, BALANCE, AND STABILITY.

25 (2) FOR PURPOSES OF THIS PART, PRACTICE OF ACUPUNCTURE DOES  
26 NOT INCLUDE THE PRACTICE OF MEDICINE, THE PRACTICE OF OSTEOPATHIC  
27 MEDICINE AND SURGERY, THE PRACTICE OF PHYSICAL THERAPY, OR THE

1 **PRACTICE OF MASSAGE THERAPY.**

2 (3) ~~(2)~~—In addition to the definitions in this part, article  
3 1 contains general definitions and principles of construction  
4 applicable to all articles in the code and part 161 contains  
5 definitions applicable to this part.

6 Sec. 16511. ~~(1)~~—Except as otherwise provided ~~under~~  
7 ~~subsection (2), after~~ **IN THIS PART, BEGINNING ON THE EFFECTIVE**  
8 **DATE OF** rules ~~are promulgated under section 16145, 16525,~~ an  
9 individual shall not use the words, titles, or letters  
10 "acupuncturist", "certified acupuncturist", ~~or~~ "registered  
11 acupuncturist", "**LICENSED ACUPUNCTURIST**", "**L.AC.**", or a  
12 ~~combination thereof, with or without qualifying words or phrases,~~  
13 **SIMILAR WORD OR INITIAL THAT INDICATES THAT THE INDIVIDUAL IS AN**  
14 **ACUPUNCTURIST**, unless he or she is ~~registered~~ **AUTHORIZED** under  
15 this part **TO USE THE TERMS AND IN A WAY PRESCRIBED IN THIS PART.**

16 ~~—— (2) Neither of the following is subject to the provisions of~~  
17 ~~this part:~~

18 ~~—— (a) A physician who is licensed under part 170 or 175.~~

19 ~~—— (b) An individual who is certified by the national~~  
20 ~~acupuncture detoxification association.~~

21 **SEC. 16513. (1) BEGINNING ON THE EFFECTIVE DATE OF RULES**  
22 **PROMULGATED UNDER SECTION 16525, AN INDIVIDUAL SHALL NOT ENGAGE**  
23 **IN THE PRACTICE OF ACUPUNCTURE UNLESS HE OR SHE IS LICENSED UNDER**  
24 **THIS PART OR IS OTHERWISE AUTHORIZED UNDER THIS ARTICLE. FOR A**  
25 **PERIOD NOT TO EXCEED 12 MONTHS FROM THE EFFECTIVE DATE OF THE**  
26 **RULES PROMULGATED UNDER SECTION 16525, A REGISTERED ACUPUNCTURIST**  
27 **MAY, WITHOUT A LICENSE UNDER THIS PART, CONTINUE TO USE THE**



1 TITLES "ACUPUNCTURIST", "REGISTERED ACUPUNCTURIST", OR "CERTIFIED  
2 ACUPUNCTURIST" AND ENGAGE IN THE PRACTICE OF ACUPUNCTURE.

3 (2) IN ADDITION TO THE EXEMPTIONS FROM LICENSURE UNDER  
4 SECTION 16171, THIS PART DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (E), AN  
6 INDIVIDUAL LICENSED, REGISTERED, OR OTHERWISE AUTHORIZED UNDER  
7 ANY OTHER PART OR ACT WHO IS PERFORMING ACTIVITIES THAT ARE  
8 CONSIDERED TO BE WITHIN THE PRACTICE OF ACUPUNCTURE IF THOSE  
9 ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE AND IF  
10 THE INDIVIDUAL DOES NOT USE THE WORDS, TITLES, OR LETTERS  
11 PROTECTED UNDER SECTION 16511.

12 (B) A PHYSICIAN WHO IS LICENSED UNDER PART 170 OR PART 175  
13 IF THE PHYSICIAN HAS COMPLETED A TOTAL OF NOT LESS THAN 300 HOURS  
14 OF SYSTEMATIC ACUPUNCTURE EDUCATION THAT INCLUDE NOT LESS THAN  
15 100 HOURS OF LIVE LECTURES, DEMONSTRATIONS, AND SUPERVISED  
16 CLINICAL TRAINING SPECIFIC TO ACUPUNCTURE.

17 (C) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING  
18 REQUIREMENTS:

19 (i) HE OR SHE MEETS THE REQUIREMENTS FOR A CERTIFICATE OF  
20 TRAINING AS AN ACUPUNCTURE DETOXIFICATION SPECIALIST ISSUED BY  
21 THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION OR AN  
22 ORGANIZATION THAT THE BOARD DETERMINES IS A SUCCESSOR  
23 ORGANIZATION.

24 (ii) HE OR SHE ONLY USES THE AURICULAR PROTOCOL FOR SUBSTANCE  
25 USE DISORDER PREVENTION AND TREATMENT DEVELOPED BY THE NATIONAL  
26 ACUPUNCTURE DETOXIFICATION ASSOCIATION OR AN ORGANIZATION THAT  
27 THE BOARD DETERMINES IS A SUCCESSOR ORGANIZATION.

1           (iii) HE OR SHE IS UNDER THE SUPERVISION OF AN ACUPUNCTURIST  
2 OR A PHYSICIAN LICENSED UNDER PART 170 OR PART 175 WHEN USING THE  
3 PROTOCOL DESCRIBED IN SUBPARAGRAPH (ii).

4           (iv) HE OR SHE DOES NOT USE THE WORDS, TITLES, OR LETTERS  
5 PROTECTED UNDER SECTION 16511.

6           (D) AN INDIVIDUAL PERFORMING ACUPRESSURE, CUPPING, DERMAL  
7 FRICTION, DIETARY COUNSELING, HEAT THERAPY, HERBAL MEDICINE,  
8 HOMEOPATHY, LIFESTYLE COACHING, MANUAL THERAPY, OR THERAPEUTIC  
9 EXERCISE, WHILE HE OR SHE IS ENGAGED IN THE SCOPE OF PRACTICE OF  
10 A PROFESSION WITH ESTABLISHED STANDARDS AND ETHICS IF THE  
11 SERVICES DESCRIBED IN THIS SUBDIVISION ARE NOT DESIGNATED AS OR  
12 IMPLIED TO BE THE PRACTICE OF ACUPUNCTURE AND THE INDIVIDUAL DOES  
13 NOT USE THE TITLES, WORDS, OR LETTERS PROTECTED UNDER SECTION  
14 16511.

15           (E) DRY NEEDLING BY AN INDIVIDUAL LICENSED, REGISTERED, OR  
16 OTHERWISE AUTHORIZED UNDER ANY OTHER PART IF DRY NEEDLING IS  
17 WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE.

18           SEC. 16515. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
19 (2), THE DEPARTMENT SHALL ISSUE A LICENSE TO AN APPLICANT WHO  
20 MEETS THE REQUIREMENTS OF SECTION 16174 AND THE REQUIREMENTS FOR  
21 LICENSURE ESTABLISHED IN RULES PROMULGATED UNDER SECTION 16525.

22           (2) ON OR BEFORE THE EXPIRATION OF 12 MONTHS AFTER THE  
23 EFFECTIVE DATE OF THE RULES PROMULGATED UNDER SECTION 16525, THE  
24 DEPARTMENT SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE  
25 REQUIREMENTS OF SECTION 16174 AND 1 OF THE FOLLOWING:

26           (A) HE OR SHE IS A REGISTERED ACUPUNCTURIST.

27           (B) HE OR SHE DEMONSTRATES TO THE SATISFACTION OF THE BOARD

1 THAT HE OR SHE HAS THE EDUCATION, TRAINING, AND EXPERIENCE  
2 APPROPRIATE TO THE PRACTICE OF ACUPUNCTURE AS ESTABLISHED IN  
3 RULES PROMULGATED UNDER SECTION 16525. IN DETERMINING WHETHER AN  
4 APPLICANT HAS MET THE REQUIREMENTS FOR LICENSURE UNDER THIS  
5 SUBDIVISION, THE BOARD SHALL CONSIDER PATIENT RECORDS, BILLING  
6 RECORDS, EDUCATION RECORDS, TRAINING RECORDS, OR ANY OTHER  
7 EVIDENCE SUBMITTED TO THE BOARD THAT IT CONSIDERS CREDIBLE. AN  
8 APPLICANT SHALL ENSURE THAT ANY DOCUMENT PROVIDED TO THE BOARD  
9 FOR PURPOSES OF THIS SUBDIVISION ENSURES THE CONFIDENTIALITY OF A  
10 PATIENT'S IDENTITY.

11 SEC. 16517. (1) NOTWITHSTANDING THE REQUIREMENTS OF PART  
12 161, THE BOARD SHALL PROMULGATE RULES REQUIRING A LICENSEE  
13 SEEKING RENEWAL OF A LICENSE TO FURNISH THE BOARD WITH  
14 SATISFACTORY EVIDENCE THAT DURING THE LICENSE CYCLE IMMEDIATELY  
15 PRECEDING THE APPLICATION FOR RENEWAL THE LICENSEE HAS ATTENDED  
16 CONTINUING EDUCATION COURSES OR PROGRAMS APPROVED BY THE BOARD IN  
17 SUBJECTS RELATED TO THE PRACTICE OF ACUPUNCTURE AND DESIGNED TO  
18 FURTHER EDUCATE LICENSEES. AN INDIVIDUAL IS CONSIDERED TO HAVE  
19 COMPLETED THE CONTINUING EDUCATION REQUIREMENTS DESCRIBED IN THIS  
20 SUBSECTION IF THE BOARD DETERMINES THAT THE INDIVIDUAL HAS MET  
21 THE CONTINUING EDUCATION STANDARDS OF THE NATIONAL CERTIFICATION  
22 COMMISSION FOR ACUPUNCTURE AND ORIENTAL MEDICINE OR EQUIVALENT  
23 STANDARDS AS DETERMINED BY THE BOARD.

24 (2) AS REQUIRED UNDER SECTION 16204, THE BOARD SHALL  
25 PROMULGATE RULES REQUIRING EACH APPLICANT FOR LICENSE RENEWAL TO  
26 COMPLETE AS PART OF THE EDUCATIONAL COURSES OR PROGRAMS REQUIRED  
27 UNDER SUBSECTION (1) AN APPROPRIATE NUMBER OF HOURS OR COURSES IN

1 **PAIN AND SYMPTOM MANAGEMENT.**

2       Sec. 16521. (1) The Michigan board of acupuncture is created  
3 in the department and ~~shall consist~~ **CONSISTS** of the following 13  
4 voting members, ~~who~~ **EACH OF WHOM MUST** meet the requirements of  
5 part 161:

6       (a) ~~Until June 30, 2010, 4 acupuncturists. Beginning July 1,~~  
7 ~~2010, 7~~ **SEVEN** acupuncturists. The members appointed under this  
8 subdivision ~~shall~~ **MUST** meet the requirements of section 16135.

9       (b) Three physicians licensed under part 170 or 175, **AT**  
10 **LEAST 1 OF WHOM HAS MET THE REQUIREMENT IN SECTION 16513 (2) (B) .**

11       (c) ~~Until June 30, 2010, 2 public members. Beginning July 1,~~  
12 ~~2010, 3~~ **THREE** public members.

13       (2) The terms of office of individual members of the board  
14 created under this part, except those appointed to fill  
15 vacancies, expire ~~4 years after appointment~~ on June 30 of the  
16 year in which the term expires **PURSUANT TO SECTION 16122.**

17       Sec. 16525. ~~(1) The~~ **BY 12 MONTHS AFTER THE EFFECTIVE DATE OF**  
18 **THE AMENDATORY ACT THAT AMENDED THIS SECTION, THE** department, in  
19 consultation with the board, shall promulgate rules ~~setting forth~~  
20 ~~the minimum standards for registration as an acupuncturist. The~~  
21 ~~department, in consultation with the board, may adopt by~~  
22 ~~reference the professional standards issued by a certified~~  
23 ~~program that is recognized by the national commission for~~  
24 ~~certifying agencies or by a nationally recognized trade~~  
25 ~~association.~~ **THAT ESTABLISH THE MINIMUM STANDARDS FOR LICENSURE AS**  
26 **AN ACUPUNCTURIST AND IMPLEMENT THE LICENSURE PROGRAM FOR THE**  
27 **PRACTICE OF ACUPUNCTURE. IN PROMULGATING RULES FOR PURPOSES OF**

1 SECTION 16515(1), THE DEPARTMENT, IN CONSULTATION WITH THE BOARD,  
2 MAY ADOPT BY REFERENCE THE PROFESSIONAL STANDARDS ISSUED BY A  
3 CERTIFIED PROGRAM THAT IS RECOGNIZED BY THE NATIONAL COMMISSION  
4 FOR CERTIFYING AGENCIES. IN PROMULGATING RULES FOR PURPOSES OF  
5 SECTION 16515(2), THE DEPARTMENT, IN CONSULTATION WITH THE BOARD,  
6 SHALL CONSIDER THE FOLLOWING:

7 (A) WHETHER, IN THE 3 YEARS IMMEDIATELY PRECEDING THE  
8 APPLICATION, AN APPLICANT HAS USED ACUPUNCTURE TO TREAT AN  
9 AVERAGE OF 30 PATIENTS PER YEAR, HAS AVERAGED 250 PATIENT VISITS  
10 PER YEAR, AND HAS USED ACUPUNCTURE TO TREAT PATIENTS WITH GENERAL  
11 HEALTH CONDITIONS.

12 (B) WHETHER AN APPLICANT HAS COMPLETED SYSTEMATIC  
13 ACUPUNCTURE EDUCATION THAT INCLUDES LIVE LECTURES,  
14 DEMONSTRATIONS, AND SUPERVISED CLINICAL TRAINING SPECIFIC TO  
15 ACUPUNCTURE.

16 ~~—— (2) The department, in consultation with the board, shall~~  
17 ~~not promulgate rules under this section that diminish competition~~  
18 ~~or exceed the minimum level of regulation necessary to protect~~  
19 ~~the public.~~

20 Sec. 16529. This part does not require new or additional  
21 third party reimbursement or mandated worker's compensation  
22 benefits for services by an individual ~~registered~~ **LICENSED** as an  
23 acupuncturist under this part.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.