

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

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Rule Set Information:

ARD assigned rule set number:

2023-33 LR

Title of proposed rule set:

Acupuncture - General Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to the practice of acupuncture, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16148 requires the department to promulgate rules to include training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.16515 requires the promulgation of rules to establish criteria for licensure for an applicant who has the education, training, and experience appropriate to the practice of acupuncture.

MCL 333.16517 requires the department, in consultation with the board, to promulgate rules requiring that a licensee furnish evidence of completing continuing education for license renewal.

MCL 333.16525 requires the department, in consultation with the board, to promulgate rules that establish the minimum standards for licensure.

There is no federal mandate applicable to these rules.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required in the Michigan Public Health Code, and the rules are largely consistent with the requirements of other states in the Great Lakes region. Every state in the Great Lakes region provides for the regulation of this profession.

Like acupuncturists in Michigan, the acupuncturists in most other states in the Great Lake region must accumulate 30 continuing education credits for license renewal. Only Pennsylvania, which requires 2 hours of child abuse recognition and reporting training, and Wisconsin, which has no continuing education requirement, do not have the 30 continuing education credit hours requirement for renewal.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

Overall, the standards in the proposed rules do not exceed those of most other states in the Great Lakes region. To the extent that the standards in Michigan exceed those of other states, the 30 continuing education credits for license renewal are mandated by statute, MCL 333.16517, so they cannot be changed.

The proposed rules do not place any new burden on a licensee because implicit bias training is already required in the Public Health Code General Rules, and the cost for completing implicit bias training and continuing education is outweighed by achieving greater equity in access to and the provision of health care services in Michigan and ensuring that the licensee has maintained competency in their profession.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1. General Rules: The current rules provide general provisions pertaining to the profession including definitions used in the rule set and the approval and adoption of the national standards of competence in acupuncture and oriental medicine established by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). The proposed rules will revise the definition section to ensure that the reader understands terms used in the rule set and update the NCCAOM standards adopted by the board, and the NCCAOM's address.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: The proposed rules in Part 3 will allow the implicit bias training credits required for license renewal to also be used to satisfy the licensee's continuing education requirements if the hours were earned by participating in a course or activity approved by the NCCAOM. The proposed rule will assist licensees in meeting all license renewal requirements.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The frequency of use is not expected to change.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1. General Rules: The current rules provide general provisions pertaining to the profession including the definitions used in the rule set and the approval and adoption of the national standards of competence established by the NCCAOM.

The proposed rules will update the definitions and update the NCCAOM standards and the NCCAOM's address. The desired behavior is better reader understanding of the terms used in the rules and to ensure that a licensee has acquired the necessary education and skills to be competent before providing acupuncture services to the public.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: The proposed rules in Part 3 will allow earned implicit bias training credits required for license renewal to also be used to satisfy the licensee's continuing education requirements if the hours were earned by participating in a course or activity approved by the NCCAOM. The proposed change is intended to assist the licensee in accumulating continuing education and implicit bias training required for license renewal. The desired behavior is licensee compliance with all requirements for license renewal.

C. What is the desired outcome?

R 338.13001 Definitions: The proposed rule is intended to assist the reader in understanding the terms used in the rule set.

R 338.13004 Approval and Adoption of Examinations; Approval and Adoption of Standards of Competence: The proposed rule is intended to approve and adopt the updated standards of competence established by the NCCAOM.

R 338.13031 Renewal of Acupuncturist License; Renewal of Limited License, Requirements; Limitations, Waiver Request: The proposed rule is intended to assist a licensee in meeting all license renewal requirements by permitting earned implicit bias training credits to also be used to satisfy continuing education credit requirements if the hours were earned by participating in a course or activity approved by the NCCAOM.

R 338.13033 Acceptable Continuing Education, Requirements: The proposed rule is intended to clarify the use of a defined term in the rule set.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1. General Provisions: The current rules do not define all terms used in the ruleset and contains outdated information concerning the competence standards of the NCCAOM. The harm that may result is confusion and noncompliance with the rules.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: The current rules do not advise a licensee that earned implicit bias training credits may also be used to satisfy continuing education credits required for license renewal if earned in a course or activity approved by the NCCAOM. The harm that may result is that the applicant may not comply with all license renewal requirements.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1. General Provisions: This part is being changed because not all terms used in the rule set have been defined. Additionally, the rule pertaining to the board's approval and adoption of NCCAOM certification standards is not current. The changes are needed to ensure reader understanding and to assist an applicant in meeting current licensure standards.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: This part is being changed to assist licensees in meeting all requirements for license renewal by advising that credits earned for completing implicit bias training may also be used to satisfy continuing education credit requirements for license renewal if the hours are earned in a course or activity approved by the NCCAOM.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1. General Provisions: The proposed rules in this part protect the health, safety, and welfare of Michigan citizens by approving and adopting the national standards of competence requirements and the examination of the NCCAOM to ensure that the applicant has been appropriately educated and trained to provide acupuncture services. There is no less burdensome way to ensure that an applicant has been trained and tested to ensure that they meet the minimum requirements for practice.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: The proposed rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to meet all requirements for renewal set forth in the Public Health Code General Rules to ensure that the applicant is educated regarding implicit bias and its effect on his or her behavior and that a practitioner is up-to-date in their knowledge and skills by requiring continuing education. There is no less burdensome way to improve equity in the delivery of health care and to ensure that a licensee is up-to-date in their training and will provide competent care to Michigan citizens.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

No rules are obsolete or unnecessary and can be rescinded.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1. General Provisions: The rules in this part protect the health, safety, and welfare of Michigan citizens by approving and adopting the national standards of competence established by the NCCAOM to ensure that the applicant has been appropriately trained and is competent to provide acupuncture services. Providing up-to-date information regarding the standards will ensure that the applicant has the most up-to-date training available before being licensed. The updated standards do not impose any additional burden on an applicant for licensure.

Part 3. License Renewal, Limited License Renewal, and Continuing Education: The proposed rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee seeking renewal to complete continuing education and to comply with the implicit bias training requirements set out in the Public Health Code General Rules. The cost for completing implicit bias training and continuing education is outweighed by achieving greater equity in access to and the provision of health care services in Michigan and ensuring that the licensee has maintained competency in the profession. The proposed rule does not place any new burden on an individual.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The rules establish licensure and renewal requirements for acupuncturists. An applicant or licensee must obtain the necessary education and training to achieve and maintain competency in the profession. There is no less burdensome way to ensure the health, safety, and welfare of Michigan citizens and to comply with applicable statutes.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or reductions for other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual registrants and licensees, so the impact is on an individual regardless of that person's location. Even if a registrant's or licensee's workplace is in a rural area, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 280 acupuncturists currently licensed or registered. The profession is moving from registration to licensure.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small business differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses. There are no skills necessary to comply with the reporting requirements.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

A small business is not required to prepare any report under the proposed rules, so it is estimated that a small business will incur no cost in preparing a report to comply with the proposed rules.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

If a rule exempted or set lesser standards for compliance by a small business, there would be no cost to the agency for administering or enforcing that rule because the rules do not apply to a business of any size. The rules apply to individuals practicing in Michigan as a licensed acupuncturist.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

Licensure of acupuncturists is required by statute, so the department cannot make a rule that would permit acupuncture to be practiced by an unlicensed individual in a small business.

If the department could exempt or set lesser standards for small businesses employing an acupuncturist, it would create a disparity in the regulation of the profession and would expose Michigan citizens to harm because an unlicensed person would not be qualified to treat them. Ensuring that all businesses employ licensed acupuncturists is in the public's best.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department worked with the Michigan Board of Acupuncture in the development of the proposed rules. The board is composed of professional and public members. Some members of the board may work in a small business, but even if they do, they were not involved in the development of the rules as a representative of small businesses.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

Currently, a licensed acupuncturist must complete the statutorily required continuing education and the implicit bias training required in the Public Health Code general rules before renewing their license.

The proposed rules do not increase the requirements for license renewal, so a licensee will not incur any new cost complying with the proposed rules. Under the proposed rules, the licensee could reduce their cost of compliance if they choose to satisfy some of their continuing education requirements by taking implicit bias training courses, as some of those courses approved by the NCCAOM are offered at no cost.

A. How many and what category of individuals will be affected by the rules?

The citizens of Michigan will be affected by the rules in that the rules will ensure that an applicant has achieved the level of education necessary to meet the minimum requirements for licensure to ensure public health, safety, and welfare.

All licensees and applicants are affected by the proposed rules as the rules provide for licensure, relicensure, and license renewal requirements.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The qualitative impact of the proposed rules on the citizens of Michigan will be that they can be assured that the care provided by a licensed acupuncturist will be provided by a licensee who has trained and tested to ensure that they are competent to provide care, which will protect the health, safety, and welfare of Michigan citizens. Additionally, Michigan citizens are benefitted by ensuring that a practitioner is up-to-date in his or her knowledge and skills by requiring continuing education before a license may be renewed and the benefit of ensuring greater equity in access to and the provision of health care services. It is not anticipated that there would be any quantitative impact on the citizens of Michigan as a result of the proposed rules because licensees applying for renewal are already required to complete continuing education and implicit bias training, so there is no new cost involved that may be passed along to patients.

The qualitative impact on licensees will be that, if they choose, they may reduce the actual number of courses that they must complete to meet their continuing education and implicit bias training requirements for license renewal, which will save them time. It is also anticipated that there could be a quantitative impact on a licensee if they choose to take a continuing education course that would also fulfill the implicit bias training requirement because they would save the cost of incurring separate courses to satisfy each of those requirements, and some implicit bias training courses are offered at no cost.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, groups of individuals, or governmental units as a result of the proposed rules.

An individual licensee may realize a cost reduction because the proposed rules will allow earned implicit bias training credits required for license renewal to also be used to satisfy the licensee's continuing education requirements if the hours were earned by participating in a course or activity approved by the NCCAOM.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The qualitative primary and direct and secondary or indirect benefit of the proposed rules on the citizens of Michigan will be that they can be assured that the care provided by a licensed acupuncturist will be provided by a licensee who has trained and tested to ensure that they are competent to provide care, which will protect the health, safety, and welfare of Michigan citizens. Additionally, Michigan citizens are benefitted by ensuring that a practitioner is up-to-date in his or her knowledge and skills by requiring continuing education before a license may be renewed and the benefit of ensuring greater equity in access to and the provision of health care services as a result of the licensee having completed implicit bias training. It is not anticipated that there would be any quantitative primary and direct and secondary or indirect benefit to the citizens of Michigan as a result of the proposed rules because licensees applying for renewal are already required to complete continuing education and implicit bias training, so there is no new cost involved that may be passed along to patients.

The qualitative primary and direct and secondary or indirect benefit of the proposed rules on licensees will be that, if they choose, they may reduce the actual number of courses that they must complete to meet their continuing education and implicit bias training requirements for license renewal, which will save them time. It is anticipated that there could be a quantitative impact on a licensee if they choose to take a continuing education course that would also fulfill the implicit bias training requirement because they would save the cost of incurring separate courses to satisfy each of those requirements, and some implicit bias training courses are offered at no cost.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois: <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1290&ChapAct=225%2%A0ILCS%2%A02/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Acupuncture+Practice+Act>; <https://www.ilga.gov/commission/jcar/admincode/068/068011400000600R.html>

Indiana:

<https://iga.in.gov/laws/2022/ic/titles/25#25-2.5>; <http://iac.iga.in.gov/iac//title844.html>; [iac_title.pdf](#)

Kentucky: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=43059>;
<https://kbml.ky.gov/ah/Pages/Acupuncture.aspx>

Minnesota: <https://mn.gov/boards/medical-practice/licensing/continuing-ed/>;
<https://www.revisor.mn.gov/statutes/cite/147B>

New York:

<https://www.op.nysed.gov/professions/acupuncture/laws-rules-regulations/article-160>;
<https://www.op.nysed.gov/professions/acupuncture/laws-rules-regulations/part-52>;
<https://www.op.nysed.gov/professions/acupuncture/laws-rules-regulations/subpart-792>

Ohio: <https://med.ohio.gov/apply-and-renew/licenses-and-certifications/acupuncture>

Pennsylvania:

<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Medicine/Pages/Acupuncturist--Licensure-Requirements-Snapshot.aspx>;
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Medicine/Documents/Board%20Documents/MedM%20-%20Acupuncture%20Licensing%20Act.pdf>

Wisconsin:

<https://dsps.wi.gov/Pages/RulesStatutes/Acupuncture.aspx>; <https://docs.legis.wisconsin.gov/statutes/statutes/451.pdf>;
<https://dsps.wi.gov/Pages/Professions/Acupuncturist/Default.aspx>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates were made.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing and regulation of acupuncture professionals are state functions, and states regulate acupuncture professionals by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure his or her competency or hold him or her accountable.

No other states in the Great Lakes region use a private, market-based system to regulate licensed acupuncturists.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.