



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

June 7, 2024

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #23-033-LR)
Legislative Service Bureau (Secretary of State Filing #24-06-01)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-033-LR (Secretary of State Filing #24-06-01) on this date at 10:04 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Acupuncture – General Rules".

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

June 7, 2024

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2023-33 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated February 9, 2024 for the Department of Licensing and Regulatory Affairs “**Acupuncture - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlon I. Brown".

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16141, 16145, 16148, 16174, 16201, 16204, 16205, 16287, 16515, 16517, and 16525 of the Public Health Code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16205, 333.16287, 333.16515, 333.16517, 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, R 338.13004, R 338.13031, and R 338.13033 of the Michigan Administrative Code are amended.

Date: 04/10/2024

Adopted by: *Marlon I. Brown*
Marlon I. Brown, DPA
Director
Department of Licensing and Regulatory Affairs



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated February 9, 2024, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Acupuncture – General Rules**” by:

- ◆ Amending R 338.13001, R 338.13004, R 338.13031, and R 338.13033.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: April 15, 2024

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated February 9, 2024, amending R 338.13001, R 338.13004, R 338.13031, and R 338.13033 of the Department's rules entitled "Acupuncture – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: April 15, 2024

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACUPUNCTURE – GENERAL RULES

Filed with the secretary of state on June 7, 2024

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16141, 16145, 16148, 16174, 16201, 16204, 16205, 16287, 16515, 16517, and 16525 of the public health code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16205, 333.16287, 333.16515, 333.16517, 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, R 338.13004, R 338.13031, and R 338.13033 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL RULES

R 338.13001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the Michigan board of acupuncture created under section 16521 of the public health code, MCL 333.16521.

(b) "Code" means the public health code 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(d) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

(e) "PDA" means a continuing education course or activity approved by the NCCAOM as a professional development activity.

(2) Terms defined in the code have the same meanings when used in these rules.

R 338.13004 Approval and adoption of examinations; approval and adoption of standards of competence.

Rule 4. (1) The board approves and adopts the examinations developed, scored, and required for certification by the NCCAOM.

(2) The board approves and adopts the NCCAOM national standards of competence in acupuncture and Oriental medicine as set forth in the document titled, "NCCAOM Certification Handbook," June 2023. The document is available for inspection and distribution at the cost of 10 cents per page from the Department of Licensing and

Regulatory Affairs, Bureau of Professional Licensing at 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909 and at no cost from NCCAOM at https://www.nccaom.org/wp-content/uploads/pdf/NCCAOM_Certification_Handbook_Sept_2023.pdf or National Certification Commission for Acupuncture and Oriental Medicine, 2001 K Street NW, 3rd Floor North, Washington, DC 20006.

PART 3. LICENSE RENEWAL, LIMITED LICENSE RENEWAL, AND CONTINUING EDUCATION

R 338.13031 Renewal of acupuncturist license; renewal of limited license; requirements; limitations; waiver request.

Rule 31. (1) Pursuant to section 16517 of the code, MCL 333.16517, an applicant for renewal of a license or limited license, who has been licensed for the 2-year period immediately preceding the expiration date of the license, shall accumulate 30 hours of continuing education related to the practice of acupuncture and approved by the board pursuant to these rules, during the 2 years before the expiration date of the license.

(2) An applicant shall satisfy the implicit bias training standards requirements of R 338.7004. The licensee may count the hours earned satisfying the requirements of R 338.7004 as part of the 30 hours of continuing education required under subrule (1) of this rule if the hours were earned by participating in a course or activity approved by the NCCAOM.

(3) An applicant for renewal of a license or a limited license shall accumulate at least 5 hours of the continuing education hours required in subrule (1) of this rule in pain and symptom management related to the practice of acupuncture during each license cycle pursuant to sections 16204(2) and 16517(2) of the code, MCL 333.16204 and 333.16517.

(4) An applicant for renewal of a limited license, in addition to meeting the requirements of subrules (1) to (3) of this rule, shall meet all of the following:

(a) Pursuant to section 16517(3) of the code, MCL 333.16517, the applicant shall hold an active license to engage in another health profession at the time of the applicant's application, and as a condition of renewal of the applicant's limited license.

(b) The applicant shall accumulate the continuing education credits required in subrules (1) to (3) of this rule in addition to any continuing education credits accumulated for the purpose of renewing the applicant's other health professional license.

(c) The applicant shall submit a form, provided by the department, that contains the name and signature of the applicant's supervising physician acknowledging that the physician provided the supervisory responsibilities described under section 16109(2) of the code, MCL 333.16109, during the previous license cycle and agreeing to provide those supervisory responsibilities during the next license cycle.

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

(6) The department must receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.

(7) The continuing education credits earned in 1 license cycle may not be carried forward to the next license cycle.

(8) Except for the implicit bias training required under R 338.7004 that may be used to comply with R 338.7004 and a continuing education requirement under subrule (2) of this rule, the applicant may not earn continuing education credits for a continuing education program that is identical to a program the applicant has already earned credit for during that renewal cycle.

R 338.13033 Acceptable continuing education, requirements.

Rule 33. (1) The board approves for continuing education a course or activity approved by the NCCAOM as a PDA. One PDA credit equals 1 hour of continuing education credit that can be accumulated to satisfy the requirements of R 338.13031.

(2) Pursuant to section 16517(1) of the code, MCL 333.16517, an individual who has met the continuing education standards of the NCCAOM is considered to have met the continuing education requirements for license renewal.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, the applicant shall accumulate not less than 30 continuing education credits by participating in a course or activity approved by the NCCAOM.

FILED WITH SECRETARY OF STATE

ON 6/7/24 AT 10:04 A.M.