

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Submit copy to the MOAHR at o'berryd@michigan.gov.

1. Agency Information

Agency name:	Bureau of Professional Licensing
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Rick Roselle, Senior Policy Analyst, 517-335-1769, roseller1@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Acupuncture – General Rules
Rule number(s) or range of numbers:	R 338.13001 – R 338.13035
Included in agency's annual regulatory plan as rule to be processed in current year?	No.

3. Estimated timetable for completion, or statutory deadline, if applicable:

The estimated time for completion is 1 year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The primary purpose of the proposed rules is to amend the rules to require all registrants and applicants for registration to be certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) as a Diplomate in Acupuncture or Diplomate in Oriental Medicine. The problem the proposed rules is intended to address is detailed as follows:

The Board of Acupuncture has raised concerns with the current rules that allow an applicant to become registered if the applicant is licensed or registered as an acupuncturist in another state that has requirements that are equivalent to NCCAOM's requirements for certification in acupuncture or in Oriental medicine. The Board and the Department have found no authoritative research or documentation showing that other states that do not require NCCAOM certification have requirements that are equivalent or substantially equivalent to NCCAOM's requirements. Because the rules do not provide criteria for determining what is considered equivalent and it is apparent to the Board that no criteria can appropriately be developed, it is not practical to maintain the rules as they are written. The Board believes the rules should be amended to require registrants and applicants for registration to possess NCCAOM certification as a Diplomate in Acupuncture or Diplomate in Oriental Medicine because the certifications represent the lowest level of acceptable qualification that is necessary to protect the public health, safety, and welfare.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 333.16141, MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16201, MCL 333.16287, and MCL 333.16525 and Executive Reorganization Order Nos. 1991-9,

1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The proposed rules do not duplicate or conflict with other federal or state regulations.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No, the subject matter of the rules is not currently contained in any guidance, manual, handbook, instructional bulletin, form with instructions, or operational memo.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rule-making process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No, the rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

Yes, please see the attached minutes from the April 19, 2019 Board of Acupuncture meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim, Department of Licensing and Regulatory Affairs

↓ To be completed by the MOAHR ↓

Date RFR received:5-23-2019

Based on the information in this RFR, the MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-053 LR
Date of approval:	5/29/19

Based on the information in this RFR, the MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	