

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**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:**

Dena Marks

**Phone number of person filling out RIS:**

517-335-3679

**E-mail of person filling out RIS:**

MarksD1@michigan.gov

**Rule Set Information:**

**ARD assigned rule set number:**

2020-8 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 333.16287 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.

**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 the other states in the Great Lakes region.

**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 rule.

**4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

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, either the 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 and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

MCL 24.232(9) does not apply.

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

Part 1. General Provisions: The current rules provide definitions, training standards for identifying victims of human trafficking, 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 clarify and add definitions to assist the reader to better understand the terms used in the proposed rules. They will also clarify the training standards for identifying victims of human trafficking and the date that an applicant for licensure or renewal must have completed that training. These proposed rules are intended to assist a licensee or applicant in understanding the terms used in the rule set and to comply with the statutorily required training standards for identifying victims of human trafficking for renewal or initial licensure.

The certification standards rule will be amended to adopt the standards of NCCAOM to ensure that a licensee has demonstrated the necessary education and skills to be competent in providing services to the public.

The proposed rules will add a new telehealth rule. By statute, a health professional must obtain consent for treatment. The proposed rule provides that a licensee must also act within the scope of his or her practice and in a manner consistent with health care services offered in-person. This will ensure public health and safety. This rule is required by MCL 333.16287.

Part 2 Licensure: The current rules pertain to registration. The proposed rules in this section are intended to establish the requirements for licensure as provided in MCL 333.16515, licensure by endorsement, relicensure, and limited licensure. Licensure rules in this part are required by statute, MCL 333.16515 and 333.16525.

Part 3 The current rules pertain to renewal of acupuncture registration. The proposed rules provide the continuing education requirements for license renewal. The continuing education requirement is statutory, MCL 333.16517. The proposed rules also identify the type of continuing education required and identify the sponsors approved for the accumulation of continuing education credits. The rules are intended to comply with statute and to ensure the health, safety, and welfare of Michigan citizens by requiring the practitioner to stay up-to-date in his or her profession and skills.

**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 Provisions: The current definitions lack clarity. The proposed rules are intended to clarify and add definitions to assist the reader to better understand the terms used in the proposed rules.

The proposed rules are intended to clarify the training standards for identifying victims of human trafficking and the date that the training is required for license renewal and initial licensure. The proposed changes are intended to assist a licensee or applicant in complying with the statutorily required training, MCL 333.16148.

The proposed rules include a new rule regarding telehealth services. The rule is intended to comply with statute and to advise a licensee of his or her duties when rendering a telehealth service, MCL 333.16287.

The proposed rules update the information regarding certification from the NCCAOM. The proposed rule is intended to ensure public health, safety, and welfare by adopting the national standards of competence in acupuncture and oriental medicine established by the NCCAOM.

Part 2 Licensure: Currently, the rules only provide for registration of acupuncturists. The proposed rules are intended to establish the requirements for licensure as required by MCL 333.16515, provide for licensure by endorsement, relicensure, and limited licensure.

Part 3 License Renewal, Limited License Renewal, and Continuing Education. The current rules do not provide for continuing education for renewal. The proposed rules provide for the continuing education required by statute, identify the type of continuing education required, and identify the approved sponsors for the accumulation of continuing education credits. The rules are intended to comply with statute and to ensure the health, safety, and welfare of Michigan citizens by requiring the practitioner to stay up-to-date in his or her profession.

**C. What is the desired outcome?**

R 338.13001 The proposed rule is intended to clarify the meanings of the terms used in the rule set.

R 338.13002 The proposed rule is intended to advise an applicant for licensure or renewal of the date that the training standards for identifying victims of human trafficking must be met.

R 338.13003 This is a new proposed rule intended to meet the statutory requirements of MCL 333.16287 and to advise a licensee of his or her duties when providing a telehealth service.

R 338.13004 The proposed rule is intended to update the information pertaining to the standards of competence established by the NCCAOM and advise that the board has adopted these standards by reference.

R 338.13005 The proposed rule is intended to provide the requirements for licensure when the applicant holds a current Michigan acupuncturist registration.

R 338.13006 The proposed rule is intended to provide the requirements for licensure of an acupuncturist who is practicing, but not currently registered in Michigan, as provided by MCL 333.16515(2)(b).

R 338.13007 The proposed rule is intended to provide the requirements for initial licensure of an applicant who is NCCAOM certified.

R 338.13008 The proposed rule is intended to provide the requirements to obtain a limited license, as provided by MCL 333.16515(3).

R 338.13010 The proposed rule is intended to provide the requirements for licensure by endorsement. Currently, the rule only pertains to registration by endorsement.

R 338.13015 The current rule pertains to certification for an applicant who completed non-accredited training. This rule will be rescinded and a new rule pertaining to licensure for a non-certified applicant will be added in R 338.13006.

R 338.13020 The current rule pertains to renewal of a registration. This rule will be rescinded and new rules pertaining to the requirements for license renewal and continuing education requirements will be added in the new Part 3 of the proposed rules.

R 338.13025 The current rule pertains to registration requirements for a registrant whose registration has lapsed. The proposed rule provides the requirements for relicensure after lapse.

R 338.13026 The current rule pertains to registration renewal. The proposed rule provides for the continuing education required for license renewal, as required in MCL 333.16527.

R 338.13208 This is a new proposed rule pertaining to board approved continuing education programs.

R 338.13030 The current rule pertains to educational programs. This rule will be rescinded as the national standards of competence established by the NCCAOM will be adopted in R 338.13004. Those standards ensure a practitioner meets the education, training, and testing requirements established to assess competency in the profession.

**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: The definitions in this section require additional information for clarity. The potential harm is that a reader may misunderstand terms used in the rule set.

The current rules lack a telehealth rule. The proposed rules add a telehealth rule to ensure compliance with statute and ensure that the standards of the profession are maintained when providing a telehealth service. This rule is required by MCL 333.16287.

The certification information pertaining to NCCAOM is outdated. The revised rules update the information to assist an applicant in identifying national standards of competence adopted by reference.

Part 2 Licensure: Currently, the rules only provide for registration of acupuncturists. The proposed rules are intended to establish the requirements for licensure, as required by MCL 333.16515, licensure by endorsement, relicensure, and limited licensure. The potential harm from the current rules is delay in implementing licensure requirements.

Part 3 License Renewal, Limited License Renewal, and Continuing Education. The current rules do not provide for continuing education for renewal. The proposed rules provide the continuing education required for license renewal, identify the type of continuing education required, and identify the approved sponsors for the accumulation of continuing education credits. The potential harm in the current rules is non-compliance with statutory requirements and the potential that the licensee may fail to stay up-to-date with current standards of care.

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

Part 1 is being changed because it lacks clarity in the definitions and there is a need to add a telehealth rule to provide requirements for rendering telehealth services. The information regarding NCCAOM certification is outdated and will be adopted by reference in the revised rules.

Part 2 is being changed because it lacks rules pertaining to licensure, licensure by endorsement, relicensure, and limited licensure.

Part 3 is being changed to establish the continuing education requirements for license renewal and to identify the approved programs for the accumulation of continuing education credits.

**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: A licensee must acquire knowledge to identify victims of human trafficking, which will protect the health, safety, and welfare of Michigan citizens. This training is required by statute.

The rules in this part protect the health, safety, and welfare of Michigan citizens by adopting the national standards of competence requirements of 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 a licensee is prepared to practice.

A new rule is being added regarding telehealth services to ensure that the health, safety, and welfare of Michigan citizens are protected when a telehealth service is rendered. A telehealth rule is required by MCL 333.16287.

Part 2: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an acupuncturist is licensed.

The standards established for licensure will require that the applicant have previously satisfied the requirements for registration in Michigan, have obtained the education and experience necessary to be licensed, or have obtained NCCAOM certification. The requirements will ensure that the minimum level of competence has been achieved for licensure. There is no less burdensome way to ensure that an applicant is prepared to practice.

The requirements for limited licensure will also be established and will ensure that there will be appropriate supervision of the limited licensee.

Part 3: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee seeking renewal to complete continuing education so that he or she knows the current developments and standard of care in his or her profession. There is no less burdensome way to accomplish this goal. Continuing education is required by statute.

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

R 338.13020 The current rule pertains to renewal of a registration. This rule will be rescinded and new rules pertaining to the requirements for license renewal and continuing education requirements will be added in new Part 3 of the rules.

R 338.13030 The current rule pertains to educational programs. This rule will be rescinded as the national standards of competence established by the NCCAOM will be adopted in R 338.13004, and NCCAOM certification requires the applicant to complete a satisfactory educational program for licensure. NCCAOM certification is required for licensure in R 338.13007.

**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: A licensee must acquire knowledge to identify victims of human trafficking, which will protect the health, safety, and welfare of Michigan citizens. There is no less burdensome way to ensure that a licensee is trained to identify victims of human trafficking. This rule is required by statute.

The rules in this part protect the health, safety, and welfare of Michigan citizens by adopting the national standards of competence as established by the NCCAOM to ensure that the applicant has been appropriately trained, tested, and demonstrated that he or she is competent to provide acupuncture services. Certification will be required pursuant to R 338.13007 for an applicant not satisfying the requirements of R 338.13005 or R 338.13006.

A new rule is being added regarding telehealth services to ensure that the health, safety, and welfare of Michigan citizens are protected when a telehealth service is rendered. A telehealth rule is required by MCL 333.16287.

Part 2: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an acupuncturist is licensed. The standards established for licensure will require that the applicant have previously satisfied the requirements for registration in Michigan, have obtained the education and experience necessary to be licensed, or have obtained NCCAOM certification. The requirements will ensure that an applicant has achieved a minimum level of competency before he or she is licensed. There is no less burdensome way to ensure that an applicant is competent to practice.

The fee to obtain NCCAOM certification ranges from \$500.00 to \$595.00. To be certified, the applicant must also pass an examination. Examination fees range from \$290.00 to \$310.00.

The cost to take the Clean Needle Technique course and exam for certification ranges from \$225.00 to \$275.00.

The cost for obtaining an initial 2-year license will be \$475.00.

The requirements for limited licensure are also established in the proposed rules. The rules pertaining to a limited license are required by statute and will ensure that the limited licensee is supervised by a Michigan licensed physician.

Part 3: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee seeking renewal to complete continuing education.

The cost to the licensee is the cost of obtaining the required continuing education credits, which varies, but there is no less burdensome way to ensure that the licensee is up-to-date in his or her knowledge and training.

The cost for renewing a 2-year license will be \$400.00.

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

The rules require licensure and continuing education. 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.

**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.

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

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's workplace 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.

**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.

**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.

**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 216 acupuncturists currently 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.

**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.**

The proposed rules impact individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

**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.**

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**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.

**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 professionals and public members.

**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.

**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 benefited 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.**

The proposed rules establish the requirements for licensure and continuing education needed for license renewal. The rules will require that an applicant or licensee obtain the necessary education and training to achieve and maintain competency in the profession. These costs would vary depending on the school the applicant attended.

The fee to obtain NCCAOM certification ranges from \$500.00 to \$595.00. To be certified, the applicant must also pass an examination. Examination fees range from \$290.00 to \$310.00.

The cost to take the Clean Needle Technique course and exam for certification ranges from \$225.00 to \$275.00.

The cost for obtaining an initial 2-year license will be \$475.00.

The cost for renewing a 2-year license will be \$400.00.

The cost of obtaining the required continuing education credits varies, but continuing education for license renewal is required by statute.

The costs imposed on an individual seeking licensure or license renewal is outweighed by the benefit to Michigan citizens by ensuring that an applicant for licensure is competent and that a renewal applicant's knowledge and training is up-to-date.

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

All licensees and applicants are affected by the proposed rules.

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

The fee to obtain NCCAOM certification is \$500.00 to \$595.00. To be certified, the applicant must also pass an examination. Examination fees range from \$290.00 to \$310.00.

The cost to take the Clean Needle Technique course and examination for certification ranges from \$225.00 to \$275.00.

The cost of obtaining the required continuing education varies by the course chosen by the licensee.

The cost of initial licensure will be \$475.00. The cost of renewal will be \$400.00.

**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, individuals, groups of individuals, or governmental units as a result of the proposed rules.

**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 proposed rules use clear, concise language, and implement the statutory requirements for licensing and license renewal. The clear, concise language allows the public, applicants, and licensees to better understand the requirements for licensure and renewal.

Michigan citizens are benefited by ensuring that an acupuncturist has the necessary education and training to competently provide services before a license is issued. Additionally, Michigan citizens are benefited 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.

**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://www.idfpr.com/profs/Acupuncture.asp>

Indiana: <https://www.in.gov/pla/acupuncture.htm>

Minnesota: <https://mn.gov/boards/medical-practice/>

New York: <http://www.op.nysed.gov/prof/acu/>

Ohio: <http://med.ohio.gov/>

Pennsylvania: [www.dos.pa.gov/med](http://www.dos.pa.gov/med)

Wisconsin: <https://dps.wi.gov/Pages/Professions/Acupuncturist>

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

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

**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 their competency or hold them accountable.

**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 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.

**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.