

PROPOSED RULEMAKING

STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

Registration and Practice of Acupuncturists; Advance Notice of Final Rulemaking

The State Board of Medicine (Board) is publishing an advance notice of final rulemaking (ANFR) regarding the registration of acupuncturists and practitioners of oriental medicine. Proposed rulemaking was published at 35 Pa.B. 1210 (February 12, 2005).

Statutory Authority

The act of May 16, 2002 (P. L. 326, No. 49) (Act 49) amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806). Section 3 of the act (63 P. S. § 1803) authorizes the Board to promulgate regulations as necessary to regulate the practice of acupuncture.

Background and Summary

The Board entertained public comment for 30 days during which time the Board received comments from the Association for Professional Acupuncture in Pennsylvania (APA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). Neither the House Professional Licensure Committee nor the Senate Consumer Protection and Professional Licensure Committee commented.

IRRC recommended that the Board clarify the proposed rulemaking by specifically including reference to the component of the examination that addresses supplemental techniques. The Board agreed with IRRC's recommendation and began developing language that would have specified that acupuncturists successfully complete the component of the National Commission for the Certification of Acupuncturists and Oriental Medicine (NCCAOM) examination that addresses supplemental techniques and Chinese herbal therapy.

During the course of developing the final rulemaking, the Board learned that there is a dichotomy in the acupuncture profession between acupuncturists whose education, training and practice is restricted to basic acupuncture modalities, needling, bodywork and nutritional counseling on the one hand, and acupuncturists who possess additional education, training and practice in the use of Chinese herbology. Acupuncturists in the latter group are referred to as "practitioners of oriental medicine."

To protect the public from individuals who do not possess education and training in the use of Chinese herbology, and to accommodate acupuncturists who do not seek to expand their practice to include Chinese herbology, the Board determined to dichotomize the registration to reflect the dichotomy in the profession. Specifically, the Board proposes to issue a registration as an acupuncturist to an individual who has obtained education and training on what are considered in the profession as the entry-level components of acupuncture such as needling, physical modalities and nutritional counseling, but that do not include Chinese herbal therapy. In addition, the Board would issue a new separate and inclusive registration to those acupuncturists who, in addition to the entry-level education, training and examination, have also obtained additional education and training in Chinese herbal therapies. An individual who meets the requirements for the practice of both acupuncture and Chinese herbology would be registered by the Board as a practitioner of oriental medicine. One could not be registered as a practitioner of oriental medicine without meeting the requirements for registration as an acupuncturist.

To assure that the public has a full opportunity to comment on the adjustment to the rulemaking, the Board has determined to publish this ANFR seeking additional comments from the public.

Contact Person, Availability of Draft Final Regulations and Submission of Comments

The Board will accept written comments as well as comments transmitted by means of e-mail on the draft final rulemaking for the registration of acupuncturists and practitioners of oriental medicine. Comments will not be accepted by facsimile, telephone or voice mail. Comments sent by means of e-mail must include the following in the subject heading of the transmission: "Comments on Acupuncture ANFR." E-mail transmissions as well as written comments must include the commentator's name and address. Written comments must be received by the Board on or before June 20, 2006. To request a copy of the draft final rulemaking or to provide a comment, contact Gerald S. Smith, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, gerasmith@state.pa.us.

CHARLES D. HUMMER, Jr., M.D.,
Chairperson

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