

# New Acupuncture Licensing Law Introduced in Michigan

Editorial Staff

When it comes to the regulation of acupuncture and Oriental medicine, the state of Michigan is in a rather unique position. In 1986, a Michigan acupuncturist was arrested for practicing "medicine," when the acupuncturist was in fact practicing acupuncture. Eventually, the case was thrown out of court due to a lack of evidence, but it caused so much public controversy that a small group of acupuncture patients tried to sue the state for the right to see the health care provider of their choice.

Based in part on the results of the 1986 case, in 1998 Frank Kelley, then the attorney general of Michigan, ruled that acupuncture fell under the practice of medicine. Since Mr. Kelley's ruling was handed down, acupuncturists may practice in Michigan, but only under the referral of, or supervision by, a medical doctor or osteopath. Furthermore, they may provide treatment only after the doctor has first examined the patient and determined that acupuncture would be an effective form of care.

A new law making its way through the Michigan legislature, House Bill 5205, would give acupuncturists more freedom in the care and treatment of patients. If passed, the law would establish an independent acupuncture board, define the scope of practice for acupuncturists, allow patients (with certain conditions) to see an acupuncturist without a referral from a medical doctor, and create licensing and regulatory systems similar to those utilized in other states as a national standard of practice.

## Details of House Bill 5205

Under the current version of HB 5205, acupuncturists would enjoy a relatively wide scope of practice. In addition to acupuncture, practitioners could offer electroacupuncture, dietary, nutritional and lifestyle counseling, and breathing and exercise techniques, and could use magnets, cold packs and ion pumping cords in the course of treatment. They could also administer herbs and nutritional substances to maintain health and treat the effects of disease.

Patients would not have unfettered access to an acupuncturist, however. A separate section of the bill specifies that an acupuncturist "may treat an individual for weight control or substance abuse ... or for other addictions without a referral from a physician ... and may treat an individual for a physical condition without a referral from a physician ... if the individual has been previously diagnosed or treated, or both, for that physical condition by a physician." The above conditions notwithstanding, an acupuncturist would only be allowed to practice with a physician's referral. In addition, any attempt by an acupuncturist to "identify underlying medical problems or etiologies or establish medical diagnoses" would be strictly prohibited.

Other portions of HB 5205 relate to licensure requirements and regulations. The bill would create the Michigan Board of Acupuncture, consisting of three acupuncturists, one public member and one physician. Board members would serve four-year terms and be appointed by the governor. The

board would be under the jurisdiction of the Michigan Department of Community Health, and would be charged with licensing and regulating practitioners.

To be licensed in Michigan, a practitioner would have to pass both the written and practical components of the National Certification Commission for Acupuncture and Oriental Medicine's (NCCAOM) certification exam, along with a clean needle technique course. A practitioner from another state could also apply for a Michigan license provided he or she has a valid license, has passed the NCCAOM exam, and the state in which the applicant practices maintains standards "substantially equivalent" to those of Michigan. Licenses would be renewed annually, and practitioners would have to complete a minimum of 30 hours of continuing education each renewal period to ensure the continued competence of licensees.

### Legislative Status

HB 5205 was introduced by Rep. Randy Richardville (R-Monroe), the House Majority Floor Leader, in October. Before crafting the legislation, several members of Richardville's staff were treated to an acupuncture session delivered by an advocacy group at the state capitol in Lansing.

"I always found it a little interesting, a little fascinating, so I tried it," enthused Scott Bean, Richardville's chief of staff.

"It's a safeguard for customers," Richardville added, in an interview with the *South Bend Tribune*.

While Richardville has yet to be treated with acupuncture himself, the bill has received strong bipartisan support from other members of the House. Less than three weeks after being introduced, HB 5205 has already garnered nine cosponsors (seven Democrats, two Republicans), and is believed to have the backing of several state senators.

The Michigan Association of Acupuncture and Oriental Medicine (MAAOM) has also voiced its support for HB 5205. In a statement sent to *Acupuncture Today*, MAAOM President and American Association of Oriental Medicine board member Deborah Lincoln, RN, MSN, Dipl.Ac., cited public safety as one of the chief reasons why the bill should be passed:

"The MAAOM and its members, who are NCCAOM board-certified acupuncturists or California board-certified acupuncturists, are gravely concerned for the safety of the public. The general public is unaware that practitioners who are not fully trained or are lacking in qualifications may be treating them. The MAAOM is in high hopes that House Bill 5205 will establish a standard of practice in the state of Michigan that protects the public, the state of Michigan and the practitioners."

As we go to press, the bill has been referred to the House Committee on Health Policy for review. To find the latest information on the status of HB 5205, visit [www.michiganlegislature.org](http://www.michiganlegislature.org) and enter the bill's number in the "Legislative Bill Search" field.

### References

1. Lindquist C. Michigan lawmakers push to license acupuncturists. *South Bend Tribune* Nov. 10, 2003.
2. House Bill 5205 (2003). Accessible at [www.michiganlegislature.org](http://www.michiganlegislature.org).
3. Fax from Deborah Lincoln, RN, MSN, Dipl.Ac. to *Acupuncture Today*, Nov. 18, 2003.

