

Department of Health
Notice of Rulemaking Hearing
Board of Medical Examiners'
Advisory Committee for Acupuncture
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Medical Examiners' Advisory Committee for Acupuncture to consider the promulgation of amendments to rules and a new rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-6-1004, 63-6-1005, 63-6-1006, 63-6-1007, and 63-6-1009. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Tennessee Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 6th day of June, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0880-12-.04 Acupuncture Certification Process, is amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, and is further amended by adding the following language as new subparagraph (2) (g) and renumbering the remaining subparagraphs accordingly, so that as amended, the new deleting paragraph (1) but not its subparagraphs and the new subparagraph (2) (g) shall read:

- (1) Grandfathering – Any person is eligible to receive a certificate upon compliance with all subparagraphs contained in paragraph (2) except subparagraphs (e), (i), and (j) and upon further showing satisfactory proof of one (1) of the following:

- (2) (g) An applicant shall cause to be submitted to the Committee's administrative office directly from the vendor identified in the Committee's certification application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-6-1004, 63-6-1005, and 63-6-1007.

Rule 0880-12-.05 ADS Certification Process, is amended by adding the following language as new subparagraph (1) (h) and renumbering the remaining subparagraphs accordingly:

- (1) (h) An applicant shall cause to be submitted to the Committee's administrative office directly from the vendor identified in the Committee's certification application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-6-1004, and 63-6-1007.

Rule 0880-12-.09 Certification Renewal, is amended by deleting subparagraphs (6) (a) and (6) (b) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (6) (a) and (6) (b) shall read:

- (6) (a) For persons whose certificates have expired for less than (2) years:

1. Submit a completed reinstatement application; and
2. Submit the renewal and late renewal fees as provided in Rule 0880-12-.06; and
3. For acupuncturists, submit along with the application, documentation of successful completion of the continuing education requirements provided in Rule 0880-12-.12 for the two (2) calendar year (January 1 – December 31) period that the certificate was expired that precedes the calendar year during which the reinstatement is requested.

- (6) (b) For persons whose certificates have expired for two (2) years or more:

1. Submit a new application for certification pursuant to either Rule 0880-12-.04 or .05; and
2. Submit the application, initial certification, and certification reinstatement fees as provided in Rule 0880-12-.06; and
3. For acupuncturists, submit along with the application, documentation of successful completion of the continuing education requirements provided in Rule 0880-12-.12 for all the two (2) calendar year (January 1 –

December 31) periods that the certificate was expired that precede the calendar year during which the reinstatement is requested.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-1004, 63-6-1006, and 63-6-1009.

Rule 0880-12-.11 Retirement and Reactivation of Certificate, is amended by adding the following language as new subparagraph (3) (c) and renumbering the remaining subparagraphs accordingly:

- (3) (c) For acupuncturists, submit along with the application, documentation of successful completion of fifteen (15) points of continuing education pursuant to Rule 0880-12-.12; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-1004.

New Rule

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0880-12-.12 Continuing Education

0880-12-.12 Continuing Education. All persons certified as acupuncturists must comply with the following continuing education rules as a prerequisite to certification renewal.

- (1) All certified acupuncturists must obtain thirty (30) Professional Development Activity (PDA) points, as defined by NCCAOM, during the two (2) calendar year (January 1-December 31) period that precedes the year in which certification is renewed.
- (2) Continuing education for new certificate holders - Submitting proof of successful completion of all education and training requirements required for certification in Tennessee, pursuant to Rule 0880-12-.04, shall be considered proof of sufficient preparatory education to constitute successful completion of continuing education requirements for the two (2) calendar year (January 1-December 31) period in which such education and training requirements were completed.
- (3) The approved hours of any individual course or activity will not be counted more than once in a two (2) calendar year (January 1-December 31) period toward the required point total regardless of the number of times the course or activity is attended or completed by any individual.
- (4) The Committee and/or Board may waive or otherwise modify the requirements of this rule in cases where there is illness, disability or other

undue hardship that prevents a certificate holder from obtaining the requisite number of continuing education points. Requests for waivers or modification must be sent in writing to the Administrative Office prior to the expiration of the renewal period in which the continuing education is due.

- (5) Acceptable Continuing Education Courses and Activities – The following professional courses and activities qualify for PDA points of continuing education:
 - (a) Courses – One (1) point for each hour of courses that directly enhance an acupuncturist's knowledge and/or practice of acupuncture. Points may be earned for courses in Oriental medical theory and techniques such as bodywork, nutrition, and herbology, as well as courses in western sciences that relate to the practice of Acupuncture. Points may also be earned for the study of tai chi and qi gong.
 - (b) Research – One point for every two (2) hours of documented research. Acceptable research projects include those that relate to knowledge and/or practice in acupuncture.
 - (c) Writing for Publication – Ten (10) points for each article; Thirty (30) points for a book or major work. Publications include articles, studies, reports, books, etc., that relate to knowledge and/or practice in acupuncture.
 - (d) Teaching/Clinic Supervision – One (1) point for each clock hour of instruction or supervision relating to acupuncture. Teaching or supervision refers to the ongoing responsibility for theoretical and/or practical education. Credit can be earned for a variety of teaching positions, including teaching or clinical supervision in a formal school or preceptorship, provided there is appropriate documentation.
 - (e) Supervised Clinical Experience – One and one-half (1½) points for each clock hour of supervised clinical experience under a senior acupuncturist who has a minimum of five years of experience in acupuncture and is an NCCAOM Diplomate in Acupuncture. The clinical experience may include observation, case discussion, and/or supervised practice.
- (6) Proof of Compliance
 - (a) The due date for completion of the required continuing education is

December 31st of the two (2) calendar year period that precedes the year in which certification is renewed.

- (b) All acupuncturists must, on the certificate renewal form, enter a signature, electronic or otherwise, which indicates completion of the required continuing education obtained during the two (2) calendar year (January 1-December 31) period that precedes the year in which certification is renewed.
- (c) All acupuncturists must retain independent documentation of completion of all continuing education courses and activities. This documentation must be retained for a period of four (4) years from the end of the two (2) calendar year (January 1-December 31) period in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Division during its verification process. Documentation verifying the acupuncturist's completion of the continuing education may consist of any one (1) or more of the following:
 - 1. Courses – Dates, locations of continuing education courses, number of hours, course title/content and instructor's name, documented by notarized photocopies of original certificates of completion or original letters on official stationery from the course provider.
 - 2. Research – Dates, location, and subject/title of research, documented by a notarized photocopy of an affidavit from a school, hospital, or other official agency detailing the activity.
 - 3. Writing for Publication – Dates, titles, and names of publishers, documented by a photocopy of the title page.
 - 4. Teaching Acupuncture Related Courses – Dates and locations of classes, syllabi, course titles and course hours, documented by catalogs, computer records, or notarized photocopies of certificates and other official statements that verify the activities and hours involved.
 - 5. Preceptorship – Dates, hours, and locations of clinical or apprenticeship activity, documented by a notarized photocopy of an affidavit from the supervising practitioner.
- (d) If a person submits documentation for continuing education that is

not clearly identifiable as appropriate continuing education, the Committee and/or Board will request a written description of the education and how it applies to practice as an acupuncturist.

(7) Violations

- (a) Any acupuncturist who falsely attests to completion of the required continuing education may be subject to disciplinary action pursuant to Rule 0880-12-.15.
- (b) Any acupuncturist who fails to obtain the required continuing education may be subject to disciplinary action pursuant to Rule 0880-12-.15 and may not be allowed to renew certification.
- (c) Continuing education obtained as a result of compliance with the terms of Committee and/or Board Orders in any disciplinary action shall not be credited toward the continuing education required to be obtained in any two (2) calendar year (January 1-December 31) period.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-6-1004, and 63-6-1007.

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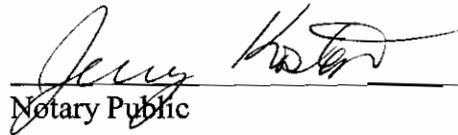
Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Board of Medical Examiners' Advisory Committee for Acupuncture.



Robbie H. Bell, Director
Health Related Boards

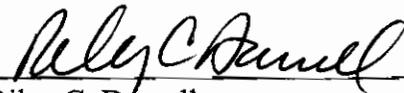
Subscribed and sworn to before me this the 29th day of March, 2005.



Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30 day of March, 2005.



Riley C. Darnell
Secretary of State

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