

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 165.

Acupuncture

333.16501 Definitions.

Sec. 16501.

(1) As used in this part:

(a) "Acupressure" means a form of manual therapy in which physical pressure is applied to various points on the body.

(b) "Acupuncture" means the insertion and manipulation of needles through the surface of the human body. Acupuncture includes, but is not limited to, laser acupuncture, electroacupuncture, pricking therapy, dry needling, and intramuscular stimulation.

(c) "Acupuncturist" means an individual who is licensed under this part to engage in the practice of acupuncture.

(d) "Cupping" means the placement of a specially designed cup on the body to create suction.

(e) "Dermal friction" means the use of repeated, closely timed, unidirectional press-stroking with a smooth-edged instrument over a lubricated area of the body.

(f) "Dietary counseling" means the process of advising a patient about healthy food choices and healthy eating habits in accordance with East Asian medical theory.

(g) "Dry needling" means a rehabilitative procedure using filiform needles to penetrate the skin or underlying tissues by targeting only myofascial trigger points and muscular and connective tissues to affect change in body structures and functions for the evaluation and management of neuromusculoskeletal pain and movement impairment. Dry needling does not include the stimulation of auricular points or other acupuncture points.

(h) "East Asian medicine techniques" includes, but is not limited to, acupuncture, manual therapy, moxibustion, heat therapy, dietary counseling, therapeutic exercise, acupressure, cupping, dermal friction, homeopathy, lifestyle coaching, and treatment with herbal medicines.

(i) "Heat therapy" means the use of heat in therapy, such as for pain relief and health.

(j) "Herbal medicine" means the internal and external use of a plant or a plant extract, a mineral, or an animal product, that is not a prescription drug as that term is defined in section 17708.

(k) "Homeopathy" means the use of a highly diluted natural remedy from the plant, mineral, and animal domain.

(l) "Lifestyle coaching" means the process of advising a patient about healthy lifestyle choices and habits in accordance with East Asian medical theory.

(m) "Manual therapy" means the application of an accurately determined and specifically directed manual force to the body, excluding a high-velocity, low-amplitude thrust to the spine.

(n) "Moxibustion" means burning the dried plant *Artemisia vulgaris* on or very near the surface of the skin as a form of therapy.

(o) "Practice of acupuncture", subject to subsection (2), means the use of traditional and contemporary East Asian medical theory to assess and diagnose a patient, to develop a plan to treat the patient, and to treat the patient through East Asian medicine techniques.

(p) "Practice of chiropractic" means that term as defined in section 16401.

(q) "Practice of massage therapy" means that term as defined in section 17951.

(r) "Practice of medicine" means that term as defined in section 17001.

(s) "Practice of osteopathic medicine and surgery" means that term as defined in section 17501.

(t) "Practice of physical therapy" means that term as defined in section 17801.

(u) "Registered acupuncturist" means an individual who is registered or otherwise authorized under this part before the effective date of the rules promulgated under section 16525 regarding licensure.

(v) "Systematic acupuncture education" means a course of education that covers the foundation of acupuncture science and theory, channel and point location, needling techniques, approaches to diagnosis and therapy, and patient management.

(w) "Therapeutic exercise" means a range of physical activities that help restore and build physical strength, endurance, flexibility, balance, and stability.

(2) For purposes of this part, practice of acupuncture does not include the practice of medicine, the practice of osteopathic medicine and surgery, the practice of physical therapy, the practice of occupational therapy, the practice of podiatric medicine and podiatric surgery, the practice of nursing, the practice of dentistry, the practice of massage therapy, or the practice of chiropractic.

(3) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in the code and part 161 contains definitions applicable to this part.

History: Add. 2006, Act 30, Eff. July 1, 2006 ;-- Am. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020
Popular Name: Act 368

333.16511 Use of words, titles, or letters; license required.

Sec. 16511.

(1) Except as otherwise provided in this part, beginning on the effective date of rules promulgated under section 16525 regarding licensure, an individual shall not use the words, titles, or letters "acupuncturist", "certified acupuncturist", "registered acupuncturist", "licensed acupuncturist", "L.Ac.", or a similar word or initial that indicates that the individual is an acupuncturist, unless he or she is authorized under this part to use the terms and in a way prescribed in this part. However, for a period not to exceed 36 months from the effective date of the rules promulgated under section 16525 regarding licensure, a registered acupuncturist may, without a license under this part, continue to use the titles "acupuncturist", "registered acupuncturist", or "certified acupuncturist" and engage in the practice of acupuncture.

(2) Until the effective date of the rules promulgated under section 16525 regarding licensure, an individual shall not use the words, titles, or letters "acupuncturist", "certified acupuncturist", or "registered acupuncturist", or a combination of the words, titles, or letters, with or without qualifying words or phrases, unless he or she is registered under this part.

(3) Until the effective date of the rules promulgated under section 16525 regarding licensure, neither of the following is subject to this part:

- (a) A physician who is licensed under part 170 or part 175.
- (b) An individual who is certified by the National Acupuncture Detoxification Association.

History: Add. 2006, Act 30, Eff. July 1, 2006 ;-- Am. 2006, Act 397, Imd. Eff. Sept. 27, 2006 ;-- Am. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020
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333.16513 Practice of acupuncture; license required; use of titles; exemptions.

Sec. 16513.

(1) Beginning on the effective date of rules promulgated under section 16525 regarding licensure, an individual shall not engage in the practice of acupuncture unless he or she is licensed under this part or is otherwise authorized under this article.

(2) In addition to the exemptions from licensure under section 16171, beginning on the effective date of the rules promulgated under section 16525 regarding licensure, this part does not apply to any of the following:

(a) Except as otherwise provided in subdivision (e), an individual licensed, registered, or otherwise authorized under any other part or act who is performing activities that are considered to be within the practice of acupuncture if those activities are within the individual's scope of practice and the individual does not use the words, titles, or letters protected under section 16511.

(b) A physician who is licensed under part 170 or part 175 if the physician has completed a total of not less than 300 hours of systematic acupuncture education that include not less than 100 hours of live lectures, demonstrations, and supervised clinical training specific to acupuncture.

(c) An individual who meets all of the following requirements:

(i) He or she meets the requirements for a certificate of training as an acupuncture detoxification specialist issued by the National Acupuncture Detoxification Association or an organization that the board determines is a successor organization.

(ii) He or she only uses the auricular protocol for substance use disorder prevention and treatment developed by the National Acupuncture Detoxification Association or an organization that the board determines is a successor

organization.

(iii) When using the protocol described in subparagraph (ii), he or she is under the supervision of an acupuncturist or a physician licensed under part 170 or part 175.

(iv) He or she does not use the words, titles, or letters protected under section 16511.

(d) An individual performing acupressure, cupping, dermal friction, dietary counseling, heat therapy, herbal medicine, homeopathy, lifestyle coaching, manual therapy, or therapeutic exercise, while engaged in the practice of a profession with established standards and ethics and as long as those services are not designated as or implied to be the practice of acupuncture and the individual does not use the titles, words, or letters protected under section 16511.

(e) Dry needling by an individual licensed, registered, or otherwise authorized under any other part if dry needling is within the individual's scope of practice.

History: Add. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020

Popular Name: Act 368

333.16515 Requirements for licensure; limited license; issuance.

Sec. 16515.

(1) Except as otherwise provided in subsections (2) and (3), the department shall issue a license to an applicant who meets the requirements of section 16174 and the requirements for licensure established in rules promulgated under section 16525.

(2) On or before the expiration of 36 months after the effective date of the rules promulgated under section 16525 regarding licensure, the department shall issue a license to an applicant who meets the requirements of section 16174 and 1 of the following:

(a) He or she is a registered acupuncturist.

(b) He or she has the education, training, and experience appropriate to the practice of acupuncture as established in rules promulgated under section 16525 regarding licensure. In determining whether an applicant has met the requirements for licensure under this subdivision, the department, in consultation with the board, shall promulgate rules establishing criteria for considering patient records, billing records, education records, training records, or other evidence of the applicant's education, training, and experience that is submitted to the department. An applicant shall ensure that any document that is submitted to the department under this subdivision ensures the confidentiality of a patient's identity.

(3) On or before the expiration of 36 months after the effective date of the rules promulgated under section 16525 regarding licensure, the department shall issue a limited license to an applicant who meets the requirements of section 16174, and who, at the time of the application, meets all of the following requirements:

(a) The applicant has been performing acupuncture under the supervision of a physician licensed under part 170 or part 175 for at least 2 years as of the effective date of the amendatory act that added this section. The applicant shall include the name of the physician under which he or she is engaging in the practice of acupuncture on the application for limited licensure.

(b) The applicant holds a license to engage in another health profession.

(4) An individual who is granted a limited license under subsection (3) shall comply with all of the following:

(a) He or she shall only engage in the practice of acupuncture while he or she is under the supervision of the physician named in the application for limited licensure and shall immediately notify the department if the physician named in the application is no longer willing or able to supervise the individual.

(b) He or she shall not collect payment from an insurer for performing a service that is within the practice of acupuncture. As used in this subdivision, "insurer" means that term as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.

History: Add. 2019, Act 140, Eff. Mar. 4, 2020

Popular Name: Act 368

333.16517 Rules; license renewal; continuing education requirements.

Sec. 16517.

(1) Notwithstanding the requirements of part 161, the department, in consultation with the board, shall promulgate rules requiring a licensee seeking renewal of a license to furnish the department with satisfactory evidence that during the license cycle immediately preceding the application for renewal the licensee has attended continuing education courses or programs approved by the board in subjects related to the practice of acupuncture and designed to further educate licensees. An individual is considered to have completed the continuing education requirements described in this subsection if the department determines that the individual has met the continuing education standards of the National Certification Commission for Acupuncture and Oriental Medicine or equivalent standards as determined by the board.

(2) As required under section 16204, the department, in consultation with the board, shall promulgate rules requiring each applicant for license renewal to complete as part of the educational courses or programs required under subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) In addition to the continuing education requirements of this section, the department shall require an applicant seeking renewal of a limited license granted under section 16515(3) to hold a license to engage in another health profession at the time of his or her application for renewal as a condition of renewal of his or her limited license.

History: Add. 2019, Act 140, Eff. Mar. 4, 2020

Popular Name: Act 368

333.16521 Michigan board of acupuncture; creation; membership; terms of office.

Sec. 16521.

(1) The Michigan board of acupuncture is created in the department and consists of the following 13 voting members, each of whom must meet the requirements of part 161:

(a) Seven acupuncturists or, until 36 months after the effective date of the rules promulgated under section 16525, 7 registered acupuncturists. The members appointed under this subdivision must meet the requirements of section 16135.

(b) Three physicians licensed under part 170 or 175, at least 1 of whom has met the requirement in section 16513(2)(b).

(c) Three public members.

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies, expire on June 30 of the year in which the term expires pursuant to section 16122.

History: Add. 2006, Act 30, Eff. July 1, 2006 ;-- Am. 2006, Act 397, Imd. Eff. Sept. 27, 2006 ;-- Am. 2010, Act 79, Imd. Eff. May 20, 2010 ;-- Am. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020

Compiler's Notes: For the reduction of the membership of the Michigan board of acupuncture from 13 to 11 and revision of the membership qualifications, see E.R.O. No. 2024-2, compiled at MCL 16.735.

Popular Name: Act 368

333.16525 Rules.

Sec. 16525.

(1) By March 4, 2021, the department, in consultation with the board, shall promulgate rules that establish the minimum standards for licensure as an acupuncturist and implement the licensure program for the practice of acupuncture. In promulgating rules for purposes of section 16515(1), the department, in consultation with the board, may adopt by reference the professional standards issued by a certified program that is recognized by the National Commission for Certifying Agencies. In promulgating rules for purposes of section 16515(2)(b), the department, in consultation with the board, shall consider whether an applicant has completed systematic acupuncture education that includes live lectures, demonstrations, and supervised clinical training specific to acupuncture.

(2) The rules in effect on March 3, 2020 regarding the registration of acupuncturists remain in effect until the effective date of the rules promulgated under subsection (1).

History: Add. 2006, Act 30, Eff. July 1, 2006 ;-- Am. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020
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333.16529 Third party reimbursement or worker's compensation benefits.

Sec. 16529.

This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services by an individual registered or licensed as an acupuncturist under this part.

History: Add. 2006, Act 30, Eff. July 1, 2006 ;-- Am. 2019, Act 140, Eff. Mar. 4, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020
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