

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
Charles L. White, DO

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>
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GEORGIA COMPOSITE MEDICAL BOARD **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to amend **Rule Chapter 360-6 "Acupuncture."** Exact copies of the proposed amendments are attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being emailed to all persons who have requested, in writing, that they be placed on the mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **April 25, 2012** or make comments at the public hearing. Comments may be directed to Carol Dorsey, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at cdorsey@dch.ga.gov.

A public hearing is scheduled to begin at **8:15 a.m.** on **May 3, 2012** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on **March 1, 2012** meeting. The Board will consider at its meeting on **May 3, 2012** at **8:30 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **May 3, 2012**, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A)(B)(C)(D).

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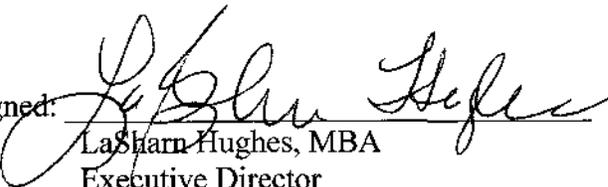
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The authority for promulgation of these rules is O.C.G.A. 43-1-4, 43-1-31, 43-34-24.1, 43-34-61, 43-34-63 and the specific statutes cited in the proposed rules.

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: 3/6/12

Signed: 
LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

**ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENTS TO RULE CHAPTER 360-6**

Acupuncture

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-6-.02 “Definitions.”

Purpose/Main Feature: The purpose of this rule is to change the name of the Board from HB 509.

Rule 360-6-.07 “Display of License for Auricular Detoxification Technician.”

Purpose/Main Feature: The purpose of this rule is to correct the name of the Auricular Detoxification Specialist to Technician.

Rule 360-6-.11 “License Renewal”

Purpose/Main Feature: The purpose of this rule is to update the requirements for the renewal.

Rule 360-6-14 “Temporary Licenses”

Purpose/Main Feature: The purpose of this rule is to change the name of the Board from HB 509.

Authority O.C.G.A. Sections 43-1-31, 43-34-8, 43-34-11, 43-34-62, 43-34-63, 43-34-64, 43-34-66, 43-34-69 and 43-34-70

**RULES
OF
GEORGIA COMPOSITE MEDICAL BOARD**

**CHAPTER 360-6
ACUPUNCTURE**

360-6-.02 Definitions.

The terms used in these Rules, promulgated pursuant to the Act, are defined as follows:

- (1) "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine which is a nationally recognized accreditation organization that accredits programs in acupuncture and oriental medicine.
- (2) "Act" means the Acupuncture Act of Georgia , O.C.G.A. §§ 43- 34-60 *et seq.*
- (3) "Acupuncture" means a form of therapy developed from traditional and modern Oriental concepts for health care that employs Oriental medicine techniques, treatment, and adjunctive therapies for the promotion, maintenance, and restoration of health and the prevention of disease.
- (4) "Advisory Committee" means the Acupuncture Advisory Committee of the Georgia Composite Medical Board. ~~Composite State Board of Medical Examiners.~~

360-6-.07 Display of License for Auricular Detoxification Technician. ~~Specialist.~~

- (1) Every person who is licensed to practice auricular (ear) detoxification therapy pursuant to the Act and these Rules and who is actively practicing auricular (ear) detoxification therapy shall display the license issued by the Board in a public and appropriate manner.
- (2) Any license or document evidencing licensure issued by the Board is the property of the Board and shall be surrendered on demand.

Authority O.C.G.A. Secs. 43-34-63, 43-34-66.

360-6-.11 License Renewal.

- (1) All licenses issued pursuant to the Act shall be renewed on a biennial basis.

~~Applicants who are approved for renewal of their licenses that expire on December 31, 2006 will be issued a license that will be set to expire between January 31, 2008 and December 31, 2008. The license will expire on the last day of the month in which the applicant's birthday falls. The application fee will be prorated, in accordance with a fee schedule established by the Board, for those whose licenses are renewed for less than a two-year period during the 2007-2008 biennium. Thereafter, each succeeding license must be renewed biennially by the last day of the month in which the applicant's birthday falls.~~

(2) Failure to renew a license by the expiration date shall result in a penalty for late renewal as required by the Board.

(3) Licenses not renewed within three (3) months of expiration shall be *administratively revoked* for failure to renew and shall be posted to the public and posted on the Board's website.

(4) Notwithstanding the provisions of paragraph (3) of this Rule, any service member as defined in O.C.G.A. § 15-12-1 whose license expired while serving on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or written verification signed by the service member's commanding officer to waive any charges.

(5) To be eligible for renewal, a licensee must furnish satisfactory evidence of having met Board approved continuing education requirements, including a minimum of one hour concerning infectious disease. ~~and/or active certification by the NCCAOM.~~

(6) Licensees must certify on the renewal form ~~submit a notarized document, devised and approved by the Board, acknowledging~~ that they have read, understand and are familiar with the Centers for Disease Control and Prevention (CDC) guidelines for preventing the transmission of the Human Immuno-deficiency virus, Hepatitis B and C and other infectious diseases.

(7) Licensees are subject to audit to determine compliance with the continuing education requirements as stipulated in rules promulgated by the Board.

(8) Failure to maintain continuing education requirements is a basis for non-renewal and revocation of license issued pursuant to the Act.

Authority O.C.G.A. Secs. 43-1-4, 43-1-31, 43-23-24.1, 43-34-24.1, 43-34-61, 43-34-63, 43-34-67.

360-6-.14 Chiropractors Must Meet Acupuncturists Licensure Requirements.

As stated in O.C.G.A. 43-9-16 and as amended by Section 1.1 of the Act, chiropractors who wish to practice acupuncture must meet the licensing requirements of the Act and the acupuncture rules promulgated by the Board. Chiropractor applicants must be licensed to practice as a chiropractor in the State of Georgia, have an active chiropractic license and be in good standing with the Georgia Board of Chiropractic Examiners. In compliance with the intent of the Georgia General Assembly, nothing in these rules shall be construed to prohibit a chiropractor who is licensed under Article 3 to perform acupuncture in Georgia from engaging in the practice of acupuncture. The Georgia Composite Medical Board ~~Composite State Board of Medical Examiners~~, and no other examining board, shall have sole, exclusive and original jurisdiction over such chiropractors who have been granted a license to practice acupuncture in this State for the purpose of establishing standards for licensure of acupuncturists and for the enforcement of such standards of acupuncture through disciplinary action.

Authority O.C.G.A. Sec. 43-34-63.