

Georgia Composite Medical Board

Executive Director
Daniel R. Dorsey, MBA



Chairperson
Matthew Norman, MD

Vice Chairperson
Andrew Reisman, MD

2 Peachtree Street, NW • 6th Floor • Atlanta, Georgia 30303 • (404) 656-3913 • www.medicalboard.georgia.gov

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter “Board”) proposes amendments to the Georgia Composite Medical Board Rules by amending **Rule 360-6-.03 “Licensure Requirements for Acupuncture.”** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official state holidays, at 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303. These documents can also be reviewed online at <https://medicalboard.georgia.gov/board/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on January 5, 2023, via TEAMS** to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **December 22, 2022, to Kierra.Battle@dch.ga.gov** or via mail to the Georgia Composite Medical Board Rules Committee at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **December 1, 2022**. Upon conclusion of the public hearing on **January 5, 2023**, the Board will consider 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, 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), and (D).

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. The authority for promulgation of these rules is O.C.G.A. Secs. 43-34-5, 43-34-103, and 43-34-108.

Issued this day December 1, 2022.

Daniel R. Dorsey
Executive Director

ECONOMIC IMPACT AND SYNOPSIS FOR

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 these rules do 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 in O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-6-.03 “Licensure Requirements for Acupuncture”

Purpose/Main Features: The purpose of the proposed amendment is to both correct a spelling error and eliminate the requirement that an M.D. or D.O. serve as one of the references for an applicant. The Board’s Acupuncture Committee concluded that this requirement was often an administrative impediment for an applicant who could not secure a physician reference to opine on his or her practice competency.

Authority: O.C.G.A. Secs. 43-1-19, 43-1-25, 43-34-5, 43-34-63, 43-34-64, 43-34-66, 43-34-70, 43-34-72, 43-39-5.

Rule 360-6-.03 Licensure Requirements for Acupuncture

- (1) Each applicant for licensure as an acupuncturist must meet the requirements listed below.
 - (a) An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.
 - (b) Must be at least 21 years of age and of good moral character;
 - (c) Submit a completed application required by the Board. Said application shall not be considered completed until all fees have been paid and all required documents have been ~~eeived~~received by the Board;
 - (d) Must submit three (3) acceptable references:~~one reference from a licensed United States physician either MD or DO in the jurisdiction where the applicant is practicing and who is familiar with the applicant's practice and two references~~ from practicing acupuncturists familiar with the applicant's practice.
 - (e) Have successfully completed a degree in acupuncture or a formal course of study and training in acupuncture. The applicant shall submit documentation satisfactory to the board to show that such education or course of study and training was:
 1. Completed at a school that is accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or other accrediting entity approved by the board;
or
 2. Completed by means of a program of acupuncture study and training that is substantially equivalent to the acupuncture education offered by an accredited school of acupuncture approved by the board.
 - (f) Have passed an acupuncture examination offered by an organization accredited by the National Organization of Competency Assurance and approved by the board;
 - (g) Submit proof of certification in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine;
 - (h) Completed successfully a clean needle technique course approved by the Board; and
 - (i) Submitted proof of having professional liability insurance of at least \$100,000/\$300,000.

1. If the licensee changes liability carriers, is canceled by a liability carrier, or cancels liability coverage, the licensee must notify the Board within thirty (30) days of the date of change or cancellation.

2. Failure to maintain liability coverage, pursuant to the Act, may result in suspension of the license for acupuncture.

(i) An applicant must submit all documentation required for the application process within twelve months from the date the Board receives the application.

(2) Every person who holds a license issued by the Board shall inform the Board of any change of address and any other change of information, including but not limited to professional liability coverage, for licensure by this Rule or the Act.

(3) The titles "Licensed Acupuncturist" and "Acupuncturist" shall only be used by persons licensed to practice acupuncture pursuant to the Act and these Rules.

Authority: O.C.G.A. Secs. 43-1-19, 43-1-25, 43-34-5, 43-34-63, 43-34-64, 43-34-66, 43-34-70, 43-34-72, 43-39-5.