

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

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Rule Set Information:

ARD assigned rule set number:

2021-38 LR

Title of proposed rule set:

Acupuncture – General Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to the practice of acupuncture, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16148 requires the department to promulgate rules to include training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.16515 requires the promulgation of rules to establish criteria for licensure for an applicant who has the education, training, and experience appropriate to the practice of acupuncture.

MCL 333.16517 requires the department, in consultation with the board, to promulgate rules requiring that a licensee furnish evidence of completing continuing education for license renewal.

MCL 333.16525 requires the department, in consultation with the board, to promulgate rules that establish the minimum standards for licensure.

There is no federal mandate applicable to these rules.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required in the Michigan Public Health Code, and the rules are largely consistent with the requirements of other states in the Great Lakes region. Every state in the Great Lakes region provides for the regulation of this profession.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1: The current rules provide general provisions pertaining to the profession including the training standards for identifying victims of human trafficking and the approval and adoption of the national standards of competence in acupuncture and oriental medicine established by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

The proposed rules will clarify the training standards for identifying victims of human trafficking so an applicant for licensure or renewal understands that the training must be completed before application. The proposed rule is intended to assist an applicant in complying with the statutorily required training standards for identifying victims of human trafficking, MCL 333.16148.

The certification standards rule will be amended to approve and adopt examinations and standards of the NCCAOM to ensure that a licensee has acquired the necessary education and skills to be competent in providing acupuncture services to the public.

Part 2: The current rules pertain to licensure and relicensure. Several rules in this part will be rescinded and the substance moved to new rule numbers to comply with current drafting rules and for organization and clarity. The proposed new rules in this section will advise the reader of the applicable dates for licensure of currently registered applicants, non-NCCAOM certified applicants, and limited license applicants. The proposed new rules will clarify the documentation a non-NCCAOM certified applicant must submit for the board to determine if the applicant has met the requirements for licensure and will advise that requirements for licensure may be contained in other rule sets, such as the Public Health Code General Rules. The proposed new licensure by endorsement rule will recognize the recent changes to MCL 333.16186, and it will require the applicant to disclose each health care credential ever held and to have resolved any disciplinary action taken against the individual before being licensed by endorsement. The new proposed rule pertaining to relicensure will require the applicant to disclose each health care credential ever held and to have resolved any disciplinary action taken against the individual before being relicensed. The proposed new rules are intended to assist an applicant in becoming licensed or relicensed and to ensure public safety.

Part 3: The current rules pertain to license renewal and continuing education. Current rules R 338.13026 and R 338.13028 will be rescinded and the substance of those rules relocated to proposed new rules R 338.13031 and R 338.13033. Current rule R 338.13035 will be rescinded and the substance revised and relocated to R 338.13041 in new Part 4 of the proposed rules. The proposed new rules in Part 3 are intended to inform licensees of all renewal requirements and identify the programs and activities that are approved for the accumulation of continuing education credits required for license renewal. The proposed new rules are intended to assist the licensee in accumulating all required training and continuing education needed for license renewal.

Part 4: The proposed new rule in this new part pertains to registered acupuncturists and the delegation needed to practice. MCL 333.16511 permits a registered acupuncturist to engage in his or her practice until March 31, 2024.

The proposed new rule is intended to clarify the requirements for continuing to practice as a registered acupuncturist.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The frequency of use is not expected to change.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1: The current rules provide general provisions pertaining to the profession including the training standards for identifying victims of human trafficking and the approval and adoption of the national standards of competence in acupuncture and Oriental Medicine established by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

The proposed rules will clarify the training standards for identifying victims of human trafficking. The desired behavior is compliance with the statutorily required training standards for identifying victims of human trafficking.

The certification standards rule will be amended to approve and adopt the standards of NCCAOM to ensure that a licensee has acquired the necessary education and skills to be competent in providing acupuncture services to the public. The desired behavior is compliance with licensure requirements.

Part 2: The current rules pertain to licensure and relicensure. Several rules in this part will be rescinded and the substance moved to new rule numbers to comply with current drafting rules and for organization and clarity. The proposed new rules in this section will advise the reader of the applicable dates for licensure of currently registered applicants, non-NCCAOM certified applicants, and limited license applicants. The proposed new rules will clarify the documentation a non-NCCAOM certified applicant must submit for the board to determine if the applicant has met the requirements for licensure. The proposed new rules will also advise that requirements for licensure may be contained in other rule sets, such as the Public Health Code General Rules. The proposed new licensure by endorsement rule will recognize the recent changes to MCL 333.16186, and it will require the applicant to disclose each health care credential ever held and to have resolved any disciplinary action taken against the individual before being licensed by endorsement. The proposed new relicensure rule will require the applicant to disclose each health care credential ever held and to that the applicant has resolved any disciplinary action taken before becoming relicensed. The desired behavior is compliance with the requirements for licensure or relicensure and to ensure public safety.

Part 3: The current rules pertain to license renewal, continuing education, and delegation and supervision. Current rules R 338.13026, R 338.13028, and R 338.13025 will be rescinded and the substance relocated to new rule numbers to comply with current drafting rules and for organization and clarity. The proposed new rules in this part are intended to inform licensees of renewal requirements and identify approved programs and activities for the accumulation of continuing education required for renewal. The desired behavior is licensee compliance with all requirements for license renewal.

Part 4: The proposed new rule in this new part pertains to currently registered acupuncturists. The substance of current rule R 338.13035 will be updated in this proposed new rule. MCL 333.16511 permits a registered acupuncturist to engage in his or her practice until March 31, 2024. The desired behavior is compliance by a registered acupuncturist.

C. What is the desired outcome?

R 338.13002 The proposed rule is intended to advise an applicant for licensure or renewal of the date when the training standards for identifying victims of human trafficking must be met for licensure or renewal.

R 338.13004 The proposed rule is intended to approve and adopt the examination and standards of competence established by the NCCAOM.

R 338.13005 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13011 to comply with current drafting rules.

R 338.13006 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13012 for organization and clarity.

R 338.13007 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13013 for organization and clarity.

R 338.13008 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13014 for organization and clarity.

R 338.13010 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13016 for organization and clarity.

R 338.13011 The proposed new rule is intended to provide the applicable dates and clarify the requirements for licensure when the applicant holds a current Michigan acupuncturist registration.

R 338.13012 The proposed new rule is intended to provide the applicable dates and clarify the requirements for licensure of an acupuncturist who is practicing, but not currently registered in Michigan, as provided by MCL 333.16515(2)(b).

R 338.13013 The proposed new rule is intended to clarify the requirements for initial licensure of an applicant who is NCCAOM certified.

R 338.13014 The proposed new rule is intended to provide the applicable dates and clarify the requirements to obtain a limited license, as provided by MCL 333.16515(3).

R 338.13016 The proposed new rule is intended to clarify the requirements for licensure by endorsement for an applicant who is licensed or registered in another state or licensed in Canada.

R 338.13017 The proposed rule amends the requirements for relicensure after lapse.

R 338.13025 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13017 for organization and clarity.

R 338.13026 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13031 to comply with current drafting rules.

R 338.13028 The current rule will be rescinded and the substance of the rule moved to proposed new rule R 338.13033 for organization and clarity.

R 338.13031 The proposed rule amends the requirements for license renewal to advise the applicant that he or she must also satisfy the requirements set out in the Public Health Code General Rules before applying for renewal.

R 338.13033. The proposed new rule pertains to acceptable continuing education required for renewal. The substance of this rule was previously in R 338.13028 and is being renumbered for organization and clarity.

R 338.13035 The current rule will be rescinded and the substance of the rule moved to proposed rule R 338.13041 to comply with current drafting rules.

R 338.13041 The proposed new rule pertains to delegation and supervision for registered acupuncturists. MCL 333.16511 permits a registered acupuncturist to engage in his or her practice until March 31, 2024. The amendments will ensure compliance by a registered acupuncturist.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1: The current rule pertaining to the training standards for identifying victims of human trafficking contains outdated information. The harm that may result is applicant noncompliance.

The current rule pertaining to the board's approval of the competence standards of the NCCAOM fails to approve and adopt the examinations required for certification by the NCCAOM. The harm that may result is confusion and noncompliance with licensure requirements.

Part 2: Currently, the licensure rules only provide reference to the promulgation dates and fail to advise that other administrative rules may impact the application process. The proposed new rules are intended to clearly identify applicable dates and clarify the requirements for licensure, licensure by endorsement, relicensure, and limited licensure. The proposed new rules also require that an applicant for licensure by endorsement or relicensure disclose any health care credential he or she holds and advise that each credential must be verified by the issuing entity and will require that the applicant to have resolved any disciplinary action taken against the individual before being licensed by endorsement or relicensed. The harm that may result without the changes is applicant noncompliance.

Part 3: The current rules do not include a reference to the renewal requirements contained in the Public Health Code General Rules . The harm that may result is that the applicant may not comply with renewal requirements.

Part 4: The current rule pertaining to the delegation requirements of a registered acupuncturist does not contain the date when this type of practice ends under the statute. The harm that may result is that a registered acupuncturist may not comply with the limitations placed on this type of practice.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1 is being changed because the information for compliance for acquiring the required training for identifying victims of human trafficking is out of date. Additionally, the rule pertaining to the board's approval and adoption of NCCAOM certification standards fails to approve and adopt the required examination, which may cause confusion.

Part 2 is being changed because it lacks the applicable dates for licensure for several license types and the current rules fail to reference other rules where licensure requirements may need to be met. The proposed rules will also require an applicant for licensure by endorsement or relicensure to disclose each health care credential he or she has ever held and require verification of each credential from the issuing entity. The proposed rules will also require the applicant to have resolved any disciplinary action taken against the individual before being licensed by endorsement or relicensed. As currently written, the applicant may fail to meet all licensure requirements.

Part 3 is being changed to ensure that all requirements for license renewal and the accumulation of continuing education credits are clear to assist the renewal applicant. As currently written, the applicant may fail understand all requirements for license renewal.

Part 4 is being changed to ensure compliance with all practice requirements for those individuals who choose to continue their current practice as a registered acupuncturist until March 31, 2024.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1: A licensee must acquire knowledge to identify victims of human trafficking, which will protect the health, safety, and welfare of Michigan citizens. This training is required by statute.

The rules in this part protect the health, safety, and welfare of Michigan citizens by approving and adopting the national standards of competence requirements and the examination of NCCAOM to ensure that the applicant has been appropriately educated and trained to provide acupuncture services. There is no less burdensome way to ensure that a licensee is prepared to practice.

Part 2: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an acupuncturist is licensed.

The proposed new rules will ensure that an applicant has met all of the requirements for licensure by clarifying the applicable dates, providing references to the requirements contained in other administrative rules, such as the Public Health Code General Rules, and by requiring that an applicant for licensure by endorsement or relicensure disclose each health care credential he or she has ever held, and by requiring that there is no unresolved disciplinary action against the applicant. The proposed new rules will also clarify the documentation a non-NCCAOM certified applicant must submit for the board to determine if the applicant has met the requirements for licensure. There is no less burdensome way to ensure that an applicant is prepared and safe to practice, which will protect the health, safety, and welfare of Michigan citizens.

Part 3: The proposed new rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to meet all requirements for renewal set forth in the Public Health Code General Rules, including completing implicit bias training, to ensure that the applicant is educated regarding implicit bias and its effect on his or her behavior. This will improve equity in the delivery of health care to Michigan citizens.

Part 4: The proposed new rule in this part protects the health, safety, and welfare of Michigan citizens by ensuring that an individual who chooses to continue practicing as a registered acupuncturist instead of being licensed does so within the statutorily defined practice parameters.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 338.13005 will be rescinded and the substance of the rule moved to proposed new rule R 338.13011 to comply with current drafting rules.

R 338.13006 will be rescinded and the substance of the rule moved to proposed new rule R 338.13012 for organization and clarity.

R 338.13007 will be rescinded and the substance of the rule moved to proposed new rule R 338.13013 for organization and clarity.

R 338.13008 will be rescinded and the substance of the rule moved to proposed new rule R 338.13014 for organization and clarity.

R 338.13010 will be rescinded and the substance of the rule moved to proposed new rule R 338.13016 for organization and clarity.

R 338.13025 will be rescinded and the substance of the rule moved to proposed new rule R 338.13017 for organization and clarity.

R 338.13026 will be rescinded and the substance of the rule moved to proposed new rule R 338.13031 to comply with current drafting rules.

R 333.13028 will be rescinded and the substance of the rule moved to proposed new rule R 338.13033 for organization and clarity.

R 338.13035 will be rescinded and the substance of the rule moved to proposed new rule R 338.13041 to comply with current drafting rules.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1: A licensee must acquire knowledge to identify victims of human trafficking, which will protect the health, safety, and welfare of Michigan citizens. There is no less burdensome way to ensure that a licensee is trained to identify victims of human trafficking. This rule is required by statute.

The rules in this part protect the health, safety, and welfare of Michigan citizens by approving and adopting the examination and national standards of competence established by the NCCAOM to ensure that the applicant has been appropriately trained, tested, and demonstrated that he or she is competent to provide acupuncture services.

Part 2: The proposed new rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an acupuncturist is licensed within the statutorily established time periods. The standards established for licensure will also advise the applicant that other requirements within the Michigan administrative code must also be satisfied, such as those contained in the Public Health Code General Rules. Additionally, an applicant for licensure by endorsement or relicensure will be required to disclose every health care credential he or she has ever held and have that credential verified by the issuing entity. The requirements will ensure that an applicant has achieved a minimum level of competency before he or she is licensed and is safe to practice. There is no less burdensome way to ensure that an applicant is competent and safe to practice.

Part 3: The proposed new rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee seeking renewal to complete continuing education and to comply with the training requirements set out in the Public Health Code General Rules, which includes completing implicit bias training. The cost for completing implicit bias training will vary depending on the program chosen. Some Michigan hospitals offer implicit bias training free of charge, but any cost incurred by the applicant will be outweighed by achieving greater equity in access to and the provision of health care services in Michigan.

Part 4: The proposed new rule in this part protects the health, safety, and welfare of Michigan citizens by ensuring that an individual who chooses to continue practicing as a registered acupuncturist instead of being licensed does so within the statutorily defined practice parameters.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The rules establish licensure and renewal requirements for acupuncturists, and clarify the requirements for a registered acupuncturist who wishes to continue his or her practice. An applicant or licensee must obtain the necessary education and training to achieve and maintain competency in the profession. And a registered acupuncturist must practice within the statutorily defined parameters. There is no less burdensome way to ensure the health, safety, and welfare of Michigan citizens and to comply with applicable statutes.

Additionally, the cost to take implicit bias training will vary, depending on the program chosen. Several Michigan hospitals offer free implicit bias training. Acupuncturists will need to invest their time to obtain implicit bias training, but the investment of time is outweighed by the overall benefit of ensuring greater equity in access to and the provision of health care services.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or reductions for other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual registrants and licensees, so the impact is on an individual regardless of that person's location. Even if a registrant's or licensee's workplace is in a rural area, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 263 acupuncturists currently licensed or registered. The profession is moving from registration to licensure.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small business differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses. There are no skills necessary to comply with the reporting requirements.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules impact individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department did not involve small businesses in the development of the proposed rules. The department worked with the Michigan Board of Acupuncture in the development of the proposed rules. The Board is composed of professionals and public members.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The proposed rules establish that the requirements for license renewal set out in the Public Health Code General Rules must be met. The cost to take implicit bias training will vary, depending on the program chosen. Several Michigan hospitals offer free implicit bias training. Acupuncturists will need to invest their time to obtain implicit bias training, but the investment of time is outweighed by the overall benefit of ensuring greater equity in access to and the provision of health care services.

A. How many and what category of individuals will be affected by the rules?

All licensees, registrants, and applicants are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The cost to take implicit bias training will vary, depending on the program chosen. Several Michigan hospitals offer free implicit bias training. Acupuncturists will need to invest their time to obtain implicit bias training, but the investment of time is outweighed by the overall benefit of ensuring greater equity in access to and the provision of health care services.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear and concise language and implement the statutory requirements for licensing and license renewal. The clear and concise language allows the public, applicants, and licensees to better understand the requirements for licensure and renewal.

Michigan citizens are benefitted by ensuring that an acupuncturist has the necessary education and training to competently provide services before a license is issued. Additionally, Michigan citizens are benefitted by ensuring that a practitioner is up-to-date in his or her knowledge and skills by requiring continuing education before a license may be renewed and by the benefit of ensuring greater equity in access to and the provision of health care services.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois: <https://www.idfpr.com/profs/Acupuncture.asp>

Indiana: <https://www.in.gov/pla/acupuncture.htm>

Minnesota: Apply for a License / Minnesota Board of Medical Practice (mn.gov)

New York: <http://www.op.nysed.gov/prof/acu/>

Ohio: Acupuncture (AC) (ohio.gov)

Pennsylvania: Acupuncturist Licensure Requirements Snapshot (pa.gov)

Wisconsin: <https://dsps.wi.gov/Pages/Professions/Acupuncturist>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates were made.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing and regulation of acupuncture professionals are state functions, and states regulate acupuncture professionals by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure his or her competency or hold him or her accountable.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.