COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

COMMITTEE ON ACUPUNCTURE

POLICY 23-01

POLICY ON INITIAL ACUPUNCTURE LICENSES

AND REQUESTS TO EMPLOY CHINESE HERBAL THERAPY IN ACUPUNCTURE PRACTICE

February 16, 2023

1. REVIEW OF INITIAL ACUPUNCTURE LICENSES

The Committee on Acupuncture (COA) approves all applications for initial licensure filed pursuant to Mass. Gen. Laws c. 112, §§ 151-155. It is the policy of the Committee to review initial acupuncture applications when the application raises questions about an applicant’s qualifications, competency or good moral character. The Committee authorizes the Executive Director of the Board of Registration in Medicine or other designee to determine that an application does not require review by the COA in the following instances:

Disciplinary Action or Remediation in College or Graduate School, Including Acupuncture School

* Minor disciplinary action, not to include suspension, dismissal, expulsion or its equivalent.
* Successful remediation of coursework in acupuncture school without further disciplinary action that does not increase time in acupuncture school for a period of more than six months.

Leave of Absence or Absence for an Extended Period of Time in Acupuncture School

* An absence for an extended period of time or a leave of absence in acupuncture school, for the following reasons:
  + To participate in research; and/or
  + To obtain additional advanced degrees or professional certifications.
* An absence for an extended period of time or a leave of absence in acupuncture school for no longer than one year for the following reasons, but not to include any leave related to disciplinary action or in lieu of disciplinary action:
  + Maternity or paternity leave;
  + Medical leave of absence where there has been no impact on the applicant's ability to practice acupuncture;
  + To care for a sick family member;
  + Financial reasons;
  + To study for NCCAOM exams;
  + To provide humanitarian assistance or other public service.

Withdrawal from Acupuncture School

* Withdrawal or transfer to another acupuncture school in good standing, not related to disciplinary action or in lieu of disciplinary action.

Medical or Physical Condition

* Medical or physical condition which has no impact on the applicant's ability to practice acupuncture.

Criminal History

* One criminal offense that occurs before acupuncture school to include only the following:
  + Acts of Civil Disobedience (noproperty damage, no personal injury)
  + Underage drinking or possession of alcohol or possession of marijuana
  + Open Container violations
  + Disturbing the Peace (no property damage, no personal injury)
  + Noise Infractions
  + Hunting/fishing/boating violations.

Malpractice History

* Dismissed malpractice claim(s) (not to exceed 2) with no payments attributed to the applicant and no identifiable pattern; or
* One pending malpractice claim.

Previously Considered by the COA

* Any matter previously considered by the COA where there is no new information which would warrant review under this Policy.

Staff retains the authority and discretion to present any application to the COA when they believe that review of the application is warranted. It is the expectation of the COA that, when in doubt, staff will present an application for review to the COA.

The COA, in its review of applications for initial acupuncture licensure, may conduct an interview, may request additional documentation and may refer an applicant for evaluation of health concerns.

Complete applications for initial acupuncture licensure that do not raise questions regarding an applicant's qualifications, competency, or good moral character requiring review shall be approved by the COA at a duly noticed meeting of the COA.

In the absence of a duly noticed COA meeting, the COA, through this Policy, authorizes the Executive Director of the Board of Registration to approve complete applications for initial acupuncture licensure when the license application does not raise questions regarding an applicant's qualifications, competency, or good moral character requiring review by the COA. These licenses will be approved *nunc pro tunc* by the COA at its next scheduled meeting.

II. APPROVAL OF REQUESTS TO EMPLOY CHINESE HERBAL THERAPY

Under the Committee on Acupuncture’s regulation, 243 CMR 5.03(2)(h), the Committee may authorize a licensee to employ herbal therapy, including patent or raw herb, in their acupuncture practice. The following criteria must be met to be eligible to employ herbal therapy:

1. The applicant must complete an ACAOM accredited or candidate status oriental medicine program with a minimum of 1,905 hours of clinical/didactic training;
2. In the training, at least 660 hours were training hours in herbs;
3. In the training, at least 210 hours were clinical hours in acupuncture and herbs; and
4. The applicant must be certified by NCCAOM in Chinese Herbology.

When all four of the above criteria are present, the Committee authorizes staff to determine that an application to employ Chinese herbal therapy does not require review by the COA and staff may approve the request to employ herbal therapy. When any of the four of the criteria are not present, or there is some other question raised about any of the criteria, the request to employ Chinese herbal therapy must be reviewed by the COA at a duly noticed COA meeting.

When the Executive Director or designee approves an initial acupuncture license under this Policy, the Executive Director may also approve the request to employ Chinese herbs in an acupuncture practice when all four of the above criteria are satisfied. The Executive Director may also approve a request to employ Chinese herbs in an acupuncture practice made by an applicant who already who already holds a license to engage in acupuncture practice that is in good standing when all four of the above criteria are satisfied.