



**To: Members, Joint Legislative Administrative Procedure
Oversight Committee**
From: Michael J. Tadych, Board Attorney
Re: The North Carolina Acupuncture Licensing Board
Date: 8 March 2022

The North Carolina Acupuncture Licensing Board and its 677 licensed Acupuncturists wish to acknowledge and express appreciation for the time commitment and work that this Committee and its staff have put into researching, writing and establishing guidelines for assessing the operation of North Carolina's Occupational Licensing Boards.

The Acupuncture Board has been asked to provide information on four topics today.

- 1. Whether you feel consolidation of the Board is appropriate, either with another licensing board or a different regulatory entity, such as a State agency.**

The North Carolina Acupuncture Licensing Board does not believe its consolidation with another licensing board or regulatory entity is appropriate. The General Assembly formed the Acupuncture Board in 1993 after the office of an acupuncturist in Asheville was raided by the SBI and the acupuncturist was arrested and charged with practicing medicine without a license. G.S. §§ 90-450 -- 90-469. Acupuncture is the fastest growing medicine in the United State and the world. Acupuncture is the leading form of complementary medicine being integrated into Western medicine. The top five U.S. cancer centers ranked by U.S. News and World Report have licensed acupuncturists on staff and conduct acupuncture and Asian medicine research.

The Acupuncture Board regulates a medical profession. Acupuncture is a health care system that has specific diagnostic parameters and treatments. Acupuncture's diagnostic parameters and treatments are unique and offer safe, effective health care to the citizens of North Carolina. We feel strongly that effective regulation, and in turn, protection of North Carolina's citizens can only come from those who have specific in-depth knowledge of the profession -- acupuncturists.

As I shared with this Committee back in March 2015, the Acupuncture Board and its licensees are concerned regarding the future regulation of Acupuncture throughout the

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state and the potential negative impact on the public. The Acupuncture Board is the only Board of independent, professional health care providers on this list for consolidation. While the number of new applicants for new licensure varies, it has been steady since I first talked with this Committee:

2014: 54
2015: 51
2016: 51
2017: 71
2018: 43
2019: 54
2020: 40
2021: 67

There are currently 677 licensed acupuncturists in North Carolina.¹ That is more than a 35% increase in new licensees since the Committee's report was issued in late 2014. The biennial renewal deadline is July 1.

UNC's Board of Governors regulates acupuncture colleges in the state. Acupuncture colleges in our state must meet the same educational standards as the schools of the University of North Carolina system, Duke University and the state's other colleges and universities. The four year Master's degree program approved by the Board of Governors is an extensive training program in Asian Medicine Theory, Western Bio-Medicine. The intensive and comprehensive curriculum includes a Supervised Clinical Internship of more than 800 hours. The recommendation that the Acupuncture Board should be combined with another board that regulates occupations in the same industry does not adequately acknowledge the specific and unique professional skills and training of acupuncturists as independent health care providers.

By way of example, the Medical Board and the Board of Chiropractic Examiners each regulate the practice of medicine in our state. Just like in the practice of acupuncture, these health care systems have their own distinct diagnostic and treatment parameters. We believe that most people would think it inappropriate -- and possibly dangerous -- for medical doctors to regulate chiropractors or chiropractors to regulate medical doctors. For exactly the same reasons, we believe that it would be equally inappropriate -- and possibly dangerous -- for medical doctors or chiropractors to regulate acupuncturists. Both medical doctors and chiropractors must have hundreds of hours of additional training and competency certification to practice acupuncture. All three are medical professions but each involves distinct and specific training to be safe and effective for the citizens of North Carolina.

¹ There are another 14 individuals who are currently inactive but could activate their license at any time, upon completion of a continuing education requirement.

To be sure, the value of independent regulation must merit its cost. To that end, the Board respectfully asserts that the cost of the independent regulation of acupuncture as a medical profession has been previously and carefully considered and approved by the General Assembly. More importantly, perhaps, the North Carolina Acupuncture Board has consistently demonstrated its ability to manage itself and serve as stewards of the public's trust -- both professionally and financially -- since its creation in 1993. The Acupuncture Board has not sought state funding for its operations in the ensuing 29 years nor is there any reason to believe that such a need would arise in the future. The Acupuncture Board has not sought an increase to its statutory fee caps (G.S. § 90-457) since 2005 and has not raised any of its fees since 2011. From its outset the Acupuncture Board has been mindful and diligent in heeding the General Assembly's requirement that the Acupuncture Board be self-supporting. The Board has at no time needed financial assistance from the state.

2. The regulatory entity with which consolidation would be most appropriate if the Board were to be consolidated.

None. See above discussion regarding the other licensing boards for independent medical professions.

Please also see Dr. Lynnea Villanova's remarks to this Committee from 5 April 2016. At the time, Dr. Villanova was the statutorily required Physician Advisor to the Acupuncture Board. She shared with this Committee that while a board certified family physician for 20 years, she was not aware of the unique theory, practice and techniques of acupuncture until after she received her acupuncture training and competency evaluation. She acknowledged that she -- solely with her Western medical training -- would have been ill-equipped to evaluate the educational curricula necessary to practice acupuncture or to identify when acupuncture care was subpar warranting disciplinary action.

3. Whether any statutory changes would be necessary to ensure effective regulation if the Board were to be consolidated.

G.S. §§ 90-450 -- 90-469 and 21 NCAC 01 .0101 -- .0711 would need to be addressed. Members of the Acupuncture Board spend a significant amount of time reviewing initial and renewal licensing applications and evaluating education and practical requirements for licensure submitted by those applicants. In addition, the Board spends a significant amount of time addressing complaints as they arise and works hard to seek informal resolution without escalation whenever possible.

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4. Recommendations for operational changes, such as contract, lease, and personnel terminations or transfers, if the Board were to be consolidated.

None. The Acupuncture Board has no employees, leases or long-term contracts. Its operations are carried out by its Executive Director, Pat Pritchard, a former lawyer who also works in the capacity of a paralegal with my firm. The fee for operations is a set monthly fee which includes all necessary personnel, office space, computer equipment, other technology, and general supplies. Not included in that fee are the actual costs of the Board's post office box, postage, supplies unique to the Board (stationery and licensing cards) and reimbursement for mileage at the IRS rate.

IN SUMMARY:

The North Carolina Acupuncture Licensing Board regulates independent medical professionals providing health care to North Carolinians across the state. The Acupuncture Board believes strongly that consolidation of the regulation of acupuncturists would provide less protection for North Carolinians. We believe that if the regulation of this medical system and its providers is transferred to another to a board whose members are not educated in Acupuncture and Asian Medicine, regulation of this unique and important medical practice would degrade, putting North Carolinians at increased risk. The Acupuncture Board and its members respectfully assert that there is no entity regulating occupations in our state that has adequate training, skills and experience to regulate the practice of Acupuncture in North Carolina. If the United States Supreme Court is correct that public safety is the hallmark of occupational regulation and oversight, the North Carolina Acupuncture Licensing Board respectfully requests that it be permitted to continue its proven history of independent regulation of medical professionals focused on keeping the public well-protected at no cost to taxpayers.