



**To: Members, Joint Legislative Administrative Procedure
Oversight Committee**
From: Michael J. Tadych, Board Attorney
Re: The North Carolina Acupuncture Licensing Board
Date: 27 February 2024

The North Carolina Acupuncture Licensing Board and its 725 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.

- 1. Whether the Board still feels that consolidation of the Board, either with another licensing board or a different regulatory entity, such as a State agency, would not be appropriate.**

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 by enacting N.C. GEN. STAT. §§ 90-450 – 90-469 after the office of an Acupuncturist in Asheville was raided and more than 1,700 patient medical records were removed by the SBI. The acupuncturist was being investigated for the practice of medicine without a license.

Acupuncture remains the fastest growing medicine in the United States and the world. Acupuncture remains 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 medical research on Acupuncture and Asian herbal medications.

The Acupuncture Board regulates an independent medical profession and discipline. In addition to North Carolina, forty-six other states plus the District of Columbia require a license to practice Acupuncture. 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. The Board continues to 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.

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The Acupuncture Board is comprised of nine members appointed by the General Assembly and the Governor: seven licensed acupuncturists, one medical doctor with acupuncture certification, and one member of the public. The Acupuncture Board meets virtually at least monthly.

As I first shared with this Committee back in March 2015 and again in March 2022, the Acupuncture Board and its licensees are concerned regarding the future regulation of Acupuncture throughout the state and the potential negative impact on the public. The Acupuncture Board appears to continue to be the only Board of independent, professional health care providers being considered for consolidation. While the number of new applicants for new licensure varies, it has been steady since I first talked with this Committee:

Year	New
2014	54
2015	51
2016	51
2017	71
2018	43
2019	54
2020	40
2021	67
2022	55
2023	60
2024	11 ¹
Total	557

There are currently 725 licensed acupuncturists in North Carolina.² That is more than a 44% increase in the total number of active licensees since the Committee's report was issued in late 2014 when the Board had 502.³ The biennial renewal deadline is July 1.

The UNC Board of Governors has the authority to issue licenses to nonpublic institutions to conduct post-secondary degree activity in North Carolina – including Acupuncture colleges. The Board is statutorily empowered to establish the rules, regulations, policies, and procedures it considers necessary to carry out its duties.

Since I was last here, the UNC Board of Governors approved a doctorate degree (DAHM) for acupuncture and herbal medicine at Daoist Traditions College of Chinese Medical Arts

¹ Since 1 January 2024.

² There are another 36 individuals who are currently inactive but could activate their license at any time, upon completion of a continuing education requirement.

³ A version of the original PED report listed 387 licensees. The NCALB corrected that figure to 502 licensees.

in Asheville. This doctoral program requires a minimum of three years of undergraduate education and four additional years of comprehensive training in acupuncture and clinical work.

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.

Any 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.

Even if a combined administrative board for medical professions were created by the General Assembly as discussed below, each of those health care systems have their own distinct diagnostic and treatment parameters. Subject matter experts in the form of sub-boards or committees would still be required. Thus, the Board continues to believe that it would be 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 in North Carolina. All three are medical professions but each involves distinct and specific training to be safe and effective for the citizens of North Carolina.

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.

2. Whether there are boards in other States that license the practice of acupuncture in addition to other areas of practice, and if so, which states.

The Committee may be interested in reviewing the state licensure requirements interactive [map](#) created by the National Certification Commission for Acupuncture and Oriental Medicine – a national accreditation body which certification is required for acupuncture in North Carolina. It was last updated in February 2021, but it is still a useful tool.

While not a comprehensive national survey, several states do have combined licensing boards for medical providers of many different structures and approaches. In each instance, there appears to be common back office and administrative functions, an overarching board and either sub-boards or committees for practice specific regulation and oversight.

California: [Medical Board of California](#) Combined for:

1. Physicians and Surgeons
2. Postgraduate Training Licenses
3. Licensed Midwives
4. Polysomnographic Trainees
5. Technicians
6. Technologists
7. Research Psychoanalysts
8. Student Research Psychoanalysts
9. Special Faculty Permits
10. Special Program permits

Separate [Acupuncture Board](#).

Maine: [Board of Complementary Health Care Providers - Licensing](#)

1. [Acupuncture](#)
2. [Naturopathic Acupuncture](#)
3. [Naturopathic Doctor](#)
4. [Certified Midwife](#)
5. [Certified Professional Midwife](#)
6. [Custom Maine Chinese Herbal Formulations Certification](#)

Virginia: [Virginia Department of Health Professions Board of Medicine](#)

1. [Doctor of Medicine](#)
2. [Doctor of Osteopathic Medicine](#)
3. [Doctor of Podiatry](#)
4. [Doctor of Chiropractic](#)
5. [Genetic Counselor](#)
6. [Interns and Residents](#)
7. [University Limited License](#)
8. [Physician Assistant](#)
9. [Respiratory Therapist](#)
10. [Occupational Therapist](#)
11. [Occupational Therapy Assistant](#)
12. [Radiological Technologist](#)
13. [Radiological Technologist Limited](#)
14. [Radiologist Assistant](#)
15. [Licensed Acupuncturist](#)
16. [Licensed Athletic Trainer](#)
17. [Licensed Midwife](#)
18. [Behavior Analyst](#)

19. [Assistant Behavior Analyst](#)
20. [Polysomnographic Technologist](#)
21. [Licensed Surgical Assistant](#)
22. [Surgical Technologist](#)

Washington: [Washington State Department of Health](#)

1. [Acupuncture and Eastern Medicine Practitioner](#)
2. [Agency Affiliated Counselor](#)
3. [Animal Massage](#)
4. [Application Status](#)
5. [Applied Behavior Analysis](#)
6. [Athletic Trainer](#)
7. [Audiologist](#)
8. [Behavioral Health Professions, Facilities and Agencies](#)
9. [Behavioral Health Support Specialist](#)
10. [Birth Doula](#)
11. [Blake Supreme Court Decision](#)
12. [Cardiovascular Invasive Specialist](#)
13. [Certified Adviser](#)
14. [Certified Counselor](#)
15. [Change your Contact, Address, Name or Personal Status Information](#)
16. [Chiropractor, Chiropractic X-Ray Technician](#)
17. [Co-Occurring Disorder Specialist Enhancement](#)
18. [Colon Hydrotherapy](#)
19. [Dental Anesthesia Assistant](#)
20. [Dental Assistant](#)
21. [Dental Hygienist](#)
22. [Dental Therapist](#)
23. [Dentist](#)
24. [Denturist](#)
25. [Dietitian and Nutritionist](#)
26. [Dispensing Optician](#)
27. [Drug Lab Cleanup Certification](#)
28. [Emergency Medical Services \(EMS\) Provider](#)
29. [Environmental Public Health Licenses, Certifications, and Permits](#)
30. [Expanded Function Dental Auxiliary](#)
31. [Fingerprint Background Check Information](#)
32. [Forensic Phlebotomist](#)
33. [Genetic Counselor](#)
34. [Glossary of Terms](#)
35. [Health Professions Fee Change Information](#)
36. [Healthcare Professional Credentialing Requirements](#)
37. [Healthcare Professional Volunteers](#)
38. [Hearing Aid Specialist](#)

39. [Hearing and Speech Services](#)
40. [Home Care Aide](#)
41. [Hypnotherapist](#)
42. [License Expiration Extension FAQs](#)
43. [License Renewals](#)
44. [Marriage and Family Therapist](#)
45. [Massage Therapist](#)
46. [Medical Assistant](#)
47. [Medical Cannabis Consultant](#)
48. [Medical Records](#)
49. [Mental Health Counselor](#)
50. [Midwife](#)
51. [Military Resources](#)
52. [More Resources for Health Professionals](#)
53. [Music Therapist](#)
54. [Naturopathic Physician](#)
55. [Nursing Assistant](#)
56. [Nursing Home Administrator](#)
57. [Nursing Pool](#)
58. [Occupational Therapist and Occupational Therapy Assistant](#)
59. [Ocularist](#)
60. [Optometrist](#)
61. [Orthotist and Prosthetist](#)
62. [Osteopathic Physician and Surgeon](#)
63. [Peer Specialist](#)
64. [Pharmacy Commission](#)
65. [Pharmacy Professions](#)
66. [Physical Therapist and Physical Therapist Assistant](#)
67. [Physical Therapy Licensure Compact](#)
68. [Podiatric Physician and Surgeon](#)
69. [Psychologist](#)
70. [Radiologic Assistant](#)
71. [Radiologic Technologist](#)
72. [Recreational Therapist](#)
73. [Reflexologist](#)
74. [Respiratory Care Practitioner](#)
75. [Retired Medical Worker](#)
76. [Sex Offender Treatment Provider](#)
77. [Social Worker and Social Worker Associate](#)
78. [Speech-Language Pathologist](#)
79. [Speech-Language Pathology Assistant](#)
80. [Substance Use Disorder Professional](#)
81. [Surgical Technologist](#)
82. [Temporary Practice Permits for Secretary Authority Healthcare Professions](#)
83. [Veterinarian](#)

84. [Veterinary Medication Clerk](#)
85. [Veterinary Technician](#)
86. [Who Can Order X-rays in Washington State?](#)
87. [X-Ray Technician - Limited Scope](#)

Georgia: [Georgia Composite Medical Board](#)

1. [Acupuncturist](#)
2. [Auricular Ear Detoxification Technician](#)
3. [Clinical Perfusionist](#)
4. [Cosmetic Laser Practitioner](#)
5. [Genetic Counselors](#)
6. [Pain Management Clinic](#)
7. [Physician](#)
8. [Physician Assistant Initial \(including Anesthesiologist Assistant\)](#)
9. [Resident Training Physician](#)
10. [Respiratory Care Professional](#)
11. [Orthotist and/or Prosthetist](#)
12. [Nurse Protocol \(APRN\) Agreement](#)
13. [Vaccine Protocol Forms](#)

Mississippi: [Mississippi State Board of Medical Licensure](#)

1. [LICENSING](#)
2. [MEDICAL/OSTEOPATHIC PERMANENT LICENSURE](#)
3. [MEDICAL/OSTEOPATHIC ADMINISTRATIVE LICENSURE](#)
4. [MEDICAL/OSTEOPATHIC TEMPORARY LICENSURE](#)
5. [PODIATRY LICENSURE](#)
6. [PHYSICIAN ASSISTANT LICENSURE](#)
7. [RADIOLOGIST ASSISTANT LICENSURE](#)
8. [ACUPUNCTURIST](#)
9. [LIMITED X-RAY MACHINE OPERATORS](#)

3. What steps the Board is taking to become financially solvent.

The Acupuncture Board returned to solvency in 2021 after it spent its reserves seeking a declaration from the courts as to whether physical therapists with minimal training who were performing dry needling (with acupuncture needles) could do that within that profession's scope of practice. The health and safety of North Carolinians were the drivers.

The Acupuncture Board's last audit dated 31 October 2023 reflects the Board's net position had increased to \$89,050 which is more than a 13% increase from the prior year. The Acupuncture Board's cash position continues to be strong at present and the biennial renewal deadline is July 1.

4. If the Board is not consolidated, whether any statutory changes are necessary for the Board to become and remain financially solvent.

As is indicated above, N.C. GEN. STAT. § 90-457, which sets the cap on fees the Board can charge, has not been amended in 19 years. The Acupuncture Board wishes to acquire or develop a licensee database and the capacity to apply for and renew licensing online. The sooner the Acupuncture Board can raise the funds to development and implement that functionality, the sooner those plans can be implemented.

The Acupuncture Board has not sought state funding for its operations since its creation 31 years ago. Certainly, the Acupuncture Board would welcome a state appropriation to permit the implementation of a licensing database and online application system more quickly, but the Board does not believe it will be required. 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.

5. Any new information since the 2022 presentation that would be relevant to the APO Committee.

The approval by the UNC Board of Governors of the doctoral programs in acupuncture and herbal medicine took place since I was last here. Sixty to seventy percent of the students who enroll in Daoist Traditions' master's and doctoral programs come from out of state. More than 50% of Daoist Traditions' graduates become licensed to practice acupuncture in North Carolina and choose to stay here to live and practice.

On a national level, Medicare coverage was approved for the use of acupuncture to treat chronic lower back pain.

Recently, the Acupuncture Board entered an agreement with a company called CE Broker to assist licensees in tracking and meeting their continuing education requirements for renewal at no cost to the licensees. This is the first step towards the Acupuncture Board's plan to add online licensing and renewal applications.