

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 99 (The President) (By Request – Department of Legislative Services)

Education, Health, and Environmental Affairs

Health and Government Operations

State Acupuncture Board - Sunset Extension and Program Evaluation - Licensure Requirements

This bill extends the sunset date for the State Acupuncture Board from July 1, 2005 to July 1, 2015 and requires another sunset evaluation on or before July 1, 2014.

Fiscal Summary

State Effect: Special fund revenues and expenditures would be maintained for the State Acupuncture Board beyond FY 2005.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill specifies that an applicant for licensure by the board must:

- graduate from a course of training that is: (1) approved by the Maryland Higher Education Commission; (2) accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or found by the board to be equivalent; (3) at least 1,800 hours (including 300 clinical hours); or
- achieve a diplomate in acupuncture from the National Commission for Acupuncture and Oriental Medicine (NCAOM) or pass an examination found by the board to be the equivalent of the examination given by NCAOM.

Current Law/Background: The Maryland State Acupuncture Board will terminate on July 1, 2005.

The mission of the State Acupuncture Board is to promote quality health care in the field of acupuncture by:

- licensing acupuncturists;
- receiving and resolving complaints from the public courts, employers, insurance companies, and other licensees regarding acupuncturists who may have violated the Maryland Acupuncture Act; and
- setting standards for the practice of acupuncture that reflect new and emergent developments in the practice of acupuncture through regulations and legislation.

The board consists of seven members appointed by the Governor including five licensed acupuncturists and two consumer members. Members serve three-year terms and may not serve more than two consecutive terms. The board is supported by a part-time (50%) executive director, a part-time (20%) board counsel, a full-time administrative specialist, and a part-time (50%) investigator. Statute authorizes board members to receive compensation in accordance with the budget of the board. Board members currently receive a \$50 per diem and reimbursement for approved expenses.

Licensure to practice acupuncture in Maryland requires the completion of *one* of the following standards:

- graduation from an accredited course of training of at least 1,800 hours (including 300 clinical hours), or its equivalent (does not change under the bill);
- passage of an examination given by the National Commission for the Certification of Acupuncturists; or
- possession of an existing license in acupuncture in another state that has a reciprocity agreement with Maryland.

The board is subject to the Maryland Program Evaluation Act, also known as the “sunset law,” which provides a system of periodic legislative review of the regulation, licensing, and other governmental activities of various units of State government.

The bill arises out of the preliminary sunset evaluation of the State Board of Acupuncture performed by the Department of Legislative Services (DLS) during 2002. In its report, DLS recommended a waiver from full evaluation and extension of the board’s sunset date to July 1, 2015. DLS also recommended that the board issue a report addressing board

resources and summarizing the outcome of the board's proposal to require an examination as a condition of licensure.

State Fiscal Effect: Special fund revenues and expenditures will be maintained beyond fiscal 2005 because the bill proposes to continue the board. The fiscal 2004 budget allowance for the board is \$194,825. The board's revenues have averaged \$163,800 over the past two years. The board will have an estimated fund balance of \$68,217 at the end of fiscal 2004. The board lowered fees for renewal applications in fiscal 2000 to decrease the fund balance. Renewal fees are scheduled to return to their fiscal 1999 level in December 2004.

Additional Information

Prior Introductions: None.

Cross File: HB 34 (The Speaker) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2003
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