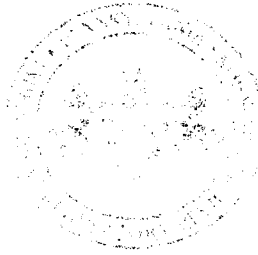


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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 13, 2005

Charles D. Hummer, Jr., M.D., Chairman
State Board of Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4919 (IRRC #2455)
State Board of Medicine
Registration and Practice of Acupuncturists

Dear Chairman Hummer:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary S. Wyatt", is written over a circular stamp.

Mary S. Wyatt
Acting Executive Director/Chief Counsel

wbg

Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Medicine #16A-4919 (IRRC #2455)

Registration and Practice of Acupuncturists

April 13, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Medicine (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on March 14, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 18.11. Definitions. - Clarity; Protection of the public health.

Acupuncture examination

This definition states, in part, the following: "The Board recognizes the combination of the NCCAOM examinations in acupuncture and sterilization procedures as an acupuncture examination." This proposal expands the definition of "acupuncture" to include "supplemental techniques." It is our understanding that the NCCAOM offers five examinations that cover various aspects of the field of acupuncture, including "supplemental techniques." Did the Board consider adding any of these additional examinations, such as the examination in Chinese Herbology, to the acupuncture examination requirements?

NCAAOM

This definition is an acronym for the National Certification Commission for Acupuncture and Oriental Medicine. The final-form regulation should be amended to reflect the correct acronym, NCCAOM.

2. Section 18.13. Requirements for registration as an acupuncturist. - Protection of the public health.

Subsection (a)(2) states that if an acupuncture examination was not taken in English, the Board will accept a passing score if the applicant has also secured a score of 550 on the test of English as a Foreign Language (TOEFL). The Association for Professional Acupuncture in Pennsylvania (Association) has suggested that applicants be required to take the Test for Spoken English (TSE) in addition to the TOEFL. The Association's comments noted the following: "The TSE is an inexpensive and reasonable test and we feel the issue of being able to verbally communicate with the patient is important in regards to public safety." Has the Board considered requiring the TSE for applicants who took the acupuncture examination in a language other than English?

Facsimile Cover Sheet

Kristine M. Shomper
Administrative Officer



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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

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INDEPENDENT REGULATORY REVIEW COMMISSION

To: Suzanne Hoy
Agency: Department of State
Licensing Boards and Commissions
Phone: 7-2628
Fax: 7-0251
Date: April 13, 2005
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Medicine's regulation #16A-4919 (IRRC #2455). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Suzanne Hoy* Date: 4/13/05