

# Fiscal Note & Local Impact Statement

123<sup>rd</sup> General Assembly of Ohio

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**BILL:** Sub. H.B. 341 (LSC 123 0934-1)                      **DATE:** October 19, 1999

**STATUS:** In House Health, Retirement and Aging                      **SPONSOR:** Rep. Schuring

**LOCAL IMPACT STATEMENT REQUIRED:** No — Minimal Cost

**CONTENTS:** Provides for the certification of acupuncturists by the State Medical Board.

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## State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
<b>State Medical Board Operating Fund (Fund 5C6)</b>			
Revenues	- 0 -	Gain of approximately \$1,500	Approximate gain of up to \$10,000 in even-numbered years and minimal gain in odd-numbered years
Expenditures	- 0 -	Minimal increase	Minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- The bill establishes certification fees for acupuncturists, to be charged by the State Medical Board. For initial certificates, the biennial license fee shall be \$100. For renewal licenses, in even-numbered years, the fee will be \$50. LBO estimates that there are approximately 15 individuals in Ohio that currently meet the requirements under the bill to be certified by the Medical Board. The Board estimates that in future years no more than 100 individuals will seek a new or renewed certification from the Board in any given year.
- The Medical Board may charge a fee of \$35 to issue a duplicate certificate to a certificated acupuncturist. For a certificate that is suspended due to failure to renew, the penalty, upon renewal, is \$25 for a suspension of less than two years or \$50 if the certificate has been suspended for more than two years. This penalty would be in addition to the standard \$50 renewal fee.
- An acupuncturist certificated by the Medical Board would only be permitted to practice under the written referral or prescription authority and general supervision of a physician. A supervising physician would be subject to discipline by the Medical Board for failure to supervise an acupuncturist in accordance with the provisions included in the bill.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2000	FY 2001	FUTURE YEARS
<b>Counties</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.



- An acupuncturist being disciplined under Chapter 119. of the Revised Code, as a general rule, could ultimately appeal the decisions up to a local court of common pleas. LBO assumes that this would have a potential very minimal impact on local courts.

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## ***Detailed Fiscal Analysis***

Under Sub. H.B. 341, an individual desiring to practice acupuncture in Ohio must first receive designation as a diplomate in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). The only individuals exempted from this requirement are physicians, osteopaths, and podiatrists licensed by the State Medical Board under ORC 4731.34 and individuals in training programs leading to NCCAOM diplomate designation. Non-physicians designated as diplomates in acupuncture by NCCAOM must be certified by the State Medical Board to legally practice in this state under the provisions of this bill.

The bill requires acupuncturists to practice under the referral or prescription authority and general supervision of a physician. The bill outlines the activities required by the referring physician. According to the bill, a supervision physician shall do all of the following:

1. Perform or review a medical examination with respect to the ailment or condition to be treated by acupuncture prior to the acupuncture treatment;
2. Be personally available for consultation through some means of telecommunication in a location not more than sixty minutes travel time away from the acupuncturist; and
3. Place conditions and restrictions on the course of acupuncture treatment in compliance with prevailing standards of medical care.

### **Enforcement and Effects on State Medical Board**

The bill establishes certification fees for acupuncturists, to be charged by the State Medical Board. For initial certificates, the biennial license fee shall be \$100. For renewal licenses, in even-numbered years, the fee will be \$50. LBO estimates that there are currently about 15 individuals in Ohio that meet the requirements under the bill to be certified by the Medical Board. Therefore, the Medical Board would have likely revenues of approximately \$1,500 in FY 2001, the first year that the Board would certify acupuncturists. The Board estimates that in future years no more than 100 individuals will seek a new or renewed certification from the Board in any one year. Using the Board's estimates, in even-numbered years, anticipated revenue should be no more in any one year than \$10,000. In odd-numbered fiscal years, revenues for the Board should be minimal and only include new initial certificates and fees charged for duplicate and suspended licenses.

The Medical Board may charge a fee of \$35 to issue a duplicate certificate to a certificated acupuncturist. For a certificate that is suspended due to failure to renew, the penalty, upon renewal, is \$25 for a suspension of less than two years or \$50 if the certificate has been suspended for more than

two years. This penalty would be in addition to the standard \$50 renewal fee. In general, the new revenue should address any new costs to the Medical Board.

## **NCCAOM Certification Process**

In order to be certified in acupuncture by NCCAOM, an individual must be at least 18 years old and satisfy one of the exam prerequisites, which include:

1. Formal education (graduation from a full-time acupuncture program that can document at least 1,725 hours of entry-level education);
2. Apprenticeship (completion of an apprenticeship of at least 4,000 contact hours in a 3- to 6-year period);
3. Professional acupuncture practice (practice at a minimum level of 500 acupuncture patient visits by no fewer than 100 different patients per year for a minimum of 4 years – this prerequisite satisfaction route will be eliminated as of Jan. 1, 2001); or
4. Combination of training and experience.

Other requirements for certification include successful completion of a Clean Needle Technique Course, an agreement to follow the National Code of Ethics, and passage of both portions of the NCCAOM Acupuncture Examination.

According to the NCCAOM Internet site, there are 12 Diplomates in Acupuncture in Ohio (<http://www.nccaom.org/query.htm>). Additionally, 29 states use NCCAOM certification as an integral part of their licensure process. For a list of these states, visit <http://www.nccaom.org/states.htm>.

## ***Synopsis of Changes***

This bill changes the structure of certification for acupuncturists. Under the As Introduced version of the bill, individuals certified as Diplomates in Acupuncture by the NCCAOM would be allowed to practice acupuncture under the supervision of a physician without Medical Board involvement. Under the substitute version of the bill, individuals seeking to practice acupuncture in Ohio would need to be certified by the State Medical Board, in addition to holding Diplomat status by the NCCAOM. This change will yield additional revenues and some minor expenditure increases for the Medical Board, as described above.

□ *LBO staff: Jeffrey M. Rosa, Budget/Policy Analyst*

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