

POLICY STATEMENT

BOARD OF MEDICAL EXAMINERS' ADVISORY COMMITTEE FOR ACUPUNCTURE

UNLICENSED PRACTICE OF ACUPUNCTURE OR AURICULAR DETOXIFICATION

When the Committee becomes aware that a person who is not certified to do so is practicing acupuncture or auricular detoxification, or that a person has knowingly employed, contracted for, or otherwise utilized uncertified persons in the practice of acupuncture or auricular detoxification, the following action shall commence. The Committee's administrative staff shall notify the practitioner and/or the acupuncture detoxification specialists' (ADS) supervising medical director/acupuncturist by certified mail, return receipt requested, that within thirty (30) days of the date of receipt of the notice, the matter may be settled if the individual submits satisfactory documentation of one of the following:

1. The practitioner is certified to practice acupuncture or auricular detoxification; or
2. The practitioner met one of the exemptions listed in Tenn. Code Ann. § 63-6-1002 at the time he/she was practicing acupuncture or auricular detoxification; or
3. The individual did not practice acupuncture or auricular detoxification during the time that the Committee's documentation alleges; or
4. The individual who knowingly employed, contracted for, or otherwise utilized uncertified persons in the practice of acupuncture or auricular detoxification did not knowingly do so; or
5. The individual has submitted an application for licensure along with all the applicable fees.

If the individual provides satisfactory documentation of number five (5) above, then the matter may be settled by an Agreed Citation (and, if appropriate, the Committee issue a certification) which specifies a Type C civil penalty in the amount of Fifty Dollars (\$50.00) for each month the individual practiced without his/her certification or the individual knowingly employed, contracted for, or otherwise utilized unlicensed persons in the practice of acupuncture or auricular detoxification.

If the practitioner and/or supervising medical director/acupuncturist fail to exercise one of the available options, the matter will be referred to the Office of General Counsel for full prosecution with the failure to take advantage of the penalty-free opportunity as set forth above taken into consideration by the Committee in its disciplinary deliberations. Upon a proven violation, the **minimum** disciplinary action that shall be authorized by the Committee for the practitioner and/or the supervising medical director/acupuncturist is as follows:

- a) A formal **reprimand** (reportable to the NPDB); **and**
- b) Assessment of a Type C civil penalty in the amount of one hundred dollars (\$100.00) for each month the uncertified practitioner practiced acupuncture or auricular detoxification or the individual knowingly employed, contracted for, or otherwise utilized unlicensed persons in the practice of acupuncture or auricular detoxification, which shall include the thirty (30) day grace period; **and**
- c) Assessment of the costs associated with the prosecution of the matter; **and**
- d) Any and all other remedies the Committee deems appropriate.

Adopted by the Board of Medical Examiners' Advisory Committee for Acupuncture on this the 6th day of February, 2017.

Adopted by the Board of Medical Examiners on this the 7th day of March, 2017.