

Yvette Yarbrough – Executive Director  
Texas Board of Chiropractic Examiners  
333 Guadalupe St.  
Ste. 3-825  
Austin, TX 78701

11/20/2013

Dear Ms. Yarbrough,

I am writing on behalf of the Texas Association of Acupuncture and Oriental Medicine (TAAOM) regarding proposed Texas Board of Chiropractic Examiners (TBCE) rule 77.7 pertaining to “Advertisement of Specialties or as a Specialist” by Doctors of Chiropractic.

First, I again draw your attention to the Texas Occupations Code Sec. 201.1526, which reads:

(b) The board shall establish methods under which the board, to the extent appropriate, will seek input early in the rule development process from the public and from persons who will be most affected by a proposed rule. Methods must include identifying persons who will be most affected and soliciting, at a minimum, the advice and opinions of those persons. Methods may include negotiated rulemaking, informal conferences, advisory committees, and any other appropriate method.

(c) A rule adopted by the board under Section 201.1525 may not be challenged on the grounds that the board did not comply with this section. If the board was unable to solicit a significant amount of advice and opinion from the public or from affected persons early in the rule development process, the board shall state in writing the reasons why the board was unable to do so.

Notably, the TBCE has (again) not sought the advice and opinion of The Texas Association of Acupuncture and Oriental Medicine, nor – to my knowledge - that of any other acupuncture stakeholder groups despite the fact that this rule would create specialty and specialist designations for chiropractors practicing acupuncture with minimal training. TAAOM takes very seriously other professions practicing acupuncture with minimal training, much less holding themselves out as specialists in acupuncture with such training.

Also notable is the fact that this present iteration of a specialty rule is broader and more lax even than that proposed in 2012. As written, this rule has the potential to allow a chiropractor to fulfill only the TBCE’s minimum 100 hour requirement (with zero clinical component) to practice acupuncture *and* to hold themselves out as a specialist in acupuncture. We are concerned that this is a misrepresentation of the level of training undertaken and misleading to the public. To specialize, or to be a specialist in a given area generally implies that one is an authority or has some level of expertise in the area of specialization, not that one has met a token minimum requirement.

For example, one can become a Fellow of the International Academy of Medical Acupuncture by completing a 7 module training consisting of 105 hours, 5 of which are distance learning. Under such a scenario, the TBCE would in essence be condoning allowing someone with as little as 30 hours of classroom time and a multiple choice test under their belt (again, with no actual clinical training in acupuncture) to represent themselves to the citizens of Texas as a *specialist* in the practice of acupuncture. As licensed healthcare providers I think we all owe it to ourselves and our patients to do better than that. Comparatively, a Licensed Acupuncturist as part of their four year curriculum must complete 705 classroom hours related to acupuncture and Oriental medicine theory and close to 1000 hours in clinic.

Further, as articulated to the TBCE previously, the current 100 hour requirement falls short of any national or international standard of training in acupuncture. The WHO recommends a minimum of 220 hours for qualified physicians practicing in a limited capacity, and the American Academy of Medical Acupuncture training for MDs is 300 hours.

TAAOM supports the TBCE in its mission of 'ensuring that the highest quality professionals serve Texas chiropractic patients effectively and ethically', and welcomes further dialog and discussion around this issue.

Regards,  
Wally Doggett, L.Ac.  
Texas Association of Acupuncture and Oriental Medicine