

POLICY STATEMENT

BOARD OF MEDICAL EXAMINERS' TENNESSEE ADVISORY COMMITTEE FOR ACUPUNCTURE

LAPSED LICENSE POLICY

The Board of Medical Examiners' Advisory Committee for Acupuncture recognizes that an individual may inadvertently allow his/her license to expire. However, applicable law prohibits an individual from working as an acupuncturist or an acupuncture detoxification specialist (ADS) unless he/she has an active license. While the Board and Committee do not condone an individual working on an expired license, the Committee recognizes that the inadvertent lapses can occur. As such, the Board and Committee have adopted the following procedures for reinstatement of an expired license.

1. Immediately upon recognition that his/her license has expired, the individual must cease practicing and contact the Committee's administrative office to request a reinstatement application.
2. Upon receipt of the reinstatement application, the individual is to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the Committee's administrative office along with any additional information and all fees specified in the instructions.
3. Upon receipt of a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, the Committee's administrator may reinstate a license which has been in an expired status for less than thirty (30) calendar days immediately upon approval from the Committee's consultant. Although the Committee and administrative staff recognize the applicant's urgent interest in having his or her license reinstated, preferential treatment will not be given to these applicants. All applications are reviewed in the order in which they are received.
4. If the work history reflects that the individual has practiced in excess of thirty (30) calendar days, but less than six (6) months on an expired license, the Committee will present to the licensee, an Agreed Citation which specifies payment of a Type C civil penalty in the amount of one hundred (\$100.00) per month for acupuncturists and fifty dollars (\$50.00) per month for ADSs for every month in which the individual has worked at least one day beyond the thirty (30) calendar day grace period. The individual's license will not be reinstated unless and until the Agreed Citation is executed by the licensee and payment of the fine remitted to the Committee's administrative office.
 - A. The licensee shall be notified that all Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health's website, its disciplinary action report issued in the month the action is taken and to all appropriate federal databanks including the National Practitioner Data Bank (NPDB).

- B. This remedy is only available to those acupuncturists and ADSs who have practiced on a lapsed license for less than six (6) months from the date the license went into expired status.
5. If the licensee refuses to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed Citation is sent to the licensee, or if the licensee practiced on a lapsed license for six (6) months or longer, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:
- A. A formal and reportable Reprimand on the license;
 - B. Assessment of a Type C civil penalty in an amount to exceed one hundred (\$100.00) per month for acupuncturists and fifty dollars (\$50.00) per month for ADSs for every month in which the individual has worked at least one day beyond the thirty (30) calendar day grace period;
 - C. Assessment of costs associated with investigating and prosecuting the matter; and
 - D. Any and all other remedies the Committee deems appropriate.
6. In the event the matter is referred to the Office of Investigations and Office of General Counsel for formal disciplinary action, the Committee's administrative office shall be permitted to reinstate those applicants for whom they have received a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, subject to further action on the license as described in paragraph five (5) above. Though the Committee's administrator may reinstate such a license upon approval from the Committee's consultant, preferential treatment will not be given to these applicants. These applications will be reviewed in the order in which they are received. For those applicants who have declined an Agreed Citation, their application will be deemed received sixty (60) days from the date the Agreed Citation was sent.

ADOPTED BY THE TENNESSEE ADVISORY COMMITTEE FOR ACUPUNCTURE ON SEPTEMBER 12, 2023.

RATIFIED BY THE BOARD OF MEDICAL EXAMINERS ON SEPTEMBER 26, 2023.