

Regulatory Analysis Form

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(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine

INDEPENDENT REGULATORY REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

16A-4924

IRRC Number: 2690

(3) Short Title

Acupuncture Registration

(4) PA Code Cite

49 Pa. Code § 18.15

(5) Agency Contacts & Telephone Numbers

Primary Contact: Gerald S. Smith, Senior Counsel in Charge, State Board of Medicine (717) 783-7200
Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

These proposed regulations seek to amend the Board's existing regulations to implement the 60-day direct access provision of Act 186 of 2006 and to provide for patient safety by establishing protocols for a cooperative relationship between the patient's acupuncturist and the patient's treating physician.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The act of November 29, 2006, (P.L. 1625, No. 186) (Act 186) (effective January 29, 2007) amended the Acupuncture Registration Act (act) (63 P.S. §§1801 - 1806), to authorize an acupuncturist or practitioner of Oriental medicine (hereinafter referred to collectively as acupuncturists) to treat a patient's condition through acupuncture or the prescribing of medicinal herbs for up to 60 days without the condition first being diagnosed by a physician, dentist or podiatrist. Section 21 of the Medical Practice Act of 1985 (63 P.S. §422.21), provides for the various levels of required medical doctor involvement with the care of patients who are being treated by non-physicians.

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(10) Is the regulations mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The act of November 29, 2006, (P.L. 1625, No. 186) (Act 186) (effective January 29, 2007) amended the Acupuncture Registration Act (act) (63 P.S. §§1801 – 1806), to authorize an acupuncturist or practitioner of oriental medicine (hereinafter referred to collectively as acupuncturists) to treat a patient's condition through acupuncture or the prescribing of medicinal herbs for up to 60 days without the condition first being diagnosed by a physician, dentist or podiatrist. These proposed regulations seek to amend the Board's existing regulations so that they comport with the Act 186 amendments to the Acupuncture Registration Act and to provide protocols for coordination of care between the acupuncturist and the physician.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The regulation implements Act 186 and provides protocol to assure patients are referred without delay when acupuncture or Oriental medicine is contraindicated or the patient's condition worsens.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Acupuncturists practicing in the Commonwealth will benefit by revisions to the current Amendments to comport with amendments to the act. There are currently 505 acupuncturists registered in the Commonwealth and approximately 30 persons who apply yearly. Patients will benefit by practitioners having an established protocol for coordination of care.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse impact is anticipated.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Approximately 505 registered acupuncturists.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Board solicited comment in accordance with Executive Order 1996-1. The Board also met with representatives of the Pennsylvania Association for Professional Acupuncture (association). The comments from the association were primarily technical in nature and were incorporated into the rulemaking. The law firm of Kalegredis, Sansweet, Dearden and Burke, LTD., submitted written comments. All comments were considered in drafting the proposed rulemaking as set forth in the Preamble.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no anticipated costs or identifiable savings.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will not incur an increase in administrative costs by implementing the regulation.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 7/1/01	FY +1 Year 7/1/02	FY +2 Year 7/1/03	FY +3 Year 7/1/04	FY +4 Year 7/1/05	FY +5 Year 7/1/06
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The proposed amendments will not generate costs or savings.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2004-2005	FY -2 2005-2006	FY -1 2006-2007	Current FY 2007-2008
State Board of Medicine	\$4,426,129.18	\$5,621,389.18	\$8,794,000.00	\$9,348,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The proposed amendments are cost benefit-neutral.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because the proposed regulations strictly adhere to statutory amendments and because existing regulations need to be amended through the regulatory process.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no specific federal standards addressing the practice of acupuncturists.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation implements statutory amendments to the Acupuncture Registration Act. Those amendments are less restrictive than the prior provisions of the Act. See attached chart comparing the regulation of acupuncturists by State.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews regulatory proposals at regularly scheduled monthly public meetings. A schedule of board meetings can be found on the Department of State's website at www.dos.state.pa.us/bpoa. The Board provided a draft of the proposed regulations to those persons who have identified themselves as interested in the regulatory proposals of the Board. All comments were considered in drafting this proposed rulemaking as set forth in the Preamble.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Recordkeeping requirements pertaining to patient records are delineated by the proposed rulemaking.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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form and legality. Attorney General

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

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Executive or Independent
Agencies.

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

State Board of Medicine
(AGENCY)

BY *Andrew C. Clark*
Andrew C. Clark

APR 08 2008

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-4924

DATE OF ADOPTION: _____

BY: *Cheryl Young*

DATE OF APPROVAL

MAR 20 2008

(Executive Deputy General
Counsel)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable
Copy not approved.
Objections attached.
- Check if applicable. No Attorney
General approval or objection within 30 day
after submission.

NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE
49 PA. CODE, CHAPTER 18
SECTION 18.15
ACUPUNCTURE REGISTRATION

The State Board of Medicine (Board) hereby proposes to amend § 18.15 (relating to practice responsibilities of acupuncturist who is not a medical doctor), to read as set forth in Annex A.

A. Effective Date

The amendments will be effective upon publication as final-form rulemaking in the Pennsylvania Bulletin.

B. Statutory Authority

The act of November 29, 2006, (P.L.1625, No. 186) (Act 186) (effective January 29, 2007) amended the Acupuncture Registration Act (act) (63 P.S. §§1801 – 1806) to authorize an acupuncturist or practitioner of Oriental medicine (hereinafter referred to collectively as acupuncturists) to treat a patient's condition through acupuncture or by dispensing or administering medicinal herbs for up to 60 days without the patient's condition first being diagnosed by a physician, dentist or podiatrist. See 63 P.S. § 1803.1. In addition, section 21 of the Medical Practice Act of 1985 (63 P.S. § 422.21), provides for the various levels of required medical doctor involvement with the care of patients who are being treated by non-physicians.

C. Background and Purpose

This proposed rulemaking seeks to amend the Board's existing regulations to implement the 60-day direct access provision of Act 186 and provide for patient safety by establishing protocols for a cooperative relationship between the patient's acupuncturist and the patient's treating physician, as applicable.

Act 186 contains two substantive provisions in regard to the practice of acupuncture:

1. It gives acupuncturists the authority to treat patients for 60-days without any physician involvement.
2. It deletes from the Acupuncture Registration Act the statutory requirement that a patient obtain a referral or prescription for acupuncture services and substitutes a requirement for a medical examination and diagnosis if treatment will continue beyond 60 days.

The 60-day access provision is self-executing. However, the provision dealing with physician involvement keeps open the question as to what responsibilities the physician still has under the Medical Practice Act in regard to the needs of the patient if the patient has contraindications for acupuncture or herbal treatments. Similarly, the act does not provide for the acupuncturists responsibilities to their patient when it is apparent that despite acupuncture

treatment the patient's condition is worsening. Accordingly, it is appropriate for the Board to establish regulations to address the question as to the professionals' obligation to safeguard the well being of their joint patients.

D. Description of Amendments

The rulemaking proposes to amend § 18.15 to comport with Act 186 to authorize an acupuncturist or practitioner of Oriental medicine to treat a patient's condition for up to 60 days without the condition first being diagnosed by a physician, dentist or podiatrist. The rulemaking also proposes to amend § 18.15 to provide for the responsibilities of the acupuncturist in regard to coordination of patient care with the patient's physician, dentist or podiatrist.

Section 18.15 would be amended throughout to add "practitioners of Oriental medicine" consistent with the Board's prior final rulemaking published at 37 Pa.B.1644 on April 14, 2007.

Subsection (a)(1) would require acupuncturists to perform an evaluation of the patient and develop an acupuncture or Oriental medicine treatment plan.

Subsection (a)(2) would provide for the acupuncturist to treat patients for a period of 60 calendar days without the patient's condition being first diagnosed by a physician, dentist or podiatrist.

Subsection (a)(3) would permit continued acupuncture or Oriental medicine treatment beyond 60 calendar days if the patient obtains an examination and diagnosis from a physician, dentist or podiatrist.

Subsection (a)(4) would require acupuncturists to refer a patient within the 60 calendar days to a physician, dentist or podiatrist, as appropriate to the patient's condition, if acupuncture or Oriental medicine treatment is contraindicated for the patient or if the patient's condition worsens.

Subsection (a)(4) would require the acupuncturist to consult with the patient's physician, dentist, podiatrist or other health care practitioner at the patient's request.

Subsection (a)(5) would require the acupuncturist to cooperate with the patient's physician, dentist or podiatrist in regard to the coordination of the patient's care, and to comply with restrictions or conditions as directed by the patient's physician, dentist or podiatrist.

Subsection (a)(6) would prohibit acupuncturists from diagnosing a physical or mental ailment or condition or prescribing or dispensing a drug. The subsection would allow practitioners of Oriental medicine to dispense and administer therapeutic herbs that contain

ingredients that are similar or equivalent to active ingredients in drugs as classified by the federal Food and Drug Administration. The subsection would also permit the use of diagnostic billing codes used for payment and reimbursement.

Subsection (a)(7) would require compliance with sterilization standards relative to aseptic practices.

Subsection (a)(8) would require that patient records be maintained in a manner consistent with the Board's record keeping regulations at §16.95 (relating to medical records).

Subsection (b) would be amended to delete outdated provisions pertaining to supervision of acupuncturists. The requirement that acupuncturists identify themselves as such is retained.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board solicited input and suggestions from the regulated community and other parties who have identified themselves as interested in the Board's regulatory agenda. The Board also met with representatives of the Pennsylvania Association for Professional Acupuncture (association). The comments from the association were primarily technical in nature and were incorporated into the rulemaking. The association also commented on the language requiring referral if the patient's condition worsens. The association's comments expressed concern that the patient's perception of their condition may not be accurate from clinical perspective. In recognition that the initial determination of the progress and appropriateness of treatment is a professional one, the Board has made it clear to the association that it is the acupuncturist who is responsible for making that determination.

The law firm of Kalegredis, Sansweet, Dearden and Burke, LTD., submitted written comments. The comments asserted that requiring the acupuncturist to refer patients to other health care practitioners was problematic because such a requirement was not contemplated by Act 186 and because "worsening" of the patient's condition was subjective and undefined. The Board disagrees. Act 186 does not preclude the Board from adopting regulations giving effect to other related provisions of law, including section 21 of the Medical Practice Act of 1985 (63 P.S. § 422.21), which provides for necessary medical doctor involvement with health care being administered by persons other than medical doctors. Moreover, one need only examine the warning labels of over-the-counter medications to appreciate that the term "worsens" is a commonly understood concept by patients as well as health care practitioners. Indeed, during Board meetings at which the proposal was being discussed, when asked by the Board how an acupuncturist knows when the acupuncture treatment being provided is contraindicated, the acupuncturist representatives of the Pennsylvania Association for Professional Acupuncture

stated that the patient gets “worse.” Lastly, this provision is consistent with existing § 18.15(b)(1), which this proposal would merely relocate to § 18.15(a).

Kalegredis, Sansweet, Dearden and Burke, LTD., also recommended that the Board allow for the use of diagnostic billing codes at § 18.15(a)(6). The Board agrees that this is a helpful clarification and has incorporated it into this proposed rulemaking. Kalegredis, Sansweet, Dearden and Burke, LTD., also recommended that the rulemaking clarify that practitioners of Oriental medicine may use other supplemental techniques. The Board does not believe this is necessary because under the Board’s regulations all practitioners of Oriental medicine are acupuncturists, with the additional authority of being authorized to provide Chinese herbal therapy. Accordingly, practitioners of Oriental medicine may use all the modalities that acupuncturists are authorized to use without further revision to the regulations.

Kalegredis, Sansweet, Dearden and Burke, LTD., also suggested that requiring acupuncturists to maintain records in a manner consistent with the Board’s regulations at § 16.95 (relating to medical records) is inappropriate because that section refers to physicians. The Board believes the comment misapprehends that the use of the phrase “consistent with” qualifies the reference to § 16.95. The Board has not incorporated § 16.95 by reference, but rather requires the acupuncturist to maintain those records developed during the acupuncturist-patient relationship in a manner so that the records are accurate, legible, complete and accessible to patients. The Board believes it unnecessary to recreate these requirements for each Board-regulated practitioner. The Board has plans for future rulemaking that will amend and make more generic certain regulations that are of common application to all Board-regulated practitioners. This rulemaking is consistent with that plan.

F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivision, or the private sector.

G. Sunset Date

The board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on April 21, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations and objections raised.

I. Public Comment

Interested persons are invited to submit written comments, recommendations, or objections regarding the proposed regulation to Gerald S. Smith, Senior Counsel in Charge, Department of State, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649 within 30 days following publication for the proposed regulation in the Pennsylvania Bulletin. Please refer to 16A-4924: Acupuncture when submitting comments.

Charles D. Hummer, Jr., M.D.
Chairperson

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

CHAPTER 18. STATE BOARD OF MEDICINE--
PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF
ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL
MEDICINE

* * * * *

§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who [is] are not [a] medical [doctor] doctors.

(a) *Responsibilities to patient.* In relation to the acupuncture patient, the acupuncturist and the practitioner of Oriental medicine [shall comply with the following]:

(1) [Received, in writing, from the acupuncturist supervisor, approval to initiate acupuncture treatment] Shall perform an acupuncture or Oriental medicine evaluation and develop an acupuncture or Oriental medicine treatment plan.

(2) [Comply strictly with conditions or restrictions that may be placed on the course of acupuncture treatment by the acupuncturist supervisor] May treat the patient's condition without the condition being diagnosed by a physician, dentist or podiatrist for 60 calendar days from the date of the first treatment.

(3) May treat the patient's condition beyond 60 calendar days from the date of first treatment if the patient has obtained an examination and diagnosis from a physician, dentist or podiatrist.

(4) Shall, within 60 calendar days from the date of first treatment, refer the patient to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the acupuncturist or practitioner of Oriental medicine determines that further acupuncture or Oriental medicine treatment is contraindicated for the patient or determines that the patient's condition has worsened.

(5) Shall consult with the patient's physician, dentist, podiatrist or other health care practitioner upon request of the patient.

(6) Shall cooperate with the patient's physician, dentist or podiatrist in regard to the coordination of the patient's care, and comply with restrictions or conditions as directed by the physician, dentist or podiatrist.

(7) [Not] May not medically diagnose a physical or mental ailment or condition or prescribe or dispense a drug. A Practitioner of Oriental medicine is not prohibited from dispensing or administering therapeutic herbs that contain ingredients that are similar or equivalent to active ingredients in drugs as classified by the federal Food and Drug Administration. This provision does not prohibit the use of diagnostic billing codes for billing or reimbursement purposes.

[(4) Comply] (8) Shall comply strictly with sterilization standards relative to aseptic practices.

(9) Shall maintain patient records in a manner consistent with the provisions of § 16.95 (relating to medical records).

(b) *[Responsibility to acupuncturist supervisor.* In relation to the acupuncturist supervisor, the acupuncturist shall comply with the following:

(1) Consult promptly with the acupuncturist supervisor regarding a new ailment or condition or a worsened ailment or condition of an acupuncture patient.

(2) Consult with the acupuncturist supervisor upon request of either the acupuncturist supervisor or the acupuncture patient.

(3) Practice acupuncture only under the general supervision of an acupuncturist supervisor.

(c) Scope of acupuncturist's responsibility.

(1) An acupuncturist is responsible solely for acupuncture evaluation and acupuncture treatment. The medical diagnosis is the responsibility of the acupuncturist supervisor.

(2) An acupuncturist is not required to practice acupuncture in the physical presence of the acupuncturist supervisor or at the location where the acupuncturist supervisor provides medical services. Where the acupuncturist may provide acupuncture services, and whether the acupuncturist may provide acupuncture services without the acupuncture supervisor being physically present, shall be determined by the acupuncture supervisor.

(d) Identification of acupuncturist or practitioner of Oriental medicine. An acupuncturist who is not a medical doctor shall wear a tag or badge with lettering clearly visible to the patient bearing [his] the acupuncturist's name and the title "acupuncturist" or "practitioner of Oriental medicine", as appropriate. The use of the word doctor on this tag or badge is prohibited.

ACUPUNCTURISTS
OVERVIEW BY STATE

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
National Definition	American Association of Oriental Medicine	<p>Model Act: "Acupuncture" is the stimulation of points and areas of the body, including, but not limited to, the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions. "Supplemental techniques" to the practice of acupuncture shall also encompass, as regulated by the board of acupuncture, the use of traditional and modern oriental therapeutics, including, but not limited to, heat therapy, electrical and laser stimulation, acupressure and other forms of massage, herbal therapy, the therapeutic use of foods and supplements and lifestyle counseling. This act does not restrict the use of these supplemental techniques strictly to acupuncturists. These supplemental techniques may be for use within the general domain or for use by licensed health professionals, according to State law and regulation. The Model Act also stipulates that the acupuncturist shall advise the patient that acupuncture therapeutics is not a substitute for conventional medical diagnosis and treatment.</p>	
AL	State Board of Medical Examiners	<p>Acupuncturists are not licensed in Alabama. There is no legislation or rules authorizing the practice by licensed acupuncturists. Only a medical doctor, osteopath, or chiropractor may practice acupuncture. There is no specific training required for a medical or osteopathic doctor to practice acupuncture. The chiropractor only must complete 100 hours of acupuncture coursework to practice.</p>	
AK	Department of Commerce and Economic Development, Division of Occupational Licensing-Acupuncture	<p>Licensed acupuncturist. "Acupuncture means a form of healing developed from traditional Chinese medical concepts that uses stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions" and the "practice of acupuncture means the insertion of sterile acupuncture needles and the application of moxibustion to specific areas of the human body based upon acupuncture diagnosis and includes adjunctive therapies involving mechanical, thermal, electrical, and electro-magnetic treatment and the recommendation of dietary guidelines and therapeutic exercise."</p>	

**ACUPUNCTURISTS
OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
AZ	Acupuncture Board of Examiners	Licensed acupuncturist. "Acupuncture" means puncturing the skin by thin, solid needles to reach subcutaneous structures. Stimulating the needles to affect a positive therapeutic response at a distant site and the use of adjunctive therapies, which are defined as the manual, mechanical, magnetic, thermal, electrical or electro-magnetic stimulation of acupuncture points and energy pathways, auricular and detoxification therapy, ion cord devices, electroacupuncture, herbal poultices, therapeutic exercise and acupressure.	
AR	State Board of Acupuncture and Related Techniques	Doctor of Oriental Medicine. "Acupuncture" means 'the insertion, manipulation, and removal of needles from the body, and the use of other modalities and procedures at specific locations on the body, for the prevention, cure, or correction of a malady, illness, injury, pain, or other condition or disorder by controlling and regulating the flow and balance of energy and functioning of the patient to restore and maintain health, but acupuncture shall not be considered surgery.' "Related techniques" is defined as 'the distinct system of basic health care that uses all allied diagnostic and treatment techniques of acupuncture, oriental, traditional and modern, for the prevention or correction of a malady, illness, injury, pain or other condition or disorder by controlling and regulating the flow and balance of energy and functioning of the patient to restore and maintain health. As used in this subsection "related techniques" include, but are not limited to, acupuncture, moxibustion or other heating modalities, cupping, magnets, clod laser, electroacupuncture including electrodermal assessment, application of cold packs, ion pumping cord, lifestyle counseling, including general eating guidelines, tui na, massage incidental to acupuncture, breathing and exercising techniques, and the recommendation of Chinese herbal medicine lawfully and commercially available in the United States. Provided, "related technique," including but not limited to tui na, shall not involve manipulation, mobilization or adjustment to the spine or extraspinal articulations."	
CA	Department of Consumer Affairs,, Acupuncture Board	Licensed acupuncturist. "Acupuncture means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of	

**ACUPUNCTURISTS
OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>pain or to normalize physiological functions including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping and moxibustion." A licensed acupuncturist may "perform or prescribe the use of Oriental massage, acupressure, breathing techniques, exercise, or nutrition, including the incorporation of drugless substances and herbs as dietary supplements to promote health.</p>	
CO	<p>Department of Regulatory Agencies, Office of Acupuncturists Registration</p>	<p>Registered acupuncturist. "Acupuncture" is defined as "a system of health care based on traditional Oriental medical concepts that employs Oriental methods of diagnosis, treatment, and adjunctive therapies for the promotion, maintenance, and restoration of health and the prevention of disease." The "practice of acupuncture means the insertion and removal of acupuncture needles, the application of heat therapies to specific areas of the human body, and traditional Oriental adjunctive therapies which include manual, mechanical, thermal, electrical, and electro-magnetic treatment, the recommendation of Oriental therapeutic exercises, and subject to federal law, the recommendations of herbs and dietary guidelines." The "practice of acupuncture" does not include the utilization of western medical diagnostic tests and procedures, such as MRI's, X-rays, CAT scans, ultrasound, and does not include osteopathic medicine and osteopathic manipulative treatment, chiropractic or chiropractic adjustment or physical therapy.</p>	
CT	<p>Department of Public Health, Division of Medical Quality Assurance, Acupuncture Licensing Section</p>	<p>Acupuncturist. "Acupuncture" means the treating, by means of mechanical, thermal, or electrical stimulation effected by the insertion of needles or by the application of heat, pressure, or electrical stimulation at a point or combination of points on the surface of the body predetermined on the basis of the theory of physiological interrelationship of the body organs with an associated point or combination of points for diseases, disorders and dysfunctions of the body for the purpose of achieving a therapeutic or prophylactic effect but shall not include the practice of physical therapy.</p>	
DE	<p>Division of Professional Regulation; Board of Medical Practice</p>	<p>There is no practice act for acupuncturists in Delaware. According to the Board of Medical Examiners "a license as a</p>	

**ACUPUNCTURISTS
OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURIST	SUPERVISION/ADDITIONAL REQUIREMENTS
		<p>medical doctor is a prerequisite to the practice of acupuncture in Delaware; it falls within the definition of the practice of medicine." Only a medical doctor, osteopath, chiropractor or physician's assistant may practice acupuncture in Delaware. Medical doctors and osteopaths may practice acupuncture without any specific training.</p> <p>Acupuncture is within the scope of practice of a chiropractor who is certified in any nationally recognized specialty and requires a minimum of one hundred or more hours of certified training beyond and in addition to any courses or training received toward the DC degree.</p>	
DC	Department of Health, Advisory Committee on Acupuncture	<p>Acupuncture is a health care service based on an Oriental system of medical theory. Acupuncture uses Oriental diagnosis and treatment to promote health and treat organic or functional disorders through specific acupuncture points or meridians. Acupuncture includes the following techniques: Use of acupuncture needles to stimulate acupuncture points and meridians; Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians, Moxibustion, Acupressure, Cupping, Dermal friction technique, Infra-red, Sonopuncture, Laserpuncture, Point injection therapy (aquapuncture) Dietary advice based on Oriental medical theory provided in conjunction with all techniques listed above.</p> <p>Acupuncturist. "Practice of acupuncture" means the insertion of needles, with or without accompanying electrical or thermal stimulation, at a certain point or points on or near the surface of the human body to relieve pain, normalize physiological functions, and treat ailments or conditions of the body.</p>	<p>4712.1 An acupuncturist who is not a physician licensed by the District shall practice only in general collaboration with a physician, pursuant to an agreement registered in accordance with § 4715.</p> <p>4712.2 An acupuncturist who is a physician licensed by the District shall be exempt from the requirements of §§ 4712.3, 4712.4 and §§ 4712.7 through 4712.10.</p> <p>4712.3 Prior to initiating treating of a patient, an acupuncturist shall have written authorization from the collaborating physician to commence treatment.</p> <p>4712.4 An acupuncturist shall comply with any restrictions or conditions placed on the acupuncture treatment by the collaborating physician.</p>
FL	Division of Medical Quality Assurance, Board of Acupuncture	<p>Acupuncture Physician. "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts and modern Oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of</p>	

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OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		moxibustion to specific areas of the human body. "Oriental medicine" means the use of acupuncture, electro-acupuncture, Qi Gong, Oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies.	
GA	Composite State Board of Medical Examiners, Acupuncture Advisory Committee	Licensed Acupuncturist or Acupuncturist. "Practice of acupuncture" means the insertion of disposable acupuncture needles and the application of moxibustion to specific areas of the human body based upon Oriental medical principles as a therapeutic modality. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, herbal, thermal, electrical, and electromagnetic treatment and the recommendation of dietary guidelines and exercise, but only if such treatments, recommendations, and exercises are based on concepts of traditional Oriental medicine and are directly related to acupuncture therapy.	
GU	Unknown	Information Pending	
HI	Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Board of Acupuncture	Licensed Acupuncturist. "Practice of acupuncture" means stimulation of a certain acupuncture point or points on the human body for the purpose of controlling and regulating the flow and balance of energy in the body. The practice includes the techniques of piercing the skin by inserting needles and point stimulation by the use of acupressure, electrical, mechanical, thermal, or traditional therapeutic means.	
ID	State Board of Acupuncture	Licensed Acupuncturist. "Practice of acupuncture" means the insertion of acupuncture needles and use of similar devices and therapies, including application of moxibustion, to specific indicated points on the skin of the human body as indicated pursuant to traditional and modern theories of Oriental medicine. The practice of acupuncture does not include (a) surgery; or (b) prescribing, dispensing or administering any prescription drug or legend drug.	
IL	Illinois Department of Professional Regulation	Acupuncturist. "Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electrical stimulation, or manual pressure to	

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OVERVIEW BY STATE

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis.	
IN	Professional Licensing Agency, Acupuncture Advisory Committee	"Practice of acupuncture" means the insertion of acupuncture needles, the application of moxibustion to specific areas of the human body based upon Oriental medical diagnosis as a primary mode of therapy, and other means of applying acupuncture under this chapter.	<p>844 IAC 13-1-9 "Supervising acupuncturist" defined Sec. 9. "Supervising acupuncturist" means a medical doctor, osteopathic physician, licensed professional acupuncturist, or licensed acupuncturist approved by the board to supervise and be responsible for a particular ADS. The supervisor is not to supervise more than a total of twenty (20) ADS at any one (1) time.</p> <p>844 IAC 13-1-10 "Under the direction and supervision of the licensed acupuncturist" defined Sec. 10. "Under the direction and supervision of the licensed acupuncturist", as referred to in this rule with reference to ADS, means that the supervising physician or affiliate licensed acupuncturist shall be reasonably available and responsible at all times for the direction and the actions of the practitioner being supervised when services are being performed by the practitioner. The patient's care shall always be the responsibility of the supervising physician or affiliate licensed acupuncturist.</p>
IA	Board of Medical Examiners	Registered Acupuncturist. "Acupuncture" means promoting, maintaining, or restoring health based on traditional Oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices: a) inserting acupuncture needles; b) moxibustion; c) applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for the use of other electro-magnetic or ultrasound energy sources.	<p>148E.10 Evaluation of condition required. A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a person licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry, and the</p>

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OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/CONTROL REQUIREMENTS
			person has been referred to the acupuncturist by the medical evaluator.
KS	State Board of Healing Arts	There is no practice act for acupuncturists in Kansas. A medical doctor, osteopath, podiatrist, or chiropractor may practice acupuncture with no specific training. Physician's assistants may practice acupuncture if authorized by the physician.	
KY	Board of Medical Licensure	Individuals practicing acupuncture in the Commonwealth must be certified by the Kentucky Board of Medical Licensure. The practice of acupuncture is defined as the insertion of acupuncture needles, with or without accompanying electrical or thermal stimulations, at certain acupuncture points or meridians on the surface of the human body for purposes of changing the flow of energy to the body and may include acupressure, cupping, moxibustion, or dermalfriction. The practice of acupuncture shall not include laser acupuncture, osteopathic manipulative treatment, chiropractic adjustments, physical therapy, or surgery. Licensed physicians incorporating acupuncture into their practice are not required to receive this additional certification.	
LA	State Board of Medical Examiners	Acupuncturist. "Acupuncture" means treatment by means of mechanical, thermal or electrical stimulation effected by the insertion of needles at a point or combination of points on the surface of the body predetermined on the basis of physiological interrelationship of body organs with an associated point or combination of points, or the application of heat or electrical stimulation to such point or points, for the purpose of inducing anesthesia, relieving pain, or healing diseases, disorders and dysfunctions of the body, or achieving a therapeutic or prophylactic effect with respect thereto. The practice of acupuncture shall be construed to be the practice of medicine.	§1358. Acupuncturist's assistants B. The acupuncturist's assistant must be employed by and work under the physical direction, control, and supervision of a physician certified by the board to practice acupuncture and must perform such duties, services, and functions assigned by said employer at a place of employer's practice unless said duties, services, and functions are performed in the physical presence of said employer.
ME	Department of Professional and Financial Regulation, Board of Complementary Health Care Providers	Licensed Acupuncturist. "Acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin, or both. The scope of practice of acupuncturists includes acupuncture and the	

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OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>allied techniques and modalities of the distinct system of health care that use oriental principles to diagnose and treat illness, injury, pain and other conditions by regulating the flow and balance of energy to restore and maintain health. These allied techniques and modalities include the following, as defined by and used exclusively in accordance with the traditions and formal curricula taught in accredited colleges of acupuncture: oriental diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; sound, light and vibrational therapy; cupping techniques and gua sha; recommendation and dispensing of Chinese patent remedies or Chinese premade herbal remedies and lifestyle and dietary counseling; formulation and dispensing of custom-made Chinese herbal formulations, to the extent that an acupuncturist has received additional certification pursuant to subsection 3; sotai; shiatsu; qi gong; zero balancing; tui na; and acupressure. These techniques and modalities do not include manipulation or mobilization of the skeletal articulations of the human body.</p>	
MD	State Board of Acupuncture	<p>Licensed Acupuncturist. "Acupuncture" means a form of health care, based on a theory of energetic physiology that describes the interrelationship of the animal or human body organs or functions with an associated point or combination of points. Practice of acupuncture means the use of Oriental medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health and includes (I) stimulation of points of the body by insertion of acupuncture needles; (II) the application of moxibustion; and (III) manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of Oriental acupuncture medical theories.</p> <p>Medical doctors must complete at least 250 hours of training in acupuncture before they can practice.</p>	<p>§ 1A-101. Maryland Acupuncture Practice Act</p> <p>(g) "Supervision" means:</p> <p>(1) A formalized professional relationship between a licensed acupuncturist and an individual performing auricular detoxification that provides evaluation and direction of the individual to adequately ensure the safety and welfare of clients during the course of treatment; and</p> <p>(2) As defined by the Board in regulations:</p> <p>(i) Periodic direct supervision where the licensed acupuncturist is present or on-site during treatment; and</p> <p>(ii) General supervision where the licensed acupuncturist is neither present nor on-site during treatment.</p>
MA	Board of Registration in Medicine, Committee on Acupuncture	<p>Licensed Acupuncturist. "Acupuncture" is the practice of medicine based on traditional Oriental medical theories;</p>	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>primarily the insertion of metal needles through the skin at certain points on the body, with or without the use of herbs, with or without the application of electric current, and with or without the application of heat to needles, skin or both, in an attempt to relieve pain or improve body function.</p> <p>Electroacupuncture, whether utilizing electrodes on the surface of the skin or current applied to inserted needles, and laser acupuncture are considered the practice of acupuncture.</p> <p>Acupuncture shall include, but not be limited to:</p> <ol style="list-style-type: none"> 1. Auricular, hand, nose, face, foot and/or scalp acupuncture therapy; 2. Stimulation to acupuncture points and channels by use of any of the following: <ol style="list-style-type: none"> a. Needles, moxibustion, cupping, thermal methods, magnets, gwa-sha, scraping techniques, acupatches, herbal poultices, ion cord linking acupuncture devices with wires, hot and cold packs, TDP (electro magnetic wave therapy). b. Manual stimulation including acutotement (which is defined as stimulation by an instrument that does not pierce the skin); massage, acupressure, reflexology, and shiatsu tui na. c. Electrical stimulation including electro-acupuncture, percutaneous and transcutaneous electrical nerve stimulation. 	
MI	Board of Acupuncture	Effective July 1, 2006. Governor Granholm signed into law the Michigan Acupuncture Act which amends the Michigan Public Health Code to provide for the registration of acupuncturists. It is estimated that the actual registration of acupuncturists will not occur before January 2008.	
MN	Board of Medical Practice, Acupuncture Advisory Council	Acupuncture Practitioner or Licensed Acupuncturist. The scope of practice of acupuncture includes, but is not limited to, the following: (1) using Oriental medical theory to assess and diagnose a	

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OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>patient; (2) using Oriental medical theory to develop a plan to treat a patient. The treatment techniques that may be chosen include: (i) insertion of sterile acupuncture needles through the skin; (ii) acupuncture stimulation including, but not limited to, electrical stimulation or the application of heat; (iii) cupping; (iv) dermal friction; (v) acupressure; (vi) herbal therapies; (vii) dietary counseling based on traditional Chinese medical principles; (viii) breathing techniques; (ix) exercise according to Oriental medical principles; or (x) Oriental massage.</p>	
MS	State Board of Medical Licensure	<p>There is no practice act for acupuncturists in Mississippi. Acupuncture may be performed only by a physician licensed to practice medicine and surgery, or a dentist licensed to practice dentistry in the state. All portions of the treatment must be performed by the person so licensed.</p>	
MO	Division of Professional Regulation, State Acupuncturist Advisory Committee	<p>Licensed Acupuncturist. "Acupuncture" means the use of needles inserted into the body by piercing of the skin and related modalities, for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health.</p>	
MT	Department of Commerce, Board of Medical Examiners	<p>Acupuncturist. "Acupuncture" means the diagnosis, treatment, or correction of human conditions, ailments, diseases, injuries, or infirmities by means of mechanical, thermal, or electrical stimulation effected by the insertion of solid needles. The term includes the use of acupressure and the use of Oriental food remedies and herbs.</p>	
NE	Health and Human Services System, State Board of Examiners in Medicine and Surgery	<p>Acupuncture means the insertion, manipulation, and removal of acupuncture needles and the application of manual, mechanical, thermal, electrical, and electromagnetic treatment to such needles at specific points or meridians on the human body in an</p>	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>effort to promote, maintain, and restore health and for the treatment of disease, based on acupuncture theory. Acupuncture may include the recommendation of therapeutic exercises, dietary guidelines, and nutritional support to promote the effectiveness of the acupuncture treatment. Acupuncture does not include manipulation or mobilization of or adjustment to the spine, extraspinal manipulation, or the practice of medical nutrition therapy.</p>	
NV	State Board of Oriental Medicine	<p>Doctor of Oriental Medicine. Under the statute "Traditional Oriental medicine means the system of healing arts which places the chief emphasis on the flow and balance of energy in the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease. Acupuncture is included in the term "traditional Oriental medicine".</p>	
NH	Board of Acupuncture Licensing, Department of Health and Human Services	<p>Licensed Acupuncturist. "Acupuncture" means primarily the insertion of needles through the skin at certain points on the body, with or without the application of electric current and/or heat, for the purpose of promoting health and balance as defined by the principles of Oriental medicine. Included in the scope of practice is the allied techniques and modalities of Oriental medicine, both traditional and modern, as well as diagnostic procedures, electrical and magnetic stimulation, moxibustion and other forms of heat therapy, cupping and scraping techniques, dietary, nutritional, and herbal therapies, lifestyle counseling, acupressure, and massage.</p>	
NJ	State Board of Medical Examiners, Acupuncture Examining Board	<p>Acupuncturist. "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases and dysfunctions of the body and includes the techniques of electroacupuncture, mechanical stimulation and moxibustion. The rules add moxa, cupping, thermal methods, herbal applications, magnetic stimulation, gwa-sha acupatches, acuform, pressure needles, acutotement, acupressure, laser biostimulation in accordance with relevant federal law, ultrasonic stimulation of acupuncture</p>	<p>45:2C-5. Standards governing practice of acupuncture (1) Initial acupuncture treatment shall only be performed on presentation by the patient of a referral by or diagnosis from a licensed physician. A diagnosis and preevaluation of the patient shall be made available to the treating acupuncturist by the referring or diagnosing physician. In each case an accurate and detailed clinical record shall be kept by the acupuncturist, which shall include the referring physician's preevaluation of the patient.</p>

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OVERVIEW BY STATE**

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		points and channels, and various types of acupuncture needles. Staples and hypodermic needles are prohibited.	
NM	Board of Acupuncture and Oriental Medicine	<p>Doctor of Oriental Medicine. "Acupuncture" means the surgical use of needles inserted into and removed from the body and the use of other devices, modalities and procedures at specific locations on the body for the prevention, cure or correction of any disease, illness, injury, pain or other condition by controlling and regulating the flow and balance of energy and function to restore and maintain health; "Techniques of Oriental medicine" (1) the diagnostic and treatment techniques used in oriental medicine that include diagnostic procedures; acupuncture; moxibustion; manual therapy, also known as tui na; other physical medicine modalities and therapeutic procedures; breathing and exercise techniques; and dietary, nutritional and lifestyle counseling; (2) the prescription or administration of any herbal medicine, homeopathic medicine, vitamins, minerals, enzymes, glandular products, natural substances, protomorphogens, live cell products, gerovital, amino acids and dietary and nutritional supplements; (3) the prescription or administration of devices, restricted devices and prescription devices, as those devices are defined in the New Mexico Drug, Device and Cosmetic Act [Chapter 26, Article 1 NMSA 1978], if the board determines by rule that such devices are necessary in the practice of oriental medicine and if the prescribing doctor of oriental medicine has fulfilled requirements for prescriptive authority-in accordance with rules promulgated by the board for the devices enumerated in this paragraph; (4) the prescription or administration of cosmetics, biological products, including therapeutic serum, and over-the-counter drugs, other than those enumerated in Paragraph (2) of this subsection, as those are defined in the New Mexico Drug, Device and Cosmetic Act, if the prescribing doctor of oriental medicine has fulfilled the requirements for prescriptive authority in accordance with rules promulgated by the board for the substances enumerated in this paragraph; and (5) the prescription or administration of the following dangerous drugs or controlled substances as they are defined in the New Mexico</p>	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		Drug, Device and Cosmetic Act or the Controlled Substances Act, if the prescribing doctor of oriental medicine has fulfilled the requirements for extended or expanded prescriptive authority in accordance with rules promulgated by the board for the substances enumerated in this paragraph: (a) sterile water; (b) sterile saline; (c) sarapin or its generic; (d) caffeine; (e) procaine; (f) oxygen; (g) epinephrine; (h) vapocoolants; (i) bioidentical hormones; and (j) any of the drugs or substances enumerated in Paragraphs (2) and (4) of this subsection if at any time these substances or drugs are classified as dangerous drugs or controlled substances; and	
NY	NY State Education Department; Division of Professional Licensing Services; Acupuncture Unit	Licensed Acupuncturist. "Profession of acupuncture" is the treating, by means of mechanical, thermal or electrical stimulation effected by the insertion of needles or by the application of heat, pressure or electrical stimulation at a point or combination of points on the surface of the body predetermined on the basis of the theory of physiological interrelationship of body organs with an associated point or combination of points for diseases, disorders and dysfunctions of the body for the purpose of achieving a therapeutic or prophylactic effect.	<p>§79-2.3. Limited permits in acupuncture.</p> <p>c. Supervision by a licensed or certified acupuncturist as used in Section 8216 of the Education Law shall mean that a supervising acupuncturist shall be on site at all times when professional services are being rendered by the holder of a limited permit and shall exercise that degree of supervision appropriate to the circumstances.</p>
NC	Acupuncture Licensing Board	Licensed Acupuncturist or Acupuncturist. "Acupuncture" is a form of health care developed from traditional and modern Chinese medical concepts that employ acupuncture diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. "Practice of acupuncture" is the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon acupuncture diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include massage, mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of herbs, dietary guidelines, and therapeutic exercise.	
ND	State Board of Medical Examiners	The practice of acupuncture has not been recognized as a distinct healing art. Instead, it is regarded as the practice of	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>medicine and one must be licensed to practice medicine in ND before being able to establish a practice of acupuncture.</p>	
OH	State Medical Board	<p>Certificate of Registration as an Acupuncturist. "Acupuncture" means a form of health care performed by the insertion and removal of specialized needles, with or without the application of moxibustion or electrical stimulation, to specific areas of the body. An acupuncturist shall perform acupuncture for a patient only if the patient has received a physician's written referral or prescription for acupuncture.</p>	<p>§ 4762.10. Authorization and supervision by physician; general duties to patients; records</p> <p>(A) The acupuncturist shall perform acupuncture for a patient only if the patient has received a physician's written referral or prescription for acupuncture. As specified in the referral or prescription, the acupuncturist shall provide reports to the physician on the patient's condition or progress in treatment and comply with the conditions or restrictions on the acupuncturist's course of treatment.</p> <p>(B) The acupuncturist shall perform acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.</p>
OK	State Board of Medical Examiners	<p>There is no practice act for acupuncturists in Oklahoma. No law exists which licenses, regulates, or prohibits acupuncture. The practice of acupuncture is within the scope of a medical doctor without specific training requirements or registration. Chiropractors may practice acupuncture with additional training (not specified).</p>	
OR	Board of Medical Examiners	<p>Licensed Acupuncturist. "Acupuncture" means an Oriental health care practice used to promote health and to treat neurologic, organic or functional disorders by the stimulation of specific points on the surface of the body by the insertion of needles. Acupuncture includes the treatment method of moxibustion, as well as the use of electric, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce</p>	

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OVERVIEW BY STATE

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>acupuncture anesthesia or analgesia. The practice of acupuncture also includes the following modalities as authorized by the Board of Medical Examiners: (A) Traditional and modern techniques of diagnosis and evaluation; (B) Oriental massage, exercise and related therapeutic methods; and (C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice. Oriental pharmacopoeia means a list of herbs described in traditional Oriental texts commonly used in accredited schools of Oriental medicine if the texts are approved by the Board of Medical Examiners for the State of Oregon.</p>	
PA	Board of Osteopathic Examiners and the Board of Medical Examiners	<p>Acupuncturist. "Acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body.</p>	<p>§ 18.15. Practice responsibilities of acupuncturist who is not a medical doctor.</p> <p>(b) Responsibility to acupuncturist supervisor. In relation to the acupuncturist supervisor, the acupuncturist shall comply with the following:</p> <ul style="list-style-type: none"> (1) Consult promptly with the acupuncturist supervisor regarding a new ailment or condition or a worsened ailment or condition of an acupuncture patient. (2) Consult with the acupuncturist supervisor upon request of either the acupuncturist supervisor or the acupuncture patient. (3) Practice acupuncture only under the general supervision of an acupuncturist supervisor.
PR	Unknown	Information pending.	
RI	Rhode Island Department of Health; Office of Health Professionals Regulation	<p>Doctor of Acupuncture. "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body, for purposes of controlling and regulating the flow and balance of energy in the body.</p>	
SC	Board of Medical Examiners	<p>"Acupuncture" means a form of health care developed from traditional and modern oriental concepts for health care that employs oriental medical techniques, treatment, and adjunctive</p>	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		<p>therapies for the promotion, maintenance, and restoration of health and the prevention of disease.</p> <p>Medical doctors, osteopaths and dentists may practice with no additional training, unless they supervise an acupuncturist, in which they shall submit proof of special training in acupuncture.</p>	
SD	Board of Medical & Osteopathic Examiners	<p>There is no legislation or rules authorizing the practice by licensed acupuncturists in South Dakota.</p> <p>Chiropractors may practice acupuncture with the completion of a 100 hours of coursework, passage of the board exam on acupuncture and documentation of an additional 100 hours of education within two years.</p>	
TN	Board of Medical Examiners, Advisory Committee for Acupuncture	<p>Licensed Acupuncturist. "Practice of acupuncture" means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based on oriental medical diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include acupressure, cupping, thermal and electrical treatment, and the recommendation of dietary guidelines and supplements and therapeutic exercise based on traditional oriental medicine concepts.</p>	<p>0880-12-.10 SUPERVISION. All persons practicing with a limited certification as an ADS (acupuncture detoxification specialist) shall be under the supervision of a certified acupuncturist or a medical director of a hospital, clinic, or treatment facility which provides comprehensive alcohol and substance abuse or chemical dependency services, including counseling.</p>
TX	State Board of Acupuncture Examiners	<p>"Acupuncture" means: (A) the nonsurgical, nonincisive insertion of an acupuncture needle and the application of moxibustion to specific areas of the human body as a primary mode of therapy to treat and mitigate a human condition, including evaluation and assessment of the condition; and (B) the administration of thermal or electrical treatments or the recommendation of dietary guidelines, energy flow exercise, or dietary or herbal supplements in conjunction with the treatment described by Paragraph (A).</p>	<p>§205.303. Acudetox Specialist</p> <p>(b) An acudetox specialist may practice acupuncture only:</p> <p>(2) under the supervision of a licensed acupuncturist or physician</p>
UT	Board of Acupuncture	<p>Acupuncturist. (a) "Practice of acupuncture" means the insertion of acupuncture needles and application of moxibustion to specific areas of the human body based on traditional Oriental medical diagnosis and concepts as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may</p>	

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STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		include: (i) manual, mechanical, thermal, electrical, and electro-magnetic treatments based on traditional Oriental medical diagnosis and concepts; and (ii) the recommendation of dietary guidelines and therapeutic exercise based on traditional Oriental medical diagnosis and concepts. (b) "Practice of acupuncture" does not include (i) the manual manipulation or adjustment of the joints of the human body beyond the elastic barrier; or (ii) the manipulation of the articulation of the spinal column.	
VT	Office of Professional Regulation	Licensed Acupuncturist. "Acupuncture" or the "Practice of acupuncture" means the insertion of fine needles through the skin at certain points on the body, with or without the application of electric current or the application of heat to the needles or skin, or both, for the purpose of promoting health and balance as defined by traditional Oriental theories. Acupuncture involves the use of traditional and modern Oriental diagnostic techniques, acupuncture therapy, and adjunctive therapies, including but not limited to: nonprescription remedies, exercise, nutritional and herbal therapies, therapeutic massage, and lifestyle counseling.	
VA	Board of Medicine, Advisory Committee on Acupuncture	"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.	
VI	Unknown	Information pending.	

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OVERVIEW BY STATE

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
WA	Department of Health, Health Professions Quality Assurance, Acupuncture Program	Licensed Acupuncturist. "Acupuncture" means a health care service based on an Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. Acupuncture includes the following techniques: acupuncture needles, electrical, mechanical, or magnetic devices, moxibustion, acupressure, cupping, dermal friction, infra-red, sonopuncture, laserpuncture, dietary advice based on Oriental medical theory, point injunction therapy (aquapuncture).	<p>18.06.140 Consultation and referral to other health care practitioners.</p> <p>(2) When the acupuncturist sees patients with potentially serious disorders such as cardiac conditions, acute abdominal symptoms, and such other conditions, the acupuncturist shall immediately request a consultation or recent written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW. In the event that the patient with the disorder refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued</p>
WV	West Virginia Acupuncture Board	Licensed Acupuncturist. "Acupuncture" means a form of health care, based on a theory of energetic physiology that describes the interrelationship of the body organs or functions with an associated point or combination of points. "Practice acupuncture" means the use of Oriental medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance and restoration of health. This includes the stimulation of points of the body by the insertion of acupuncture needles, the application of moxibustion and manual, mechanical, thermal or electrical therapies only when performed in accordance with the principles of Oriental acupuncture medical theories.	
WI	Department of Regulation and Licensure	Acupuncturist. "Acupuncture" means promoting, maintaining, or restoring health or diagnosing, preventing or treating disease based on traditional Oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices: (a) Inserting acupuncture needles. (b) Moxibustion. (c) Applying manual, thermal or electrical stimulation or any other secondary therapeutic technique.	
WY	No body specified by rule or statute	There is no legislation or rules authorizing the practice by licensed acupuncturists. Acupuncture is not regulated in	

ACUPUNCTURISTS
OVERVIEW BY STATE

STATE	REGULATORY BODY	SCOPE OF PRACTICE FOR ACUPUNCTURE	SUPERVISION/REFERRAL REQUIREMENTS
		Wyoming	

Regulatory body information from: <http://www.acupuncture.com/statelaws/statelaw.htm> maintained by the National Acupuncture and Oriental Medicine Alliance.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

DATE: January 15, 2008

SUBJECT: Proposed Rulemaking
State Board of Medicine
16A-4924: Acupuncture Registration

TO: Andrew C. Clark, Deputy General Counsel
Office of General Counsel

FROM:  Gerald S. Smith, Senior Counsel in Charge
State Board of Medicine

There are no significant legal and policy issues presented by this regulation which amends the Board regulation at §18.15 (relating to practice responsibilities of acupuncturists and practitioners of oriental medicine who are not medical doctors.

I certify that I have reviewed this regulation for form and legality, that I have discussed any legal and policy issues with the administrative officers responsible for the program, and that all information contained in the Preamble and Annex is correct and accurate.

GSS:kmh



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1400

April 21, 2008

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Medicine
16A-4924: Acupuncture Registration

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Medicine pertaining to Acupuncture Registration.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Ollice Bates, Jr., MD".

Ollice Bates, Jr., MD, Chairperson
State Board of Medicine

OB/GSS:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel & Senior Counsel in Charge
Department of State
Gerald S. Smith, Counsel
State Board of Medicine
State Board of Medicine

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-4924
 SUBJECT: ACUPUNCTURE REGISTRATION
 AGENCY: DEPARTMENT OF STATE
 STATE BOARD OF MEDICINE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4/21/08	<i>Margaret Hemmel</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Mike Sturka</i>
4/21/08	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Robert M. Tomlinson</i>
4/21/08	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only)
4/21/08	<i>Margie Garcia</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

April 10, 2008