

ENGROSSED HOUSE
BILL NO. 2730

By: Hastings of the House
and
Smith of the Senate

(professions and occupations - Oklahoma Acupuncture
Practice Act - Acupuncture Licensing Board - codification
- effective date)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3000.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma
Acupuncture Practice Act".

B. It is the purpose of the Oklahoma Acupuncture Practice Act
to promote the health, safety, and welfare of the people of Oklahoma
by establishing valid, effective licensing requirements for the
practice of acupuncture without undue financial burden to the people
of this state.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3000.2 of Title 59, unless there
is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Acupuncture Practice Act:

1. "Acupuncture" means a form of health care developed from
traditional and modern Oriental medical concepts that employs
Oriental medical diagnosis and treatment, and adjunctive therapies

and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease;

2. "Board" means the Acupuncture Licensing Board; and

3. "Practice of acupuncture" means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon Oriental medical diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, thermal, electrical, and electromagnetic treatment, and the recommendation of dietary, lifestyle and therapeutic exercise guidelines based on traditional Oriental medicine concepts.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

It is unlawful to practice acupuncture without a license issued pursuant to the Oklahoma Acupuncture Practice Act. This restriction shall not apply to:

1. Other health care professionals practicing within the scope of their license; or

2. A student practicing acupuncture under the supervision of a licensed acupuncturist as part of a course of study approved by the Acupuncture Licensing Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Acupuncture Licensing Board shall consist of seven (7) members appointed as follows:

1. Three of the members shall be appointed by the Governor and shall be licensed to practice acupuncture in this state;

2. Two members shall be appointed by the Speaker of the House of Representatives, one of whom shall be a health professional

knowledgeable of acupuncture methodology, and the other a consumer member who is not employed in a health care profession; and

3. Two members shall be appointed by the President Pro Tempore of the Senate, both of whom shall be practicing physicians who use acupuncture.

The three acupuncturists initially appointed need not be licensed at the time of selection, but must meet all the qualifications for a license.

B. The initial terms of appointments to the Board shall be as follows:

1. The consumer member, health professional member and physician members shall be appointed for one (1) year; and

2. The members who are practicing acupuncture shall be appointed for two (2) years.

Thereafter terms of office shall be for one (1) year. No person may serve more than three consecutive full terms as a member of the Board.

C. At the first meeting of the Board, each year after the new members have been appointed, the members shall choose one member to chair the Board for the year and another to serve as secretary. No person may chair the Board for more than three (3) consecutive years.

D. The Board shall meet at least once each year within forty-five (45) days after the appointment of the new members. The Board shall meet at other times as needed to perform its duties.

E. Members of the Board shall be reimbursed for necessary travel expenses made pursuant to the Oklahoma Acupuncture Practice Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Acupuncture Licensing Board is authorized to:

1. Issue, suspend, and revoke licenses, collect fees, investigate violations of the Oklahoma Acupuncture Practice Act, and otherwise administer the provisions of the Oklahoma Acupuncture Practice Act;

2. Promulgate rules and adopt bylaws to implement the provisions of the Oklahoma Acupuncture Practice Act;

3. Issue declaratory rulings interpreting the Oklahoma Acupuncture Practice Act pursuant to the Administrative Procedures Act;

4. Sue to enjoin violations of the Oklahoma Acupuncture Practice Act. An injunction may be issued even though no person has yet been injured as a result of the unauthorized practice;

5. Establish and achieve compliance with basic ethical and professional standards common to medical practice as a requirement for licensure;

6. Adopt and use a seal to authenticate official documents of the Board;

7. Employ such personnel as may be needed to carry out its functions, and purchase, lease, rent, sell, or otherwise dispose of property for the operations of the Board;

8. Expend funds as necessary to carry out the provisions of the Oklahoma Acupuncture Practice Act from revenues generated by fees collected under the Oklahoma Acupuncture Practice Act and interest earned thereon; and

9. Establish requirements for and approve schools of acupuncture in this state. The requirements shall be similar to nationally accepted standards by judgment of the Board and/or the State Department of Education.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. To receive a license to practice acupuncture in Oklahoma, a person must document:

1. Residence in Oklahoma; and

2. Current active status as a Diplomate in Acupuncture of the National Certification Commission for Acupuncture and Oriental Medicine or successful completion of Board examination for licensing.

B. The Acupuncture Licensing Board may set up examination for licensing or utilize the National Certification Commission for Acupuncture and Oriental Medicine or a similar organization to administer all or portions of the acupuncture knowledge and practice examinations. The Board is responsible to ensure that Oklahoma acupuncturists are on a par with nationally accepted quality standards.

C. In order to qualify for examination, applicants must document a minimum of six hundred (600) hours of acupuncture and Oriental medicine training, including four hundred (400) hours of supervised clinical internship in a Board-approved program, and education in anatomy, physiology, and pathology, and training in an approved Clean Needle Technique, such as provided by the National Certification Commission for Acupuncture and Oriental Medicine, for prevention of infectious disease.

D. The Board shall waive the requirements of subsections A through C of this section and shall grant a license to practice acupuncture to a resident applicant, residing in this state at the time of passage of the Oklahoma Acupuncture Practice Act, who presents evidence satisfactory to the Board no later than December 31, 1999, of successful completion of a Board-approved acupuncture college program or a Board-approved apprenticeship program, or documentation showing at least five hundred patient visits in the two (2) years preceding application.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

The license to practice acupuncture shall be renewed every two (2) years. Renewal requires documentation of four (4) continuing education credit hours within the two-year period.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Acupuncture Licensing Board may deny, suspend or revoke a license, issue a letter of reprimand, or require education if a licensed acupuncturist:

1. Engages in false or fraudulent conduct demonstrating unfitness to practice, including:
 - a. attempting to collect fees for services not performed,
 - b. false advertising, including any guarantee that a cure will result from an acupuncture treatment,
 - c. dividing fees for acupuncture treatment for referrals,
 - d. misrepresentation connected to licensure or Board investigation, or
 - e. delegation of responsibilities to unqualified persons;
2. Fails to keep written or computer records including course of treatment for each patient, or fails to provide such records at patient request, or reveals contents of records without the patient's consent except as allowed by law;
3. Displays mental impairment or habitual substance abuse which interferes with safe or effective treatment;
4. Fails to exercise proper patient care, including abandoning or neglecting a patient, or exercises undue influence such as making sexual advances to or having sexual activity with a patient;
5. Violates any article of the Oklahoma Acupuncture Practice Act or Board rule for acupuncture practice; or

6. Has a license suspended or revoked in any other jurisdiction on grounds for such action in this state.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Fees pursuant to the Oklahoma Acupuncture Practice Act shall be as follows:

1. Seventy-five Dollars (\$75.00) for license renewal;
2. One Hundred Fifty Dollars (\$150.00) for initial license; and
3. Two Hundred Dollars (\$200.00) for application and

examination, or fee of testing designee such as the National Certification Commission for Acupuncture and Oriental Medicine.

B. Fees are designed to offset costs as reflected in the proposed budget. The Acupuncture Licensing Board will retain authority to change fees as appropriate to meet current needs.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.10 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The terms "Licensed Acupuncturist" and "Acupuncturist" shall only be used by persons licensed pursuant to the Oklahoma Acupuncture Practice Act.

B. Possession of this license shall not allow a person to identify that person as a doctor or physician unless that person can document doctorate-level education.

C. The license shall be prominently displayed at the person's place of practice.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3000.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

Companies which reimburse any health care provider for acupuncture must also reimburse licensed acupuncturists.

SECTION 12. This act shall become effective July 1, 1998.

Passed the House of Representatives the 4th day of March, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate