



Statutes and Regulations **Acupuncture**

July 2006

(Centralized Statutes and Regulations not included)



DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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CHAPTER 06.
ACUPUNCTURE.

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Sec. 08.06.010. Practice of acupuncture without license prohibited. A person may not practice acupuncture without a license.

Sec. 08.06.020. Application for license. A person desiring to practice acupuncture shall apply in writing to the department.

Sec. 08.06.030. License to practice acupuncture. (a) A person is qualified to receive a license to practice acupuncture if the person

- (1) is of good moral character;
- (2) is at least 21 years of age;
- (3) either

(A) has completed a course of study consistent with the core curriculum and guidelines of the National Council of Acupuncture Schools and Colleges at a school of acupuncture approved by the department; or

(B) is licensed to practice acupuncture in another jurisdiction that has acupuncture licensing requirements equivalent to those of this state;

(4) is qualified for certification by the National Commission for the Certification of Acupuncturists as a diplomate in acupuncture;

(5) does not have a disciplinary proceeding or unresolved complaint pending at the time of application; and

(6) has not had a license to practice acupuncture suspended or revoked in this state or in another jurisdiction.

(b) The department shall issue a license to practice acupuncture to each person who is qualified and who pays the appropriate fee.

(c) Each person licensed to practice acupuncture under this chapter shall display the license in a conspicuous place where the licensee practices.

Sec. 08.06.040. Renewal of license. The department may not renew a license under this chapter unless the applicant demonstrates continued competence as an acupuncturist in a manner established by the department in regulations.

Sec. 08.06.050. Disclosure. (a) A person who practices acupuncture shall disclose that the person's training and practice are in acupuncture

- (1) to each patient; and
- (2) on all material used in the practice of acupuncture and made available to patients or to the public.

(b) A person who practices acupuncture without being covered by malpractice insurance shall disclose to each patient that the person does not have the insurance.

Sec. 08.06.060. Restrictions on practice of acupuncture. A person who practices acupuncture may not

- (1) give, prescribe, or recommend in the practice a
 - (A) prescription drug;
 - (B) controlled substance;
 - (C) poison;
- (2) engage in surgery; or
- (3) use the word "physician" in the person's title unless the person is also licensed as a physician.

Sec. 08.06.070. Grounds for imposition of disciplinary sanctions. After a hearing, the department may impose a disciplinary sanction on a person licensed under this chapter when the department finds that the licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in patient care, or permitted the performance of patient care by persons under the licensee's supervision, that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the department;
- (7) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) failure to keep informed of current professional practices;
 - (C) addiction to or severe dependency on alcohol or other drugs that impairs the ability to practice safely;
 - (D) physical or mental disability; or
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients.

Sec. 08.06.080. Exemption. This chapter does not apply to a person who practices acupuncture under AS 08.36 or AS 08.64.

Sec. 08.06.090. Penalty. A person who violates this chapter or a regulation adopted under this chapter is guilty of a class B misdemeanor.

Sec. 08.06.100. Regulations. The department may adopt regulations to implement this chapter, including regulations establishing

- (1) standards for the practice of acupuncture;
- (2) standards for continuing education and training;
- (3) a code of ethics for the practice of acupuncture.

Sec. 08.06.190. Definitions. In this chapter

- (1) "acupuncture" means a form of healing developed from traditional Chinese medical concepts that uses 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;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "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; the practice of acupuncture includes adjunctive therapies involving mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of dietary guidelines and therapeutic exercise.

**CHAPTER 05.
ACUPUNCTURE.**

Article

- 1. Licensing (12 AAC 05.100 - 12 AAC 05.110)**
- 2. License Renewal and Continuing Competency (12 AAC 05.200 - 12 AAC 05.230)**
- 3. Practice Standards (12 AAC 05.300)**
- 4. General Provisions (12 AAC 05.990)**

**ARTICLE 1.
LICENSING.**

Section

- 100. Application requirements**
- 110. Approved school of acupuncture**

12 AAC 05.100. APPLICATION REQUIREMENTS. (a) An applicant for a license to practice acupuncture shall apply on a form provided by the department and pay the applicable fees in 12 AAC 02.108.

(b) An applicant for a license to practice acupuncture shall document compliance with the requirements in AS 08.06.030(a) by submitting

- (1) two letters of reference attesting to the applicant's good moral character;
- (2) if applicable, a certified copy of a transcript from an approved school of acupuncture verifying the applicant's course of study;
- (3) official verification of a license in each jurisdiction where the applicant holds or has held a license to practice acupuncture; the verification must include information on any disciplinary proceedings or unresolved complaints against the applicant;
- (4) a certified copy of the applicant's diplomate certificate issued by the National Commission for Certification of Acupuncturists (NCCA) or a letter from the NCCA verifying that the applicant is qualified for a diplomate certificate.

12 AAC 05.110. APPROVED SCHOOL OF ACUPUNCTURE. To be approved by the department, a school of acupuncture must be recognized by the National Council of Acupuncture Schools and Colleges or the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).

Editor's note: A list of approved schools of acupuncture may be reviewed at the Division of Occupational Licensing, Department of Commerce, Community, and Economic Development in Juneau, Alaska.

ARTICLE 2. LICENSE RENEWAL AND CONTINUING COMPETENCY.

Section

- 200. License renewal**
- 210. Continuing competency requirements**
- 220. Approved continuing competency activities**
- 230. Audit of continuing competency requirements**

12 AAC 05.200. LICENSE RENEWAL. (a) A license to practice acupuncture expires on September 30 of even-numbered years.

- (b) A licensee applying for license renewal shall
- (1) complete a renewal application on a form provided by the department;
 - (2) pay the license renewal fee established in 12 AAC 02.108; and
 - (3) submit proof of current certification as required by AS 08.06.040; and
 - (4) submit a sworn statement of the contact hours of continuing competency activities completed during the concluding licensing period, if required by 12 AAC 05.210.

12 AAC 05.210. CONTINUING COMPETENCY REQUIREMENTS. (a) An applicant for renewal of a license to practice acupuncture shall document completion of 15 contact hours of continuing competency activities acceptable to the department that was earned during the concluding licensing period.

(b) An applicant for renewal of a license to practice acupuncture who has been licensed less than 12 months is exempt from the requirements of this section.

- (c) For the purposes of this section,
- (1) one contact hour equals a minimum of 50 minutes of classroom instruction between instructor and participant;

- (2) one academic semester credit equals 15 contact hours; and
- (3) one academic quarter credit equals 10 contact hours.

12 AAC 05.220. APPROVED CONTINUING COMPETENCY ACTIVITIES. (a) To be accepted by the department, continuing competency activities must contribute directly to the professional competency of the licensee and must be directly related to the skills and knowledge required to practice acupuncture.

(b) Continuing competency activities offered or recognized by the following organizations are acceptable if they are related to the practice of acupuncture in accordance with (a) of this section:

- (1) National Commission for Certification of Acupuncturists;
- (2) a school of acupuncture approved by the department.

Editor's note: The National Commission for Certification of Acupuncturists may be contacted at 11 Canal Center Plaza, Suite 300, Alexandria, VA 22314. A list of approved schools of acupuncture may be reviewed at the Division of Occupational Licensing, Department of Commerce, Community, and Economic Development in Juneau, Alaska.

12 AAC 05.230. AUDIT OF CONTINUING COMPETENCY REQUIREMENTS. (a) The department will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 05.210 and 12 AAC 05.220.

(b) A licensee selected for audit shall, within 30 days from the date of notification, submit documentation to verify completion of the contact hours of continuing competency claimed under 12 AAC 05.200.

(c) An applicant for renewal is responsible for maintaining adequate and detailed records of all contact hours of continuing competency claimed and shall make the records available to the department upon request under this section. Records must be retained for three years after the date the continuing competency hours were earned.

(d) Records of continuing competency hours earned must include the following information:

- (1) the name and address of the course sponsor;
- (2) the number of contact hours of continuing competency credit claimed;
- (3) the title or a description of the course;
- (4) the dates of attendance;
- (5) the name of the person awarded the continuing competency credit.

ARTICLE 3. PRACTICE STANDARDS.

Section

300. Disclosure

12 AAC 05.300. DISCLOSURE. (a) A licensee shall disclose to each patient that the licensee's training and practice is in acupuncture by posting a conspicuous notice in the patient waiting room and including the disclosure on all written material made available to patients or the public.

(b) A licensee who is not covered by malpractice insurance shall

(1) post a conspicuous notice in the patient waiting room that states the licensee does not have malpractice insurance; or

(2) require each patient or the patient's legal guardian to sign a statement acknowledging that the patient or the patient's guardian has been informed that the licensee is not covered by malpractice insurance.

(c) If the licensee has a patient who is blind or otherwise not able to read the written disclosure required by this section, the licensee shall

(1) verbally disclose to the patient or the patient's legal guardian at the initial visit that the licensee's training and practice is in acupuncture; and

(2) if the licensee is not covered by malpractice insurance, verbally disclose that fact to the patient or the patient's legal guardian at the initial visit and at least once each year that the patient receives care from the licensee.

ARTICLE 4. GENERAL PROVISIONS.

Section

990. Definitions

12 AAC 05.990. DEFINITIONS. In this chapter and in AS 08.06, unless the context otherwise requires,

- (1) "department" means the Department of Commerce, Community, and Economic Development;
- (2) "NCCA" means the National Commission for Certification of Acupuncturists;
- (3) "National Commission for Certification of Acupuncturists" means the same as the "National Council for the Certification of Acupuncturists" in AS 08.06.030 and AS 08.06.040.