

Chapter 72 Acupuncture Licensing Act

Part 1 General Provisions

58-72-101 Title.

This chapter shall be known as the "Acupuncture Licensing Act."

Amended by Chapter 26, 1998 General Session

58-72-102 Acupuncture licensing -- Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Acupuncture Licensing Board created in Section 58-72-201.
- (2)
 - (a) "Injection therapy" means the use of a hypodermic needle, by a licensed acupuncturist who has obtained a clean needle technique certificate from the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM), to inject any of the following sterile substances in liquid form into acupuncture points on the body subcutaneously or intramuscularly:
 - (i) a nutritional substance;
 - (ii) a local anesthetic;
 - (iii) autologous blood, if the licensee holds a current phlebotomy certification to draw blood;
 - (iv) sterile water;
 - (v) dextrose;
 - (vi) sodium bicarbonate; and
 - (vii) sterile saline.
 - (b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is only a subcutaneous injection or an intramuscular injection.
 - (c) "Injection therapy" does not include injecting a substance into a vein, joint, artery, blood vessel, nerve, tendon, deep organ, or the spine.
 - (d) "Injection therapy" may not be performed on a pregnant woman or a child under the age of eight.
- (3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has been licensed under this chapter to practice acupuncture.
- (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points of the body.
- (5)
 - (a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of injection therapy, and the application of moxibustion to specific areas of the body based on traditional oriental medical diagnosis and modern research as a primary mode of therapy.
 - (b) Adjunctive therapies within the scope of the practice of acupuncture may include:
 - (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based on traditional oriental medical diagnosis and modern research;
 - (ii) the recommendation, administration, or provision of dietary guidelines, herbs, supplements, homeopathics, and therapeutic exercise based on traditional oriental medical diagnosis and modern research according to practitioner training; and

- (iii) the practice described in Subsections (5)(a) and (b) on an animal to the extent permitted by:
 - (A) Subsection 58-28-307(12);
 - (B) the provisions of this chapter; and
 - (C) division rule.
- (c) "Practice of acupuncture" does not include:
 - (i) the manual manipulation or adjustment of the joints of the body beyond the elastic barrier; or
 - (ii) the "manipulation of the articulation of the spinal column" as defined in Section 58-73-102.
- (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as may be further defined by division rule.

Amended by Chapter 485, 2019 General Session

58-72-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 88, 2012 General Session

Part 2 Board

58-72-201 Acupuncture Licensing Board.

- (1) There is created an Acupuncture Licensing Board consisting of:
 - (a) four licensed acupuncturists; and
 - (b) one member from the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3)
 - (a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
 - (b) In addition, the board shall designate one of its members on a permanent rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 88, 2012 General Session

Part 3 Licensure

58-72-301 License required -- License classification.

- (1) A license is required to engage in the practice of acupuncture, except as specifically provided in Section 58-1-307 or 58-72-304.

- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of licensed acupuncturist.

Amended by Chapter 250, 2008 General Session

58-72-302 Qualifications for licensure.

An applicant for licensure as a licensed acupuncturist shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504;
- (3) be of good moral character;
- (4) meet the requirements for current active certification in acupuncture under guidelines established by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other appropriate documentation;
- (5) pass the examination required by the division by rule;
- (6) establish procedures, as defined by rule, which shall enable patients to give informed consent to treatment; and
- (7) meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

Amended by Chapter 485, 2019 General Session

58-72-303 Terms of license -- Expiration -- Renewal.

- (1)
 - (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
 - (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.
- (3) Renewal qualifications shall include:
 - (a) either documentation of current and active NCCAOM certification; or
 - (b) meeting the same professional development requirements as those licensed under this chapter.

Amended by Chapter 90, 2007 General Session

58-72-304 Exceptions from licensure.

In addition to the exemptions from licensure set forth in Section 58-1-307, the following persons may engage in the practice of acupuncture subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) an individual licensed as a physician and surgeon or osteopathic physician and surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act;
- (2) a commissioned physician or surgeon serving in the armed forces of the United States or other federal agency; and
- (3) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act. A chiropractic physician may not claim to be a licensed acupuncturist without acupuncturist licensure.

Amended by Chapter 309, 2004 General Session

Part 4 License Denial and Discipline

58-72-401 Grounds for denial of license -- Disciplinary proceedings -- Resumption of practice.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Amended by Chapter 26, 1998 General Session

Part 5 Unlawful and Unprofessional Conduct - Penalties

58-72-501 Acupuncture licensee -- Restriction on titles used.

- (1)
 - (a) A person practicing as a licensed acupuncturist may not display or in any way use any title, words, or insignia in conjunction with the person's name or practice except the words "licensed acupuncturist" or "L.Ac."
 - (b) When used in conjunction with the person's practice, the term "licensed acupuncturist" or "L.Ac." shall be displayed next to the name of the licensed acupuncturist.
- (2)
 - (a) A licensed acupuncturist may not use the term "physician," "physician or surgeon," or "doctor" in conjunction with the acupuncturist's name or practice.
 - (b) "Doctor of acupuncture" or "oriental medical doctor" may be used if the term is commensurate with the degree in acupuncture received by the practitioner.
- (3) Medical doctors or chiropractic physicians who choose to practice acupuncture shall represent themselves as medical doctors or chiropractic physicians practicing acupuncture and not as licensed acupuncturists.

Amended by Chapter 250, 2008 General Session

58-72-502 Penalty for unlawful conduct.

- (1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- (2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (e) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 253, 1996 General Session

58-72-503 Unprofessional conduct.

Unprofessional conduct includes the failure to transmit records in the English language to the division, the patient's practitioner, or a third party insurance payor upon request.

Enacted by Chapter 26, 1998 General Session

Part 6 Acupuncturist Practice - Insurance Payments

58-72-601 Acupuncture license not authorizing medical practice -- Insurance payments.

Nothing in this chapter may be construed to permit the practice of medicine nor require direct payment from third party insurers directly to a person engaged in the practice of acupuncture.

Amended by Chapter 90, 2007 General Session

Part 7 Procurement and Administration Authority

58-72-701 Procurement and administration authority.

- (1) A licensee who has received the necessary training to practice injection therapy, including having obtained a clean needle technique certificate from the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM):
 - (a) has authority to procure and administer prescriptive substances described in Subsections 58-72-102(2)(a) and (b) for in-office administration only; and
 - (b) may obtain substances described in Subsection 58-72-102(2) from a registered prescription drug outlet, registered manufacturer, or registered wholesaler.
- (2) An entity that provides any substance to a licensee in accordance with this chapter, and relies in good faith on license information provided by the licensee, is not liable for providing the substance.

Enacted by Chapter 485, 2019 General Session