

**Senator David P. Hinkins** proposes the following substitute bill:

**ACUPUNCTURE LICENSING ACT AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: Christine F. Watkins

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**LONG TITLE**

**General Description:**

This bill modifies the Acupuncture Licensing Act by amending definitions and the membership of the Acupuncture Licensing Board.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of acupuncture-related adjunctive therapies to include:
  - modern research and other therapies designated by division rule; and
  - the administration or provision of dietary guidelines, herbs, supplements, and

homeopathics;

- ▶ provides that the division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- ▶ amends the Acupuncture Licensing Board membership to include four licensed acupuncturists instead of two and removes a licensed health care practitioner from the board membership;

- ▶ removes one physician from the board membership on July 1, 2014; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **58-72-102**, as last amended by Laws of Utah 2007, Chapter 90

31 **58-72-201**, as last amended by Laws of Utah 2007, Chapter 90

32 **63I-2-258**, as last amended by Laws of Utah 2008, Chapters 214, 365 and renumbered  
33 and amended by Laws of Utah 2008, Chapter 382

34 ENACTS:

35 **58-72-103**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **58-72-102** is amended to read:

39 **58-72-102. Acupuncture licensing -- Definitions.**

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

41 (1) "Board" means the Acupuncture Licensing Board created in Section 58-72-201.

42 (2) "Licensed acupuncturist," designated as "L.Ac.," means a person who has been  
43 licensed under this chapter to practice acupuncture.

44 (3) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture  
45 points of the body.

46 (4) (a) "Practice of acupuncture" means the insertion of acupuncture needles and  
47 application of moxibustion to specific areas of the body based on traditional oriental medical  
48 diagnosis and [~~concepts~~] modern research as a primary mode of therapy.

49 (b) Adjunctive therapies within the scope of the practice of acupuncture may include:

50 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based  
51 on traditional oriental medical diagnosis and [~~concepts~~] modern research;

52 (ii) the recommendation, administration, or provision of dietary guidelines, herbs,  
53 supplements, homeopathics, and therapeutic exercise based on traditional oriental medical  
54 diagnosis and [~~concepts~~] modern research according to practitioner training; and

55 (iii) the practice described in Subsections (4)(a) and (b) on an animal to the extent  
56 permitted by:

- 57 (A) Subsection 58-28-307(12);
- 58 (B) the provisions of this chapter; and
- 59 (C) division rule.
- 60 (c) "Practice of acupuncture" does not include:
- 61 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic
- 62 barrier; or
- 63 (ii) the "manipulation of the articulation of the spinal column" as defined in Section
- 64 58-73-102.
- 65 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as
- 66 may be further defined by rule.

67 Section 2. Section **58-72-103** is enacted to read:

68 **58-72-103. Rulemaking.**

69 When exercising rulemaking authority under this chapter, the division shall comply

70 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

71 Section 3. Section **58-72-201** is amended to read:

72 **58-72-201. Acupuncture Licensing Board.**

- 73 (1) There is created an Acupuncture Licensing Board consisting of:
- 74 (a) ~~[two]~~ four licensed acupuncturists;
- 75 (b) one physician with knowledge of and experience in acupuncture; and
- 76 ~~[(c) one other licensed health care practitioner with knowledge of and experience in~~
- 77 ~~acupuncture; and]~~
- 78 ~~[(d)]~~ (c) one member from the general public.
- 79 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 80 (3) (a) The duties and responsibilities of the board shall be in accordance with Sections
- 81 58-1-202 and 58-1-203.
- 82 (b) In addition, the board shall designate one of its members on a permanent rotating
- 83 basis to:
- 84 (i) assist the division in reviewing complaints concerning the unlawful or
- 85 unprofessional conduct of a licensee; and
- 86 (ii) advise the division in its investigation of these complaints.
- 87 (4) A board member who has, under Subsection (3), reviewed a complaint or advised

88 in its investigation may be disqualified from participating with the board when the board serves  
89 as a presiding officer in an adjudicative proceeding concerning the complaint.

90 Section 4. Section **63I-2-258** is amended to read:

91 **63I-2-258. Repeal dates -- Title 58.**

92 (1) Subsection 58-72-201(1)(b) is repealed July 1, 2014.

93 (2) Section 58-77-204 is repealed July 1, 2011.