

## SB0101S01 compared with SB0101

~~{deleted text}~~ shows text that was in SB0101 but was deleted in SB0101S01.

inserted text shows text that was not in SB0101 but was inserted into SB0101S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: \_\_\_\_\_

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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;
- ▶ ~~{states}~~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

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acupuncturists instead of two and removes ~~{one physician and one other}~~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

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

**631-2-258**, as last amended by Laws of Utah 2008, Chapters 214, 365 and renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

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

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

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

**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) "Licensed acupuncturist," designated as "L.Ac.," means a person who has been licensed under this chapter to practice acupuncture.
- (3) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points of the body.
- (4) (a) "Practice of acupuncture" means the insertion of acupuncture needles and application of moxibustion to specific areas of the body based on traditional oriental medical diagnosis and ~~[concepts]~~ 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

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on traditional oriental medical diagnosis and ~~[concepts]~~ modern research;

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

(iii) the practice described in Subsections (4)(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.

(5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as may be further defined by rule.

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

### **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.

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

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

(1) There is created an Acupuncture Licensing Board consisting of:

(a) ~~[two]~~ four licensed acupuncturists; ~~{ and }~~

~~{ }~~ (b) one physician with knowledge of and experience in acupuncture; ~~{ }~~ and

~~[(c) one other licensed health care practitioner with knowledge of and experience in acupuncture; and]~~

~~[(d)]~~ ~~{ }~~ (c) 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.

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(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.

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### Legislative Review Note

— as of ~~2-2-12 11:09 AM~~

— ~~Office of Legislative Research and General Counsel~~; Section 4. Section 63I-2-258 is amended to read:

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

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

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