

ACUPUNCTURE LICENSING ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Acupuncture Act.

Highlighted Provisions:

This bill:

- ▶ defines terms, including "injection therapy";
- ▶ modifies the definition of the "practice of acupuncture" to include injection therapy;

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 2012, Chapter 88

58-72-302, as last amended by Laws of Utah 2009, Chapter 183

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.



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

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

30 (2) (a) "Injection therapy" means the injection of sterile substances into acupuncture
31 points with a hypodermic needle.

32 (b) "Injection therapy" includes:

33 (i) the use of oxygen and epinephrine as necessary for patient care and safety; and

34 (ii) using ultrasound guidance to locate anatomical structures to ensure patient safety.

35 ~~[(2)]~~ (3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has
36 been licensed under this chapter to practice acupuncture.

37 ~~[(3)]~~ (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat
38 acupuncture points of the body.

39 ~~[(4)]~~ (5) (a) "Practice of acupuncture" means the insertion of acupuncture needles, the
40 use of injection therapy, and the application of moxibustion to specific areas of the body
41 based on traditional oriental medical diagnosis and modern research as a primary mode of
42 therapy.

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

44 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based
45 on traditional oriental medical diagnosis and modern research;

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

49 (iii) the practice described in Subsections ~~[(4)]~~ (5)(a) and (b) on an animal to the extent
50 permitted by:

51 (A) Subsection 58-28-307(12);

52 (B) the provisions of this chapter; and

53 (C) division rule.

54 (c) "Practice of acupuncture" does not include:

55 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic
56 barrier; or

57 (ii) the "manipulation of the articulation of the spinal column" as defined in Section
58 58-73-102.

59 (6) "Sterile substances," for the purposes of injection therapy, include:

60 (a) a nutritional substance;

61 (b) a local anesthetic;

62 (c) autologous blood; and

63 (d) any other sterile substance approved for injection therapy by division rule.

64 ~~[(5)]~~ (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503,
65 and as may be further defined by division rule.

66 Section 2. Section 58-72-302 is amended to read:

67 **58-72-302. Qualifications for licensure.**

68 ~~[Notwithstanding Section 58-1-302, an]~~ An applicant for licensure as a licensed
69 acupuncturist shall:

70 (1) submit an application in a form prescribed by the division;

71 (2) pay a fee determined by the department under Section 63J-1-504;

72 (3) be of good moral character;

73 (4) meet the requirements for current active certification in acupuncture under
74 guidelines established by the National Commission for the Certification of Acupuncture and
75 Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other
76 appropriate documentation;

77 (5) pass the examination required by the division by rule;

78 (6) establish procedures, as defined by rule, which shall enable patients to give
79 informed consent to treatment; and

80 (7) meet with the board, if requested, for the purpose of evaluating the applicant's
81 qualifications for licensure.