

SB0157S01 compared with SB0157

~~text~~ shows text that was in SB0157 but was deleted in SB0157S01.

Inserted text shows text that was not in SB0157 but was inserted into SB0157S01.

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Senator Wayne A. Harper proposes the following substitute bill:

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;
- ▶ grants limited prescriptive authority to a licensee who is administering sterile substances as part of injection therapy; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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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

ENACTS:

58-72-701, Utah Code Annotated 1953

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

(b) "Injection therapy" includes:

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

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

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

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

~~(4)~~ (5) (a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of ~~injunction~~ 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

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diagnosis and modern research according to practitioner training; and

(iii) the practice described in Subsections ~~[(4)]~~ (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) "Sterile substances," for the purposes of injection therapy, include:

(a) a nutritional substance;

(b) a local anesthetic;

(c) autologous blood; and

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

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

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

58-72-302. Qualifications for licensure.

~~[Notwithstanding Section 58-1-302, an]~~ 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

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informed consent to treatment; and

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

Section 3. Section 58-72-701 is enacted to read:

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:

(a) has prescriptive authority limited to procuring and administering substances

described in Subsections 58-72-102(5)(a) and (b) for in-office use only; and

(b) may obtain substances described in Subsections 58-72-102(5)(a) and (b) 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.