

## SB0157S04 compared with SB0157S02

~~text~~ shows text that was in SB0157S02 but was deleted in SB0157S04.

Inserted text shows text that was not in SB0157S02 but was inserted into SB0157S04.

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**Representative Raymond P. Ward** proposes the following substitute bill:

### ACUPUNCTURE LICENSING ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Marc K. Roberts

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#### 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 authority to a licensee to procure and administer certain sterile substances as part of injection therapy; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

## SB0157S04 compared with SB0157S02

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

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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) (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 a person subcutaneously or intramuscularly:

(i) a nutritional substance;

(ii) a local anesthetic;

(iii) autologous blood ~~obtained by cupping or scraping~~, if the licensee holds a current phlebotomy certification to draw blood;

(iv) sterile water;

(v) ~~sterile water with~~ dextrose;

(vi) sodium bicarbonate; and

~~(vi)~~ (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 ~~of a person.~~

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## SB0157S04 compared with SB0157S02

(d) "Injection therapy" may not be performed on a pregnant woman or a child under the age of eight.

~~[(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 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 ~~[(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.

~~[(5)]~~ (6) "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:

## **SB0157S04 compared with SB0157S02**

- (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.

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, 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 substances described in ~~Subsection~~ Subsections 58-72-102(2)(a) and (b) for in-office ~~use~~ 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.