

HOUSE BILL 404

J2

(9lr1625)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs*

Introduced by ~~Delegate R. Lewis~~ Delegates R. Lewis, Bagnall, Bhandari, and Hill

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Acupuncture Board – Practice of Acupuncture – Definition and Education**
3 **Requirements**

4 FOR the purpose of requiring an applicant to have graduated from a certain program *or its*
5 *equivalent* approved by certain entities to qualify for a license to practice
6 acupuncture; ~~repealing~~ *altering* the authority of the State Acupuncture Board to find
7 certain programs to be equivalent to ~~a certain course~~ *certain courses* for certain
8 licensure requirements; altering certain definitions; providing for the application of
9 this Act; and generally relating to the practice of acupuncture.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 1A–101 and 1A–302
13 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2014 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

1A–101.

(a) In this title the following words have the meanings indicated.

(b) “Acupuncture” means a form of health care[,] based on [a theory] **EAST ASIAN MEDICAL THEORIES** of energetic physiology[,] that [describes] **DESCRIBE** the interrelationship of the body organs [or] **AND** functions [with an associated point or combination of points].

(c) “Auricular detoxification” means an acupuncture technique involving the needling of the external auricle of the human ear for the purpose of assisting a person who is undergoing detoxification to remove addictive substances from the body and restoring health.

(d) “Board” means the State Acupuncture Board.

(e) “License” means, unless the context requires otherwise, a license issued by the Board to practice acupuncture.

(f) (1) “Practice acupuncture” means the use of [oriental] **EAST ASIAN** medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health.

(2) “Practice acupuncture” includes:

(i) Stimulation of [points of] the body by the insertion of [acupuncture] needles;

(ii) The application of moxibustion; and

(iii) Manual, mechanical, thermal, [or] electrical, ~~LIGHT, COLD LASER, HERBAL, NUTRITIONAL, THERAPEUTIC EXERCISE, DRY NEEDLING, OR~~ **OTHER EAST ASIAN MEDICAL** therapies only when performed in accordance with the principles of [oriental acupuncture] **EAST ASIAN** medical theories **AND PRACTICES**.

(g) “Supervision” means:

(1) A formalized professional relationship between a licensed acupuncturist and an individual performing auricular detoxification that provides

1 evaluation and direction of the individual to adequately ensure the safety and welfare of
2 clients during the course of treatment; and

3 (2) As defined by the Board in regulations:

4 (i) Periodic direct supervision where the licensed acupuncturist is
5 present or on-site during treatment; and

6 (ii) General supervision where the licensed acupuncturist is neither
7 present nor on-site during treatment.

8 1A-302.

9 (a) To qualify for a license, an applicant shall be an individual who meets the
10 requirements of this section.

11 (b) The applicant shall:

12 (1) Be of good moral character;

13 (2) Be at least 18 years old;

14 (3) Demonstrate competence in performing acupuncture by meeting one of
15 the following standards for education or training:

16 (i) Graduation from [a course of training of at least 1,800 hours in
17 acupuncture, including 300 clinical hours,] **AT LEAST A MASTER'S LEVEL PROGRAM OR**
18 **ITS EQUIVALENT IN ACUPUNCTURE** that is:

19 1. Approved by the Maryland Higher Education
20 Commission; ~~OR~~

21 2. Accredited by the Accreditation Commission for
22 Acupuncture and Oriental Medicine; or

23 ~~3. Found by the Board to be equivalent to a course approved~~
24 ~~by the Accreditation Commission for Acupuncture and Oriental Medicine OR ACCREDITED~~
25 ~~UNDER ITEM 1 OR 2 OF THIS ITEM; or~~

26 (ii) Achievement of a:

27 1. Diplomate in acupuncture from the National Certification
28 Commission for Acupuncture and Oriental Medicine; or

1 2. Passing score on an examination that is determined by the
2 Board to be equivalent to the examination given by the National Certification Commission
3 for Acupuncture and Oriental Medicine;

4 (4) Demonstrate the ability to communicate in the English language; and

5 (5) Meet any other qualifications that the Board establishes in regulations.

6 SECTION 2. AND BE IT FURTHER ENACTED, That § 1A–302 of the Health
7 Occupations Article, as enacted by Section 1 of this Act, shall be construed to apply only
8 prospectively and may not be applied or interpreted to have any effect on or application to
9 any individual licensed to practice acupuncture by the State Acupuncture Board before the
10 effective date of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.