

HOUSE BILL 234

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8lr0109

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 23, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Acupuncture – Practice and Licensure**

3 FOR the purpose of expanding the practice of acupuncture to include other oriental
4 medical therapies under certain circumstances; repealing provisions relating to
5 the number of acupuncture and clinical practice hours required as a condition of
6 acupuncture licensure; authorizing the State Acupuncture Board to reinstate
7 the license of certain former licensees who maintained an active license and
8 residence in another state if certain conditions are met by the licensee;
9 repealing a certain prohibition on the Board as to the assessment of a
10 reinstatement fee rendered inconsistent by this Act; and generally relating to
11 the State Board of Acupuncture and acupuncture licensure requirements.

12 BY repealing and reenacting, without amendments,
13 Article – Health Occupations
14 Section 1A–101(a)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 1A–101(f), 1A–302, and 1A–307
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2007 Supplement)

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

24 **Article – Health Occupations**

25 1A–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (f) (1) “Practice acupuncture” means the use of oriental medical therapies
3 for the purpose of normalizing energetic physiological functions including pain control,
4 and for the promotion, maintenance, and restoration of health.

5 (2) “Practice acupuncture” includes:

6 (i) Stimulation of points of the body by the insertion of
7 acupuncture needles;

8 (ii) The application of moxibustion; and

9 (iii) Manual, mechanical, thermal, [or] electrical, **OR OTHER**
10 **ORIENTAL MEDICAL** therapies only when performed in accordance with the
11 principles of oriental [acupuncture] medical theories.

12 1A-302.

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

15 (b) The applicant shall:

16 (1) Be of good moral character;

17 (2) Be at least 18 years old;

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

20 (i) Graduation from a course of training [of at least 1,800 hours
21 in acupuncture, including 300 clinical hours,] that is:

22 1. Approved by the Maryland Higher Education
23 Commission;

24 2. Accredited by the Accreditation Commission for
25 Acupuncture and Oriental Medicine; or

26 3. Found by the Board to be equivalent to a course
27 approved by the Accreditation Commission for Acupuncture and Oriental Medicine; or

28 (ii) Achievement of a:

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

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

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

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

10 1A-307.

11 (a) (1) The Board shall place a licensee on inactive status if the licensee
12 submits to the Board:

13 (i) An application for inactive status on the form required by
14 the Board; and

15 (ii) The inactive status fee set by the Board.

16 (2) The Board may not place a licensee on inactive status for more
17 than 6 years.

18 (b) The Board shall reactivate a license to an individual who is on inactive
19 status if the individual complies with the renewal requirements that exist at the time
20 the individual changes from inactive to active status.

21 (c) The Board may reinstate the license of a former licensee who has failed to
22 renew the license [for any reason] if the former licensee:

23 (1) Meets the continuing education requirements of § 1A-306 of this
24 subtitle for each year that the license has lapsed;

25 (2) Applies for reinstatement more than 30 days after the license
26 renewal deadline;

27 (3) Submits to the Board an application for reinstatement on the form
28 required by the Board; and

29 (4) Pays to the Board a reinstatement fee and a renewal fee set by the
30 Board.

31 [(d) The Board may not assess the reinstatement fee required under
32 subsection (c) of this section on an individual who has been on inactive status for more

1 than 6 years if the individual can provide documentation of maintaining an active
2 license in another state.]

3 **(D) THE BOARD MAY REINSTATE THE LICENSE OF A FORMER LICENSEE**
4 **WHO HAS MAINTAINED AN ACTIVE LICENSE AND RESIDENCE IN ANOTHER STATE**
5 **AND HAS FAILED TO RENEW THE LICENSE IF THE FORMER LICENSEE:**

6 **(1) APPLIES FOR REINSTATEMENT MORE THAN 30 DAYS AFTER**
7 **THE LICENSE RENEWAL DEADLINE;**

8 **(2) SUBMITS TO THE BOARD AN APPLICATION FOR**
9 **REINSTATEMENT ON THE FORM REQUIRED BY THE BOARD;**

10 **(3) PAYS TO THE BOARD A REINSTATEMENT FEE AND A RENEWAL**
11 **FEE SET BY THE BOARD; AND**

12 **(4) MEETS THE RENEWAL REQUIREMENTS THAT EXIST AT THE**
13 **TIME THE INDIVIDUAL APPLIES FOR REINSTATEMENT.**

14 (e) An individual who has been previously licensed by the Board shall obtain
15 a license only by means of license renewal or reinstatement as provided in this article
16 and in regulations adopted by the Board.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2008.