

SENATE BILL 303

J2

9lr1237
CF HB 404

By: **Senator Kagan**

Introduced and read first time: January 30, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
5 approved by certain entities to qualify for a license to practice acupuncture; repealing
6 the authority of the State Acupuncture Board to find certain programs to be
7 equivalent to a certain course for certain licensure requirements; altering certain
8 definitions; providing for the application of this Act; and generally relating to the
9 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
14 (2014 Replacement Volume and 2018 Supplement)

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

17 **Article – Health Occupations**

18 1A–101.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 (d) "Board" means the State Acupuncture Board.

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

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

11 (2) "Practice acupuncture" includes:

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

14 (ii) The application of moxibustion; and

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

19 (g) "Supervision" means:

20 (1) A formalized professional relationship between a licensed
21 acupuncturist and an individual performing auricular detoxification that provides
22 evaluation and direction of the individual to adequately ensure the safety and welfare of
23 clients during the course of treatment; and

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

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

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

29 1A-302.

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

1 (b) The applicant shall:

2 (1) Be of good moral character;

3 (2) Be at least 18 years old;

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

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

9 1. Approved by the Maryland Higher Education
10 Commission; **OR**

11 2. Accredited by the Accreditation Commission for
12 Acupuncture and Oriental Medicine; or

13 [3. Found by the Board to be equivalent to a course approved
14 by the Accreditation Commission for Acupuncture and Oriental Medicine; or]

15 (ii) Achievement of a:

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

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

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

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

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

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