

ACUPUNCTURE LICENSING ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Acupuncture Licensing Act by amending definitions and the membership of the Acupuncture Licensing Board.

Highlighted Provisions:

This bill:

- ▶ amends the definition of acupuncture-related adjunctive therapies to include:
 - modern research and other therapies designated by division rule; and
 - the administration or provision of dietary guidelines, herbs, supplements, and homeopathics;
- ▶ states that the division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- ▶ amends the Acupuncture Licensing Board membership to include four licensed acupuncturists instead of two and removes one physician and one other licensed health care practitioner from the board membership; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **58-72-102**, as last amended by Laws of Utah 2007, Chapter 90

30 **58-72-201**, as last amended by Laws of Utah 2007, Chapter 90

31 ENACTS:

32 **58-72-103**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **58-72-102** is amended to read:

36 **58-72-102. Acupuncture licensing -- Definitions.**

37 In addition to the definitions in Section 58-1-102, as used in this chapter:

38 (1) "Board" means the Acupuncture Licensing Board created in Section 58-72-201.

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

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

43 (4) (a) "Practice of acupuncture" means the insertion of acupuncture needles and
44 application of moxibustion to specific areas of the body based on traditional oriental medical
45 diagnosis and [~~concepts~~] modern research as a primary mode of therapy.

46 (b) Adjunctive therapies within the scope of the practice of acupuncture may include:

47 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based
48 on traditional oriental medical diagnosis and [~~concepts~~] modern research;

49 (ii) the recommendation, administration, or provision of dietary guidelines, herbs,
50 supplements, homeopathics, and therapeutic exercise based on traditional oriental medical
51 diagnosis and [~~concepts~~] modern research according to practitioner training; and

52 (iii) the practice described in Subsections (4)(a) and (b) on an animal to the extent
53 permitted by:

54 (A) Subsection 58-28-307(12);

55 (B) the provisions of this chapter; and

56 (C) division rule.

57 (c) "Practice of acupuncture" does not include:

58 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic

59 barrier; or

60 (ii) the "manipulation of the articulation of the spinal column" as defined in Section
61 58-73-102.

62 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as
63 may be further defined by rule.

64 Section 2. Section **58-72-103** is enacted to read:

65 **58-72-103. Rulemaking.**

66 When exercising rulemaking authority under this chapter, the division shall comply
67 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

68 Section 3. Section **58-72-201** is amended to read:

69 **58-72-201. Acupuncture Licensing Board.**

70 (1) There is created an Acupuncture Licensing Board consisting of:

71 (a) [~~two~~] four licensed acupuncturists; and

72 [~~(b) one physician with knowledge of and experience in acupuncture;~~]

73 [~~(c) one other licensed health care practitioner with knowledge of and experience in~~
74 ~~acupuncture; and]~~

75 [~~(d)~~] (b) one member from the general public.

76 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

77 (3) (a) The duties and responsibilities of the board shall be in accordance with Sections
78 58-1-202 and 58-1-203.

79 (b) In addition, the board shall designate one of its members on a permanent rotating
80 basis to:

81 (i) assist the division in reviewing complaints concerning the unlawful or
82 unprofessional conduct of a licensee; and

83 (ii) advise the division in its investigation of these complaints.

84 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
85 in its investigation may be disqualified from participating with the board when the board serves
86 as a presiding officer in an adjudicative proceeding concerning the complaint.

Legislative Review Note
as of 2-2-12 11:09 AM

Office of Legislative Research and General Counsel