

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: S2/4/03 S2/6/03 S2/11/03*

# A Bill

SENATE BILL 115

5 By: Senators J. Jeffress, T. Smith, Faris, Steele, G. Jeffress, Broadway, Salmon, Wilkinson, Horn,  
6 Whitaker, Altes, Holt, Womack, J. *Bookout*

7 By: Representatives Bolin, R. Smith, King, Rankin, Judy, Creekmore, Borhauer, Wood, P. *Bookout*,  
8 *Haak, White*

9  
10

## For An Act To Be Entitled

11 AN ACT TO RESTRUCTURE THE ARKANSAS STATE BOARD OF  
12 ACUPUNCTURE AND RELATED TECHNIQUES; AND FOR OTHER  
13 PURPOSES.  
14

### Subtitle

15 AN ACT TO RESTRUCTURE THE ARKANSAS STATE  
16 BOARD OF ACUPUNCTURE AND RELATED  
17 TECHNIQUES.  
18  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. (a) The members of the Arkansas State Board of Acupuncture  
25 and Related Techniques serving on the day before the effective date of this  
26 act shall cease to be members of the board on the effective date of this act  
27 and their successors shall be appointed as provided in Arkansas Code § 17-  
28 102-201.

29 (b) No person who was a member of the board on the day before the  
30 effective date of this act may be reappointed as a member of the board before  
31 January 1, 2005.  
32

33 SECTION 2. Arkansas Code § 17-102-102(2) is amended to read as  
34 follows:

35 (2) "Acupuncturist" means a person licensed under this chapter as a  
36 doctor ~~of healing arts~~ of oriental medicine to practice acupuncture and



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1 related techniques in this state and includes the terms licensed  
2 *acupuncturist, certified acupuncturist, and acupuncturist practitioner, and*  
3 *~~Oriental acupuncturist practitioner;~~*  
4

5 SECTION 3. Arkansas Code § 17-102-103(a)(1), concerning disposition of  
6 acupuncture board funds, is amended to read as follows:

7 (a)(1) All fees authorized by this chapter, except those established  
8 by the Secretary of State under § 17-102-207, are the property of the  
9 Arkansas State Board of Acupuncture and Related Techniques and shall be  
10 provided to its treasurer to be disposed of as provided in this chapter.  
11

12 SECTION 4. Arkansas Code § 17-102-201 is amended to read as follows:  
13 17-102-201. Creation of board - Members - Appointment.

14 (a)(1)(A) There is created the Arkansas State Board of Acupuncture and  
15 Related Techniques.

16 (B) The board shall consist of ~~five (5)~~ seven (7) persons  
17 appointed by the Governor, subject to confirmation by the Senate, as full  
18 members and one (1) person appointed by the Governor, subject to confirmation  
19 by the Senate, as an ex officio member.

20 (2)(A) ~~Three (3)~~ Five (5) full members of the board shall be  
21 ~~qualified acupuncturists~~ doctors of Oriental medicine licensed in this state  
22 and shall:

23 (i) Be appointed from a list of three (3) names per  
24 position provided by the Arkansas Association on Oriental Medicine; and

25 (ii) Provide verifiable documentation of completion  
26 of an advanced specialty program, externship, residency, internship, or board  
27 certification in a recognized Oriental medical specialty and have completed  
28 in not more than two (2) years, a minimum of one hundred forty-four (144)  
29 hours of education that shall not include advanced training in acupuncture.

30 (3)(A) Two (2) full members shall be appointed to represent the  
31 public and shall not have practiced acupuncture and related techniques in  
32 this or any other jurisdiction nor be retired from or have any financial  
33 interest in the occupation regulated.

34 ~~(B) The public members shall be subject to confirmation by~~  
35 ~~the Senate.~~

36 ~~(C)(B)~~ The public members shall be full voting members but

1 shall not participate in the grading of examinations.

2 (4)(A) The ex officio member shall be a physician licensed  
3 pursuant to the Arkansas Medical Practices Act, §§ 17-95-201 - 17-95-207, 17-  
4 95-301 - 17-95-305, and 17-95-401 - 17-95-411, and shall be entitled to be  
5 notified of all board meetings and to participate in the deliberations of the  
6 board.

7 (B) However, the ex officio member shall have no vote,  
8 shall not serve as an officer of the board, and shall not be counted to  
9 establish a quorum or a majority necessary to conduct business.

10 ~~(b)(1)~~ The initial full members of the board shall be appointed by the  
11 Governor for staggered terms as follows:

12 ~~(A)(1)~~ One (1) ~~Two (2)~~ member's ~~term~~ terms shall expire  
13 after one (1) year;

14 ~~(B)(2)~~ One (1) ~~Two (2)~~ member's ~~term~~ terms shall expire  
15 after two (2) years; and

16 ~~(C)(3)~~ One (1) ~~Three (3)~~ member's ~~term~~ terms shall expire  
17 after three (3) years.

18 (2) ~~Of the two (2) additional members appointed pursuant to Acts~~  
19 ~~1999, No. 536, one (1) shall be appointed for a two-year term and the other~~  
20 ~~for a three-year term.~~

21 (3) The initial ex officio board member shall be appointed to a  
22 term of three (3) years.

23 (4) Successors shall be appointed for three-year terms.

24 (5) Vacancies shall be filled by appointment by the Governor for  
25 the unexpired term.

26 (6) Board members shall serve until their successors have been  
27 appointed and qualified.

28 (c) The Governor may remove any full member from the board for any  
29 reason that would justify the suspension or revocation of his or her license  
30 to practice acupuncture and related techniques.

31 (d) A person may not serve on the board who:

32 (1) is Is or has been in the preceding two (2) years on and  
33 received a salary as a member of the faculty of a school which is subject to  
34 review by the board; or

35 (2) Is the sole proprietor of a school or receives a salary for  
36 servng on the board of directors of a school which is subject to review by

1 the board ~~may not serve on the board.~~

2  
3 SECTION 5. Arkansas Code § 17-102-202 is amended to read as follows:  
4 17-102-202. Board members - Qualifications.

5 (a)(1) Each member of the Arkansas State Board of Acupuncture and  
6 Related Techniques shall be ~~a citizen of the United States~~, a resident of  
7 this state for at least two (2) years before appointment, and shall, before  
8 entering upon the duties of the office, take the oath prescribed by the  
9 Constitution for state officers and shall file it with the Secretary of State  
10 who shall thereupon issue to each person so appointed a certificate of  
11 appointment.

12 (2) A copy of the certificate of appointment of a board member  
13 shall be filed with the secretary of the board before the member may exercise  
14 the rights of board membership.

15 (b) Each full professional member also shall be a graduate of a  
16 reputable school or institute of acupuncture ~~or~~ and Oriental medicine and ~~be~~  
17 ~~certified by~~ have passed either the National Commission for the Certification  
18 ~~of Acupuncturists~~ exam or another exam approved by the board.

19  
20 SECTION 6. Arkansas Code § 17-102-204(b)(3), concerning the quorum of  
21 the acupuncture board, is amended to read as follows:

22 (3) ~~Three (3)~~ Four (4) full members shall constitute a quorum at  
23 any meeting of the board.

24  
25 SECTION 7. Arkansas Code § 17-102-205(b), concerning records of the  
26 acupuncture board, is amended to read as follows:

27 (b) The secretary shall also keep a record of the names, addresses,  
28 and license numbers of all acupuncturists ~~licensed~~ certified by the board to  
29 the Secretary of State for licensure, together with a record of license  
30 renewals, suspensions, and revocations.

31  
32 SECTION 8. Arkansas Code § 17-102-206(b), concerning powers and duties  
33 of the acupuncture board, is amended to read as follows:

34 (b) The board is authorized to:

35 (1) Make suitable bylaws for carrying out its duties under the  
36 provisions of this chapter;

1 (2) Sue and be sued;

2 (3) Have an official seal which shall bear the words "Arkansas  
3 State Board of Acupuncture and Related Techniques";

4 (4) Provide a secretary's certificate. The certificate of the  
5 Secretary of the Arkansas State Board of Acupuncture and Related Techniques  
6 under seal shall be accepted in the courts of the state as the best evidence  
7 as to the minutes of the board and shall likewise be accepted in the courts  
8 of the state as the best evidence as to the licensure or nonlicensure of any  
9 person under the requirements of this chapter;

10 (5) Adopt, publish, and, from time to time, revise such rules  
11 and regulations not inconsistent with the law as may be necessary to enable  
12 it to carry into effect the provisions of this chapter;

13 (6) Keep a record of all its proceedings, receipts, and  
14 disbursements;

15 (7) Adopt standards for applicants wishing to take the licensing  
16 examination and conduct examinations or contract with persons or entities to  
17 conduct examinations of applicants;

18 (8) ~~Grant, deny, renew, suspend,~~ Suspend or revoke licenses to  
19 practice acupuncture and related techniques for any cause stated in this  
20 chapter. Except as otherwise provided by this chapter, the board shall have  
21 exclusive jurisdiction to determine who shall be permitted to practice  
22 acupuncture and related techniques in the State of Arkansas; and

23 (9) Conduct disciplinary proceedings as provided in this  
24 chapter.

25

26 SECTION 9. Arkansas Code § 17-102-206, concerning the powers and  
27 duties of the acupuncture board, is amended to add an additional subsection  
28 to read as follows:

29 (d)(1) The board shall certify to the Secretary of State those  
30 applicants for licensure who have met all the criteria applicable to that  
31 applicant under either § 17-102-302 or 304.

32

33 SECTION 10. Arkansas Code Title 17, Chapter 102, Subchapter 2 is  
34 amended to add an additional section to read as follows:

35 17-102-207. Licenses issued - Secretary of State.

36 (a) The Secretary of State shall issue, deny and renew licenses under

1 § 17-102-302 and 304.

2 (b) The Arkansas State Board of Acupuncture and Related Techniques  
 3 shall provide the Secretary of State with a set of specific criteria for  
 4 granting, denying and renewing each of the types of licenses under § 17-102-  
 5 302 and 304.

6 (c) Before issuing a license, the Secretary of State shall verify that  
 7 certification of an applicant by the board was approved by an affirmative  
 8 vote of a majority of the full membership of the board, excluding the ex  
 9 officio member.

10 (d) The Secretary of State shall establish fees sufficient to cover  
 11 the actual cost of granting, denying and renewing licenses under this  
 12 chapter.

13  
 14 SECTION 11. Arkansas Code § 17-102-302 is amended to read as follows:

15 17-102-302. Effect on existing license.

16 (a) Notwithstanding the requirements set forth in § 17-102-304, any  
 17 acupuncturist validly certified by the National ~~Commission~~ Commission for the  
 18 Certification of Acupuncturists as of August 1, 1997, and residing and  
 19 practicing acupuncture in this state as of December 31, 1996, shall upon  
 20 ~~application to~~ certification by the Arkansas State Board of Acupuncture and  
 21 Related Techniques to the Secretary of State be issued a license without an  
 22 examination by the Secretary of State.

23 (b) The Secretary of State, upon certification by the board that the  
 24 applicant has met the following criteria, shall issue a license without  
 25 examination to an acupuncturist who:

26 (1)(A) Lived and practiced in this state as of December 31,  
 27 1996;

28 (B) Applied for licensing under § 3(a) of Act 816 of 1997;

29 (C) Applies for licensure within thirty (30) days of the  
 30 effective date of this act; and

31 (D) Provides verifiable documentation of completion of an  
 32 advanced specialty program, externship, residency, internship, or board  
 33 certification in a recognized Oriental medical specialty and have completed  
 34 in not more than two (2) years, a minimum of one hundred forty-four (144)  
 35 hours of education that shall not include advanced training in acupuncture;  
 36 or

1           (2)(A) Holds a valid license to practice acupuncture or Oriental  
 2 medicine in another state;

3           (B) Provides verifiable documentation of completion of an  
 4 advanced specialty program, externship, residency, internship, or board  
 5 certification in a recognized Oriental medical specialty and have completed  
 6 in not more than two (2) years, a minimum of one hundred forty-four (144)  
 7 hours of education that shall not include advanced training in acupuncture;  
 8 and

9           (C) Applies for licensure within thirty (30) days of the  
 10 effective date of this act.

11       ~~(b)(c)~~(1)(A) Notwithstanding the requirements set forth in § 17-102-  
 12 304, any acupuncturist not validly certified by the National Commission for  
 13 the Certification of Acupuncturists as of August 1, 1997, but residing and  
 14 practicing acupuncture in this state as of December 31, 1996, shall upon  
 15 ~~application to~~ certification by the board to the Secretary of State be issued  
 16 a provisional license by the Secretary of State conditioned upon the  
 17 acupuncturist's becoming certified by the commission within two (2) years of  
 18 August 1, 1997.

19           (B) While the license is provisional, the acupuncturist  
 20 may practice acupuncture and related techniques in this state pursuant to a  
 21 scope of practice set forth in writing by the board after review of the  
 22 qualifications, training, and practice experience of the acupuncturist.

23           (2) ~~Upon obtaining~~ If the board receives certification of the  
 24 acupuncturist by the National Commission for the Certification of  
 25 Acupuncturists and presenting it to the board, the board shall certify to the  
 26 Secretary of State that the acupuncturist has met all the required criteria  
 27 for licensure and the Secretary of State shall be issued issue a  
 28 nonprovisional license by the board to the acupuncturist.

29           (3) Should certification not be obtained within the two-year  
 30 period, the board shall immediately communicate that fact to the Secretary of  
 31 State who shall immediately revoke the provisional license.

32  
 33       SECTION 12. Arkansas Code § 17-102-304(b), concerning accreditation of  
 34 acupuncture schools and programs, is amended to read as follows:

35       (b) Prior to approval of an institute of acupuncture and related  
 36 techniques, the board shall determine that the institute meets standards of

1 professional education. These standards shall provide that the institute:

2 (1) Require, as a prerequisite to graduation, a program of study  
3 of at least four (4) academic years;

4 (2) Meet the minimum requirements of a board-approved national  
5 accrediting body;

6 (3) Require participation in a carefully supervised clinical or  
7 internship program that includes at least eight hundred (800) hours of  
8 supervised clinical practice; and

9 (4) Be accredited by the Accreditation Commission for  
10 Acupuncture and Oriental Medicine, the Council of Colleges of Acupuncture and  
11 Oriental Medicine, or the National Commission for the Certification of  
12 Acupuncture and Oriental Medicine; and

13 ~~(4)(5)~~ Confer a certificate, diploma, or degree in acupuncture  
14 and related techniques only after personal attendance in classes and clinics.  
15

16 SECTION 13. Arkansas Code § 17-102-304(d), concerning fees charged by  
17 the acupuncture board, is amended to read as follows:

18 (d)(1) The board may charge the following fees:

19 ~~(1)(A)~~ Initial application for licensing, a fee not to  
20 exceed two hundred fifty dollars (\$250);

21 ~~(2)(B)~~ Written and practical examination not including the  
22 cost of the nationally recognized examination, a fee not to exceed three  
23 hundred fifty dollars (\$350);

24 ~~(3) Biennial licensing renewal, a fee not to exceed four hundred~~  
25 ~~dollars (\$400);~~

26 ~~(4) Late renewal more than thirty (30) days, but not later than~~  
27 ~~one (1) year, after expiration of a license, which late fee is in addition to~~  
28 ~~any other fees, a fee not to exceed one hundred dollars (\$100);~~

29 ~~(5) Reciprocal licensing, a fee not to exceed seven hundred~~  
30 ~~fifty dollars (\$750);~~

31 ~~(6)(C)~~ Annual continuing education provider registration,  
32 a fee not to exceed two hundred dollars (\$200); and

33 ~~(7)(D)~~ Any and all fees to cover reasonable and necessary  
34 administrative expenses.

35 (2) The board shall remit to the Secretary of State fifty  
36 dollars (\$50.00) for each license to be issued, denied, or renewed.



1  
2 SECTION 14. Arkansas Code § 17-102-304(e)(1)(B), concerning  
3 acupuncture applicants who pass the required examination, is amended to read  
4 as follows:

5 (B)(i) Should the applicant pass the examination, no part  
6 of the fee shall be returned, and the ~~applicant shall be issued~~ board shall  
7 certify to the Secretary of State that the applicant has passed the  
8 examination.

9 (ii) On receipt of the certification, the Secretary  
10 of State shall issue to the applicant a license to practice acupuncture and  
11 related techniques in accordance with this chapter.

12  
13 SECTION 15. Arkansas Code § 17-102-305 is amended to read as follows:  
14 17-102-305. Examinations.

15 (a) Examinations shall be given in English and in writing and shall  
16 include, but not be limited to, the following subjects in Oriental medicine:

- 17 (1) Anatomy and physiology;  
18 (2) Pathology;  
19 (3) Diagnosis;  
20 (4) Hygiene, sanitation, and sterilization techniques;  
21 (5) Acupuncture and related principles, practices, and  
22 techniques; ~~and~~  
23 (6) Chinese herbal medicine; and  
24 (7) Oriental medicine techniques.

25 (b)(1) The Arkansas State Board of Acupuncture and Related Techniques  
26 shall hold an examination at least once each calendar year, and all  
27 applicants shall be notified in writing of the date and time of all  
28 examinations.

29 (2) The board may utilize a nationally recognized examination if  
30 it deems the national exam is sufficient to qualify a practitioner for  
31 licensure in this state.

32 (3) An applicant shall be deemed to have passed the required  
33 examination in acupuncture and Oriental medicine if the applicant provides  
34 verifiable documentation of having passed:

35 (A) An examination for national certification acceptable  
36 to the board in acupuncture and Oriental medicine; or

