

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1832

4 By: Representative Stalnaker, Wallis and Mitchell

5
6

For An Act To Be Entitled

8 "AN ACT TO CREATE A BOARD OF ACUPUNCTURE ; AND FOR OTHER
9 PURPOSES."

10

Subtitle

11

12 "AN ACT TO CREATE A BOARD OF
13 ACUPUNCTURE."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 *SECTION 1. Definitions. As used in this act:*

18 (a) *"acupuncture" means the insertion, manipulation, and removal of*
19 *needles from the body; the use of heat on, or above, or on acupuncture*
20 *needles, at specific locations on the body for the prevention, cure, or*
21 *correction of any disease, illness, injury, pain, or other condition; and the*
22 *use of other modalities and procedures at specific locations on the body, for*
23 *the prevention, cure, or correction of any disease, illness, injury, pain, or*
24 *other condition by controlling and regulating the flow and balance of energy*
25 *and functioning of the patient to restore and maintain health;*

26 (b) *"board" means the board of acupuncture.*

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28 *SECTION 2. License required. No person shall, after January 1, 1996,*
29 *practice acupuncture either for compensation or gratuitously unless licensed*
30 *under this act. Provided, any person who meets the requirements of this act*
31 *for licensure to practice acupuncture may be licensed to practice acupuncture*
32 *by the State Board of Acupuncture.*

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34 *SECTION 3. Exemptions. (a) Nothing in this act is intended to limit,*
35 *interfere with or prevent any other class of licensed health care*

1 professionals from practicing within the scope of their licenses as defined
2 by each profession_s state licensing statutes, but they shall not hold
3 themselves out to the public or any private group of business by any title or
4 description of services that includes the term "acupuncture" or
5 "acupuncturist" unless they are licensed under this act.

6 (b) The provisions of this act shall not be construed to make unlawful
7 the activities of persons involved in research performed under the auspices
8 of an institutional review board.

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10 SECTION 4. Board created - appointment - officers - compensation.

11 (a) There is created the Board of Acupuncture. The board shall
12 consist of three (3) persons appointed by the Governor. One (1) member of
13 the board shall be an acupuncturist certified by the National Commission for
14 the Certification of Acupuncture, who is not licensed by the State Medical
15 Board, and who has practiced acupuncture for at least five (5) years and is
16 licensed in accordance with this act, except the person first appointed to
17 the board need not be licensed. One (1) member shall be a medical doctor
18 certified in acupuncture. One (1) member shall be a chiropractic doctor
19 certified in acupuncture.

20 (b) The initial members of the board shall be appointed by the
21 Governor for staggered terms as follows: one (1) member_s term shall expire
22 after one (1) year, one (1) member_s term shall expire after two (2) years,
23 one (1) member_s term shall expire after three (3) years. Successors shall
24 be appointed for three (3) year terms. Vacancies shall be filled by
25 appointment by the Governor for the unexpired term. Board members shall
26 serve until their successors have been appointed and qualified.

27 (c) The board shall, within sixty (60) days after the effective date
28 of this act, and annually thereafter, hold a meeting and elect from its
29 membership a chairman and vice chairman. The board shall meet at such other
30 times as deemed necessary and advisable by the chairman, a majority of its
31 members or the Governor. Reasonable notice of all meetings shall be given in
32 the manner prescribed by the board.

33 (d) The Governor may remove any member from the board for neglect of
34 any duty required by law, for incompetence, for improper or unprofessional
35 conduct as defined by board regulations, for conflict of interest, or for any

1 reason that would justify the suspension or revocation of his license to
2 practice acupuncture.

3 (e) Members of the board shall be reimbursed for expenses and mileage
4 from funds appropriated therefor and shall receive no other compensation,
5 perquisite or allowance.

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7 SECTION 5. Authority to make rules. The board is authorized to make
8 rules which are necessary to carry out the duties and authority conferred
9 upon the board by this act.

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11 SECTION 6. Board procedures. (a) A majority of the members of the
12 board shall constitute a quorum to conduct business.

13 (b) It shall require an affirmative vote of a majority of those
14 present at a meeting of the board to pass any motion.

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16 SECTION 7. Powers and duties. The board shall:

17 (a) enforce the provisions of this act;

18 (b) adopt, publish and file, in accordance with state law, all rules
19 and regulations for the implementation and enforcement of the provisions of
20 this act;

21 (c) administer oaths and take testimony on any matters within the
22 board's jurisdiction;

23 (d) keep an accurate record of all its meetings, receipts and
24 disbursements;

25 (e) conduct examinations, or contract with nationally recognized
26 entities to conduct examinations;

27 (f) keep a record of licensure in which the names, addresses, and
28 license numbers of all licensees of acupuncture shall be recorded together
29 with a record of all license renewals, suspensions and revocations;

30 (g) grant, deny, renew, suspend or revoke licenses to practice
31 acupuncture for any cause stated in this act; and

32 (h) adopt standards for applicants wishing to take the licensing
33 examination.

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35 SECTION 8. Funds created, fees. (a) All fees and other funds

1 collected under this act shall be deposited as cash funds into a financial
2 institution designated by the board which shall use the same to defray the
3 costs of administration of that act.

4 (b) The board may charge fees to cover reasonable and necessary
5 administrative expenses.

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7 SECTION 9. Qualifications for examination. (a) No person shall be
8 licensed to practice acupuncture unless he has passed an examination and has
9 been found to have the necessary qualifications as prescribed in the
10 regulations adopted by the board.

11 (b) Before any applicant shall be eligible for an examination, he
12 shall furnish satisfactory proof to the board that:

13 (1) he is of good moral character;

14 (2) he has completed a program in acupuncture and has received a
15 certificate or diploma from a training facility that meets the minimum
16 requirements of a national accreditation board;

17 (3) he is at least eighteen (18) years of age; and

18 (4) he is a citizen of the United States and/or a legal
19 resident.

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21 SECTION 10. Display of license. A person licensed under this act
22 shall post his license in a conspicuous location in his place of practice at
23 all times.

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25 SECTION 11. Prohibited acts; penalty. (a) it is unlawful for any
26 person to:

27 (1) hold himself out as an acupuncturist unless licensed as
28 provided herein;

29 (2) practice acupuncture, or attempt to practice acupuncture,
30 without an active license or as otherwise permitted by board rule established
31 under the authority of this act;

32 (3) obtain, or attempt to obtain, a license to practice
33 acupuncture by fraudulent misrepresentation; or

34 (4) permit an employed person to engage in the practice of
35 acupuncture unless such person holds an active license as an acupuncturist,

1 except as otherwise provided by this act.

2 (b) Any person who violates any provision of this act is guilty of a
3 Class B misdemeanor.

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5 SECTION 12. Public health and sanitation. (a) Acupuncturists shall
6 use only presterilized, disposable needles in their administration of
7 acupuncture treatments. The use of staples in the practice of acupuncture is
8 unlawful.

9 (b) Sanitation practices shall include:

10 (1) hands shall be washed with soap and water or other
11 disinfectant before handling needles and between treatment of different
12 patients;

13 (2) skin in the area of penetration shall be thoroughly swabbed
14 with alcohol or other germicidal solution before inserting needles; and

15 (3) no person shall be allowed to practice acupuncture without
16 first having passed a nationally recognized clean needle technique course.

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18 SECTION 13. Previously practicing acupuncturists status valid under
19 new act. All medical doctors licensed by the State Medical Board, and
20 chiropractic physicians licensed by the State Board of Chiropractic
21 Examiners, who reside in and practice acupuncture in this state on the
22 effective date of this act shall upon application to the board be issued,
23 without examination, a license to practice acupuncture. All other persons
24 who have resided and practiced acupuncture in this state for one (1) year
25 prior to the effective date of this act, and who are validly certified by the
26 National Commission for the Certification of Acupuncture, shall upon
27 application to the board be issued, without examination, a license to
28 practice acupuncture.

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30 SECTION 14. All provisions of this act of a general and permanent
31 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
32 Code Revision Commission shall incorporate the same in the Code.

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34 SECTION 15. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 16. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 17. EMERGENCY. It is hereby found and determined by the
9 General Assembly that the practice of acupuncture should be regulated in this
10 state; that this is not now the case; that this act establishes the
11 regulation for the practice of acupuncture; and that this act should go into
12 effect as soon as possible. Therefore, an emergency is hereby declared to
13 exist, and this act being immediately necessary for the preservation of the
14 public peace, health, and safety shall be in full force and effect from and
15 after its passage and approval.

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