

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 *As Engrossed: S2/4/03 S2/6/03 S2/11/03 H3/14/03 H3/19/03 H4/2/03 H4/7/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

SENATE BILL 115

4
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, *Key, Green*

For An Act To Be Entitled

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10
11 AN ACT TO RESTRUCTURE THE ARKANSAS STATE BOARD OF
12 ACUPUNCTURE AND RELATED TECHNIQUES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT TO RESTRUCTURE THE ARKANSAS STATE
17 BOARD OF ACUPUNCTURE AND RELATED
18 TECHNIQUES.
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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 before the effective date of this act shall
26 cease to be members of the board on the effective date of this act and their
27 successors shall be appointed as provided in Arkansas Code § 17-102-201.

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

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

34 (2) "Acupuncturist" means a person licensed under this chapter as a
35 doctor of healing arts to practice acupuncture and related techniques in this
36 state and includes the terms licensed *acupuncturist*, *certified acupuncturist*,



1 ~~and acupuncture practitioner, and Oriental acupuncture practitioner;~~
 2

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

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

10 SECTION 4. Arkansas Code § 17-102-201 is amended to read as follows:

11 17-102-201. Creation of board - Members - Appointment.

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

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

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

21 (i)(a) *Be appointed from a list of three (3) names*
 22 per position provided to the Governor by any professional association of
 23 acupuncture that has been incorporated and qualified under the laws of the
 24 State of Arkansas as a nonprofit corporation.

25 (3)(A) Two (2) full members, one (1) of whom shall be a
 26 minority, shall be appointed to represent the public and shall not have
 27 practiced acupuncture and related techniques in this or any other
 28 jurisdiction nor be retired from or have any financial interest in the
 29 occupation regulated.

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

32 ~~(C)(B)~~ The public members shall be full voting members but
 33 shall not participate in the grading of examinations.

34 (4)(A) The ex officio member shall be a physician licensed
 35 pursuant to the Arkansas Medical Practices Act, §§ 17-95-201 - 17-95-207, 17-
 36 95-301 - 17-95-305, and 17-95-401 - 17-95-411, and shall be entitled to be

1 notified of all board meetings and to participate in the deliberations of the
2 board.

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

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

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

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

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

14 (2) ~~Of the two (2) additional members appointed pursuant to Acts~~
15 ~~1999, No. 536, one (1) shall be appointed for a two-year term and the other~~
16 ~~for a three-year term.~~

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

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

20 (5) Vacancies shall be filled by appointment by the Governor for
21 the unexpired term.

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

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

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

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

31 (2) Is the sole proprietor of a school or receives a salary for
32 servng on the board of directors of a school which is subject to review by
33 the board ~~may not serve on the board.~~

34

35 SECTION 5. Arkansas Code § 17-102-202 is amended to read as follows:

36 17-102-202. Board members - Qualifications.

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

8 (2) A copy of the certificate of appointment of a board member
 9 shall be filed with the secretary of the board before the member may exercise
 10 the rights of board membership.

11 (b) Each full professional member also shall be a graduate of a
 12 reputable school or institute of acupuncture ~~or~~ and Oriental medicine and ~~be~~
 13 ~~certified by~~ have passed either the National Commission for the Certification
 14 ~~of Acupuncturists~~ National Certification Commission for Acupuncturists and
 15 Oriental Medicine exam, or another exam approved by the board and with
 16 standards that equal or exceed the standards of the exam given by the
 17 National Certification Commission for Acupuncturists and Oriental Medicine.

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

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

22
 23 SECTION 7. Arkansas Code § 17-102-205(b), concerning records of the
 24 acupuncture board, is amended to read as follows:

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

29
 30 SECTION 8. Arkansas Code § 17-102-206, concerning the powers and
 31 duties of the acupuncture board, is amended to add an additional subsection
 32 to read as follows:

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

36 (2) No person holding a current license as of the effective date

1 of this subsection (d) may be required by the Secretary of State to show
 2 proof of certification or to be recertified.

3 SECTION 9. Arkansas Code Title 17, Chapter 102, Subchapter 2 is
 4 amended to add an additional section to read as follows:

5 17-102-207. Licenses issued - Secretary of State.

6 (a) The Secretary of State shall issue, deny and renew licenses under
 7 § 17-102-302 and 304.

8 (b) The Arkansas State Board of Acupuncture and Related Techniques
 9 shall provide the Secretary of State with a set of specific criteria for
 10 granting, denying and renewing licenses under § 17-102-302 and 304.

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

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

18
 19 SECTION 10. Arkansas Code § 17-102-103, concerning existing licenses
 20 to practice acupuncture, is amended to add an additional subsection to read
 21 as follows:

22 (c)(1) The Secretary of State, upon certification by the board that
 23 the applicant has met the following criteria, shall issue a license to an
 24 acupuncturist who:

25 (2)(A) Holds a valid license to practice acupuncture or Oriental
 26 medicine in another state with comparable licensure standards as determined
 27 by the board; and

28 (B) Provides verifiable documentation of a current valid
 29 license in another state.

30
 31 SECTION 11. Arkansas Code § 17-102-304(d), concerning fees charged by
 32 the acupuncture board, is amended to read as follows:

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

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

36 ~~(2)(B)~~ Written and practical examination not including the

1 cost of the nationally recognized examination, a fee not to exceed three
2 hundred fifty dollars (\$350);

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

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

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

10 ~~(6)(F)~~ Annual continuing education provider registration,
11 a fee not to exceed two hundred dollars (\$200); and

12 ~~(7)(G)~~ Any and all fees to cover reasonable and necessary
13 administrative expenses.

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

16

17 SECTION 12. Arkansas Code § 17-102-304(e)(1)(B), concerning
18 acupuncture applicants who pass the required examination, is amended to read
19 as follows:

20 (B)(i) Should the applicant pass the examination, no part
21 of the fee shall be returned, and the ~~applicant shall be issued~~ board shall
22 certify to the Secretary of State that the applicant has passed the
23 examination.

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

27

28 SECTION 13. Arkansas Code § 17-102-305 is amended to read as follows:

29 17-102-305. Examinations in lieu of the National Certification
30 Commission for Acupunctures and Oriental Medicine examination.

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

33 (1) Anatomy and physiology;

34 (2) Pathology;

35 (3) Diagnosis;

36 (4) Hygiene, sanitation, and sterilization techniques;

1 (5) Acupuncture and related principles, practices, and
2 techniques; and

3 (6) Chinese herbal *medicine*.

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

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

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

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

16 (B) Another exam approved by the board with standards that
17 equal or exceed the standards of the exam given by the National Certification
18 Commission for Acupuncturists and Oriental Medicine.

19 (c) The board shall certify to the Secretary of State who shall issue
20 a license to every applicant whose application has been filed with and
21 approved by the board and who has paid the required fees and who either:

22 (1) Has passed the board's examination with a score on each
23 subject of not less than seventy percent (70%); or

24 (2) Has achieved a passing score on a board-approved nationally
25 recognized examination.

26
27 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that practitioners who have been
29 servicing patients for many years may be forced to close their practices and
30 many citizens of Arkansas may find themselves without access to the treatment
31 they need to relieve illness and suffering. Therefore, an emergency is
32 declared to exist and this act being immediately necessary for the
33 preservation of the public peace, health and safety shall become effective
34 on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor, it

1 shall become effective on the expiration of the period of time during which
2 the Governor may veto the bill; or

3 (3) If the bill is vetoed by the Governor and the veto is overridden,
4 it shall become effective on the date the last house overrides the veto.

5
6 */s/ J. Jeffress, et al*
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