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Bill Analysis
Legislative Service Commission

S.B. 245
127th General Assembly
(As Introduced)

Sen. Schuring

BILL SUMMARY

- Provides for issuance of licenses, rather than certificates of registration, to practice as an acupuncturist through the State Medical Board.
- Permits an acupuncturist licensed for 12 months or longer to perform acupuncture for a patient without receiving a referral or prescription for acupuncture.
- Requires an acupuncturist licensed for 12 months or longer to confirm that a patient has undergone a diagnostic examination by a physician or chiropractor within the past year or, if the patient has not undergone the examination, provide the patient with a written recommendation to obtain the examination.
- Requires a student in an acupuncture training program to be supervised by an acupuncturist who has been licensed for 12 months or longer.
- Adds another method by which a person may qualify for licensure as an acupuncturist by requiring the Board to accept an applicant who has obtained national certification by studying Oriental medicine.
- Requires an acupuncturist to have professional liability insurance coverage in an amount that is at least \$500,000.

CONTENT AND OPERATION

License to practice as an acupuncturist

(R.C. 4762.04 and 4762.08)

Under current law, the practice of acupuncture is regulated primarily through the State Medical Board.¹ A person seeking to practice as an acupuncturist must apply to the Board, and if the Board determines the applicant is qualified, the Board issues to the applicant a certificate of registration as an acupuncturist.

The bill changes the name of the licensing document issued by the Board to acupuncturists. In place of a "certificate of registration" as an acupuncturist, the bill provides for issuance of a "license" as an acupuncturist.²

The bill makes corresponding changes in the titles, initials, and abbreviations that may be used by a licensed acupuncturist. Specifically, the bill authorizes the use of "Licensed Acupuncturist" and "L. Ac." and eliminates the use of "Registered Acupuncturist," "R. Ac.," "Reg. Ac.," "Certified Acupuncturist," "C.A.," and "C. Ac."

Practice of acupuncturists licensed for less than 12 months

(R.C. 4762.10(A) and (C)(4) and 4762.11)

Current law permits an acupuncturist to perform acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician or chiropractor. As specified in the referral or prescription, the acupuncturist must provide reports on the patient's condition or progress and

¹ Sub. S.B. 33 of the 127th General Assembly established a process whereby a chiropractor may practice acupuncture by obtaining a certificate to practice acupuncture through the State Chiropractic Board.

² Examples of the licensing documents issued by the Board in its regulation of other professions include the following: (1) physicians receive a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, as appropriate, (2) physician assistants receive a certificate to practice as a physician assistant, (3) anesthesiologist assistants receive a certificate of registration as an anesthesiologist assistant, and (4) massage therapists, cosmetic therapists, and other practitioners of limited branches of medicine receive a certificate to practice that corresponds to the limited branch of medicine being practiced (R.C. Chapters 4730., 4731., and 4760.).

comply with any conditions or restrictions on the course of treatment. Further, the acupuncturist must practice under the general supervision of the referring or prescribing physician or chiropractor; however, they are not required to practice in the same office.

Under the bill, the requirements to practice pursuant to a referral or prescription and under the general supervision of a patient's physician or chiropractor apply only to acupuncturists who have been licensed for less than 12 months.

Practice of acupuncturists licensed for 12 months or longer

(R.C. 4762.10(B))

In the case of an acupuncturist who has held a license for 12 months or longer, the bill provides that the acupuncturist is subject to both of the following:

Confirmation of a prior diagnostic examination: Before performing acupuncture on a patient, the acupuncturist must confirm that the patient has undergone a diagnostic examination within the past 12 months by a physician or chiropractor acting within the physician or chiropractor's scope of practice. The acupuncturist must obtain from the patient a signed form stating that the patient has undergone the examination.

Recommendation to obtain a diagnostic examination: If the patient does not provide the signed form, the acupuncturist must provide to the patient a written recommendation to undergo a diagnostic examination by a physician or chiropractor. The recommendation must be provided on a form prescribed by the State Medical Board.

Supervision of students

(R.C. 4762.02(B)(2))

Current law prohibits the unauthorized practice of acupuncture. The prohibition, however, does not apply to a person who performs acupuncture as a part of a qualified training program in acupuncture.

The bill requires that a student in a qualified training program also practice under the general supervision of an acupuncturist who has been licensed for not less than 12 months.

National credentials for licensure as an acupuncturist

(R.C. 4762.03(A)(2) and 4762.06(B))

Under current law, an applicant seeking to practice as an acupuncturist must submit evidence satisfactory to the State Medical Board that the applicant has been designated by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) as a diplomate in acupuncture. The applicant's designation must be current and active to receive the license and must be maintained as a condition of license renewal.

Under the bill, an applicant may qualify for a license as an acupuncturist by receiving the NCCAOM's designation as a diplomate in either acupuncture or Oriental medicine. Similarly, maintaining designation as a diplomate in either category qualifies an acupuncturist for license renewal. (See **COMMENT.**)

Professional liability insurance

(R.C. 4762.13(B)(23) and 4762.22)

The bill requires a licensed acupuncturist to have professional liability insurance coverage in an amount that is not less than \$500,000. If an acupuncturist fails to have adequate coverage, the bill requires the Board to take disciplinary action against the acupuncturist. Disciplinary actions that may be taken include the following: limiting, revoking, or suspending a license; refusing to issue a license to an applicant; refusing to reinstate a license; reprimanding a license holder; and placing a license holder on probation.

Conforming and technical changes

To correspond with the bill's provisions for issuance of licenses rather than certificates of registration as an acupuncturist, conforming changes are included in the following Revised Code sections: 4762.02, 4762.03, 4762.05, 4762.06, 4762.08, 4762.09, 4762.13, 4762.131, 4762.132, 4762.14, 4762.15, 4762.16, and 4762.18.

The bill corrects a reference to health insuring corporations in a provision of existing law that requires health care facilities to report information to the State Medical Board regarding disciplinary actions taken against acupuncturists (R.C. 4762.16(A)).

COMMENT

According to information from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM),³ the organization has established two routes of eligibility to become a diplomate in Oriental medicine. The first is for individuals who are not currently certified by the NCCAOM. The second is for those who currently hold NCCAOM diplomate status in either acupuncture or Chinese herbology.

Route #1: Eligibility requirements for those who are not certified by NCCAOM in either acupuncture or Chinese herbology:

--Pass examinations in foundations of Oriental medicine, acupuncture, Chinese herbology, point location, and biomedicine.

--Complete a formal education program that meets the standards of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or an equivalent educational body.

Route #2: Eligibility requirements for those who are NCCAOM certified in acupuncture or Chinese herbology:

--Maintain current NCCAOM certification in acupuncture or Chinese herbology, or both (may be in active or inactive status).

--Meet current ACAOM curricular requirements specific to Chinese herbology or acupuncture.

--Pass the Chinese herbology examination or the acupuncture and point location examinations, or both.

--Pass the biomedicine examination or demonstrate completion of 45 educational units (one clock hour = one unit) in biomedicine, attained within six years prior to application.

--Pass the foundations of Oriental medicine examination or demonstrate completion of 21 educational units (one clock hour = one unit) in bodywork, diet, exercise, or patient education in bodywork, diet, or exercise, attained at any point prior to application.

³ The NCCAOM Candidate Handbook & Application Form: Fall 2007; <http://www.nccaom.org/pdfdocuments/Handbooks/NCCAOM_HB_APP_08102007A.pdf>, last visited, November 28, 2007.

HISTORY

ACTION

DATE

Introduced

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