

HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-2.5.

Synopsis: Acupuncture licensure. Establishes the acupuncture licensing board. Directs the health professions bureau to provide administrative services to the acupuncture licensing board. Requires licenses to be renewed every two years. Requires acupuncturists to maintain current diplomate status with the National Commission for the Certification of Acupuncture and Oriental Medicine. Requires acupuncturists to have a written referral or diagnosis from a licensed physician on file before practicing acupuncture on a patient. Allows individuals meeting certain standards to practice auricular acupuncture on patients for the purpose of treating alcoholism, chemical dependency, or substance abuse without a license. Allows licensed
(Continued next page)

Effective: July 1, 1998.

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January 13, 1998, read first time and referred to Committee on Public Health.

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Digest Continued

acupuncturists to practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a referral or diagnosis from a licensed physician. Makes professing to be an acupuncturist without a license and the unlawful practice of acupuncture a Class B misdemeanor.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss),
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes
4 all occupational and professional licenses, registrations, permits, and
5 certificates issued under the Indiana Code, and "licensee" includes all
6 occupational and professional licensees, registrants, permittees, and
7 certificate holders regulated under the Indiana Code.
8 (b) This section applies to the following entities that regulate
9 occupations or professions under the Indiana Code:
10 (1) Indiana board of accountancy.
11 (2) Indiana grain buyers and warehouse licensing agency.
12 (3) Indiana auctioneer commission.
13 (4) Board of registration for architects.
14 (5) State board of barber examiners.
15 (6) State board of cosmetology examiners.



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- 1 (7) Medical licensing board of Indiana.
 2 (8) Secretary of state.
 3 (9) State board of dental examiners.
 4 (10) State board of funeral and cemetery service.
 5 (11) Worker's compensation board of Indiana.
 6 (12) Indiana state board of health facility administrators.
 7 (13) Committee of hearing aid dealer examiners.
 8 (14) Indiana state board of nursing.
 9 (15) Indiana optometry board.
 10 (16) Indiana board of pharmacy.
 11 (17) Indiana plumbing commission.
 12 (18) Board of podiatric medicine.
 13 (19) Private detectives licensing board.
 14 (20) State board of registration for professional engineers.
 15 (21) Board of environmental health specialists.
 16 (22) State psychology board.
 17 (23) Indiana real estate commission.
 18 (24) Speech-language pathology and audiology board.
 19 (25) Department of natural resources.
 20 (26) State boxing commission.
 21 (27) Board of chiropractic examiners.
 22 (28) Mining board.
 23 (29) Indiana board of veterinary medical examiners.
 24 (30) State department of health.
 25 (31) Indiana physical therapy committee.
 26 (32) Respiratory care committee.
 27 (33) Occupational therapy committee.
 28 (34) Social worker, marriage and family therapist, and mental
 29 health counselor board.
 30 (35) Real estate appraiser licensure and certification board.
 31 (36) State board of registration for land surveyors.
 32 (37) Physician assistant committee.
 33 (38) Indiana dietitians certification board.
 34 (39) Indiana hypnotist committee.
 35 (40) **Acupuncture licensing board.**
 36 (41) Any other occupational or professional agency created after
 37 June 30, 1981.
 38 (c) Notwithstanding any other law, the entities included in
 39 subsection (b) shall send a notice of the upcoming expiration of a
 40 license to each licensee at least sixty (60) days prior to the expiration
 41 of the license. The notice must inform the licensee of the need to renew
 42 and the requirement of payment of the renewal fee. If this notice of



1 expiration is not sent by the entity, the licensee is not subject to a
 2 sanction for failure to renew if, once notice is received from the entity,
 3 the license is renewed within forty-five (45) days of the receipt of the
 4 notice.

5 SECTION 2. IC 25-1-5-3, AS AMENDED BY P.L.147-1997,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 1998]: Sec. 3. (a) There is established the health professions
 8 bureau. The bureau shall perform all administrative functions, duties,
 9 and responsibilities assigned by law or rule to the executive director,
 10 secretary, or other statutory administrator of the following:

- 11 (1) Board of chiropractic examiners (IC 25-10-1).
- 12 (2) State board of dental examiners (IC 25-14-1).
- 13 (3) Indiana state board of health facility administrators (IC
 14 25-19-1).
- 15 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (5) Indiana state board of nursing (IC 25-23-1).
- 17 (6) Indiana optometry board (IC 25-24).
- 18 (7) Indiana board of pharmacy (IC 25-26).
- 19 (8) Board of podiatric medicine (IC 25-29-2-1).
- 20 (9) Board of environmental health specialists (IC 25-32).
- 21 (10) Speech-language pathology and audiology board (IC
 22 25-35.6-2).
- 23 (11) State psychology board (IC 25-33).
- 24 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 25 (13) Controlled substances advisory committee (IC 35-48-2-1).
- 26 (14) Committee of hearing aid dealer examiners (IC 25-20).
- 27 (15) Indiana physical therapy committee (IC 25-27).
- 28 (16) Respiratory care committee (IC 25-34.5).
- 29 (17) Occupational therapy committee (IC 25-23.5).
- 30 (18) Social worker, marriage and family therapist, and mental
 31 health counselor board (IC 25-23.6).
- 32 (19) Physician assistant committee (IC 25-27.5).
- 33 (20) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- 34 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 35 (22) Indiana hypnotist committee (IC 25-20.5-1-7).

36 **(23) Acupuncture licensing board (IC 25-2.5).**

37 (b) Nothing in this chapter may be construed to give the bureau
 38 policy making authority, which authority remains with each board.

39 SECTION 3. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 1998]: Sec. 1. As used in this chapter:

42 "Board" means the appropriate agency listed in the definition of

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- 1 regulated occupation in this section.
- 2 "Director" refers to the director of the division of consumer
3 protection.
- 4 "Division" refers to the division of consumer protection, office of
5 the attorney general.
- 6 "Licensee" means a person who is:
- 7 (1) licensed, certified, or registered by a board listed in this
8 section; and
- 9 (2) the subject of a complaint filed with the division.
- 10 "Person" means an individual, a partnership, a limited liability
11 company, or a corporation.
- 12 "Regulated occupation" means an occupation in which a person is
13 licensed, certified, or registered by one (1) of the following:
- 14 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 15 (2) Board of registration for architects (IC 25-4-1-2).
- 16 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 17 (4) State board of barber examiners (IC 25-7-5-1).
- 18 (5) State boxing commission (IC 25-9-1).
- 19 (6) Board of chiropractic examiners (IC 25-10-1).
- 20 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 21 (8) State board of dental examiners (IC 25-14-1).
- 22 (9) State board of funeral and cemetery service (IC 25-15-9).
- 23 (10) State board of registration for professional engineers (IC
24 25-31-1-3).
- 25 (11) Indiana state board of health facility administrators (IC
26 25-19-1).
- 27 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 28 (13) Indiana state board of nursing (IC 25-23-1).
- 29 (14) Indiana optometry board (IC 25-24).
- 30 (15) Indiana board of pharmacy (IC 25-26).
- 31 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 32 (17) Board of podiatric medicine (IC 25-29-2-1).
- 33 (18) Board of environmental health specialists (IC 25-32-1).
- 34 (19) State psychology board (IC 25-33).
- 35 (20) Speech-language pathology and audiology board (IC
36 25-35.6-2).
- 37 (21) Indiana real estate commission (IC 25-34.1-2).
- 38 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 39 (23) Department of natural resources for purposes of licensing
40 water well drillers under IC 25-39-3.
- 41 (24) Respiratory care committee (IC 25-34.5).
- 42 (25) Private detectives licensing board (IC 25-30-1-5.1).

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- 1 (26) Occupational therapy committee (IC 25-23.5).
 2 (27) Social worker, marriage and family therapist, and mental
 3 health counselor board (IC 25-23.6).
 4 (28) Real estate appraiser licensure and certification board (IC
 5 25-34.1-8).
 6 (29) State board of registration for land surveyors (IC
 7 25-21.5-2-1).
 8 (30) Physician assistant committee (IC 25-27.5).
 9 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
 10 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
 11 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
 12 (34) **Acupuncture licensing board (IC 25-2.5).**
 13 **(35)** Any other occupational or professional agency created after
 14 June 30, 1981.
- 15 SECTION 4. IC 25-1-9-1, AS AMENDED BY P.L.147-1997,
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
 18 the following:
- 19 (1) Board of chiropractic examiners (IC 25-10-1).
 20 (2) State board of dental examiners (IC 25-14-1).
 21 (3) Indiana state board of health facility administrators (IC
 22 25-19-1).
 23 (4) Medical licensing board of Indiana (IC 25-22.5-2).
 24 (5) Indiana state board of nursing (IC 25-23-1).
 25 (6) Indiana optometry board (IC 25-24).
 26 (7) Indiana board of pharmacy (IC 25-26).
 27 (8) Board of podiatric medicine (IC 25-29-2-1).
 28 (9) Board of environmental health specialists (IC 25-32).
 29 (10) Speech-language pathology and audiology board (IC
 30 25-35.6-2).
 31 (11) State psychology board (IC 25-33).
 32 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 33 (13) Indiana physical therapy committee (IC 25-27-1).
 34 (14) Respiratory care committee (IC 25-34.5).
 35 (15) Occupational therapy committee (IC 25-23.5).
 36 (16) Social worker, marriage and family therapist, and mental
 37 health counselor board (IC 25-23.6).
 38 (17) Physician assistant committee (IC 25-27.5).
 39 (18) Indiana athletic trainers certification board (IC 25-5.1-2-1).
 40 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
 41 (20) Indiana hypnotist committee (IC 25-20.5-1-7).
 42 **(21) Acupuncture licensing board (IC 25-2.5).**



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1 SECTION 5. IC 25-2.5 IS ADDED TO THE INDIANA CODE AS
 2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 3 1998]:

4 **ARTICLE 2.5. ACUPUNCTURISTS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**
 7 **article.**

8 **Sec. 2. "Acupuncture" means a form of health care employing**
 9 **traditional and modern Oriental medical concepts, Oriental**
 10 **medical diagnosis and treatment, and adjunctive therapies and**
 11 **diagnostic techniques for the promotion, maintenance, and**
 12 **restoration of health and the prevention of disease.**

13 **Sec. 3. "Board" refers to the acupuncture licensing board**
 14 **established by IC 25-2.5-2-1.**

15 **Sec. 4. "Bureau" refers to the health professions bureau created**
 16 **by IC 25-1-5-3.**

17 **Sec. 5. "Practice of acupuncture" means the insertion of**
 18 **acupuncture needles, the application of moxibustion to specific**
 19 **areas of the human body based upon Oriental medical diagnosis as**
 20 **a primary mode of therapy, and other means of applying**
 21 **acupuncture under this chapter.**

22 **Chapter 2. Acupuncture Licensing Board**

23 **Sec. 1. The acupuncture licensing board is established.**

24 **Sec. 2. (a) The board consists of eight (8) members appointed by**
 25 **the governor for terms of three (3) years.**

26 **(b) Except for members appointed under section 4 of this**
 27 **chapter, the terms of new members appointed to the board within**
 28 **a calendar year begin on the same day.**

29 **(c) The board must include the following:**

30 **(1) At least three (3) acupuncturists who:**

31 **(A) are residents of Indiana;**

32 **(B) have at least three (3) years of experience as**
 33 **acupuncturists; and**

34 **(C) are licensed to practice acupuncture under this article.**

35 **(2) At least one (1) physician licensed under IC 25-22.5 who is**
 36 **a resident of Indiana.**

37 **(3) At least one (1) chiropractor licensed under IC 25-10 who**
 38 **is a resident of Indiana and is licensed to practice acupuncture**
 39 **in the chiropractor's practice under IC 25-2.5-4-3.**

40 **(4) At least one (1) podiatrist licensed under IC 25-29 who is**
 41 **a resident of Indiana and is licensed to practice acupuncture**
 42 **in the podiatrist's practice under IC 25-2.5-4-3.**



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1 (5) At least one (1) resident of Indiana who is not associated
2 with a health care profession in any way other than as a
3 consumer.

4 **Sec. 3. An acupuncturist appointed to the board must continue
5 to practice acupuncture while serving as a member of the board.**

6 **Sec. 4. A vacancy on the board shall be filled for the unexpired
7 term in the same manner as the original appointment.**

8 **Sec. 5. At the first meeting following the appointment of a new
9 member, the board shall elect:**

- 10 (1) a chairman; and
11 (2) a secretary.

12 **Sec. 6. (a) The board shall meet within forty-five (45) days after
13 the appointment of a new member.**

14 (b) The board may meet as needed to perform its duties.

15 (c) Five (5) members of the board constitute a quorum.

16 **Sec. 7. (a) Each member of the board who is not a state
17 employee is entitled to receive both of the following:**

18 (1) The minimum salary per diem provided by
19 IC 4-10-11-2.1(b).

20 (2) Reimbursement for travel expenses and other expenses
21 actually incurred with the member's duties, as provided in the
22 state travel policies and procedures established by the Indiana
23 department of administration and approved by the budget
24 agency.

25 (b) Each member of the board who is a state employee is entitled
26 to reimbursement for travel expenses as provided under
27 IC 4-13-1-4 and other expenses actually incurred in connection
28 with the member's duties, as provided in the state travel policies
29 and procedures established by the Indiana department of
30 administration and approved by the budget agency.

31 **Chapter 3. Powers and Duties of the Board**

32 **Sec. 1. The board shall do the following:**

33 (1) Issue, suspend, and revoke licenses, collect fees, investigate
34 violations of this article, and otherwise administer this article.

35 (2) Adopt rules under IC 4-22-2 to:

36 (A) provide for the licensure of acupuncturists;

37 (B) set application and licensure fees;

38 (C) establish standards for the practice of acupuncture
39 under this article; and

40 (D) otherwise implement this article.

41 (3) Issue advisory opinions interpreting this article.

42 (4) Sue to enjoin violations of this article, including violations



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- 1 that have not yet resulted in injury.
- 2 (5) Adopt and use a seal to authenticate official documents of
- 3 the board.
- 4 (6) Purchase, lease, rent, sell, or otherwise dispose of personal
- 5 and real property for the operations of the board.
- 6 (7) Prescribe the application forms to be furnished to all
- 7 individuals seeking to be licensed under this article.
- 8 (8) Prescribe the form and design of the licenses to be issued
- 9 under this article.
- 10 (9) Conduct hearings, keep records of proceedings, and do all
- 11 things necessary to properly administer this article.
- 12 (10) Publish and make available the following upon request
- 13 and for a fee not to exceed the actual cost of printing and
- 14 mailing:
- 15 (A) Requirements for issuance of an acupuncturist's
- 16 license under this article.
- 17 (B) Rules adopted under this article.
- 18 (11) Maintain and make available a register of each licensed
- 19 acupuncturist in Indiana, including each licensed
- 20 acupuncturist's last known address and the expiration date
- 21 and identification number of the licensed acupuncturist's
- 22 license.
- 23 **Chapter 4. License and Qualifications**
- 24 **Sec. 1. Except as provided in section 3 of this chapter, to qualify**
- 25 **for a license under this article, an individual must satisfy the**
- 26 **following requirements:**
- 27 (1) Complete an application for licensure in accordance with
- 28 the rules adopted by the board.
- 29 (2) Pay the fees established by the board.
- 30 (3) Not have been convicted of a crime that has a direct
- 31 bearing on the applicant's ability to practice competently as
- 32 determined by the board.
- 33 (4) Not have had disciplinary action taken against the
- 34 applicant or the applicant's license by the board or by the
- 35 licensing agency of another state or jurisdiction by reason of
- 36 the applicant's inability to safely practice acupuncture with
- 37 those reasons for discipline still being valid as determined by
- 38 the board or by a national certification agency.
- 39 (5) Show to the satisfaction of the board that the applicant
- 40 has:
- 41 (A) current active status as a diplomate in acupuncture of
- 42 the National Commission for Certification of Acupuncture

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1 and Oriental Medicine;

2 (B) successfully completed a three (3) year postsecondary
3 training program or acupuncture college program that:

4 (i) is accredited by;

5 (ii) is a candidate for accreditation by; or

6 (iii) meets the standards of;

7 the National Accreditation Commission for Schools and
8 Colleges of Acupuncture and Oriental Medicine; and

9 (C) successfully completed a clean needle technique course
10 approved by the National Commission for Certification of
11 Acupuncture and Oriental Medicine.

12 Sec. 2. Except as provided in section 4 of this chapter, the board
13 shall issue a license to an individual who:

14 (1) meets the conditions set forth in section 1 of this chapter;
15 and

16 (2) is otherwise qualified for licensure under this article.

17 Sec. 3. (a) An applicant may, upon the payment of a fee
18 established by the board, be granted a license if the applicant
19 submits satisfactory evidence to the board that the applicant has
20 been licensed to practice acupuncture in another state or
21 authorized in another country under qualifications substantially
22 equivalent to those specified in this chapter for a license to practice
23 acupuncture.

24 (b) An applicant may, upon the payment of a fee established by
25 the board, be granted an affiliated professional's license to practice
26 acupuncture if the applicant submits satisfactory evidence to the
27 board that the applicant is a:

28 (1) chiropractor licensed under IC 25-10; or

29 (2) podiatrist licensed under IC 25-29;

30 with at least two hundred (200) hours of acupuncture training or
31 equivalent physiological acupuncture training as approved by the
32 board.

33 (c) The board shall:

34 (1) compile, at least once every two (2) years, a list of courses
35 and institutions that provide training approved for the
36 purposes of qualifying an individual for an affiliated
37 professional's license under subsection (b); and

38 (2) adopt rules that set forth procedures for the case by case
39 approval of training under subsection (b).

40 Sec. 4. The board may refuse to issue a license to an applicant
41 for certification if:

42 (1) the board determines during the application process that

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the applicant committed an act that would have subjected the applicant to disciplinary sanction under section 1(5) of this chapter if the applicant had been licensed in Indiana when the act occurred; or

(2) the applicant has had a license revoked under IC 25-1-1.1.

Sec. 5. (a) A license issued by the board expires on a date established by the bureau under IC 25-1-5-4 in 2000 and each even-numbered year thereafter.

(b) To renew a license, an acupuncturist must:

(1) pay a renewal fee not later than the expiration date of the certificate; and

(2) submit proof of current active certification in acupuncture by the National Commission for Certification of Acupuncture and Oriental Medicine.

Sec. 6. The board may deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand if an applicant or a licensed acupuncturist does any of the following:

(1) Engages in false or fraudulent conduct that demonstrates an unfitness to practice acupuncture, including:

(A) making a misrepresentation in connection with an application for a license or an investigation by the board;

(B) attempting to collect fees for services that were not performed;

(C) advertising falsely, including guaranteeing that a cure will result from an acupuncture treatment; or

(D) dividing, or agreeing to divide, a fee for acupuncture services with anyone for referring the patient.

(2) Fails to exercise proper control over the acupuncturist's practice by:

(A) aiding an unlicensed person in practicing acupuncture;

(B) delegating professional responsibilities to a person the acupuncturist knows or should know is not qualified to perform; or

(C) insufficiently supervising unlicensed personnel working with the acupuncturist in the practice.

(3) Fails to maintain records in a proper manner by:

(A) not keeping written records describing the course of treatment for each patient;

(B) refusing to provide upon request patient records that have been prepared for or paid for by the patient; or

(C) revealing personally identifiable information about a patient, without the patient's consent, unless otherwise

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allowed by law.

- (4) Fails to exercise proper care of a patient, including:
 - (A) abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or
 - (B) exercising, or attempting to exercise, undue influence within the relationship between the acupuncturist and the patient by making sexual advances or requests for sexual activity or by making submission to sexual conduct a condition of treatment.
- (5) Displays habitual substance abuse or mental impairment to the degree that it interferes with the ability to provide safe and effective treatment.
- (6) Is convicted, pleads guilty, or pleads no contest to any crime that demonstrates an unfitness to practice acupuncture.
- (7) Fails, in a negligent manner, to practice acupuncture with the level of skill recognized within the profession as acceptable under the circumstances.
- (8) Violates willfully any provision of this article or rule of the board.
- (9) Has had a license or certificate denied, suspended, or revoked in another jurisdiction for a reason that would be grounds for denial, suspension, or revocation of a license under this article.

Sec. 7. (a) This section may not be construed to prohibit licensed acupuncturists from practicing auricular acupuncture.

(b) An individual who is not an acupuncturist licensed under this article may practice auricular acupuncture for the purpose of treating alcoholism, substance abuse, or chemical dependency if the individual:

- (1) provides the board with documentation of successful completion of a board approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that meets or exceeds standards of training set by the National Acupuncture Detoxification Association;
- (2) provides the board with documentation of successful completion of a clean needle technique course;
- (3) provides auricular acupuncture services within the context of a state, federal, or board approved alcohol, substance abuse, or chemical dependency program under the supervision of a licensed acupuncturist; and
- (4) maintains the ethical standards under this article and

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under rules adopted by the board.

Chapter 5. Unlawful Practice

Sec. 1. This chapter does not apply to the following:

(1) A health care professional acting within the scope of the health care professional's license, certification, or registration.

(2) A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board.

Sec. 2. An individual may not use the title "licensed acupuncturist" or "acupuncturist" unless the acupuncturist is licensed under this article.

Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) Subject to subsection (c), it is unlawful for a licensed acupuncturist, other than a:

(1) chiropractor licensed under IC 25-10; or

(2) podiatrist licensed under IC 25-29;

to practice acupuncture on a patient unless the acupuncturist has on file a written letter of referral or a written diagnosis of the patient from a physician licensed under IC 25-22.5.

(c) An acupuncturist licensed under this article may practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a written letter of referral or written diagnosis from a physician licensed under IC 25-22.5.

(d) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of the patient from a physician licensed under IC 25-22.5 as described in subsection (c), the physician is immune from civil liability relating to the patient or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct.

Sec. 4. A person who knowingly or intentionally violates this article commits a Class B misdemeanor.

SECTION 6. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding IC 25-2.5, as added by this act:

(1) the governor shall appoint the initial members of the acupuncture licensing board as follows:

(A) Three (3) members shall serve a term expiring June 30, 1999.

(B) Three (3) members shall serve a term expiring June 30,

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- 2000.**
- (C) Two (2) members shall serve a term expiring June 30, 2001;**
- (2) the governor may appoint a member of the board who is not licensed under IC 25-2.5-4 if the member otherwise meets the requirements of IC 25-2.5;**
- (3) the board shall waive the requirements of 25-2.5-4 and grant a license to practice acupuncture to an individual who:**
 - (A) is a resident of Indiana; and**
 - (B) presents evidence of successfully completing a college, apprenticeship, tutorial, or other training program approved by the board;**
- (4) the board shall adopt rules and procedures to implement this SECTION;**
- (5) an individual who violates this SECTION or IC 25-2.5, as added by this act, does not commit a Class B misdemeanor unless the individual has received a written warning from the acupuncture licensing board for a prior unrelated violation of this SECTION or IC 25-2.5, as added by this act; and**
- (6) if an individual violates this SECTION or IC 25-2.5, as added by this act, the acupuncture licensing board shall issue a written warning to the individual with instructions describing how to comply with acupuncture licensing laws.**
- (b) This SECTION expires July 1, 2001.**

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