

# SENATE BILL No. 506

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-2.5.

**Synopsis:** Acupuncture licensing. Requires acupuncturist licenses to be renewed every two years. Requires acupuncturists to maintain current diplomate status with the National Certification Commission for Acupuncture and Oriental Medicine. Requires acupuncturists to have a written referral or diagnosis from a licensed physician before practicing acupuncture on a patient. Makes professing to be an acupuncturist without a license and the unlawful practice of acupuncture a Class B misdemeanor. Allows a licensed acupuncturist 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. Allows individuals  
(Continued next page)

**Effective:** July 1, 1999.

---

---

**Miller**

---

---

January 19, 1999, read first time and referred to Committee on Health and Provider Services.

---

---

C  
O  
P  
Y



Digest Continued

meeting certain standards to practice auricular acupuncture on patients for the purpose of treating alcoholism, chemical dependency, or substance abuse without a license.

C  
o  
p  
y



Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C  
O  
P  
Y

## SENATE BILL No. 506



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 25-2.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 1999]:

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. (a) Except as provided in subsection (b), "board" refers**  
14 **to the medical licensing board.**

15 **(b) "Board" refers to the following:**



1 (1) The board of chiropractic examiners (IC 25-10-1) if the  
2 applicant is a chiropractor.

3 (2) The state board of dental examiners (IC 25-14-1) if the  
4 applicant is a dentist.

5 (3) The board of podiatric medicine (IC 25-29-2-1) if the  
6 applicant is a podiatrist.

7 Sec. 4. "Bureau" refers to the health professions bureau  
8 established by IC 25-1-5-3.

9 Sec. 5. "Practice of acupuncture" means the insertion of  
10 acupuncture needles, the application of moxibustion to specific  
11 areas of the human body based upon Oriental medical diagnosis as  
12 a primary mode of therapy, and other means of applying  
13 acupuncture under this chapter.

14 **Chapter 2. License and Qualifications**

15 Sec. 1. Except as provided in section 3 of this chapter, to qualify  
16 for a license under this article, an individual must satisfy the  
17 following requirements:

18 (1) Complete an application for licensure in accordance with  
19 the rules adopted by the board.

20 (2) Pay the fees established by the board.

21 (3) Not have been convicted of a crime that has a direct  
22 bearing on the applicant's ability to practice competently as  
23 determined by the board.

24 (4) Not have had disciplinary action taken against the  
25 applicant or the applicant's license by the board or by the  
26 licensing agency of another state or jurisdiction by reason of  
27 the applicant's inability to safely practice acupuncture with  
28 the reasons for discipline still being valid as determined by the  
29 board or by a national certification agency.

30 (5) Show to the satisfaction of the board that the applicant  
31 has:

32 (A) current active status as a diplomate in acupuncture of  
33 the National Certification Commission for Acupuncture  
34 and Oriental Medicine;

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

37 (i) is accredited by;

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

39 (iii) meets the standards of;

40 the National Accreditation Commission for Schools and  
41 Colleges of Acupuncture and Oriental Medicine; and

42 (C) successfully completed a clean needle technique course

C  
O  
P  
Y



1 approved by the National Certification Commission for  
2 Acupuncture and Oriental Medicine.

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

- 5 (1) meets the conditions of section 1 of this chapter; and  
6 (2) is otherwise qualified for licensure under this article.

7 **Sec. 3. (a)** An applicant may, upon the payment of a fee  
8 established by the board, be granted a license if the applicant  
9 submits satisfactory evidence to the board that the applicant has  
10 been licensed to practice acupuncture in another state or  
11 authorized in another country under qualifications substantially  
12 equivalent to those specified in this chapter for a license to practice  
13 acupuncture.

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

- 18 (1) chiropractor licensed under IC 25-10;  
19 (2) dentist licensed under IC 25-14; or  
20 (3) podiatrist licensed under IC 25-29;

21 with at least four hundred (400) hours of acupuncture training or  
22 equivalent physiological acupuncture training approved by the  
23 board.

24 (c) The board shall:

- 25 (1) compile, at least once every two (2) years, a list of courses  
26 and institutions that provide training approved for the  
27 purpose of qualifying an individual for an affiliated  
28 professional's license under subsection (b); and  
29 (2) adopt rules that set forth procedures for the case by case  
30 approval of training under subsection (b).

31 **Sec. 4.** The board may refuse to issue a license to an applicant  
32 for licensure if:

- 33 (1) the board determines during the application process that  
34 the applicant committed an act that would have subjected the  
35 applicant to disciplinary sanction under section 1(5) of this  
36 chapter if the applicant had been licensed in Indiana when the  
37 act occurred; or  
38 (2) the applicant has had a license revoked under IC 25-1-1.1.

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

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

C  
O  
P  
Y



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

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

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

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

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

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

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

17 (D) dividing, or agreeing to divide, a fee for acupuncture  
18 services with another person for referring the patient.

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

21 (A) aiding an unlicensed person in practicing acupuncture;

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

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

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

28 (A) failing to keep written records describing the course of  
29 treatment for each patient;

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

32 (C) revealing personally identifiable information about a  
33 patient, without the patient's consent, unless otherwise  
34 allowed by law.

35 (4) Fails to exercise proper care of a patient, including:

36 (A) abandoning or neglecting a patient without making  
37 reasonable arrangements for the continuation of care; or

38 (B) exercising or attempting to exercise undue influence  
39 within the relationship between the acupuncturist and the  
40 patient by making sexual advances or requests for sexual  
41 activity or by making submission to sexual conduct a  
42 condition of treatment.



C  
O  
P  
Y

- 1 (5) Displays habitual substance abuse or mental impairment
- 2 to the degree that it interferes with the ability to provide safe
- 3 and effective treatment.
- 4 (6) Is convicted, pleads guilty, or pleads no contest to a crime
- 5 that demonstrates an unfitness to practice acupuncture.
- 6 (7) Fails, in a negligent manner, to practice acupuncture with
- 7 the level of skill recognized within the profession as acceptable
- 8 under the circumstances.
- 9 (8) Violates willfully any provision of this article or rule of the
- 10 board.
- 11 (9) Has had a license denied, suspended, or revoked in another
- 12 jurisdiction for a reason that would be grounds for denial,
- 13 suspension, or revocation of a license under this article.

14 **Sec. 7. (a) This section may not be construed to prohibit licensed**

15 **acupuncturists from practicing auricular acupuncture.**

16 **(b) An individual who is not an acupuncturist licensed under**

17 **this article may practice auricular acupuncture for the purpose of**

18 **treating alcoholism, substance abuse, or chemical dependency if**

19 **the individual:**

- 20 (1) provides the board with documentation of successful
- 21 completion of a board approved training program in
- 22 acupuncture for the treatment of alcoholism, substance abuse,
- 23 or chemical dependency that meets or exceeds the standards
- 24 of training set by the National Acupuncture Detoxification
- 25 Association;
- 26 (2) provides the board with documentation of successful
- 27 completion of a clean needle technique course;
- 28 (3) provides auricular acupuncture services within the context
- 29 of a state, federal, or board approved alcohol, substance
- 30 abuse, or chemical dependency program under the
- 31 supervision of a licensed acupuncturist; and
- 32 (4) maintains the ethical standards under this article and
- 33 under rules adopted by the board.

34 **Chapter 3. Unlawful Practice**

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

- 36 (1) A health care professional acting within the scope of the
- 37 health care professional's license, certification, or
- 38 registration.
- 39 (2) A student practicing acupuncture under the direct
- 40 supervision of a licensed acupuncturist as part of a course of
- 41 study approved by the board.

42 **Sec. 2. An individual may not use the title "licensed**

C  
O  
P  
Y



1     **acupuncturist" or "acupuncturist" unless the acupuncturist is**  
2     **licensed under this article.**

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

5     **(b) Subject to subsection (c), it is unlawful for a licensed**  
6     **acupuncturist, other than a chiropractor licensed under IC 25-10,**  
7     **podiatrist licensed under IC 25-29, or dentist licensed under**  
8     **IC 25-14 to practice acupuncture on a patient unless the**  
9     **acupuncturist obtains a:**

10         **(1) written letter of referral;**

11         **(2) written diagnosis of the patient; or**

12         **(3) written documentation relating to the condition for which**  
13         **the patient receives acupuncture;**

14     **within the last twelve (12) months from a physician licensed under**  
15     **IC 25-22.5.**

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

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

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

C  
O  
P  
Y

