

By Senator Gutman

34-1184-98

1 A bill to be entitled
2 An act relating to acupuncture; amending s.
3 457.102, F.S.; defining the term "acupuncture";
4 amending s. 457.103, F.S.; revising the
5 membership of the Board of Acupuncture;
6 amending s. 457.105, F.S.; revising the
7 licensing requirements for acupuncturists;
8 amending s. 457.116, F.S.; prohibiting certain
9 acts; providing penalties; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (1) of section 457.102, Florida
15 Statutes, is amended to read:

16 457.102 Definitions.--As used in this chapter:

17 (1) "Acupuncture" means a form of primary health care,
18 based on traditional and modern Oriental ~~Chinese~~ medical
19 concepts, that employs acupuncture diagnosis and treatment, as
20 well as adjunctive therapies and diagnostic techniques, for
21 the promotion, maintenance, and restoration of health and the
22 prevention of disease. Acupuncture shall include, but not be
23 limited to, the insertion of acupuncture needles and the
24 application of moxibustion to specific areas of the human
25 body.

26 Section 2. Subsection (1) of section 457.103, Florida
27 Statutes, is amended to read:

28 457.103 Board of Acupuncture; membership; appointment
29 and terms.--

30 (1) The Board of Acupuncture is created within the
31 department and shall consist of seven ~~five~~ members, to be

1 appointed by the Governor and confirmed by the Senate. Five
2 ~~Three~~ members of the board must be licensed Florida
3 acupuncturists. Two members must be laypersons who are not and
4 who have never been acupuncturists or members of any closely
5 related profession. Members shall be appointed for 4-year
6 terms or for the remainder of the unexpired term of a vacancy.

7 Section 3. Subsection (2) of section 457.105, Florida
8 Statutes, is amended to read:

9 457.105 Licensure qualifications and fees.--

10 (2) A person may become licensed to practice
11 acupuncture if the person applies to the department and:

12 (a) Is 18 years of age or older;

13 (b) Has completed 60 college credits from an
14 accredited postsecondary institution as a prerequisite to
15 enrollment in an authorized 3-year course of study in
16 acupuncture and Oriental medicine, and has completed a 3-year
17 course of study in acupuncture and Oriental medicine, and
18 effective July 31, 2001, a 4-year course of study in
19 acupuncture and Oriental medicine, which meets standards
20 established by the board by rule, which standards include
21 successful completion of academic courses in western anatomy,
22 western physiology, western pathology, ~~and~~ western biomedical
23 terminology, first aid, and cardiopulmonary resuscitation.

24 However, any person who enrolled in an authorized course of
25 study in acupuncture before August 1, 1997, must have
26 completed only a 2-year course of study which meets standards
27 established by the board by rule, which standards must
28 include, but are not limited to, successful completion of
29 academic courses in western anatomy, western physiology, and
30 western pathology;

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1 (c) Has successfully completed a board-approved
2 national certification process, is actively licensed in a
3 state that has examination requirements that are substantially
4 equivalent to or more stringent than those of this state, or
5 passes an examination administered by the department, which
6 examination tests the applicant's competency and knowledge of
7 the practice of acupuncture. At the request of any applicant,
8 oriental nomenclature for the points shall be used in the
9 examination. The examination shall include a practical
10 examination of the knowledge and skills required to practice
11 acupuncture, covering diagnostic and treatment techniques and
12 procedures; and

13 (d) Pays the required fees set by the board by rule
14 not to exceed the following amounts:

15 1. Examination fee: \$500 plus the actual per applicant
16 cost to the department for purchase of the written and
17 practical portions of the examination from a national
18 organization approved by the board.

19 2. Application fee: \$300.

20 3. Reexamination fee: \$500 plus the actual per
21 applicant cost to the department for purchase of the written
22 and practical portions of the examination from a national
23 organization approved by the board.

24 4. Initial biennial licensure fee: \$400, if licensed
25 in the first half of the biennium, and \$200, if licensed in
26 the second half of the biennium.

27 Section 4. Subsection (1) of section 457.116, Florida
28 Statutes, is amended to read:

29 457.116 Prohibited acts; penalty.--

30 (1) It is unlawful for any person to:

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- 1 (a) Hold himself or herself out as a certified or
2 licensed acupuncturist unless licensed under this chapter.
- 3 (b) Practice or attempt to practice acupuncture
4 without an active license or as otherwise provided by this
5 chapter.
- 6 (c) Obtain or attempt to obtain a license to practice
7 acupuncture by fraudulent misrepresentation or present the
8 license of another person as his or her own.
- 9 (d) Permit an employed person to engage in the
10 practice of acupuncture unless such person holds an active
11 license as an acupuncturist, except as otherwise provided by
12 this chapter.
- 13 (e) Conceal information regarding a violation of this
14 chapter.
- 15 (f) Use the title "acupuncture," "acupuncturist," or
16 "Oriental medical practitioner," or the letters "L.Ac.,"
17 "R.Ac.," "O.M.D.," "A.P.," or "D.O.M.," or any other words,
18 symbols, abbreviations, or insignia indicating that he or she
19 practices acupuncture, unless he or she holds an active
20 license under this chapter.

21 Section 5. This act shall take effect July 1, 1998.

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24 SENATE SUMMARY

25 Redefines the term "acupuncture." Changes the membership
26 of the Board of Acupuncture. Requires an acupuncturist to
27 study Oriental medicine, first aid, and CPR to be
28 licensed. Prohibits certain acts relating to acupuncture.
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