

By the Committee on Health Care and Senator Gutman

317-2115-98

1 A bill to be entitled
 2 An act relating to Oriental medicine; amending
 3 s. 457.102, F.S.; revising definitions relating
 4 to the regulation of acupuncture; defining the
 5 term "Oriental medicine"; amending s. 457.103,
 6 F.S.; revising membership of the Board of
 7 Acupuncture; amending s. 457.105, F.S.;
 8 revising qualifications for licensure to
 9 practice acupuncture; conforming terminology;
 10 amending s. 457.107, F.S.; revising continuing
 11 education programs and approvals; amending s.
 12 457.116, F.S.; revising grounds for
 13 disciplinary action and prohibited acts;
 14 providing penalties; providing an effective
 15 date.

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

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 19 Section 1. Subsection (1) of section 457.102, Florida
 20 Statutes, is amended, and subsection (6) is added to that
 21 section, to read:

22 457.102 Definitions.--As used in this chapter:
 23 (1) "Acupuncture" means a form of primary health care,
 24 based on traditional Chinese medical concepts and modern
 25 Oriental medical techniques, that employs acupuncture
 26 diagnosis and treatment, as well as adjunctive therapies and
 27 diagnostic techniques, for the promotion, maintenance, and
 28 restoration of health and the prevention of disease.
 29 Acupuncture shall include, but not be limited to, the
 30 insertion of acupuncture needles and the application of
 31 moxibustion to specific areas of the human body.

1 (6) "Oriental medicine" means the use of acupuncture,
2 electro-acupuncture, Qi Gong, oriental massage, herbal
3 therapy, dietary guidelines, and other adjunctive therapies.

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

6 457.103 Board of Acupuncture; membership; appointment
7 and terms.--

8 (1) The Board of Acupuncture is created within the
9 department and shall consist of seven ~~five~~ members, to be
10 appointed by the Governor and confirmed by the Senate. Five
11 ~~Three~~ members of the board must be licensed Florida
12 acupuncturists. Two members must be laypersons who are not and
13 who have never been acupuncturists or members of any closely
14 related profession. Members shall be appointed for 4-year
15 terms or for the remainder of the unexpired term of a vacancy.

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

18 457.105 Licensure qualifications and fees.--

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

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

22 (b) Has completed 60 college credits from an
23 accredited postsecondary institution as a prerequisite to
24 enrollment in an authorized 3-year course of study in
25 acupuncture and Oriental medicine, and has completed a 3-year
26 course of study in acupuncture and Oriental medicine, and
27 effective July 31, 2001, a 4-year course of study in
28 acupuncture and Oriental medicine, which meets standards
29 established by the board by rule, which standards include, but
30 are not limited to, successful completion of academic courses
31 in western anatomy, western physiology, western pathology, ~~and~~

1 western biomedical terminology, first aid, and cardiopulmonary
2 resuscitation (CPR). However, any person who enrolled in an
3 authorized course of study in acupuncture before August 1,
4 1997, must have completed only a 2-year course of study which
5 meets standards established by the board by rule, which
6 standards must include, but are not limited to, successful
7 completion of academic courses in western anatomy, western
8 physiology, and western pathology;

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

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

23 1. Examination fee: \$500 plus the actual per applicant
24 cost to the department for purchase of the written and
25 practical portions of the examination from a national
26 organization approved by the board.

27 2. Application fee: \$300.

28 3. Reexamination fee: \$500 plus the actual per
29 applicant cost to the department for purchase of the written
30 and practical portions of the examination from a national
31 organization approved by the board.

1 4. Initial biennial licensure fee: \$400, if licensed
2 in the first half of the biennium, and \$200, if licensed in
3 the second half of the biennium.

4 Section 4. Subsection (3) of section 457.107, Florida
5 Statutes, is amended to read:

6 457.107 Renewal of licenses; continuing education.--

7 (3) The board shall by rule prescribe continuing
8 education requirements, not to exceed 30 hours biennially, as
9 a condition for renewal of a license. ~~The criteria for such~~
10 ~~programs or courses shall be approved by the board. In order~~
11 ~~to meet continuing education requirements, prior approval by~~
12 ~~the board of such programs or courses is required.~~All
13 education programs that contribute to the advancement,
14 extension, or enhancement of professional skills and knowledge
15 related to the practice of acupuncture, whether conducted by a
16 nonprofit or profitmaking entity, are eligible for approval.
17 The continuing professional education requirements must be in
18 acupuncture or Oriental-medicine subjects, including, but not
19 limited to, anatomy, biological sciences, adjunctive
20 therapies, sanitation and sterilization, emergency protocols,
21 and diseases.The board shall have the authority to set a fee,
22 not to exceed \$100, for each continuing education provider ~~or~~
23 ~~program submitted for approval.~~ The licensee shall retain in
24 his or her records the certificates of completion of
25 continuing professional education requirements to prove
26 compliance with this subsection. The board may request such
27 documentation without cause from applicants who are selected
28 at random. All national and state acupuncture and
29 Oriental-medicine organizations and acupuncture and
30 Oriental-medicine schools are approved to provide continuing
31 professional education in accordance with this subsection.

1 Section 5. Section 457.116, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 457.116, F.S., for present text.)

5 (1) A person may not:

6 (a) Practice acupuncture unless the person is licensed
7 under ss. 457.101-457.118;

8 (b) Use, in connection with his or her name or place
9 of business, any title or description of services which
10 incorporates the words "acupuncture," "acupuncturist,"
11 "certified acupuncturist," "licensed acupuncturist," "Oriental
12 medical practitioner"; the letters "L.Ac.," "R.Ac.," "A.P.,"
13 or "D.O.M.;" or any other words, letters, abbreviations, or
14 insignia indicating or implying that he or she practices
15 acupuncture unless he or she is a holder of a valid license
16 issued pursuant to ss. 457.101-457.118;

17 (c) Present as his or her own the license of another;

18 (d) Knowingly give false or forged evidence to the
19 board or a member thereof;

20 (e) Use or attempt to use a license that has been
21 suspended, revoked, or placed on inactive or delinquent
22 status;

23 (f) Employ any person who is not licensed pursuant to
24 ss. 457.101-457.118 to engage in the practice of acupuncture;
25 or

26 (g) Conceal information relating to any violation of
27 ss. 457.101-457.118.

28 (2) A person who violates this section commits a
29 misdemeanor of the second degree, punishable as provided in s.
30 775.082 or s. 775.083.

31 Section 6. This act shall take effect October 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2282

The committee substitute provides a definition for "Oriental medicine," revises continuing education requirements for acupuncturists and eliminates the Board of Acupuncture's authority to approve criteria for continuing education programs and courses, specifies professional continuing education requirements for acupuncturists, and substantially revises penalties under the acupuncture practice act.