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Amendment No. ____ (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 3 | | . | |
| 4 | | . | |

ORIGINAL STAMP BELOW

Representative(s) Kelly offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

457.102 Definitions.--As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts and modern Oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease.

Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body.

(6) "Oriental medicine" means the use of acupuncture, electro-acupuncture, Qi Gong, oriental massage, herbal

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1 therapy, dietary guidelines, and other adjunctive therapies.

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

4 457.103 Board of Acupuncture; membership; appointment
5 and terms.--

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

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

16 457.105 Licensure qualifications and fees.--

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

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

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

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1 authorized course of study in acupuncture before August 1,
2 1997, must have completed only a 2-year course of study which
3 meets standards established by the board by rule, which
4 standards must include, but are not limited to, successful
5 completion of academic courses in western anatomy, western
6 physiology, and western pathology;

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

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

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

25 2. Application fee: \$300.

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

30 4. Initial biennial licensure fee: \$400, if licensed
31 in the first half of the biennium, and \$200, if licensed in

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1 the second half of the biennium.

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

4 457.107 Renewal of licenses; continuing education.--

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

30 Section 5. Section 457.116, Florida Statutes, is
31 amended to read:

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1 (Substantial rewording of section. See
2 s. 457.116, F.S., for present text.)
3 457.116 Prohibited acts; penalty.--
4 (1) A person may not:
5 (a) Practice acupuncture unless the person is licensed
6 under this chapter;
7 (b) Use, in connection with his or her name or place
8 of business, any title or description of services which
9 incorporates the words "acupuncture," "acupuncturist,"
10 "certified acupuncturist," "licensed acupuncturist," "Oriental
11 medical practitioner"; the letters "L.Ac.," "R.Ac.," "A.P.,"
12 or "D.O.M."; or any other words, letters, abbreviations, or
13 insignia indicating or implying that he or she practices
14 acupuncture unless he or she is a holder of a valid license
15 issued under this chapter;
16 (c) Present as his or her own the license of another;
17 (d) Knowingly give false or forged evidence to the
18 board or a member thereof;
19 (e) Use or attempt to use a license that has been
20 suspended, revoked, or placed on inactive or delinquent
21 status;
22 (f) Employ any person who is not licensed under this
23 chapter to engage in the practice of acupuncture; or
24 (g) Conceal information relating to any violation of
25 this chapter.
26 (2) A person who violates this section commits a
27 misdemeanor of the second degree, punishable as provided in s.
28 775.082 or s. 775.083.
29 Section 6. This act shall take effect October 1 of the
30 year in which enacted.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: everything before the
4 enacting clause

5

6 and insert in lieu thereof:

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A bill to be entitled

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An act relating to acupuncture; amending s.

9

457.102, F.S.; revising the definition of the

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term "acupuncture"; defining the term "Oriental

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medicine"; amending s. 457.103, F.S.; revising

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membership of the Board of Acupuncture;

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amending s. 457.105, F.S.; revising

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qualifications for licensure to practice

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acupuncture; conforming terminology; amending

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s. 457.107, F.S.; revising provisions relating

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to continuing education programs and approvals;

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amending s. 457.116, F.S.; revising and

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providing prohibited acts; providing a penalty;

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providing an effective date.

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