

By Senator Jones

13-588-05

1 A bill to be entitled
2 An act relating to the practice of acupuncture;
3 amending s. 457.102, F.S.; redefining terms;
4 redesignating the Board of Acupuncture as the
5 Board of Acupuncture and Oriental Medicine;
6 amending s. 457.107, F.S.; authorizing the
7 Board of Acupuncture and Oriental Medicine to
8 require continuing education providers to
9 obtain board approval of programs and
10 instructors; authorizing the board to adopt
11 rules for approving continuing education
12 providers; providing an effective date.

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

16 Section 1. Section 457.102, Florida Statutes, is
17 amended to read:

18 457.102 Definitions.--As used in this chapter:

19 (1) "Acupuncture and oriental medicine" means a form
20 of primary health care, based on traditional Chinese medical
21 concepts and modern oriental medical techniques, which ~~that~~
22 employs acupuncture and oriental-medicine diagnosis and
23 treatment, as well as adjunctive therapies and diagnostic
24 techniques, for the promotion, maintenance, and restoration of
25 health and the prevention of disease. Acupuncture and oriental
26 medicine includes ~~shall include~~, but is not ~~be~~ limited to, the
27 insertion of acupuncture needles and the application of
28 moxibustion to specific areas of the human body and the use of
29 electroacupuncture, Qi Gong, oriental massage, herbal therapy,
30 dietary guidelines, and other adjunctive therapies, as defined
31 by board rule.

1 (2) "Acupuncture physician"~~"Acupuncturist"~~ means any
2 person licensed as provided in this chapter to practice
3 acupuncture and oriental medicine as a primary health care
4 provider.

5 (3) "Board" means the Board of Acupuncture and
6 Oriental Medicine.

7 (4) "License" means the document of authorization
8 issued by the department for a person to engage in the
9 practice of acupuncture and oriental medicine.

10 (5) "Department" means the Department of Health.

11 ~~(6) "Oriental medicine" means the use of acupuncture,~~
12 ~~electroacupuncture, Qi Gong, oriental massage, herbal therapy,~~
13 ~~dietary guidelines, and other adjunctive therapies.~~

14 ~~(6)(7)~~ "Prescriptive rights" means the prescription,
15 administration, and use of needles and devices, restricted
16 devices, and prescription devices that are used in the
17 practice of acupuncture and oriental medicine.

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

20 457.107 Renewal of licenses; continuing education.--

21 (3) The board shall by rule prescribe continuing
22 education requirements, not to exceed 30 hours biennially, as
23 a condition for renewal of a license. All education programs
24 that contribute to the advancement, extension, or enhancement
25 of professional skills and knowledge related to the practice
26 of acupuncture, whether conducted by a nonprofit or
27 profitmaking entity, are eligible for approval. The continuing
28 professional education requirements must be in acupuncture or
29 oriental medicine subjects, including, but not limited to,
30 anatomy, biological sciences, adjunctive therapies, sanitation
31 and sterilization, emergency protocols, and diseases. ~~The~~

1 ~~board shall have the authority to set a fee, not to exceed~~
2 ~~\$100, for each continuing education provider.~~ The licensee
3 shall retain in his or her records the certificates of
4 completion of continuing professional education requirements
5 to prove compliance with this subsection. The board may
6 request such documentation without cause from applicants who
7 are selected at random. Notwithstanding any provision of this
8 chapter or chapter 456 to the contrary, the board may require
9 a provider of continuing education to obtain the board's
10 approval of programs and instructors before offering
11 continuing education programs for purposes of licensure
12 renewal. The provider shall pay a fee for program approval and
13 renewal, as authorized in s. 456.025 and determined by board
14 rule. The board may adopt rules to administer this subsection,
15 including rules for determining the criteria for approving
16 provider qualifications and programs in accordance with this
17 subsection. All national and state acupuncture and oriental
18 medicine organizations and acupuncture and oriental medicine
19 schools are approved to provide continuing professional
20 education in accordance with this subsection.

21 Section 3. This act shall take effect July 1, 2005.

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24 SENATE SUMMARY

25 Authorizes the Board of Acupuncture and Oriental Medicine
26 to require continuing education providers to obtain board
27 approval of programs and instructors. Authorizes the
28 board to adopt rules.
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