

By Senator Wright

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1 A bill to be entitled
2 An act relating to acupuncture; reordering and
3 amending s. 457.102, F.S.; revising definitions and
4 defining terms; amending s. 457.105, F.S.; revising
5 licensure requirements for acupuncturists; eliminating
6 certain examination fees; providing construction;
7 creating s. 457.106, F.S.; providing applicability;
8 amending s. 457.107, F.S.; revising requirements for
9 continuing education programs for acupuncturists;
10 amending s. 457.1085, F.S.; deleting obsolete
11 language; amending s. 457.116, F.S.; prohibiting
12 persons not licensed to practice acupuncture from
13 using specified titles or letters in connection with
14 their names or places of business; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 457.102, Florida Statutes, is reordered
20 and amended to read:

21 457.102 Definitions.—As used in this chapter:

22 (1) "Acupuncture" means a form of primary health care,
23 based on traditional Chinese medical concepts and modern Eastern
24 ~~oriental~~ medical techniques, which ~~that~~ employs acupuncture
25 diagnosis and treatment, as well as adjunctive therapies and
26 diagnostic techniques, for the promotion, maintenance, and
27 restoration of health and the prevention of disease. Acupuncture
28 includes ~~shall include~~, but is not ~~be~~ limited to, the insertion
29 of acupuncture needles and the application of moxibustion to

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30 specific areas of the human body and the use of
31 electroacupuncture, Qi Gong, Eastern ~~oriental~~ massage, herbal
32 therapy, dietary guidelines, and other adjunctive therapies, as
33 defined by board rule.

34 (2) "Acupuncturist" and "acupuncture physician" means a
35 non-physician practitioner of the healing arts ~~any person~~
36 licensed under ~~as provided in~~ this chapter to practice
37 acupuncture as a primary health care provider.

38 (3) "Board" means the Board of Acupuncture.

39 (5) "Direct supervision" means the immediate, onsite
40 supervision of one or more licensed acupuncture physicians where
41 the acupuncture physician assumes legal liability, either
42 individually or collectively, for the supervised actions.

43 (6) "Dry needling" means trigger point acupuncture.

44 (8)~~(4)~~ "License" means the document of authorization issued
45 by the department for a person to engage in the practice of
46 acupuncture.

47 (4)~~(5)~~ "Department" means the Department of Health.

48 (7) (6) "Eastern ~~Oriental~~ medicine" means the use of a
49 healing art that employs assessment, health history, physical
50 examination, and acupuncture diagnosis and diagnostic
51 techniques, including referral for diagnostic imaging and
52 clinical laboratory testing, to evaluate, manage, and correct an
53 abnormal health condition using acupuncture, electroacupuncture,
54 Qi Gong, Eastern ~~oriental~~ massage, herbal therapy, dietary
55 guidelines, acupoint injection, manual therapy, and other
56 adjunctive therapies.

57 (9) "Practice of acupuncture" means providing primary
58 health care and treatment services that apply traditional

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59 Chinese medical concepts, anatomy and physiology, and modern
60 Eastern medical techniques using acupuncture and Eastern
61 medicine to identify, evaluate, and manage abnormal health
62 conditions for the promotion, maintenance, and restoration of
63 health, and the prevention of human disease as set forth in this
64 chapter. The practice of acupuncture includes, but is not
65 limited to, the stimulation of points, areas of the body, and
66 tissues using needles, devices, dry needling, and other means
67 defined by board rule; the exercise of prescriptive rights as
68 set forth in this chapter; and the use of adjunctive therapies
69 as defined by board rule.

70 (10)(7) "Prescriptive rights" means the prescription,
71 administration, and use of needles and devices, restricted
72 devices, and prescription devices and the recommendation for, or
73 ordering or administration of, herbs, homeopathic remedies, and
74 other nutritional supplements in sterile form, clinical lab
75 tests and diagnostic imaging that are used in the practice of
76 acupuncture and Eastern ~~oriental~~ medicine unless otherwise
77 prohibited by state or federal law or regulation. For the
78 purposes of this definition, herbs, homeopathic remedies, and
79 other nutritional supplements in sterile form include, but are
80 not limited to, products specially compounded or manufactured
81 commercially for injection by means of a hypodermic needle,
82 including vitamins, minerals, lipids, sugars, carbohydrates,
83 amino acids, natural compounds, natural substances, and local
84 anesthetics.

85
86 Products excluded for use under this definition are ophthalmic
87 or oral inhalation drugs in aqueous format, corticosteroids,

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88 antibiotics, vaccinations, botulinum toxin, and controlled
89 substances defined under chapter 893, or other medications not
90 used for the practice of acupuncture.

91 Section 2. Subsection (2) of section 457.105, Florida
92 Statutes, as amended by section 8 of chapter 2024-243, Laws of
93 Florida, is amended, and subsection (3) is added to that
94 section, to read:

95 457.105 Licensure qualifications and fees.—

96 (2) A person may become licensed to practice acupuncture if
97 the person applies to the department and meets all of the
98 following criteria:

99 (a) Is 21 years of age or older, has good moral character,
100 and has the ability to communicate in English, which is
101 demonstrated by having passed the national written examination
102 in English or, if such examination was passed in a foreign
103 language, by also having passed a nationally recognized English
104 proficiency examination.

105 (b) Has completed 60 college credits from an accredited
106 postsecondary institution as a prerequisite to enrollment in an
107 authorized ~~3-year course of study in acupuncture and oriental~~
108 ~~medicine, and has completed a 3-year course of study in~~
109 ~~acupuncture and oriental medicine, and effective July 31, 2001,~~
110 ~~a 4-year course of study in acupuncture and Eastern ~~oriental~~~~
111 ~~medicine, which meets standards established by the board by~~
112 ~~rule, including ~~which standards include~~, but are not limited to,~~
113 ~~successful completion of academic courses in Western anatomy,~~
114 ~~Western physiology, Western pathology, Western biomedical~~
115 ~~terminology, first aid, and cardiopulmonary resuscitation (CPR).~~
116 ~~However, any person who enrolled in an authorized course of~~

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117 ~~study in acupuncture before August 1, 1997, must have completed~~
118 ~~only a 2-year course of study which meets standards established~~
119 ~~by the board by rule, which standards must include, but are not~~
120 ~~limited to, successful completion of academic courses in western~~
121 ~~anatomy, western physiology, and western pathology.~~

122 (c) Has successfully completed a board-approved national
123 examination and certification process ~~or~~ meets the requirements
124 for licensure by endorsement under s. 456.0145, ~~or passes an~~
125 ~~examination administered by the department, which examination~~
126 ~~tests the applicant's competency and knowledge of the practice~~
127 ~~of acupuncture and oriental medicine.~~ At the request of any
128 applicant, traditional ~~oriental~~ nomenclature for the points must
129 be used in the examination. The examination must include a
130 practical examination of the knowledge and skills required to
131 practice modern and traditional acupuncture and Eastern ~~oriental~~
132 medicine, covering diagnostic and treatment techniques and
133 procedures.

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

136 1. ~~Examination fee: \$500 plus the actual per applicant cost~~
137 ~~to the department for purchase of the written and practical~~
138 ~~portions of the examination from a national organization~~
139 ~~approved by the board.~~

140 2. Application fee: \$300.

141 3. ~~Reexamination fee: \$500 plus the actual per applicant~~
142 ~~cost to the department for purchase of the written and practical~~
143 ~~portions of the examination from a national organization~~
144 ~~approved by the board.~~

145 2.4. Initial biennial licensure fee: \$400, if licensed in

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146 the first half of the biennium, and \$200, if licensed in the
147 second half of the biennium.

148 (e) Submits to background screening in accordance with s.
149 456.0135.

150 (3) This section does not prohibit an acupuncturist
151 licensed in another state, the District of Columbia, or a
152 possession or territory of the United States from performing
153 acupuncture procedures or demonstrating equipment or supplies
154 for educational purposes at a board-approved continuing
155 education program.

156 Section 3. Section 457.106, Florida Statutes, is created to
157 read:

158 457.106 Exemptions.—This chapter does not apply to:

159 (1) Other duly licensed health care practitioners acting
160 within their authorized scope of practice.

161 (2) An acupuncture student enrolled in an acupuncture
162 college or program accredited by the Accreditation Commission
163 for Acupuncture and Herbal Medicine Education who is
164 participating in either:

165 (a) A community-based internship or externship under the
166 direct supervision of a licensed acupuncturist who is
167 credentialed as an adjunct faculty member of an acupuncture
168 college in which the student is enrolled; or

169 (b) An acupuncture college clinical internship under the
170 direct supervision of a licensed acupuncturist who is a full-
171 time, part-time, or adjunct faculty member of an acupuncture
172 college or program located in this state which is accredited by
173 the Accreditation Commission for Acupuncture and Herbal Medicine
174 and who holds a current, active acupuncturist's license under

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175 this chapter.

176 (3) An acupuncturist who holds an active license in another
177 state, the District of Columbia, or a possession or territory of
178 the United States and is performing acupuncture procedures or
179 demonstrating equipment or supplies for educational purposes at
180 a board-approved continuing education program.

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

183 457.107 Renewal of licenses; continuing education.—

184 (3) The board shall prescribe by rule continuing education
185 requirements of up to 30 hours biennially as a condition for
186 renewal of a license. All education programs must be approved by
187 the board and ~~that~~ contribute to the advancement, extension, or
188 enhancement of professional skills and knowledge related to the
189 practice of acupuncture, whether conducted by a nonprofit or
190 profitmaking entity, ~~are eligible for approval.~~ The continuing
191 professional education requirements must be in acupuncture or
192 Eastern oriental ~~medicines~~ subjects, including, but not limited
193 to, anatomy, biological sciences, adjunctive therapies,
194 sanitation and sterilization, emergency protocols, and diseases,
195 or in practice management. The board may set a fee of up to \$100
196 for each continuing education provider. The licensee shall
197 retain in his or her records the certificates of completion of
198 continuing professional education requirements. All national and
199 state acupuncture and Eastern oriental ~~medicines~~ organizations
200 and acupuncture and Eastern oriental ~~medicines~~ schools are
201 approved to provide continuing professional education in
202 accordance with this subsection.

203 Section 5. Section 457.1085, Florida Statutes, is amended

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204 to read:

205 457.1085 Infection control. ~~Prior to November 1, 1986,~~ The
 206 board shall adopt rules relating to the prevention of infection,
 207 the safe disposal of any potentially infectious materials, and
 208 other requirements to protect the health, safety, and welfare of
 209 the public. ~~Beginning October 1, 1997,~~ All acupuncture needles
 210 that are to be used on a patient must be sterile and disposable,
 211 and each needle may be used only once.

212 Section 6. Subsection (1) of section 457.116, Florida
 213 Statutes, is amended to read:

214 457.116 Prohibited acts; penalty.-

215 (1) A person may not:

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

218 (b) Use, in connection with his or her name or place of
 219 business, any title or description of services which
 220 incorporates the words "acupuncture," "acupuncture physician,"
 221 "acupuncturist," "certified acupuncturist," "licensed
 222 acupuncturist," "~~oriental medical practitioner~~"; the letters
 223 "A.P.," "D.Ac.," "DAOM," "D.O.M.," "L.Ac.," or "R.Ac." "~~A.P.,~~"
 224 ~~or "D.O.M."~~; or any other words, letters, abbreviations, or
 225 insignia indicating or implying that he or she practices
 226 acupuncture unless he or she is a holder of a valid license
 227 issued pursuant to ss. 457.101-457.118;

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

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

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

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233 (f) Employ any person who is not licensed pursuant to ss.

234 457.101-457.118 to engage in the practice of acupuncture; or

235 (g) Conceal information relating to any violation of ss.

236 457.101-457.118.

237 Section 7. This act shall take effect July 1, 2025.