

SENATE BILL No. 273

By Senator Feleciano

2-7

AN ACT concerning acupuncture; providing for the licensure of certain persons to practice acupuncture; establishing an acupuncture review committee; providing for administration by the state board of healing arts; authorizing the fixing and collecting of fees; providing penalties for violations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The purpose of this act is to promote the health, safety and welfare of the people of Kansas by establishing an orderly system of acupuncture licensing and to provide a valid, effective means of establishing licensing requirements without undue financial burden to the people of Kansas, through use of a national certifying board which has been established to certify the competency of acupuncturists and an acupuncture review committee overseen by the board of healing arts.

Sec. 2. As used in this act, unless the context requires otherwise:

(a) "Acupuncture" means a form of health care developed from traditional and modern Oriental medical concepts that employs Oriental medical evaluation and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance and restoration of health and the prevention of disease.

(b) "Board" means the state board of healing arts.

(c) "Committee" means the acupuncture review committee.

(d) "NCCAOM" means the national certification commission for acupuncture and Oriental medicine.

(e) "Practice of acupuncture" means the insertion of acupuncture needles into specific areas of the human body based upon Oriental medical theory as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include the warming, massage or electrical stimulation of these specific areas, the recommendation of dietary guidelines and therapeutic exercise based on traditional Oriental medical theory.

Sec. 3. (a) It is unlawful to practice acupuncture without a license pursuant to this act. This restriction does not apply to the following:

(1) Other health care professionals practicing within the scope of their registration or license.

1 (2) A student practicing acupuncture under the direct supervision of
2 a licensed acupuncturist as part of a course of study.

3 (b) A violation of this section is a class B misdemeanor.

4 Sec. 4. Review committees shall be established and appointed by the
5 state board of healing arts for acupuncture as necessary to advise the
6 board in carrying out the provisions of this act. The acupuncture review
7 committee shall be composed of three members and designated alter-
8 nates appointed by the board. Each of the members and their designated
9 alternates shall serve for a period of two years. All members shall be
10 licensed by the board, or eligible for licensure by the board, to practice
11 acupuncture. Members may be selected from names submitted by the
12 acupuncture and Oriental medicine association of Kansas. The members
13 of the review committee attending meetings of any review committees
14 shall be paid compensation, subsistence allowances, mileage and expenses
15 as provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

16 Sec. 5. The board may:

17 (a) Issue, suspend and revoke licenses, collect fees, investigate vio-
18 lations of this act, and otherwise administer the provisions of this act;

19 (b) adopt rules and regulations to implement the provisions of this
20 act;

21 (c) issue advisory opinions interpreting this act;

22 (d) sue to enjoin violations of this act. An injunction may be issued
23 even though no person has yet been injured as a result of the unauthor-
24 ized practice;

25 (e) employ such personnel as may be needed to carry out its functions
26 and purchase, lease, rent, sell or otherwise dispose of personal and real
27 property for the operation of the board in administration of this act;

28 (f) expend funds as necessary to carry out the provisions of this act
29 from revenues generated by fees collected under this act.

30 Sec. 6. (a) A person may be licensed to practice acupuncture in this
31 state if the applicant:

32 (1) Is 21 years of age or older and meets one of the following
33 requirements:

34 (A) Is actively certified as a diplomate in acupuncture by the
35 NCCAOM; or

36 (B) is actively licensed, certified or registered in a state or jurisdiction
37 of the United States which has eligibility and examination requirements
38 that are at least equivalent to those of the NCCAOM, as determined by
39 the committee and approved by the board; or

40 (C) has practiced acupuncture in the state of Kansas for a minimum
41 of five years;

42 (2) submits to the board an application on a form provided by the
43 board; and

1 (3) pays the fee specified by the board.

2 (b) The board shall waive the requirements of (a)(1)(A) through (C)
3 and shall grant a license to practice acupuncture to a resident applicant,
4 residing in this state on the effective date of this act, who presents evi-
5 dence satisfactory to the board not later than December 31, 2001, of
6 successful completion of a NCCAOM-approved acupuncture college pro-
7 gram, a NCCAOM-approved apprenticeship or tutorial program or sat-
8 isfactory documentation of an educational program and practice history
9 as recommended by the committee and approved by the board.

10 Sec. 7. (a) Licenses issued pursuant to section 6 and amendments
11 thereto shall expire on July 1 of each odd-numbered year. Renewal ap-
12 plications shall be submitted to the board along with a renewal fee and
13 evidence of satisfactory completion of continuing education units to be
14 determined by the board.

15 (b) A license to practice acupuncture which is not renewed on or
16 before the date of its expiration becomes invalid. Such license may be
17 restored by complying with the provisions of subsection (c).

18 (c) Any acupuncturist who fails to renew such acupuncturist's license
19 on or before the date of its expiration may restore such license as follows:

20 (1) If the application for renewal is submitted to the board not more
21 than two years after the expiration of the applicant's last license, by pay-
22 ment of the fee specified by the board and by providing all documentation
23 required by the board by rule; or

24 (2) if the application for renewal is submitted to the board more than
25 two years after the expiration of the applicant's last license, by payment
26 of the fee specified by the board, and by reapplying as provided in section
27 6, subsections (a) and (b) of this act.

28 Sec. 8. The board may revoke, suspend or limit a licensee's license,
29 or the licensee may be publicly or privately censured, or an application
30 for a license or for reinstatement of a license may be denied upon a
31 finding by the board of the existence of any of the grounds specified in
32 K.S.A. 65-2836 and amendments thereto.

33 Sec. 9. The fees under this act shall be fixed by the board by rules
34 and regulations. Fees collected by the board under this act shall be de-
35 posited in the healing arts fee fund in accordance with K.S.A. 65-2855
36 and amendments thereto.

37 Sec. 10. (a) The titles "licensed acupuncturist" and "acupuncturist"
38 may be used by, and only by, persons licensed under this act. Persons
39 licensed under this act may use the designation L.Ac. Possession of a
40 license under this act does not by itself entitle a person to hold oneself
41 out as a doctor or physician.

42 (b) Each person licensed to practice acupuncture shall post the li-
43 cense in a conspicuous location at the person's place of practice.

1 Sec. 11. Nothing in this act shall be construed to require direct third-
2 party reimbursements to persons licensed under this act.

3 Sec. 12. This act shall take effect and be in force from and after its
4 publication in the statute book.

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