

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1357
Committee Substitute Favorable 5/10/05

Short Title: Amend Acupuncture Laws/Fees.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-454 reads as rewritten:

"§ 90-454. Powers and duties of Board.

The Board may:

- (1) Deny, issue, suspend, and revoke licenses in accordance with rules adopted by the Board, and may collect fees, investigate violations of this Article, and otherwise administer the provisions of this Article.
- (2) Sponsor or authorize other entities to offer continuing education programs, and approve continuing education requirements for license renewal.
- (3) Establish requirements ~~for~~ for, collect fees from, and approve schools of acupuncture in this State. The requirements shall be at least as stringent as the core curricula standards of the Council of Colleges of Acupuncture and Oriental Medicine.
- (4) Sue to enjoin violations of G.S. 90-452. The court may issue an injunction even though no person has yet been injured as a result of the unauthorized practice.
- (5) Adopt and use a seal to authenticate official documents of the Board.
- (6) Employ and fix the compensation of personnel and professional advisors, including legal counsel, as may be needed to carry out its functions, and purchase, lease, rent, sell, or otherwise dispose of personal and real property for the operations of the Board.

- 1 (7) Expend funds as necessary to carry out the provisions of this Article
- 2 from revenues and interest generated by fees collected under this
- 3 Article.
- 4 (8) Adopt rules to implement this Article in accordance with Chapter
- 5 150B of the General Statutes.
- 6 (9) Establish practice parameters to become effective July 1, 1995. The
- 7 practice parameters shall be applicable to general and specialty areas
- 8 of practice. The Board shall review the parameters on a regular basis
- 9 and shall require licensees to identify parameters being utilized, the
- 10 plan of care, and treatment modalities utilized in accordance with the
- 11 plan of care."

12 **SECTION 2.** G.S. 90-455 reads as rewritten:

13 **"§ 90-455. Qualifications for license; ~~renewal~~renewal; inactive, suspended,**
 14 **expired, or lapsed license.**

15 (a) Initial License. – To receive a license to practice acupuncture, a person shall
 16 meet all of the following requirements:

- 17 (1) Submit a completed application as required by the Board.
- 18 (2) Submit any fees required by the Board.
- 19 (3) ~~Successfully complete~~Submit proof of successful completion of a
 20 licensing examination administered or approved by the Board.
- 21 (4) Provide documentary evidence of having met one of the following
 22 standards of education, training, or demonstrated experience:
 - 23 a. ~~Successfully complete~~Successful completion of a three-year
 24 postgraduate acupuncture college or training program approved
 25 by the Board.
 - 26 b. Continuous licensure to practice acupuncture by an agency or
 27 another state for at least 10 years before application for
 28 licensure in this State during which time no disciplinary actions
 29 were taken or are pending against the applicant and submitting
 30 proof to the Board that the applicant has fulfilled at least an
 31 average of 20 continuing education units in acupuncture or
 32 health care-related studies for each of the 10 years preceding
 33 application for licensure.
- 34 (5) ~~Successfully complete~~Submit proof of successful completion of the
 35 Clean Needle Technique Course offered by the Council of Colleges of
 36 Acupuncture and Oriental Medicine.
- 37 (6) Be of good moral character.
- 38 (7) Is not currently or has not engaged in any practice or conduct that
 39 would constitute grounds for disciplinary action pursuant to
 40 G.S. 90-456.
- 41 (8) Submit a form signed by the applicant attesting to the intention of the
 42 applicant to adhere fully to the ethical standards adopted by the Board.

43 (b) Renewal of License. – The license to practice acupuncture shall be renewed
 44 every two years. Upon submitting all required declarations, documents, and fees

1 required by the Board for renewal, the applicant's license shall remain in good standing
2 for a period of up to 120 days during which time the Board shall meet to review and act
3 upon the application for renewal. To renew a license, a person shall complete 40 hours
4 of Board-approved Continuing Education Units within each renewal period. an applicant
5 shall:

6 (1) Submit a completed application as required by the Board.

7 (2) Submit any fees required by the Board.

8 (3) Upon request by the Board, submit proof of completion of 40 hours of
9 Board-approved continuing education units within each renewal
10 period.

11 (c) Inactive License. – A licensed acupuncturist who is not actively engaged in
12 the practice of acupuncture in this State and who does not wish to renew the license may
13 direct the Board to place the license on inactive status. A license may remain on inactive
14 status for a period not to exceed eight years from the date the license was placed on
15 inactive status. Upon an applicant's proof of completion of 40 hours of Board-approved
16 continuing education units, payment of all fees, a determination by the Board that the
17 applicant is not engaged in any prohibited activities that would constitute the basis for
18 discipline as set forth in G.S. 90-456, and has not engaged in any of those prohibited
19 activities during the period of time the license has been on inactive status, the Board
20 may activate the license of the applicant.

21 (d) Suspended License. – A suspended license is subject to the renewal
22 requirements of this section and may be renewed as provided in this section. This
23 renewal does not entitle the licensed person to engage in the licensed activity or in any
24 other conduct or activity in violation of the order or judgment by which the license was
25 suspended, until the license is reinstated. If a license revoked on disciplinary grounds is
26 reinstated and requires renewal, the licensed person shall pay the renewal fee and any
27 applicable late fee.

28 (e) Expired License. – A license that has expired as a result of failure to renew
29 pursuant to subsection (b) of this section may be renewed no later than two years after
30 its expiration. The date of renewal shall be the date the Board acts to approve the
31 renewal. To apply for renewal of an expired license, the applicant shall:

32 (1) File an application for renewal on a form provided by the Board.

33 (2) Submit proof of completion of all continuing education requirements.

34 (3) Pay all accrued renewal fees, along with an expired license fee.

35 (f) Lapsed License. – A license that has lapsed as a result of not being renewed
36 within two years after the license expired or not reactivated within eight years after the
37 license lapsed is deemed inactive. A lapsed license may not be renewed, reactivated, or
38 reinstated. A person with a lapsed license may apply to obtain a new license pursuant to
39 subsection (a) of this section."

40 **SECTION 3.** G.S. 90-457 reads as rewritten:

41 "**§ 90-457. Fees.**

42 The Board may establish fees, not to exceed the following amounts, to cover the cost
43 of services rendered: amounts:

- 1 (1) ~~For an application~~Application and an examination, one hundred dollars
2 (\$100.00).
- 3 (2) ~~For issuance~~Issuance of a license, five hundred dollars (\$500.00).
- 4 (3) ~~For renewal~~Renewal of a license, three hundred dollars (\$300.00).
- 5 (4) ~~For the late renewal~~Renewal of a license, an additional late fee of
6 ~~seventy-five dollars (\$75.00)~~two hundred dollars (\$200.00).
- 7 (5) Duplicate license fee, twenty-five dollars (\$25.00).
- 8 (6) Duplicate wall certificate fee, fifty dollars (\$50.00).
- 9 (7) Labels for licensed acupuncturists, one hundred fifty dollars (\$150.00).
- 10 (8) Returned check fee, forty dollars (\$40.00).
- 11 (9) Licensure verification, forty dollars (\$40.00).
- 12 (10) Name change, twenty-five dollars (\$25.00).
- 13 (11) Continuing education program approval fee, fifty dollars (\$50.00).
- 14 (12) Continuing education provider approval fee, two hundred dollars
15 (\$200.00).
- 16 (13) Initial school application fee, one thousand dollars (\$1,000).
- 17 (14) Renewal school approval fee, seven hundred fifty dollars (\$750.00).
- 18 (15) Inactive license renewal fee, fifty dollars (\$50.00), payment due for
19 each two-year extension."

20 **SECTION 4.** Article 30 of Chapter 90 of the General Statutes is amended by
21 adding the following new section to read:

22 **"§ 90-457.1. Continuing education.**

23 (a) Applicants for license renewal shall complete all required continuing
24 education units during the two calendar years immediately preceding the license
25 renewal date.

26 (b) The Board shall set the minimum hours for study of specific subjects within
27 the scope of practice of acupuncture. The Board shall set the maximum hours for
28 subjects that have content relating to any health service and are relevant to the practice
29 of acupuncture. In addition to formally organized courses, the Board may approve
30 courses, such as personal training in nonaccredited programs and teaching diagnosis and
31 treatment, as long as these courses have received prior approval by the Board.

32 (c) For purposes of this Article, one continuing education unit is defined as one
33 contact hour or 50 minutes.

34 (d) The Board may choose to audit the records of any licensee who has reported
35 and sworn compliance with the continuing education requirement. The audit of any
36 licensee shall not take place more than every two years.

37 (e) Failure to comply with the continuing education requirements shall prohibit
38 license renewal and result in the license reverting to expired status at the end of the
39 renewal period.

40 (f) A licensee may apply to the Board for an extension of time to complete the
41 portion of continuing education requirements that the licensee is unable to meet due to
42 such unforeseeable events as military duty, family emergency, or prolonged illness. The
43 Board may, at its discretion, grant an extension for a maximum of one licensing period.
44 The Board shall receive the request no later than 30 days before the license renewal

1 date. The applicant shall attest that the request is a complete and accurate statement, and
2 the request shall contain the following:

3 (1) An explanation of the licensee's failure to complete the continuing
4 education requirements.

5 (2) A list of continuing education courses and hours that the licensee has
6 completed.

7 (3) The licensee's plan for satisfying the continuing education
8 requirements."

9 **SECTION 5.** This act is effective when it becomes law.