

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1357
Committee Substitute Favorable 5/10/05
Senate Health Care Committee Substitute Adopted 6/15/05**

Short Title: Amend Acupuncture Laws/Fees.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO
2 EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY
3 QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND
4 INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY
5 CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH
6 CERTAIN FEES.
7

8 The General Assembly of North Carolina enacts:

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

10 **"§ 90-454. Powers and duties of Board.**

11 The Board may:

- 12 (1) Deny, issue, suspend, and revoke licenses in accordance with rules
13 adopted by the Board, and may collect fees, investigate violations of
14 this Article, and otherwise administer the provisions of this Article.
- 15 (2) Sponsor or authorize other entities to offer continuing education
16 programs, and approve continuing education requirements for license
17 renewal.
- 18 (3) Establish requirements ~~for~~for, collect fees from, and approve schools
19 of acupuncture in this State. The requirements shall be at least as
20 stringent as the core curricula standards of the Council of Colleges of
21 Acupuncture and Oriental Medicine.
- 22 (4) Sue to enjoin violations of G.S. 90-452. The court may issue an
23 injunction even though no person has yet been injured as a result of the
24 unauthorized practice.
- 25 (5) Adopt and use a seal to authenticate official documents of the Board.
- 26 (6) Employ and fix the compensation of personnel and professional
27 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.

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

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

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

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

- (1) Submit a completed application as required by the Board.
- (2) Submit any fees required by the Board.
- (3) ~~Successfully complete~~Submit proof of successful completion of a licensing examination administered or approved by the Board.
- (4) Provide documentary evidence of having met one of the following standards of education, training, or demonstrated experience:
 - a. ~~Successfully complete~~Successful completion of a three-year postgraduate acupuncture college or training program approved by the Board.
 - b. Continuous licensure to practice acupuncture by an agency of another state or another state whose qualifications for licensure meet or exceed those of this State for at least 10 years before application for licensure in this State during which time no disciplinary actions were taken or are pending against the applicant and submitting proof to the Board that the applicant has fulfilled at least an average of 20 continuing education units in acupuncture or health care-related studies for each of the 10 years preceding application for licensure.
- (5) ~~Successfully complete~~Submit proof of successful completion of the Clean Needle Technique Course offered by the Council of Colleges of Acupuncture and Oriental Medicine.
- (6) Be of good moral character.
- (7) Is not currently or has not engaged in any practice or conduct that would constitute grounds for disciplinary action pursuant to G.S. 90-456.

1 (8) Submit a form signed by the applicant attesting to the intention of the
2 applicant to adhere fully to the ethical standards adopted by the Board.

3 (b) Renewal of License. – The license to practice acupuncture shall be renewed
4 every two years. Upon submitting all required declarations, documents, and fees
5 required by the Board for renewal, the applicant's license shall remain in good standing
6 for a period of up to 120 days during which time the Board shall meet to review and act
7 upon the application for renewal. To renew a license, a person shall complete 40 hours
8 of Board-approved Continuing Education Units within each renewal period.
9 an applicant shall:

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

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

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

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

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

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

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

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

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

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

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

1 **"§ 90-457. Fees.**

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

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

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

25 **"§ 90-457.1. Continuing education.**

26 (a) Applicants for license renewal shall complete all required continuing
27 education units during the two calendar years immediately preceding the license
28 renewal date.

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

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

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

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

43 (f) A licensee may apply to the Board for an extension of time to complete the
44 portion of continuing education requirements that the licensee is unable to meet due to

1 such unforeseeable events as military duty, family emergency, or prolonged illness. The
2 Board may, at its discretion, grant an extension for a maximum of one licensing period.
3 The Board shall receive the request no later than 30 days before the license renewal
4 date. The applicant shall attest that the request is a complete and accurate statement, and
5 the request shall contain the following:

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

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

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

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