

Senate Engrossed

acupuncture board; members; auricular acupuncture

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 312
SENATE BILL 1255

AN ACT

AMENDING SECTIONS 32-3901, 32-3902, 32-3922 AND 32-3925, ARIZONA REVISED STATUTES; RELATING TO THE ACUPUNCTURE BOARD OF EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3901, Arizona Revised Statutes, is amended to
3 read:

4 32-3901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acupuncture" means puncturing the skin by thin, solid needles
7 to reach subcutaneous structures, stimulating the needles to produce a
8 positive therapeutic response, ~~at a distant site~~ REMOVING NEEDLES and ~~the~~
9 ~~use of~~ USING adjunctive therapies.

10 2. "Adjunctive therapies" means the manual, mechanical, magnetic,
11 thermal, electrical or electromagnetic stimulation of acupuncture points
12 and energy pathways, auricular and detoxification therapy, ion cord
13 devices, electroacupuncture, herbal poultices, therapeutic exercise and
14 acupressure.

15 3. "Board" means the acupuncture board of examiners.

16 4. "TRAUMA" MEANS THE EXPERIENCE OF SIGNIFICANT PSYCHOLOGICAL
17 DISTRESS FOLLOWING ANY TERRIBLE OR LIFE-THREATENING EVENT.

18 ~~4.~~ 5. "Unprofessional conduct" includes the following, whether
19 occurring in this state or elsewhere:

20 (a) Wilfully disclosing a professional secret or wilfully violating
21 a privileged communication except as either of these may otherwise be
22 required by law.

23 (b) Committing a felony as evidenced by conviction by a court of
24 competent jurisdiction.

25 (c) ~~Habitual intemperance~~ BEING HABITUALLY INTEMPERATE in the use
26 of alcohol or any substance abuse that interferes with the ability to
27 safely practice acupuncture.

28 (d) COMMITTING conduct that the board determines is gross
29 malpractice, repeated malpractice or any malpractice resulting in the
30 death of a patient.

31 (e) Impersonating another acupuncturist or any other practitioner
32 of the healing arts.

33 (f) Falsely acting or assuming to act as a member, an employee or
34 an authorized agent of the board.

35 (g) Procuring or attempting to procure a license pursuant to this
36 chapter by fraud or misrepresentation.

37 (h) Refusing to divulge to the board on demand the acupuncture
38 method used in the treatment of a patient.

39 (i) Giving or receiving or aiding or abetting the giving or
40 receiving of rebates, either directly or indirectly.

41 (j) Knowingly making any false or fraudulent statement, written or
42 oral, in connection with the practice of acupuncture.

- 1 (k) ~~The refusal, revocation or suspension of~~ HAVING a license
2 REFUSED, REVOKED OR SUSPENDED by any other state, district or territory of
3 the United States or any other country, unless the action was not taken
4 for reasons relating to the person's ability to safely and skillfully
5 practice acupuncture or relating to an act of unprofessional conduct.
- 6 (l) COMMITTING conduct that is contrary to the recognized standards
7 or ethics of the acupuncture profession or that may constitute a danger to
8 the health, welfare or safety of the patient or the public.
- 9 (m) COMMITTING any conduct or HAVING ANY condition that may impair
10 the ability to safely and skillfully practice acupuncture.
- 11 (n) Violating or attempting to violate, directly or indirectly,
12 assisting in or abetting the violation of or conspiring to violate this
13 chapter or board rules.
- 14 (o) Advertising in a false, deceptive or misleading manner.
- 15 (p) Failing or refusing to maintain adequate patient health records
16 or failing or refusing to make health records promptly available to the
17 patient or to another health practitioner or provider on request and
18 receipt of proper authorization.
- 19 (q) Deriving direct or indirect compensation from ~~the referral of~~
20 REFERRING a patient without disclosing to the patient in writing the
21 extent of the compensation.
- 22 (r) Deriving a financial interest in products the acupuncturist
23 endorses or recommends to the patient without disclosing to the patient in
24 writing the extent of the financial interest.
- 25 (s) HAVING sexual intimacies with a patient in the practice of
26 acupuncture.
- 27 (t) Failing to appropriately exercise control over or supervise an
28 acupuncture student employed by or assigned to the practitioner in the
29 practice of acupuncture.
- 30 (u) Failing to furnish information in a timely manner to the board
31 or its investigators or representatives if the information is legally
32 requested by the board.
- 33 (v) Supervising or engaging in a clinical training program in
34 acupuncture without being approved and registered by the board for that
35 program.
- 36 (w) Knowingly making a false, fraudulent or misleading statement,
37 written or oral, to the board.
- 38 (x) Failing to exercise proper care for a patient by abandoning or
39 neglecting a patient in need of immediate care without making reasonable
40 arrangements for the continuation of care or by failing to refer the
41 patient to another appropriate health care provider when necessary.
- 42 (y) Failing to use needles that have been sterilized according to
43 clean needle technique principles approved by the board.

1 Sec. 2. Section 32-3902, Arizona Revised Statutes, is amended to
2 read:

3 32-3902. Acupuncture board of examiners; members;
4 qualifications; terms; removal; compensation

5 A. The acupuncture board of examiners is established consisting of
6 the following members WHO ARE appointed by the governor:

7 1. THROUGH JANUARY 16, 2022, four members who are licensed to
8 practice acupuncture pursuant to this chapter and who have practiced
9 acupuncture in this state OR ANY OTHER STATE for at least ~~three years~~ ONE
10 YEAR. Not more than two of these members shall MAY be graduates of the
11 same school or college of acupuncture. The governor may make these
12 appointments from a list of names submitted by a statewide acupuncture
13 society. ~~The initial appointees need not be licensed pursuant to this~~
14 ~~chapter at the time of selection but shall meet all of the qualifications~~
15 ~~for licensure as prescribed by this chapter.~~

16 2. THROUGH JANUARY 17, 2022, three consumers who:

17 (a) Are not employed in a health profession.

18 (b) Do not have any pecuniary interest in a school of medicine or
19 health care institution.

20 (c) Demonstrate an interest in health issues in this state.

21 3. THROUGH JANUARY 17, 2022, two members who are licensed pursuant
22 to chapter 8, 13, 14, 17 or 29 of this title. These members shall not be
23 licensed pursuant to the same chapter.

24 4. BEGINNING JANUARY 17, 2022, ONE MEMBER WHO IS CERTIFIED OR
25 LICENSED TO PRACTICE AURICULAR ACUPUNCTURE OR ACUPUNCTURE PURSUANT TO THIS
26 CHAPTER.

27 5. BEGINNING JANUARY 20, 2022, THREE MEMBERS WHO ARE LICENSED TO
28 PRACTICE ACUPUNCTURE PURSUANT TO THIS CHAPTER AND WHO HAVE PRACTICED
29 ACUPUNCTURE IN THIS OR ANY OTHER STATE FOR AT LEAST ONE YEAR. NOT MORE
30 THAN TWO OF THESE MEMBERS MAY BE GRADUATES OF THE SAME SCHOOL OR COLLEGE
31 OF ACUPUNCTURE. THE GOVERNOR MAY MAKE THESE APPOINTMENTS FROM A LIST OF
32 NAMES SUBMITTED BY A STATEWIDE ACUPUNCTURE SOCIETY.

33 6. FOR APPOINTMENTS MADE ON OR AFTER JANUARY 18, 2022, TWO
34 CONSUMERS WHO MEET ALL OF THE FOLLOWING:

35 (a) ARE NOT EMPLOYED IN A HEALTH PROFESSION.

36 (b) DO NOT HAVE ANY PECUNIARY INTEREST IN A SCHOOL OF MEDICINE OR
37 HEALTH CARE INSTITUTION.

38 (c) DEMONSTRATE AN INTEREST IN HEALTH ISSUES IN THIS STATE.

39 7. FOR APPOINTMENTS MADE ON OR AFTER JANUARY 18, 2022, ONE MEMBER
40 WHO IS LICENSED PURSUANT TO CHAPTER 8, 13, 14, 17 OR 29 OF THIS TITLE.

41 B. Before appointment by the governor, a prospective member of the
42 board shall submit a full set of fingerprints to the governor for the
43 purpose of obtaining a state and federal criminal records check pursuant
44 to section 41-1750 and Public Law 92-544. The department of public safety

1 may exchange this fingerprint data with the federal bureau of
2 investigation.

3 C. Board members shall be residents of this state for at least
4 ~~three years~~ ONE YEAR immediately preceding their appointment.

5 D. Board members serve three-year terms to begin and end on the
6 third Monday in January. A member shall not serve more than two
7 consecutive terms.

8 E. The board shall meet in January of each year to elect a
9 chairperson and ~~secretary~~ VICE CHAIRPERSON.

10 F. The board shall meet quarterly and at the call of the
11 chairperson or a majority of board members.

12 G. Board members are eligible to receive compensation in an amount
13 not to exceed ~~fifty dollars~~ \$50 per day for each day of actual service in
14 the business of the board and are eligible for reimbursement of expenses
15 necessarily and properly incurred in attending board meetings.

16 H. The governor may remove a board member from office for
17 malfeasance, dishonorable conduct or unprofessional management of board
18 duties.

19 I. The term of any member automatically ends on resignation or
20 absence from this state for a period of at least six months. The governor
21 shall fill vacancies for an unexpired portion of a term in the same manner
22 as regular appointments.

23 J. Board members and board employees are not subject to civil
24 liability for any act done or proceeding undertaken or performed in good
25 faith and in furtherance of the purposes of this chapter.

26 Sec. 3. Section 32-3922, Arizona Revised Statutes, is amended to
27 read:

28 32-3922. Acupuncture detoxification specialist for chemical
29 dependency or trauma; certificate; requirements;
30 fingerprints; informed consent; definition

31 A. The board may issue an ~~auricular~~ acupuncture DETOXIFICATION
32 SPECIALIST certificate to a person who practices auricular acupuncture for
33 the purpose of treating alcoholism, substance abuse, TRAUMA or chemical
34 dependency if the person does all of the following:

35 1. Provides documentation of ~~successful completion of~~ SUCCESSFULLY
36 COMPLETING a board-approved training program in acupuncture for ~~the~~
37 ~~treatment of~~ TREATING alcoholism, substance abuse, TRAUMA or chemical
38 dependency that meets or exceeds standards of training established by the
39 national acupuncture detoxification association or a board-approved group.

40 2. Provides documentation satisfactory to the board of successfully
41 completing a board-approved clean needle technique course.

42 3. Submits an application as prescribed by the board and a fee
43 prescribed by section 32-3927.

44 4. ~~Beginning January 1, 2019,~~ Submits a full set of fingerprints to
45 the board for the purpose of obtaining a state and federal criminal

1 records check pursuant to section 41-1750 and Public Law 92-544. The
2 department of public safety may exchange this fingerprint data with the
3 federal bureau of investigation.

4 5. Discloses in an application for initial certification or
5 recertification all other active and past professional health care
6 licenses and certificates issued to the applicant in this state or by
7 another state, district or territory of the United States.

8 B. A certificate issued pursuant to this section allows the
9 certificate holder to practice auricular acupuncture ~~in a substance abuse
10 or chemical dependency program approved by the board, this state or the
11 federal government~~ under the supervision of a person WHO IS licensed
12 pursuant to this chapter.

13 C. A certificate issued pursuant to this section is valid for one
14 year. The certificate may be renewed by the board if the certificate
15 holder submits an application as prescribed by the board and a fee
16 prescribed by section 32-3927 before the certificate expires.

17 D. BEFORE TREATING A PATIENT, AN AURICULAR ACUPUNCTURIST SHALL
18 OBTAIN FROM THE PATIENT A SIGNED INFORMED CONSENT THAT HAS BEEN APPROVED
19 BY THE BOARD.

20 ~~D.~~ E. For the purposes of this section, "auricular acupuncture"
21 means ~~the application of~~ APPLYING acupuncture needles to the pinna, lobe
22 or auditory meatus to treat alcoholism, substance abuse, TRAUMA or
23 chemical dependency.

24 Sec. 4. Section 32-3925, Arizona Revised Statutes, is amended to
25 read:

26 32-3925. Renewal of license; continuing education

27 A. Except as provided in section 32-4301, a license issued pursuant
28 to this chapter is subject to renewal each year and expires unless
29 renewed.

30 B. The executive director shall send a renewal application to each
31 licensee at least sixty days before expiration of the license.

32 C. A licensee shall ~~include with the application for renewal~~ SUBMIT
33 TO THE BOARD ON REQUEST documentation satisfactory to the board that the
34 licensee has successfully completed at least fifteen hours of ~~board~~
35 ~~approved~~ BOARD-APPROVED continuing education each year.

36 D. On compliance with board requirements for the renewal of
37 licenses, the board may reinstate a license canceled for failure to renew.

APPROVED BY THE GOVERNOR MAY 4, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2021.