

# State Board of Integrative Health Care 2016 Rulemaking Addition of Acupuncturist Rules

New language is underscored and language being removed is ~~overstruck~~.

Please note: the only amendments to sections 112-01-04-01 and 112-01-04-06 are to the list of laws implemented, and there are no amendments being made to sections 112-01-04-03, -04, -05, and -07.

## ARTICLE 112-01 GENERAL ADMINISTRATION

### Chapter

- 112-01-01 Organization of Board
- 112-01-02 Board Meetings
- 112-01-03 Duties of Officers
- 112-01-04 Licensee Duties and Disciplinary Matters
- 112-01-05 License Revocation, Suspension, Denial, or Limitation
- 112-01-06 Provisional Temporary License

## CHAPTER 112-01-01 ORGANIZATION OF BOARD

### Section

- 112-01-01-01 Organization and Functions of the Board of Integrative Health Care

**112-01-01-01. Organization and functions of the board of integrative health care.**

1. **History.** The board of integrative health care was established in 2011 under North Dakota Century Code chapter 43-57 to provide a means to regulate integrative health care practitioners. The first integrative health care practitioners to be licensed and

regulated by the board are naturopaths in accordance with North Dakota Century Code chapter 43-58 and music therapists in accordance with North Dakota Century Code chapter 43-59. Acupuncturists became licensed and regulated by the board in 2015 under North Dakota Century Code chapter 43-61. North Dakota is the sixteenth state of the United States to license naturopaths and the forty-fifth state to license acupuncturists.

2. **Functions.** The function of the board is to determine if acupuncturists, naturopaths and music therapists meet the qualifications to practice in the state of North Dakota and to prevent unqualified acupuncturists, naturopaths and music therapists from practicing in North Dakota. The board establishes and enforces the education, licensing examinations, and professional conduct of acupuncturists, naturopaths and music therapists in accordance with North Dakota Century Code chapters 43-61, 43-58 and 43-59.

3. **Board membership.** The initial board consists of five to seven members appointed by the governor: one acupuncturist, one naturopath, one music therapist, one medical or osteopathic doctor, one advanced practice registered nurse, one pharmacist, and up to two public members. Members of the board serve three-year terms, except for the initial board members which shall be staggered. Two to three three-year terms expire each year. Board members annually elect from the board membership the chairman, vice chairman, secretary, and treasurer of the board.

4. **Secretary and treasurer.** The secretary and the treasurer are elected by the board.

5. **Executive director.** The board may hire an executive director to oversee the clerical needs of the board, and who will answer to the board chairman.

6. **Inquiries.** Any questions or suggestions concerning these rules should be sent to the executive director or to the secretary during any time period that the executive director position is unfilled.

---

---

---

---

History: Effective April 1, 2013. Amended effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02, 43-57-03

## CHAPTER 112-01-04

### LICENSEE DUTIES AND DISCIPLINARY MATTERS

#### Section

112-01-04-01 Unlicensed Practice

112-01-04-02 Code of Ethics

112-01-04-03 Unprofessional Conduct

112-01-04-04 Administrative Sanction

112-01-04-05 Report of Disciplinary Actions

112-01-04-06 Reporting Contagious or Infectious Diseases

112-01-04-07 Reporting Child Abuse

112-01-04-08 Self Reporting Offenses and Actions

112-01-04-09 Supervision of Students

**112-01-04-01. Unlicensed practice.** Upon receipt of a complaint that a person is practicing without a license, the board may make a determination, as to whether a person is practicing without a license. In order to make this determination, the board may conduct an investigation to make a determination if an individual is unlicensed, including reviewing records, interviewing persons who may have knowledge of the unlicensed practice, contacting third parties to verify background, or requesting any other information that may help make the determination of unlicensed activity.

If the determination is made that an individual is unlicensed pursuant to this section, the board may send a letter to the person about whom the complaint was made directing that the person immediately cease and desist. The person will be given ten working

days to submit an application to practice. If the person does not apply, or continues to practice without a license, the person may be referred to the state's attorney in the county in which the person is located for prosecution. The board is not required to follow this procedure, and this procedure does not provide a criminal defendant with any additional rights, nor a defense against prosecution or conviction in a criminal proceeding.

**History:** Effective April 1, 2013. Amended effective April 1, 2017.

**General Authority:** NDCC 28-32-02, 43-57-03

**Law Implemented:** NDCC 43-57-02, 43-57-03, 43-57-11, 43-58-03, 43-59-03, 43-61-03

**112-01-04-02. Code of ethics.**

1. **Naturopaths.** The board adopts the 2011 edition of the American Association of Naturopathic Physicians Code of Ethics as the code of ethical conduct governing the practice of naturopathy.
2. **Music therapists.** The board adopts the 2011 edition of the Certification Board for Music Therapists Code of Professional Practice as the code of ethical conduct governing the practice of music therapy.
3. **Acupuncturists.** The board adopts the 2008 edition of the National Certification Commission of Acupuncture and Oriental Medicine (NCCAOM) as the code of ethical conduct governing the practice of acupuncture and oriental medicine.

**History:** Effective April 1, 2013. Amended effective April 1, 2017.

**General Authority:** NDCC 43-57-03

**Law Implemented:** NDCC 43-57-03

**112-01-04-03. Unprofessional conduct.** The board may revoke, suspend, or deny a license to any person otherwise qualified or licensed by the board who is found to have committed unprofessional conduct. Unprofessional conduct includes the following:

1. Exploitation of patients for financial gain, which includes:

- a. Overutilization of services. Overutilization is defined as services rendered or goods or appliances sold to a patient for the financial gain of the licensee or a third party, which are excessive in quality or quantity to the justified needs of the patient.
  - b. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.
  - c. Exercising undue influence on a patient or client, including the promotion or the sale of services, goods, or appliances in such a manner as to exploit the patient or client.
  - d. The administration of treatment or the use of diagnostic procedures which are excessive as determined by the customary practices and standards of the local community of licensees.
2. Willfully harassing, abusing, or intimidating a patient, either physically or verbally.
  3. Failing to maintain a patient record and a billing record for each patient, which accurately reflects the evaluation or treatment, or both, of the patient and the fees charged to the patient. Unless otherwise provided, all patient records must be retained for at least ten years.
  4. The willful or grossly negligent failure to comply with the substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of the profession.
  5. Any conduct which has endangered or is likely to endanger the health, welfare, or safety of the public, including habitual alcohol abuse, illegal use of controlled substances, or conducting unauthorized experiments or tests upon patients.
  6. Conviction of a crime which is substantially related to the qualifications, functions, or duties of a profession or occupation regulated by the board.
  7. Conviction of a felony, or any offense involving moral turpitude, dishonesty, or corruption.
  8. Violation of any of the provisions of law regulating the dispensing or administration of narcotics, dangerous drugs, or controlled substances.
  9. The commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as a license holder or otherwise.

10. Knowingly making or signing any false certificate or other document relating to the practice of patient care which falsely represents the existence or nonexistence of a state of facts.

11. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violations of, or conspiring to violate any provision of the law or the rules adopted by the board.

12. Making or giving any false statement or information in connection with the application for issuance of a license.

13. Participation in any act of fraud or misrepresentation.

14. Except as required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment.

15. The offering, delivering, receiving, or accepting of any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration as compensation or inducement for referring patients to any person.

16. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which a licensee knows or has reason to know that the licensee is not competent to perform, or performing without adequate supervision professional services which a licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger.

17. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure, to perform them.

18. Advertising or soliciting for patronage that is not in the public interest, which includes:

a. Advertising or soliciting which is false, fraudulent, deceptive, or misleading.

b. Advertising or soliciting which guarantees any service or result.

c. Advertising or soliciting which makes any claim relating to professional services or products or the cost or price thereof which cannot be substantiated by the licensee.

d. Advertising or soliciting which make claims relating to professional superiority which cannot be substantiated by the licensee.

e. Advertising or soliciting which is based upon a claim that the licensee uses a secret or special method of treatment and the licensee refuses to divulge the secret or special method of treatment to the board.

f. Advertising no out-of-pocket expenses or practicing the same.

19. Violation of any term of suspension or probation imposed by the board.

20. Initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a current patient, even if the patient attempts to sexualize the relationship, except when the patient is the licensee's spouse.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 43-57-03

**Law Implemented:** NDCC 43-57-08

**112-01-04-04. Administrative sanction.** An administrative sanction shall be imposed in the amount of three times the application fee for any applicant or licensee regulated by the board who provides false or deceptive information with regard to any material fact concerning eligibility for initial license or renewal after verifying or certifying that the information provided is true. This includes all material information provided in an initial license application, an annual renewal, or a report of compliance with mandatory continuing education requirements. The imposition of an administrative sanction under this section is not a disciplinary action of the board; however, it does not preclude the board from also imposing disciplinary action, or other penalties provided by law, for the same conduct in appropriate cases. An applicant or licensee may challenge the imposition of an administrative sanction under this section in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 43-57-03, 43-57-08

**Law Implemented:** NDCC 43-57-08

**112-01-04-05. Report of disciplinary actions.** The board will report all final disciplinary actions to the federal health care integrity and protection database. The board may also publish all final disciplinary actions in select state newspapers.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 43-57-03

**Law Implemented:** NDCC 43-57-03, 43-57-08

**112-01-04-06. Reporting contagious or infectious diseases.** To comply with the state law regarding contagious or infectious diseases, medical practitioner licensees shall immediately notify the health officer of the community of the existence of such diseases.

**History:** Effective April 1, 2013. Amended effective April 1, 2017.

**General Authority:** NDCC 28-32-02, 43-57-03, 43-58-09, 43-61-09

**Law Implemented:** NDCC 23-07-01, 43-57-03, 43-58-09, 43-61-09

**112-01-04-07. Reporting child abuse.** A licensee having knowledge of or reasonable cause to suspect that there is child abuse or neglect is mandated to report the circumstances to the department of human services if the knowledge or suspicion is derived from information received by the licensee in the licensee's professional capacity.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 28-32-02, 43-57-03

**Law Implemented:** NDCC 50-25.1-03

**112-01-04-08.. Self reporting of offenses and actions.**

1. A licensee who has been convicted of an offense stated in section 112-01-04-03 subsections (6), (7) and (8) shall notify the board within 10 working days of conviction.
2. A licensee who has been officially disciplined by another licensing board in North Dakota or in another jurisdiction shall notify the board within 10 working days of disciplinary notification.



History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, NDCC 43-57-08

112-01-04-09. Supervision of Students. Licensees in good standing who have been in practice for one or more years may accept prospective professional students for limited practice observation, and may accept current professional students of recognized accredited schools for unpaid preceptorships. Prospective students and preceptor students may participate in observation of professional practice with the permission of patients. Preceptor students may assist in hands-on tasks if the student is under the direct supervision of a licensee, the student is in the clinical phase of their education, the patient grants permission, and the licensee has a recognized preceptor affiliation with an approved school within their own profession or the preceptee's profession. The licensee may not allow hands-on assistance with tasks that exceed the education and training of the student.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

## ARTICLE 112

### ACUPUNCTURE LICENSURE

#### Chapter

112-04-01 Admission to Practice Acupuncture

112-04-02 Authority of Acupuncturists

112-04-03 Continuing Acupuncture Education

#### CHAPTER 112-04-01

#### ADMISSION TO PRACTICE ACUPUNCTURE

## Section

112-04-01-01 Definitions

112-04-01-02 Approval of Schools

112-04-01-03 Applications for Licensure

112-04-01-04 Licensure by Endorsement

112-04-01-05 Photograph

112-04-01-06 Examination Requirements

112-04-01-07 License Issued

112-04-01-08 Change of Location - License Displayed

112-04-01-09 License Renewal

112-04-01-10 Lapsed Licenses

112-04-01-11 Fees

112-04-01-01. Definitions. Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-61 are applicable to this title. In this title, unless the context or subject matter otherwise requires:

1. "Accreditation commission" means the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or its successor. The successor must be an accrediting agency recognized by the United States department of education.
2. "Certification commission" means the National Certification Commission for Acupuncture and Oriental Medicine or its successor.
3. "In accordance with acupuncture and Oriental medicine training" means the practice of acupuncture and oriental medicine by means that are consistent with the education of an approved acupuncture school, are generally recognized as safe and effective, and generally considered to be within the accepted practice standards for the acupuncture profession.
4. "National board examinations" means the diplomate of acupuncture or the diplomate of Oriental medicine certification examinations established by the certification commission, or its successor.

5. "Oriental medicine" means a system of healing arts that perceives the circulation and balance of energy in the body as fundamental to the well-being of the individual. It implements the theory through specialized methods of analyzing the energy of the body and treating with needle acupuncture or other Oriental treatment modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain. The definition of acupuncture in Section 43-61-01 includes aspects of Oriental medicine which are appropriate for acupuncturists to include in their practice.

6. "Prescription drug" means a legend drug as defined by section 503(b) of the Act of Congress entitled the Federal Food, Drug and Cosmetic Act [21 U.S.C. 353 et seq.] and under its definitions its label is required to state "Rx only".

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-61-01

#### 112-04-01-02. Approval of schools.

1. The board shall approve an acupuncture school that meets the following criteria:
  - a. Is accredited or a candidate for accreditation by the accreditation commission,  
and
  - b. offers a residential graduate degree program with a curriculum of at least 1905 hours/105 credits.
2. Foreign schools may be considered for board approval if requirement 1(b) is met and graduates are approved to take the national board examination by the certification commission.
3. The board shall maintain an updated list of approved acupuncture schools in the United States and make it available upon inquiry.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03, 43-61-01

Law Implemented: NDCC 43-57-03

112-04-01-03. Application for licensure. Application shall be made on the official form issued by the board.

1. Applicants seeking licensure pursuant to the regular application procedure in North Dakota Century Code section 43-61-05 shall be considered when all of the following have been received:

- a. A signed and dated completed official application form.
- b. An official transcript of the national board examinations sent directly to the board from the certification commission verifying satisfactory passage of the national board examinations.
- c. An official complete transcript sent directly to the board from the approved acupuncture school from which the applicant graduated verifying date of graduation and completion of clinical training.
- d. The application fee and the initial license fee.

2. Applicants seeking a license or limited license pursuant to the grandfathering procedure in North Dakota Century Code section 43-61-06 shall submit the following documents for consideration:

- a. A signed and dated completed official application form.
- b. An official transcript from the certification commission verifying status as a certified diplomate.
- c. Documentation of practical postgraduate clinical experience, including dates, clinic contact information, and supervisor contact information for verification purposes.
- d. Documentation of North Dakota residency throughout calendar year 2015.
- e. Documentation of the practice of acupuncture in North Dakota in 2015.
- f. The application fee and the licensing fee.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-04, 43-61-05, 43-61-06

112-04-01-04. License by endorsement. An application for license by endorsement will be considered by the board if the following conditions are met:

1. The candidate has graduated from and holds a degree from an approved acupuncture school.
2. The candidate holds a current valid license in good standing to practice as an acupuncturist in another state or jurisdiction. Official written verification of licensure status must be received by the board from the other state or jurisdiction.
3. The examination requirements of the other state or jurisdiction are substantially similar as in North Dakota.
4. The candidate has filed with the board an official application for licensure by endorsement, a copy of the diploma from an approved acupuncture school, a copy of the current valid license, and the required application fee.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-07

112-04-01-05. Photograph. An unmounted passport photograph of the applicant must be attached in the space provided on the application before filing with the board. The photograph must have been taken within one year of the date of application.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-04, 43-61-04

112-04-01-06. Examination requirements.

1. Those applicants for licensure who have obtained a passing score on the national board examinations shall be deemed to have met the examination requirement specified in North Dakota Century Code section 43-61-05.
2. The examination requirements for licensure must be successfully completed within four years from graduation. The board may grant an exception to this requirement for applicants who have concurrently pursued another graduate degree, and the applicant presents a verifiable, rational, and compelling explanation for not meeting the four-year time limit.

3. An applicant is permitted a maximum of five attempts to pass each part or component of the national board examination. If the applicant fails to pass each part or component of the national board examination after five attempts, the applicant is not eligible to apply for a license.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-05

112-04-01-07. License issued. When it shall have been determined by the board that any candidate has successfully graduated from an approved school, passed the national board examination, and is a person of good moral character, there shall be issued to such candidate a license to practice acupuncture.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-06

Law Implemented: NDCC 43-57-05, 43-57-06

112-04-01-08. Location of practice - License displayed.

1. If a licensed acupuncturist moves from the acupuncturist's primary location, the office of the executive director must be notified of the change of location of the acupuncturist. A current certificate or duplicate certificate issued by the board must at all times be displayed prominently in each office location of the acupuncturist. In case of loss or destruction, a duplicate certificate may be issued by the board upon receipt of satisfactory evidence of the loss or destruction.

2. A licensed acupuncturist providing temporary services in offsite locations must carry a duplicate license wallet card and show the card upon request.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-03

112-04-01-09. License renewal.

1. Every acupuncturist who has been licensed by the board shall renew the license by remitting a renewal fee on or before December thirty-first of each even-numbered year and completing the questionnaire provided by the board. For applicants who receive an initial license after July first in an even-numbered year, the license will be deemed to be automatically renewed on December thirty-first for an additional two years without payment of an additional renewal fee.

2. The applicant for renewal shall certify on the questionnaire that the continuing education requirements have been or will be met by December thirty-first. The applicant must keep records of completed continuing education. The board shall conduct random compliance audits of licensees. Failure to complete continuing education is considered unprofessional conduct.

3. A license renewal application received on or after January first of an odd-numbered year is a late renewal and requires a new completed application form, the renewal fee, plus a late fee set by the board. Proof of appropriate continuing education hours must be presented. A license that has not been renewed by December thirty-first in an even-numbered year is a lapsed license.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-06, 43-57-07, 43-61-03

112-04-01-10. Lapsed licenses. Once a license has lapsed, the person who held the lapsed license may not practice acupuncture or use a title reserved under state law for individuals who are licensed by the board until a new license is issued. A person whose license has lapsed but who continues to practice acupuncture or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective April 1, 2017.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-11, 43-61-03

112-04-01-11. Fees. The board charges the following nonrefundable fees:

1. Application. The fee for filing an application for an initial license is fifty dollars.

2. Initial license. The fee for an initial license is three hundred dollars. The licensing period is biennial, ending on December thirty-first every even-numbered year. The initial license fee shall be prorated quarterly based upon the time period remaining in the two-year cycle at application.

3. Temporary license. The temporary license fee for acupuncturists shall be one hundred dollars. The cost of the temporary license fee will be applied toward the initial license fee upon receipt of application for the initial license.

4. Renewal. Licenses renew on December thirty-first every even-numbered year. The renewal fee is two hundred dollars for active status and one hundred dollars for inactive status.

5. Change of status. To change from inactive to active status, the fee shall be prorated on a quarterly basis on the time period remaining in the two-year cycle.

6. Late filing. An additional late filing fee will be charged on renewal applications not received by December thirty-first every even-numbered year. The late filing fee for acupuncturists is seventy-five dollars.

7. Duplicate license. The duplicate license fee for an acupuncture license certificate is twenty-five dollars. The duplicate license fee for an acupuncturist license wallet card is twenty dollars.

History: Effective April 1, 2017.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-61-05



## CHAPTER 112-04-02

### AUTHORITY OF ACUPUNCTURISTS

#### Section

112-04-02-01 Rights and Privileges

112-04-02-02 Advertising

112-04-02-03 Authority to Administer, Prescribe, and Dispense

112-04-02-04 Needle Acupuncture Administration; Acupuncture Point Stimulation

112-04-02-05 Requirement to Refer

112-04-02-01. Rights and privileges. Unless otherwise limited by statute, licensed acupuncturists shall be entitled to the rights and privileges of health care practitioners in North Dakota in accordance with acupuncture and oriental medicine training. The practice of acupuncture in Section 43-61-01 includes aspects of oriental medicine , such as:

1. Using oriental medicine theory to assess and diagnose a patient,
2. Using oriental medicine theory to develop a plan to treat a patient, and
3. Prescribing and administering oriental medicine therapies as part of a patient treatment plan.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-08

112-04-02-02. Advertising. Licensed acupuncturists will be privileged to advertise their practice in any legitimate manner set forth in the code of ethics adopted by the board under section 112-01-04-02, except as limited or prohibited by statute. Doctoral level licensed acupuncturists may use the prefix “doctor” or “Dr.” in accordance with an accredited doctoral acupuncture degree but may not advertise any acupuncture title or

designation except those established under North Dakota Century Code Chapter 43-61-03.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-03, 43-61-08

**112-04-02-03. Authority to administer, prescribe, and dispense.**

The practice of acupuncture includes the administration, prescription, dispensing, ordering, or performing of the following based on Oriental medicine principles:

1. Food, nutritional supplements, herbs, and patent herbal remedies.
2. Health counseling, nutritional therapy, herbal therapy, Oriental massage, exercises, and breathing techniques.
3. Acupuncture point stimulation by acupuncture needles, auriculotherapy, cupping, electricity, heat, dermal friction, gua sha, and touch.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-61-08

**112-04-02-04. Needle acupuncture administration; acupuncture point stimulation.**

1. A licensed acupuncturist shall administer needle acupuncture in accordance with acupuncture and oriental medicine training. Needles used in the practice of acupuncture shall only be pre-packaged, single use, sterile acupuncture needles. These needles shall only be used on an individual patient in a single treatment session and disposed of according to federal standards for biohazard waste. Acupuncture points must be cleaned with alcohol or another approved clean needle technique (CNT) anti-septic prior to needle insertion.
2. A licensed acupuncturist must have a plan to manage patient adverse events, including allergy.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-08

112-04-02-05. Requirement to refer.

1. A licensed acupuncturist shall request a consultation or written diagnosis from a licensed physician for patients with potentially serious disorders. A referral to a licensed physician is required when a patient has signs or symptoms of:
  - a. Cardiac conditions including uncontrolled hypertension;
  - b. Acute, severe abdominal pain;
  - c. Acute, undiagnosed neurological changes;
  - d. Unexplained weight loss or gain in excess of 15 percent of the body weight in less than a three-month period;
  - e. Suspected fracture or dislocation;
  - f. Suspected systemic infections;
  - g. Any serious undiagnosed hemorrhagic disorder; and
  - h. Acute respiratory distress without previous history.
2. A licensed acupuncturist shall refer a patient to a licensed physician in the event of:
  - a. Suspected pneumothorax
  - b. Broken acupuncture needle

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-08

## CHAPTER 112-04-03

### CONTINUING ACUPUNCTURE EDUCATION

#### Section

112-04-03-01 Requirements

112-04-03-02 Exceptions

112-04-03-03 Board Approval

112-04-03-04 Board Audit

112-04-03-05 Inactive Status

#### 112-04-03-01. Continuing education requirements.

1. All active licensees shall complete a minimum of thirty hours of approved continuing education credit during the biennial licensing cycle. Only hours earned at board-accepted continuing education programs will be allowed. One hour of credit is earned for every fifty minutes of actual class time.

a. CPR recertification is required each biennial cycle and is granted 4 CEU's.

b. Two credits are required in either Ethics or Safety each biennial cycle.

2. An extension of time or other waiver to complete the hours required in subsection 1 shall be granted upon written application if the licensee failed to meet the requirements due to illness, military service, medical or religious missionary activity, or other extenuating circumstance.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03, 43-61-04

Law Implemented: NDCC 43-57-03, 43-57-07, 43-61-03

112-04-03-02. Exceptions. The following licensed acupuncturists are not required to meet the continuing education requirements of this chapter:

1. Acupuncturists who are enrolled in full-time graduate acupuncture education programs (doctoral degrees, residencies, and fellowships).

2. Acupuncturists who hold a provisional temporary license, and acupuncturists who have not renewed their licenses for the first time since being granted a regular permanent license by the board.

3. Acupuncturists who have retired from the active practice of acupuncture and oriental medicine. This exception is available only to retired acupuncturists who have completely and totally withdrawn from the practice of acupuncture and oriental medicine. Any acupuncturist seeking to be excused from completing continuing acupuncture education requirements under this subsection must submit an affidavit to the board (on the board's form) certifying that the acupuncturist will render no acupuncture services during the term of the next continuing education reporting period.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03, 43-61-04

Law Implemented: NDCC 43-57-03, 43-57-07

#### 112-04-03-03 Board approval of continuing education.

1. In order to receive board approval, a continuing education program must be accepted by the credentialing commission.

2. It is the responsibility of the licensee to verify the appropriate credit designation with the source of the program. All licensees must verify eligibility for continuing credit and the appropriate credit designation before taking any particular course.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03, 43-61-04

Law Implemented: NDCC 43-57-03, 43-57-07, 43-61-03

112-04-03-04. Board audit. Each biennium the board will audit randomly selected acupuncturists to monitor compliance with the continuing education requirements. Any acupuncturist so audited will be required to furnish documentation of compliance, including the name of the continuing education provider, name of the program, hours of continuing education completed, dates of attendance, and verification of attendance. Any acupuncturist who fails to provide verification of compliance with the continuing

education requirements will be subject to revocation of licensure. In order to facilitate the board's audits, every acupuncturist is required to maintain a record of all continuing education activities in which the acupuncturist has participated. Every acupuncturist must maintain those records for a period of at least two years following the time when those containing education activities were reported to the board.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03, 43-61-04

Law Implemented: NDCC 43-57-07, 43-57-08, 43-61-03

112-04-03-05. Inactive status. On or before December thirty-first of each even-numbered year, licensees may elect to renew their licenses as inactive. The inactive status is at a reduced fee for those licensees who do not practice, consult, or provide any service relative to the acupuncture profession in the state. The inactive licensee does not have to provide proof of continuing education hours. Any inactive licensee may activate the license at any time by paying an additional fee and showing proof of thirty hours of continuing acupuncture education in the preceding twenty-four months.

History: Effective April 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-57-08