

1 A BILL for an Act to provide for licensure of acupuncturists by the state board of medical  
2 examiners.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Acupuncture - Definitions.** As used in this Act, unless the context  
5 otherwise requires:

- 6 1. "Acupressure" means the application of pressure to acupuncture points.
- 7 2. "Acupuncture needle" means a needle designed exclusively for acupuncture  
8 purposes. It has a solid core, with a tapered point, and is 0.12 millimeter to  
9 0.45 millimeter in thickness. It is constructed of stainless steel, gold, silver, or  
10 other board-approved materials as long as the materials can be sterilized  
11 according to recommendations of the national centers for disease control and  
12 prevention or the board.
- 13 3. "Acupuncture points" means specific anatomically described locations as defined  
14 by the recognized acupuncture reference texts and as otherwise established by the  
15 board.
- 16 4. "Acupuncture practice" means a comprehensive system of health care using  
17 oriental medical theory and its unique methods of diagnosis and treatment. Its  
18 treatment techniques include the insertion of acupuncture needles through the skin  
19 and the use of other biophysical methods of acupuncture point stimulation,  
20 including the use of heat, cupping, dermal friction, acupressure, oriental massage  
21 techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines  
22 and counseling, breathing techniques, and exercise based on oriental medical  
23 principles.
- 24 5. "Board" means the state board of medical examiners.

6. "Breathing techniques" means oriental breathing exercises taught to a patient as part of a treatment plan.
7. "Cupping" means a therapy in which a jar-shaped instrument is attached to the skin and negative pressure is created by using suction.
8. "Dermal friction" means rubbing on the surface of the skin, using topical ointments with a smooth-surfaced instrument without a cutting edge that can be sterilized or, if disposable, a one-time only use product.
9. "Electrical stimulation" means a method of stimulating acupuncture points by an electrical current of .001 milliamp to 100 milliamps, or other current as approved by the board. Electrical stimulation may be used by attachment of a device to an acupuncture needle or may be used transcutaneously without penetrating the skin.
10. "Herbal therapies" are the use of herbs and patent herbal remedies as supplements as part of the treatment plan of the patient.
11. "Needle sickness" is a temporary state of nausea and dizziness that is a potential side effect to needle insertion and from which full recovery occurs when the needles are removed.
12. "Oriental medicine" means a system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual. It implements the theory through specialized methods of analyzing the energy status of the body and treating the body with acupuncture and other related modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

**SECTION 2. Acupuncture - Licensure - Rules - Fees - Exemptions.** The board shall regulate and license the practice of acupuncture. The board shall adopt rules governing the conduct, permits, annual fees not to exceed one hundred fifty dollars, qualifications, activities, continuing education, discipline, and supervision of acupuncturists, as well as exceptions to these requirements. The rules may require that a licensee be certified by the national certification commission for acupuncture and oriental medicine or another nationally recognized entity. The rules may provide for a transition period; however, after July 31, 2007, any individual who practices acupuncture in this state without a license issued by the board is

practicing without a license in violation of section 43-17-34. This Act does not apply to any individual who is licensed under chapter 43-17 or who is exempt from regulation under chapter 43-17 pursuant to section 43-17-02. Unless an individual holds a valid acupuncture license issued by the board, that individual may not use or assume the title or designation "licensed acupuncturist" or the abbreviation "L. Ac." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a licensed acupuncturist.

**SECTION 3. Acupuncture - Duties.** An acupuncturist shall:

1. Maintain a patient record for each patient treated, including a copy of a signed informed consent; evidence of a patient interview concerning the patient's medical history and current physical condition; evidence of a traditional acupuncture examination and diagnosis; record of the treatment, including points treated; and evidence of evaluation and instructions given to the patient.
2. Before treatment, ask whether the patient has been examined by a physician or other medical professional with regard to the patient's illness or injury and review the diagnosis as reported.
3. Request a consultation or written diagnosis from a physician for any patient with a potentially serious disorder.
4. Make a patient referral to other health practitioners if a patient has a potentially serious disorder, including cardiac conditions, such as uncontrolled hypertension; acute, severe abdominal pain; acute, undiagnosed neurological changes; unexplained weight loss or gain in excess of fifteen percent of the body weight in less than a three-month period; suspected fracture or dislocation; suspected systemic infections; any serious undiagnosed hemorrhagic disorder; and acute respiratory distress without previous history.
5. Before treatment, obtain a signed informed consent from the patient. The informed consent must include the acupuncturist's qualification, including education; an outline of the state's scope of practice for acupuncturists; and side effects, which may include some pain in the treatment area, minor bruising, infection, needle sickness, and broken needles.
6. Use sterilized equipment.