

**SENATE BILL NO. 2171**

Introduced by

Senators Holmberg, Brown, Fischer, J. Lee

Representative Svedjan

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.
- 9 3. "Acupuncture points" means specific anatomically described locations as defined  
10 by the recognized acupuncture reference texts and as otherwise established by the  
11 board.
- 12 4. "Acupuncture practice" means a comprehensive system of health care using  
13 oriental medical theory and its unique methods of diagnosis and treatment. Its  
14 treatment techniques include the insertion of acupuncture needles through the skin  
15 and the use of other biophysical methods of acupuncture point stimulation,  
16 including the use of heat, cupping, dermal friction, acupressure, oriental massage  
17 techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines  
18 and counseling, breathing techniques, and exercise based on oriental medical  
19 principles.
- 20 5. "Board" means the state board of medical examiners.
- 21 6. "Breathing techniques" means oriental breathing exercises taught to a patient as  
22 part of a treatment plan.
- 23 7. "Cupping" means a therapy in which a jar-shaped instrument is attached to the skin  
24 and negative pressure is created by using suction.

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

20           **SECTION 2. Acupuncture - Licensure - Rules - Fees - Exemptions.** The board shall  
21 regulate and license the practice of acupuncture. The board, after collaborating and consulting  
22 with affected parties, including acupuncturists who have been certified by a nationally  
23 recognized entity, shall adopt rules governing the conduct, permits, annual fees not to exceed  
24 one hundred fifty dollars, qualifications, activities, continuing education, discipline, and  
25 supervision of acupuncturists, as well as exceptions to these requirements. The rules may  
26 require that a licensee be certified by the national certification commission for acupuncture and  
27 oriental medicine or another nationally recognized entity. The rules may provide for a transition  
28 period; however, after July 31, 2007, any individual who practices acupuncture in this state  
29 without a license issued by the board is practicing without a license in violation of section  
30 43-17-34. This Act does not apply to any individual who is licensed under chapter 43-17 or who  
31 is exempt from regulation under chapter 43-17 pursuant to section 43-17-02. Unless an

1 individual holds a valid acupuncture license issued by the board, that individual may not use or  
2 assume the title or designation "licensed acupuncturist" or the abbreviation "L. Ac." or any  
3 other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that  
4 the individual is a licensed acupuncturist.

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

- 6 1. Maintain a patient record for each patient treated, including a copy of a signed  
7 informed consent; evidence of a patient interview concerning the patient's medical  
8 history and current physical condition; evidence of a traditional acupuncture  
9 examination and diagnosis; record of the treatment, including points treated; and  
10 evidence of evaluation and instructions given to the patient.
- 11 2. Before treatment, ask whether the patient has been examined by a physician or  
12 other medical professional with regard to the patient's illness or injury and review  
13 the diagnosis as reported. If the patient indicates there has been no such  
14 examination and the patient exhibits indications of a potentially serious disorder,  
15 the acupuncturist shall advise the patient to consult a physician.
- 16 3. Before treatment, obtain a signed informed consent from the patient. The informed  
17 consent must include the acupuncturist's qualification, including education; an  
18 outline of the state's scope of practice for acupuncturists; and side effects, which  
19 may include some pain in the treatment area, minor bruising, infection, needle  
20 sickness, and broken needles.
- 21 4. Ensure that all nondisposable acupuncture needles and equipment that breaks the  
22 skin is sterilized after each use.