ARTICLE 112-04
ACUPUNCTURE LICENSURE

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CHAPTER 112-04-01
ADMISSION TO PRACTICE ACUPUNCTURE

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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 North Dakota Century Code 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 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 July 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 the requirement subdivision b of subsection 1 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 July 1, 2017.
General Authority: NDCC 28-32-02, 43-57-03, 43-61-01
Law Implemented: NDCC 43-57-03

112-04-01-03. Applications 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 July 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. Licensure 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 July 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 July 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 until one year has passed and must reapply as a new applicant.

History: Effective July 1, 2017.
General Authority: NDCC 28-32-02, 43-57-03
Law Implemented: NDCC 43-61-05

112-04-01-07. License issued.

When board determines a candidate has successfully graduated from an approved school, passed the national board examination, and is a person of good moral character, the board shall issue the candidate a license to practice acupuncture.

History: Effective July 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 July 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 July 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 July 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 July 1, 2017.
General Authority: NDCC 43-57-03
Law Implemented: NDCC 43-57-03, 43-57-07, 43-61-05