

CHAPTER 86
ACUPUNCTURISTS
H.F. 302

AN ACT providing for registration of acupuncturists, imposing a fee, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means promoting, maintaining, or restoring health based on traditional oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:
 - a. Inserting acupuncture needles.
 - b. Moxibustion.
 - c. Applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for use of other electromagnetic or ultrasound energy sources.
2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.
3. "Board" means the board of medical examiners established in chapter 147.
4. "Department" means the Iowa department of public health.

Sec. 2. NEW SECTION. 148E.2 REGISTRATION AND RENEWAL REQUIRED.

A person shall not engage in the practice of acupuncture unless the person has registered with the board and received a certificate of registration pursuant to this chapter. Registration shall be renewed annually. The board shall charge a fee for renewal.

Sec. 3. NEW SECTION. 148E.3 REGISTRATION REQUIREMENTS AND RECIPROCAL AGREEMENTS.

1. A person shall be registered as an acupuncturist and issued a certificate of registration by the board, if the person does all of the following:
 - a. Submits a completed application form as provided by the board and the application fee as required by the board.
 - b. Successfully completes and passes the certification and examination process required by the board.
 - c. Successfully completes a training program which conforms to standards established by the board.
2. The board may register a person as an acupuncturist and issue a certificate of registration based upon a reciprocal agreement pursuant to chapter 147.

Sec. 4. NEW SECTION. 148E.4 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the certificate of registration issued pursuant to section 148E.3 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business phone number of the acupuncturist.
2. A fee schedule.
3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.
4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.
5. A statement that the acupuncturist is complying with rules adopted by the department or the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.

6. A statement indicating that the practice of acupuncture is regulated by the department.

Sec. 5. NEW SECTION. 148E.5 USE AND DISPOSAL OF NEEDLES.

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. 6. NEW SECTION. 148E.6 REVOCATION OR SUSPENSION OF CERTIFICATE AND REGISTRATION.

In addition to the grounds for revocation or suspension referred to in section 147.55, the registration and certificate of registration to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.4 or provision of false information to patients.
2. Acceptance of remuneration for referral of a patient to other health professionals.
3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.
4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.
5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.
6. Disclosure of confidential information regarding the patient.

Sec. 7. NEW SECTION. 148E.7 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. 8. NEW SECTION. 148E.8 SCOPE OF CHAPTER.

This chapter does not apply to a person otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry.

Sec. 9. NEW SECTION. 148E.9 STANDARD OF CARE.

A person registered under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. 10. NEW SECTION. 148E.10 EVALUATION OF CONDITION REQUIRED.

A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a person licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry, and the person has been referred to the acupuncturist by the medical evaluator.

Sec. 11. Section 139C.1, subsection 5, Code 1993, is amended to read as follows:

5. "Health care provider" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, podiatry, nursing, dentistry, optometry, or as a physician assistant, ~~or dental hygienist, or acupuncturist.~~

Sec. 12. Section 147.13, subsection 1, Code 1993, is amended to read as follows:

1. For medicine and surgery, ~~and osteopathy, and osteopathic medicine and surgery, and acupuncture,~~ medical examiners.

Sec. 13. Section 147.74, Code 1993, is amended by adding the following new subsection* after subsection 17 and renumbering the remaining subsection:

*According to enrolled Act

NEW SUBSECTION. 18. An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.

Sec. 14. Section 147.80, Code 1993, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

NEW SUBSECTION. 24. Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture.

Approved May 3, 1993

CHAPTER 87

TRANSPORTATION AND RELATED PROVISIONS

H.F. 354

AN ACT relating to the state department of transportation by requiring federal and state cooperation regarding federal funding of transportation, by permitting a credit for certain registration fees on leased vehicles purchased by the lessee, concerning motor vehicle license suspension or revocation for drug-related offenses, by eliminating liens on public property and providing for retroactive application, by changing inspection requirements of railroads, by providing for the length of buses, by changing the transportation habitual offender statute and providing for additional penalties, by providing for safety standards for privately owned, public use airports, and by providing for the preapplication process for federal funding for airports and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority.

DIVISION I

Sec. 2. Section 307.44, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If funds are allotted or appropriated by the government of the United States for the improvement of ~~streets and highways~~ transportation facilities and services in this state, ~~and the federal statutes or the rules and regulations of the federal government provide or contemplate that the work shall be under the supervision of the director, the director may let the necessary contracts for the construction work, supervise and direct the construction work, the department may cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, contract letting, construction, improvement, maintenance, and operation of transportation facilities and services in this state; may comply with the federal statutes and rules;~~ and may cooperate with the federal government in the expenditure of the federal funds.

Sec. 3. Section 321.46, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within