

FILED MAR 09 1989

SENATE FILE 411
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO SSB 277)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved _____
Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the practice of acupuncture and providing a
2 penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 411

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

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

4 1. "Acupuncture" means the stimulation of a certain point
5 or points on or near the surface of the body by the insertion
6 of needles to prevent or modify the perception of pain or to
7 normalize physiological functions, including pain control, for
8 the treatment of certain diseases or dysfunctions of the body,
9 and includes the techniques of electroacupuncture, cupping,
10 and moxibustion.

11 2. "Acupuncturist" means a person certified to practice
12 acupuncture in accordance with this chapter.

13 3. "Board" means the board of medical examiners.

14 4. "Committee" means the acupuncture advisory committee.

15 5. "Department" means the Iowa department of public
16 health.

17 Sec. 2. NEW SECTION. 148E.2 ADVISORY COMMITTEE.

18 An acupuncture advisory committee is established, which is
19 advisory to the board on matters pertaining to the education,
20 training, and certification of acupuncturists.

21 The committee consists of seven members appointed by the
22 governor to serve at the governor's pleasure subject to
23 confirmation by the senate. The members of the committee
24 shall include one representative of the board who shall serve
25 as the chairperson of the committee, a representative of a
26 medical school in this state, a physician licensed in this
27 state, three practicing acupuncturists with at least ten years
28 of experience in the field, and one member who is not a
29 licensed physician or an acupuncturist and who shall represent
30 the general public. The three members of the initial
31 committee who are practicing acupuncturists shall be granted
32 certificates upon their appointment to the committee.

33 Sec. 3. NEW SECTION. 148E.3 COMMITTEE MEETINGS --
34 EXPENSES.

35 The committee shall meet at least quarterly and otherwise

1 as often as deemed necessary at the call of the chairperson.
2 Committee members shall be reimbursed for expenses incurred in
3 the actual performance of their duties. Five members
4 constitute a quorum.

5 Sec. 4. NEW SECTION. 148E.4 CERTIFICATE REQUIRED.

6 A person shall not engage in the practice of acupuncture
7 unless the person has been certified in accordance with this
8 chapter. Certificates shall be issued by the department in
9 response to applications reviewed and recommended by the
10 committee and approved by the board. Applications shall be on
11 forms prescribed and furnished by the department.

12 Sec. 5. NEW SECTION. 148E.5 CERTIFICATION REQUIREMENTS.

13 1. The committee shall develop and adopt minimum standards
14 for the approval of schools and colleges offering education
15 and training in the practice of acupuncture, including
16 standards for the faculty employed by the schools and
17 colleges.

18 2. The committee shall approve an application for
19 certification submitted by a person who meets all of the
20 following requirements:

21 a. Is at least eighteen years of age.

22 b. Furnishes satisfactory evidence of completion of an
23 educational and clinical training program in the practice of
24 acupuncture which has been approved by the committee and the
25 board.

26 c. Passes an examination developed by the committee and
27 administered by the board. The examination shall include a
28 practical examination of the skills required to competently
29 engage in the practice of acupuncture. The examination shall
30 be administered in accordance with procedures and standards
31 adopted by the board. However, upon examination of an
32 applicant's credentials, the committee and the board may
33 consider such credentials adequate evidence of professional
34 competence and determine that a certificate shall be issued
35 without a written examination.

1 3. The board shall assess an examination fee which shall
2 be at least sufficient to cover the costs of administering the
3 examination and issuing certificates.

4 Sec. 6. NEW SECTION. 148E.6 PENALTY.

5 A person found to be in violation of this chapter is guilty
6 of a serious misdemeanor.

7 Sec. 7. NEW SECTION. 148E.7 AUTHORIZED PRACTICE --
8 EXEMPT ACTS.

9 1. A certificate issued under this chapter authorizes the
10 holder of the certificate to engage in the practice of
11 acupuncture and to perform or prescribe the use of oriental
12 massage, breathing techniques, exercise, or nutrition,
13 including the incorporation of drugless substances and herbs
14 as dietary supplements to promote health.

15 2. This section does not prohibit a person who does not
16 possess an acupuncturist's certificate or another license as a
17 healing arts practitioner from performing, or prescribing the
18 use of oriental massage, breathing techniques, exercise, or
19 nutrition, including the incorporation of drugless substances
20 and herbs as dietary supplements, to promote health, so long
21 as such activities are not performed or prescribed in
22 connection with the practice of acupuncture.

23 EXPLANATION

24 This bill provides for certification of acupuncturists.
25 Standards for certification are developed through a
26 gubernatorially appointed acupuncture advisory committee which
27 the bill creates and organizes as an adjunct to the board of
28 medical examiners. Pertinent terms, particularly what
29 constitutes the practice of acupuncture, are defined, and a
30 serious misdemeanor penalty is provided for violation of the
31 new chapter 148E, created by the bill.

32 Certification requirements are outlined, and certification
33 is granted to the members of the advisory committee who are
34 practicing acupuncturists and the board is allowed, in
35 consultation with the committee, to waive the written

1 examination in cases where an applicant's credentials are
2 deemed adequate evidence of professional competence.

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RICHARD W.
CARR
CORNING

SSB 277
HUMAN RESOURCES

SENATE FILE 411
BY (PROPOSED COMMITTEE ON
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