

HUMAN RESOURCES  
3/10/99 Do Pass  
H. 3/19/99 State Gov  
H. 2/15/00 Amend/Do Pass  
W/H-8031

FILED FEB 18 1999

SENATE FILE 182  
BY SZYMONIAK

Passed Senate, <sup>(p. 680)</sup> Date 3/18/99 Passed House, <sup>(p. 384)</sup> Date 2/22/00  
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0  
Approved 4/6/00

(p. 866) Re-passed 3-27-00  
Vote 48-0

A BILL FOR

- 1 An Act requiring licensure to practice acupuncture.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 182  
HUMAN RESOURCES

1 Section 1. Section 147.1, subsections 3 and 6, Code 1999,  
2 are amended to read as follows:

3 3. "Licensed" or "certified" when applied to a physician  
4 and surgeon, podiatric physician, osteopath, osteopathic  
5 physician and surgeon, physician assistant, psychologist or  
6 associate psychologist, chiropractor, nurse, dentist, dental  
7 hygienist, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, occupational therapist,  
9 respiratory care practitioner, practitioner of cosmetology  
10 arts and sciences, practitioner of barbering, funeral  
11 director, dietitian, marital and family therapist, mental  
12 health counselor, social worker, massage therapist, or  
13 athletic trainer, or acupuncturist, means a person licensed  
14 under this subtitle.

15 6. "Profession" means medicine and surgery, podiatry,  
16 osteopathy, osteopathic medicine and surgery, practice as a  
17 physician assistant, psychology, chiropractic, nursing,  
18 dentistry, dental hygiene, optometry, speech pathology,  
19 audiology, pharmacy, physical therapy, occupational therapy,  
20 respiratory care, cosmetology arts and sciences, barbering,  
21 mortuary science, marital and family therapy, mental health  
22 counseling, social work, dietetics, massage therapy, or  
23 athletic training, or acupuncture.

24 Sec. 2. Section 147.2, Code 1999, is amended to read as  
25 follows:

26 147.2 LICENSE REQUIRED.

27 A person shall not engage in the practice of medicine and  
28 surgery, podiatry, osteopathy, osteopathic medicine and  
29 surgery, psychology, chiropractic, physical therapy, nursing,  
30 dentistry, dental hygiene, optometry, speech pathology,  
31 audiology, occupational therapy, respiratory care, pharmacy,  
32 cosmetology, barbering, social work, dietetics, marital and  
33 family therapy or mental health counseling, or mortuary  
34 science, or acupuncture, or shall not practice as a physician  
35 assistant as defined in the following chapters of this

1 subtitle, unless the person has obtained from the department a  
2 license for that purpose.

3 Sec. 3. Section 147.74, subsection 18, Code 1999, is  
4 amended to read as follows:

5 18. An acupuncturist ~~registered~~ licensed under chapter  
6 148E may use the words "~~registered~~ licensed acupuncturist"  
7 after the person's name.

8 Sec. 4. Section 147.80, subsection 24, Code 1999, is  
9 amended to read as follows:

10 24. ~~Registration~~ License to practice acupuncture,  
11 ~~registration license~~ to practice acupuncture under a  
12 reciprocal agreement, or renewal of ~~registration~~ a license to  
13 practice acupuncture.

14 Sec. 5. Section 148E.1, Code 1999, is amended by striking  
15 the section and inserting in lieu thereof the following:

16 148E.1 DEFINITIONS.

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

19 1. "Acupuncture" means a form of health care developed  
20 from traditional and modern oriental medical concepts that  
21 employs oriental medical diagnosis and treatment, and  
22 adjunctive therapies and diagnostic techniques, for the  
23 promotion, maintenance, and restoration of health and the  
24 prevention of disease.

25 2. "Acupuncturist" means a person who is engaged in the  
26 practice of acupuncture.

27 3. "Board" means the board of medical examiners  
28 established in chapter 147.

29 4. "Practice of acupuncture" means the insertion of  
30 acupuncture needles and the application of moxibustion to  
31 specific areas of the human body based upon oriental medical  
32 diagnosis as a primary mode of therapy. Adjunctive therapies  
33 within the scope of acupuncture may include manual,  
34 mechanical, thermal, electrical, and electromagnetic  
35 treatment, and the recommendation of dietary guidelines and

1 therapeutic exercise based on traditional oriental medicine  
2 concepts.

3 Sec. 6. Section 148E.2, Code 1999, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 148E.2 LICENSE REQUIRED -- RENEWAL.

6 1. In order to obtain a license to practice acupuncture,  
7 an applicant shall present evidence to the board of all of the  
8 following:

9 a. Current active status as a diplomate in acupuncture of  
10 the national commission for the certification of  
11 acupuncturists.

12 b. Successful completion of a three-year postsecondary  
13 training program or acupuncture college program which is  
14 accredited by, in candidacy for accreditation by, or which  
15 meets the standards of the national accreditation commission  
16 for schools and colleges of acupuncture and oriental medicine.

17 c. Successful completion of a course in clean needle  
18 technique approved by the national commission for the  
19 certification of acupuncturists.

20 2. Notwithstanding subsection 1, a license to practice  
21 acupuncture shall be granted by the board to a resident of  
22 this state who has successfully completed an acupuncture  
23 degree program approved by the board, or an apprenticeship or  
24 tutorial program approved by the board, on or before July 1,  
25 2001.

26 3. A license granted pursuant to this section shall be  
27 renewed every two years. Renewal shall require evidence of  
28 current active membership in the national commission for the  
29 certification of acupuncturists.

30 Sec. 7. Section 148E.3, Code 1999, is amended by striking  
31 the section and inserting in lieu thereof the following:

32 148E.3 SCOPE OF CHAPTER.

33 This chapter does not apply to the following:

34 1. A person otherwise licensed to practice medicine and  
35 surgery, osteopathy, osteopathic medicine and surgery,

1 chiropractic, podiatry, or dentistry who is exclusively  
2 engaged in the practice of the person's professions.

3 2. A student practicing acupuncture under the direct  
4 supervision of a licensed acupuncturist as part of a course of  
5 study approved by the board.

6 Sec. 8. Section 148E.4, Code 1999, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 148E.4 STANDARD OF CARE.

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

13 Sec. 9. Section 148E.5, Code 1999, is amended by striking  
14 the section and inserting in lieu thereof the following:

15 148E.5 USE AND DISPOSAL OF NEEDLES.

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

19 Sec. 10. Section 148E.6, Code 1999, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 148E.6 DISPLAY OF CERTIFICATE AND DISCLOSURE OF  
22 INFORMATION TO PATIENTS.

23 An acupuncturist shall display the license issued pursuant  
24 to section 148E.2 in a conspicuous place in the  
25 acupuncturist's place of business. An acupuncturist shall  
26 provide to each patient upon initial contact with the patient  
27 the following information in written form:

28 1. The name, business address, and business telephone  
29 number of the acupuncturist.

30 2. A fee schedule.

31 3. A listing of the acupuncturist's education, experience,  
32 degrees, certificates, or credentials related to acupuncture  
33 awarded by professional acupuncture organizations, the length  
34 of time required to obtain the degrees or credentials, and  
35 experience.

1 4. A statement indicating any license, certificate, or  
2 registration in a health care occupation which was revoked by  
3 any local, state, or national health care agency.

4 5. A statement that the acupuncturist is complying with  
5 statutes and rules adopted by the board, including a statement  
6 that only presterilized, disposable needles are used by the  
7 acupuncturist.

8 6. A statement indicating that the practice of acupuncture  
9 is regulated by the board.

10 Sec. 11. Section 148E.7, Code 1999, is amended by striking  
11 the section and inserting in lieu thereof the following:

12 148E.7 DUTIES OF BOARD.

13 The board shall adopt rules consistent with this chapter  
14 and chapter 147 which are necessary for the performance of its  
15 duties.

16 Sec. 12. Section 148E.8, Code 1999, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 148E.8 LICENSE REVOCATION OR SUSPENSION.

19 In addition to the grounds for revocation or suspension  
20 referred to in section 147.55, a license to practice  
21 acupuncture shall be revoked or suspended when the  
22 acupuncturist is guilty of any of the following acts or  
23 offenses:

24 1. Failure to provide information as required in section  
25 148E.6 or provision of false information to patients.

26 2. Acceptance of remuneration for referral of a patient to  
27 other health professionals.

28 3. Offering of or giving of remuneration for the referral  
29 of patients, not including paid advertisements or marketing  
30 services.

31 4. Failure to comply with this chapter, rules adopted  
32 pursuant to this chapter, or applicable provisions of chapter  
33 147.

34 5. Engaging in sexual activity or genital contact with a  
35 patient while acting or purporting to act within the scope of

1 practice, whether or not the patient consented to the sexual  
2 activity or genital contact.

3 6. Disclosure of confidential information regarding the  
4 patient.

5 Sec. 13. Section 148E.9, Code 1999, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 148E.9 ACCIDENT AND HEALTH INSURANCE COVERAGE.

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

13 Sec. 14. Section 148E.10, Code 1999, is repealed.

14 EXPLANATION

15 This bill provides licensing requirements for the practice  
16 of acupuncture to be administered by the board of medical  
17 examiners. Previously, an individual engaged in the practice  
18 of acupuncture was not required to be licensed, but was  
19 required to be registered with the board of medical examiners  
20 pursuant to Code section 148E.2.

21 The bill provides a definition of acupuncture as referring  
22 to a form of health care developed from traditional and modern  
23 oriental medical concepts that employs oriental medical  
24 diagnosis and treatment, and adjunctive therapies and  
25 diagnostic techniques, for the promotion, maintenance, and  
26 restoration of health and the prevention of disease. The bill  
27 also provides a definition of the practice of acupuncture to  
28 refer to the insertion of acupuncture needles and the  
29 application of moxibustion to specific areas of the human body  
30 based upon oriental medical diagnosis as a primary mode of  
31 therapy. The definition further provides that adjunctive  
32 therapies within the scope of acupuncture may include manual,  
33 mechanical, thermal, electrical, and electromagnetic  
34 treatment, and the recommendation of dietary guidelines and  
35 therapeutic exercise based on traditional oriental medicine

1 concepts.

2 The bill additionally provides that in order to obtain a  
3 license to practice acupuncture, an applicant would be  
4 required to maintain current active status as a diplomate in  
5 acupuncture of the national commission for the certification  
6 of acupuncturists, and to have successfully completed a three-  
7 year postsecondary training program or acupuncture college  
8 program which is accredited by, in candidacy for accreditation  
9 by, or which meets the standards of the national accreditation  
10 commission for schools and colleges of acupuncture and  
11 oriental medicine. An applicant would also be required to  
12 have successfully completed a course in clean needle technique  
13 approved by the national commission for the certification of  
14 acupuncturists. The bill provides, however, that licensure  
15 will be granted to a resident of the state who has  
16 successfully completed an acupuncture degree program approved  
17 by the board, or an apprenticeship or tutorial program  
18 approved by the board, on or before July 1, 2001. The bill  
19 also provides that the licensure requirements would not apply  
20 to an individual otherwise licensed to practice medicine and  
21 surgery, osteopathy, osteopathic medicine and surgery,  
22 chiropractic, podiatry, or dentistry exclusively engaged in  
23 the practice of the individual's profession, or to a student  
24 practicing acupuncture under the direct supervision of a  
25 licensed acupuncturist as part of a course of study approved  
26 by the board.

27 The bill retains requirements previously contained in Code  
28 chapter 148E regarding the posting and furnishing of  
29 information to patients, grounds for revocation or suspension  
30 of a license to practice acupuncture, the requirement that  
31 accident and health insurance coverage for acupuncture  
32 services are not compelled, and the standard of care of a  
33 licensee. The bill repeals a requirement relating to an  
34 acupuncturist obtaining an evaluation and referral of an  
35 individual's condition by a person licensed to practice



1 medicine and surgery, osteopathy, osteopathic medicine and  
2 surgery, chiropractic, podiatry, or dentistry, prior to the  
3 performance of acupuncture upon the individual.

4 The bill provides several conforming changes in Code  
5 chapter 147 facilitating the requirement of a license to  
6 practice acupuncture.

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SENATE FILE 182

H-8031

1 Amend Senate File 182, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 3, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 5, by inserting after line 9 the  
6 following:  
7 "7. A statement indicating that a license to  
8 practice acupuncture does not authorize a person to  
9 practice medicine and surgery in this state, and that  
10 the services of an acupuncturist must not be regarded  
11 as diagnosis and treatment by a person licensed to  
12 practice medicine and must not be regarded as medical  
13 opinion or advice."

By COMMITTEE ON STATE GOVERNMENT  
MARTIN of Scott, Chairperson

H-8031 FILED FEBRUARY 15, 2000

*adopted 2/22/00 (p. 384)*

HOUSE AMENDMENT TO  
SENATE FILE 182

S-5019

1 Amend Senate File 182, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 3, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 5, by inserting after line 9 the  
6 following:  
7 "7. A statement indicating that a license to  
8 practice acupuncture does not authorize a person to  
9 practice medicine and surgery in this state, and that  
10 the services of an acupuncturist must not be regarded  
11 as diagnosis and treatment by a person licensed to  
12 practice medicine and must not be regarded as medical  
13 opinion or advice."

*Senate Concurred 3-27-00 (p. 866)* RECEIVED FROM THE HOUSE

S-5019 FILED FEBRUARY 22, 2000

SENATE FILE 182

AN ACT

REQUIRING LICENSURE TO PRACTICE ACUPUNCTURE.

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

Section 1. Section 147.1, subsections 3 and 6, Code 1999, are amended to read as follows:

3. "Licensed" or "certified" when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, or athletic trainer, or acupuncturist, means a person licensed under this subtitle.

6. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing,

dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, or athletic training, or acupuncture.

Sec. 2. Section 147.2, Code 1999, is amended to read as follows:

147.2 LICENSE REQUIRED.

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, or mortuary science, or acupuncture, or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 3. Section 147.74, subsection 18, Code Supplement 1999, is amended to read as follows:

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

Sec. 4. Section 147.80, subsection 24, Code 1999, is amended to read as follows:

24. Registration License to practice acupuncture, registration license to practice acupuncture under a reciprocal agreement, or renewal of registration a license to practice acupuncture.

Sec. 5. Section 148E.1, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.1 DEFINITIONS.

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

1. "Acupuncture" means a form of health care developed from traditional and modern oriental medical concepts that employs oriental medical diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease.
  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. "Practice of acupuncture" means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon oriental medical diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, thermal, electrical, and electromagnetic treatment, and the recommendation of dietary guidelines and therapeutic exercise based on traditional oriental medicine concepts.
- Sec. 6. Section 148E.2, Code 1999, is amended by striking the section and inserting in lieu thereof the following:
- 148E.2 LICENSE REQUIRED -- RENEWAL.
1. In order to obtain a license to practice acupuncture, an applicant shall present evidence to the board of all of the following:
    - a. Current active status as a diplomate in acupuncture of the national commission for the certification of acupuncturists.
    - b. Successful completion of a three-year postsecondary training program or acupuncture college program which is accredited by, in candidacy for accreditation by, or which meets the standards of the national accreditation commission for schools and colleges of acupuncture and oriental medicine.

c. Successful completion of a course in clean needle technique approved by the national commission for the certification of acupuncturists.

2. Notwithstanding subsection 1, a license to practice acupuncture shall be granted by the board to a resident of this state who has successfully completed an acupuncture degree program approved by the board, or an apprenticeship or tutorial program approved by the board, on or before July 1, 2001.

3. A license granted pursuant to this section shall be renewed every two years. Renewal shall require evidence of current active membership in the national commission for the certification of acupuncturists.

Sec. 7. Section 148E.3, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.3 SCOPE OF CHAPTER.

This chapter does not apply to the following:

1. A person otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry who is exclusively engaged in the practice of the person's professions.
2. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board.

Sec. 8. Section 148E.4, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.4 STANDARD OF CARE.

A person licensed 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. 9. Section 148E.5, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

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. 10. Section 148E.6, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.6 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the license issued pursuant to section 148E.2 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 telephone 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 statutes and rules adopted by 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 board.
7. A statement indicating that a license to practice acupuncture does not authorize a person to practice medicine and surgery in this state, and that the services of an acupuncturist must not be regarded as diagnosis and treatment by a person licensed to practice medicine and must not be regarded as medical opinion or advice.

Sec. 11. Section 148E.7, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.7 DUTIES OF BOARD.

The board shall adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of its duties.

Sec. 12. Section 148E.8, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.8 LICENSE REVOCATION OR SUSPENSION.

In addition to the grounds for revocation or suspension referred to in section 147.55, a license 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.6 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. 13. Section 148E.9, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.9 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an

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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. 14. Section 148E.10, Code 1999, is repealed.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 182, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/6, 2000

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THOMAS J. VILSACK  
Governor