



Senate

General Assembly

File No. 569

January Session, 2011

Substitute Senate Bill No. 1052

Senate, April 18, 2011

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PRACTICE OF ACUPUNCTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-206aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 As used in this section and sections 20-206bb, as amended by this
4 act, and 20-206cc:

5 (1) "Commissioner" means the Commissioner of Public Health.

6 (2) "Department" means the Department of Public Health.

7 (3) ["Acupuncture" means the treating, by means of mechanical,
8 thermal or electrical stimulation effected by the insertion of needles or
9 by the application of heat, pressure or electrical stimulation at a point
10 or combination of points on the surface of the body predetermined on
11 the basis of the theory of physiological interrelationship of body
12 organs with an associated point or combination of points for diseases,

13 disorders and dysfunctions of the body for the purpose of achieving a
14 therapeutic or prophylactic effect but shall not include the practice of
15 physical therapy.] "The practice of acupuncture" means the system of
16 restoring and maintaining health by the classical and modern Oriental
17 medicine principles and methods of assessment, treatment and
18 prevention of diseases, disorders and dysfunctions of the body, injury,
19 pain and other conditions. The practice of acupuncture includes:

20 (A) Development of a comprehensive treatment plan according to
21 acupuncture and Oriental medicine theory, including: (i) Assessment
22 of body function by pulse, palpation, physiological observation, and
23 patient interview and history, to identify patterns and differentiate,
24 categorize and evaluate signs and symptoms; (ii) selection of treatment
25 strategies and modalities to address chief complaints, connected
26 symptoms and underlying syndromes; and (iii) evaluation of
27 treatment outcomes, review of patient progress and diagnostic results,
28 adjustment of treatment strategies and modalities, and referral to other
29 health care providers.

30 (B) Modulation and restoration of normal function in and between
31 the body's energetic and organ systems and biochemical, metabolic
32 and circulation functions using one or more of the following means: (i)
33 Stimulation of selected points by (I) insertion of needles, including
34 trigger point, subcutaneous and dry needling and intramuscular
35 stimulation; (II) application of moxibustion and other forms of heat
36 therapy; (III) application of cold therapy; or (IV) acupressure using
37 manual, magnetic, low-level light laser therapy or electrical
38 stimulation; (ii) stimulation of selected locations by manual application
39 of tissue or muscle pressure or stretching, commonly referred to as "tui
40 na"; and (iii) stimulation of selected dermal locations identified with
41 internal stagnation by (I) cupping, or (II) a friction technique,
42 commonly referred to as "gua sha".

43 (C) Promotion and maintenance of normal function in the body's
44 energetic and organ systems and biochemical, metabolic and
45 circulation functions by: (i) Recommendation of Oriental dietary

46 principles, including use of herbal and other supplements according to
47 Oriental medicine theory; (ii) patient education on Oriental medicine
48 theory, healing process and progression; and (iii) lifestyle
49 recommendations and self-treatment techniques including Oriental
50 exercise and body mechanics, commonly referred to as "tai chi" and "qi
51 gong", relaxation, breathing and meditation.

52 (D) Other practices that are consistent with the recognized
53 standards of the acupuncture and Oriental medicine profession and
54 accepted by the National Certification Commission for Acupuncture
55 and Oriental Medicine.

56 (4) "Low-level light laser therapy" means low-level light therapy
57 having wave lengths that range from six hundred to one thousand
58 nanometers.

59 [(4)] (5) "Recognized regional accrediting body" means one of the
60 following regional accrediting bodies: New England Association of
61 Schools and Colleges; Middle States Association of Colleges and
62 Schools; North Central Association of Colleges and Schools; Northwest
63 Association of Schools and Colleges; Southern Association of Colleges
64 and Schools; and Western Association of Schools and Colleges.

65 Sec. 2. Section 20-206bb of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2011*):

67 (a) No person shall [perform] engage in the practice of acupuncture
68 without a license as an acupuncturist issued pursuant to this section.

69 (b) Each person seeking licensure as an acupuncturist shall make
70 application on forms prescribed by the department, pay an application
71 fee of two hundred dollars and present to the department satisfactory
72 evidence that the applicant (1) has completed sixty semester hours, or
73 its equivalent, of postsecondary study in an institution of
74 postsecondary education that, if in the United States or its territories,
75 was accredited by a recognized regional accrediting body or, if outside
76 the United States or its territories, was legally chartered to grant

77 postsecondary degrees in the country in which located, (2) has
78 successfully completed a course of study in acupuncture in a program
79 that, at the time of graduation, was in candidate status with or
80 accredited by an accrediting agency recognized by the United States
81 Department of Education and included a minimum of one thousand
82 three hundred fifty hours of didactic and clinical training, five
83 hundred of which were clinical, (3) has passed an examination
84 prescribed by the department, and (4) has successfully completed a
85 course in clean needle technique prescribed by the department. Any
86 person successfully completing the education, examination or training
87 requirements of this section in a language other than English shall be
88 deemed to have satisfied the requirement completed in that language.

89 (c) An applicant for licensure as an acupuncturist by endorsement
90 shall present evidence satisfactory to the commissioner of licensure or
91 certification as an acupuncturist, or as a person entitled to perform
92 similar services under a different designation, in another state or
93 jurisdiction whose requirements for practicing in such capacity are
94 equivalent to or higher than those of this state and that there are no
95 disciplinary actions or unresolved complaints pending. Any person
96 completing the requirements of this section in a language other than
97 English shall be deemed to have satisfied the requirements of this
98 section.

99 (d) Notwithstanding the provisions of subsection (b) of this section,
100 the department shall, prior to September 1, 2005, issue a license to any
101 applicant who presents to the department satisfactory evidence that
102 the applicant has (1) earned, or successfully completed requirements
103 for, a master's degree in acupuncture from a program that includes a
104 minimum of one thousand three hundred fifty hours of didactic and
105 clinical training, five hundred of which are clinical, from an institution
106 of higher education accredited by the Department of Higher Education
107 at the time of the applicant's graduation, (2) passed all portions of the
108 National Certification Commission for Acupuncture and Oriental
109 Medicine acupuncture examination, including the acupuncture portion
110 of the comprehensive written examination in acupuncture, the clean

111 needle technique portion of the comprehensive written examination in
112 acupuncture and the practical examination of point location skills, and
113 (3) successfully completed a course in clean needle technique offered
114 by the Council of Colleges of Acupuncture and Oriental Medicine.

115 (e) Licenses shall be renewed once every two years in accordance
116 with the provisions of subsection (e) of section 19a-88. The fee for
117 renewal shall be two hundred fifty dollars.

118 (f) No license shall be issued under this section to any applicant
119 against whom professional disciplinary action is pending or who is the
120 subject of an unresolved complaint in this or any other state or
121 territory of the United States.

122 (g) Nothing in section 19a-89c, 20-206aa, as amended by this act,
123 20-206cc or this section shall be construed to prevent licensed
124 practitioners of the healing arts, as defined in sections 20-1 and 20-196,
125 physical therapists or dentists from providing care or performing
126 services consistent with accepted standards within their respective
127 professions.

128 (h) Notwithstanding the provisions of subsection (a) of this section,
129 any person certified by an organization approved by the
130 Commissioner of Public Health may practice auricular acupuncture for
131 the treatment of alcohol and drug abuse, provided the treatment is
132 performed under the supervision of a physician licensed under chapter
133 370 and is performed in either (1) a private free-standing facility
134 licensed by the Department of Public Health for the care or treatment
135 of substance abusive or dependent persons, or (2) a setting operated by
136 the Department of Mental Health and Addiction Services. The
137 Commissioner of Public Health shall adopt regulations, in accordance
138 with the provisions of chapter 54, to ensure the safe provision of
139 auricular acupuncture within private free-standing facilities licensed
140 by the Department of Public Health for the care or treatment of
141 substance abusive or dependent persons.

142 (i) Notwithstanding the provisions of subsection (a) of this section,

143 no license to [practice] engage in the practice of acupuncture is
144 required of: (1) Students enrolled in a college or program of
145 acupuncture if (A) the college or program is recognized by the
146 Accreditation Commission for Acupuncture and Oriental Medicine or
147 licensed or accredited by the Board of Governors of Higher Education,
148 and (B) the practice that would otherwise require a license is pursuant
149 to a course of instruction or assignments from a licensed instructor and
150 under the supervision of the instructor; or (2) [licensed] faculty
151 members providing the didactic and clinical training necessary to meet
152 the accreditation standards of the Accreditation Commission for
153 Acupuncture and Oriental Medicine at a college or program
154 recognized by the commission or licensed or accredited by the Board
155 of Governors of Higher Education. For purposes of this subsection,
156 ["licensed faculty member" and] "licensed instructor" means a faculty
157 member or instructor licensed under this section or otherwise
158 authorized to [practice] engage in the practice of acupuncture in this
159 state.

160 (j) No person shall use the title "acupuncturist", or use in connection
161 with his or her name, any letters, words or insignia indicating or
162 implying that such person is a licensed acupuncturist or advertise
163 services as an acupuncturist, unless such person holds a license as an
164 acupuncturist issued pursuant to this section. No person shall
165 represent himself or herself as being certified to practice auricular
166 acupuncture for the treatment of alcohol and drug abuse, or use in
167 connection with his or her name the term "acupuncture detoxification
168 specialist", or the letters "A.D.S." or any letters, words or insignia
169 indicating or implying that such person is certified to practice
170 auricular acupuncture for the treatment of alcohol and drug abuse
171 unless such person is certified in accordance with subsection (h) of this
172 section. Nothing in this subsection shall be construed to prevent a
173 person from providing care, or performing or advertising services
174 within the scope of such person's license or as otherwise authorized in
175 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	20-206aa
Sec. 2	<i>October 1, 2011</i>	20-206bb

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which revises certain acupuncture-related statutes, does not result in a fiscal impact to the Department of Public Health.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1052*****AN ACT CONCERNING THE PRACTICE OF ACUPUNCTURE.*****SUMMARY:**

This bill expands the scope of practice of licensed acupuncturists. It defines the “practice of acupuncture” as the system of restoring and maintaining health by classical and modern Oriental medicine principles and methods of assessing, treating, and preventing diseases, disorders, and dysfunctions of the body; injury; pain; and other conditions.

Current law defines acupuncture as treatment by mechanical, thermal, or electrical stimulation through inserting needles or by applying heat, pressure, or electrical stimulation at one or more points on the body to achieve therapeutic or prophylactic effect. The practitioner must select the points on the body based on the theory of the physiological interrelationship of body organs with an associated point for diseases, disorders, and dysfunctions of the body. It does not include physical therapy.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2011

SCOPE OF PRACTICE

The bill expands the statutory definition of the practice of acupuncture to include the (1) development of a comprehensive treatment plan; (2) modulation, restoration, promotion, and maintenance of normal function in and between the energetic and organ systems and bodily functions; and (3) other practices consistent with recognized standards of the acupuncture and Oriental medicine profession and accepted by the National Certification Commission for

Acupuncture and Oriental Medicine.

Development of a Comprehensive Treatment Plan

Under the bill, the practice of acupuncture includes the development of a comprehensive treatment plan according to acupuncture and Oriental medicine theory, including:

1. assessment of body function by pulse, palpitation, physiological observation, and patient interview and history, to identify patterns and differentiate, categorize, and evaluate signs and symptoms;
2. selection of treatment strategies and modalities to address chief complaints, connected symptoms, and underlying syndromes; and
3. evaluation of treatment outcomes, review of patient progress and diagnostic results, adjustment of treatment strategies and modalities, and health care provider referrals.

Modulation and Restoration of Normal Body Functions

The practice of acupuncture also includes modulation and restoration of normal function in and between the body's energetic and organ systems and biochemical, metabolic, and circulation functions using one or more of the following:

1. stimulation of selected points by (a) inserting needles, including trigger point, subcutaneous, and dry needling, and intramuscular stimulation; (b) applying cold therapy or heat therapy, such as moxibustion; or (c) acupressure using manual, magnetic, low-level light laser therapy (wavelengths between 600 and 1,000 nanometers) or electrical stimulation;
2. stimulation of selected locations by manually applying tissue or muscle pressure or stretching (known as "tui na"); and
3. stimulation of selected skin locations identified with internal stagnation by cupping or a friction technique known as "gua

sha.”

Promotion and Maintenance of Normal Body Functions

Accupuncture also includes the promotion and maintenance of normal function in the body’s energetic and organ systems and biochemical, metabolic, and circulation functions by:

1. recommending Oriental dietary principals, including using herbal and other supplements according to Oriental medicine theory;
2. patient education on Oriental medicine theory, healing process, and progression; and
3. lifestyle recommendations and self-treatment techniques including Oriental exercise and body mechanics (i.e., “tai chi” and “qi going”), relaxation, breathing, and meditation.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (04/01/2011)