

Statutes and Regulations **Acupuncture**

December 2019

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 06.
ACUPUNCTURE.**

Section

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Sec. 08.06.010. Practice of acupuncture without license prohibited. A person may not practice acupuncture without a license.

Sec. 08.06.020. Application for license. A person desiring to practice acupuncture shall apply in writing to the department.

Sec. 08.06.030. License to practice acupuncture. (a) A person is qualified to receive a license to practice acupuncture if the person

- (1) is of good moral character;
- (2) is at least 21 years of age;
- (3) either

(A) has completed a course of study consistent with the core curriculum and guidelines of the Accreditation Commission for Acupuncture and Oriental Medicine at a school of acupuncture approved by the department; or

(B) is licensed to practice acupuncture in another jurisdiction that has acupuncture licensing requirements equivalent to those of this state;

(4) is qualified for certification by the National Certification Commission for Acupuncture and Oriental Medicine as a diplomate in acupuncture;

(5) does not have a disciplinary proceeding or unresolved complaint pending at the time of application; and

(6) has not had a license to practice acupuncture suspended or revoked in this state or in another jurisdiction.

(b) The department shall issue a license to practice acupuncture to each person who is qualified and who pays the appropriate fee.

(c) Each person licensed to practice acupuncture under this chapter shall display the license in a conspicuous place where the licensee practices.

Sec. 08.06.040. Renewal of license. The department may not renew a license under this chapter unless the applicant demonstrates continued competence as an acupuncturist in a manner established by the department in regulations.

Sec. 08.06.050. Disclosure. (a) A person who practices acupuncture shall disclose that the person's training and practice are in acupuncture

- (1) to each patient; and
- (2) on all material used in the practice of acupuncture and made available to patients or to the public.

(b) A person who practices acupuncture without being covered by malpractice insurance shall disclose to each patient that the person does not have the insurance.

Sec. 08.06.060. Restrictions on practice of acupuncture. A person who practices acupuncture may not

- (1) give, prescribe, or recommend in the practice a
 - (A) prescription drug;
 - (B) controlled substance;
 - (C) poison;
- (2) engage in surgery; or
- (3) use the word "physician" in the person's title unless the person is also licensed as a physician.

Sec. 08.06.070. Grounds for imposition of disciplinary sanctions. After a hearing, the department may impose a disciplinary sanction on a person licensed under this chapter when the department finds that the licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services

or engaging in professional activities;

- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in patient care, or permitted the performance of patient care by persons under the licensee's supervision, that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the department;
- (7) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) failure to keep informed of current professional practices;
 - (C) addiction to or severe dependency on alcohol or other drugs that impairs the ability to practice safely;
 - (D) physical or mental disability; or
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients.

Sec. 08.06.080. Exemption. This chapter does not apply to a person who practices acupuncture under AS 08.36 or AS 08.64.

Sec. 08.06.090. Penalty. A person who violates this chapter or a regulation adopted under this chapter is guilty of a class B misdemeanor.

Sec. 08.06.100. Regulations. The department may adopt regulations to implement this chapter, including regulations establishing

- (1) standards for the practice of acupuncture;
- (2) standards for continuing education and training;
- (3) a code of ethics for the practice of acupuncture.

Sec. 08.06.190. Definitions. In this chapter

- (1) "acupuncture" means a form of healing developed from traditional Chinese medical concepts that uses the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "practice of acupuncture" means the insertion of sterile acupuncture needles and the application of moxibustion to specific areas of the human body based upon acupuncture diagnosis; the practice of acupuncture includes adjunctive therapies involving mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of dietary guidelines and therapeutic exercise.

**CHAPTER 05.
ACUPUNCTURE.**

Article

1. **Licensing (12 AAC 05.100 - 12 AAC 05.110)**
2. **License Renewal and Continuing Competency (12 AAC 05.200 - 12 AAC 05.230)**
3. **Practice Standards (12 AAC 05.300)**
4. **General Provisions (12 AAC 05.990)**

**ARTICLE 1.
LICENSING.**

Section

100. **Application requirements**
110. **Approved school of acupuncture**

12 AAC 05.100. APPLICATION REQUIREMENTS. (a) An applicant for a license to practice acupuncture shall apply on a form provided by the department and pay the applicable fees in 12 AAC 02.108.

(b) An applicant for a license to practice acupuncture shall document compliance with the requirements in AS 08.06.030(a) by submitting

- (1) two letters of reference attesting to the applicant's good moral character;
- (2) if applicable, a certified copy of a transcript from an approved school of acupuncture verifying the applicant's course of study;
- (3) official verification of a license sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice acupuncture; the verification must include information on any disciplinary proceedings or unresolved complaints against the applicant;
- (4) a certified copy of the applicant's diplomate of acupuncture certificate issued by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or a letter from the NCCAOM verifying that the applicant is qualified for a diplomate of acupuncture certificate.

Authority: AS 08.06.020 AS 08.06.030 AS 08.06.100

12 AAC 05.110. APPROVED SCHOOL OF ACUPUNCTURE. To be approved by the department, a school of acupuncture must be recognized by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) or the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).

Authority: AS 08.06.030 AS 08.06.100

Editor's note: A list of approved schools of acupuncture may be reviewed at the Division of Occupational Licensing, Department of Commerce, Community, and Economic Development in Juneau, Alaska.

ARTICLE 2. LICENSE RENEWAL AND CONTINUING COMPETENCY.

Section

200. **License renewal**
210. **Continuing competency requirements**
220. **Approved continuing competency activities**
230. **Audit of continuing competency requirements**

12 AAC 05.200. LICENSE RENEWAL. (a) A license to practice acupuncture expires on September 30 of even-numbered years.

(b) A licensee applying for license renewal shall

- (1) complete a renewal application on a form provided by the department;
- (2) pay the license renewal fee established in 12 AAC 02.108;
- (3) *repealed 12/25/2019*;
- (4) submit a sworn statement of the contact hours of continuing competency activities completed during the concluding licensing period, if required by 12 AAC 05.210.

Authority: AS 08.01.100 AS 08.06.030 AS 08.06.100

12 AAC 05.210. CONTINUING COMPETENCY REQUIREMENTS. (a) An applicant for renewal of a license to practice acupuncture shall document completion of one of the following:

- (1) certification as a diplomate in acupuncture by the NCCAOM during the entire concluding licensing period;
or
(2) 15 Professional Development Activity points earned solely in core competency activities in acupuncture as defined by the NCCAOM during the concluding licensing period.
(b) An applicant for renewal of a license to practice acupuncture who has been licensed less than 12 months is exempt from the requirements of this section.
(c) *Repealed 12/25/2019.*

Authority: AS 08.06.040 AS 08.06.100

12 AAC 05.220. APPROVED CONTINUING COMPETENCY ACTIVITIES. (a) To be accepted by the department, continuing competency activities under 12 AAC 05.210(a)(2) must be designated a Core Competency Professional Development Activity in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

Authority: AS 08.06.040 AS 08.06.100

Editor's note: The National Certification Commission for Acupuncture and Oriental Medicine may be contacted at 2025 M Street North West, Suite 800, Washington, DC 20036; telephone: (888)381-1140; website: www.nccaom.org.

12 AAC 05.230. AUDIT OF CONTINUING COMPETENCY REQUIREMENTS. (a) The department will audit renewal applications in accordance with 12 AAC 02.960, to monitor compliance with the continuing competency requirements of 12 AAC 05.210 and 12 AAC 05.220.

Authority: AS 08.06.040 AS 08.06.100

ARTICLE 3. PRACTICE STANDARDS.

Section 300. Disclosure

12 AAC 05.300. DISCLOSURE. (a) A licensee shall disclose to each patient that the licensee's training and practice is in acupuncture by posting a conspicuous notice in the patient waiting room and including the disclosure on all written material made available to patients or the public.

(b) A licensee who is not covered by malpractice insurance shall

(1) post a conspicuous notice in the patient waiting room that states the licensee does not have malpractice insurance; or

(2) require each patient or the patient's legal guardian to sign a statement acknowledging that the patient or the patient's guardian has been informed that the licensee is not covered by malpractice insurance.

(c) If the licensee has a patient who is blind or otherwise not able to read the written disclosure required by this section, the licensee shall

(1) verbally disclose to the patient or the patient's legal guardian at the initial visit that the licensee's training and practice is in acupuncture; and

(2) if the licensee is not covered by malpractice insurance, verbally disclose that fact to the patient or the patient's legal guardian at the initial visit and at least once each year that the patient receives care from the licensee.

Authority: AS 08.06.050 AS 08.06.100

ARTICLE 4. GENERAL PROVISIONS.

Section 990. Definitions

12 AAC 05.990. DEFINITIONS. In this chapter and in AS 08.06, unless the context otherwise requires,

- (1) "department" means the Department of Commerce, Community, and Economic Development;
- (2) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine;
- (3) *repealed 12/25/2019.*

Authority: AS 08.06.100