

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 303 (Senator Kagan)
Education, Health, and Environmental Affairs

State Acupuncture Board - Practice of Acupuncture - Definition and Education Requirements

This bill alters the education requirement to become a licensed acupuncturist and modifies the definitions of “acupuncture” and “practice acupuncture.”

Fiscal Summary

State Effect: None. The bill generally codifies existing practice.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill requires graduation from *at least a master’s level program* in acupuncture rather than a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours to satisfy the education standard for licensure. The bill further requires that the program be approved by the Maryland Higher Education Commission (MHEC) or accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), repealing the alternative path that the State Acupuncture Board approve courses it deems equivalent to those approved by ACAOM.

The definition of “acupuncture” is modified to be a form of health care based on *East Asian medical theories* of energetic physiology that describe the interrelationship of the body organs and functions. “Practice acupuncture” is also modified to be the use of *East Asian* medical therapies for the purpose of normalizing energetic physiological functions to

include (1) stimulation of the body by the insertion of needles; (2) the application of moxibustion; and (3) manual, mechanical, thermal, electrical, *light, cold laser, herbal, nutritional, therapeutic exercise, dry needling, or other East Asian medical therapies* only when performed in accordance with the principles of *East Asian* medical theories and practices.

Current Law: “Acupuncture” means a form of health care, based on a theory of energetic physiology that describes the interrelationship of the body organs or functions with an associated point or combination of points. “Practice acupuncture” means the use of *oriental* medical therapies for the purpose of normalizing energetic physiological functions to include (1) stimulation of *points of* the body by insertion of *acupuncture* needles; (2) the application of moxibustion; and (3) manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of *oriental acupuncture* medical theories.

An individual must be licensed by the State Acupuncture Board before practicing acupuncture in the State, with limited exceptions: (1) an individual employed by the federal government as an acupuncturist; (2) a student, trainee, or visiting teacher who is participating in a course of study under a licensed acupuncturist; or (3) an individual authorized to perform auricular detoxification under the supervision of a licensed acupuncturist.

To become a licensed acupuncturist, an applicant must be of good moral character, be at least 18 years old, demonstrate the ability to communicate in English, and demonstrate competence in performing acupuncture by meeting one of the standards for education or training: (1) graduation from a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours that is either approved by MHEC, accredited by ACAOM, or found by the board to be equivalent to a course approved by ACAOM; or (2) achievement of a diplomate in acupuncture from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or a passing score on an examination that is determine by the board to be equivalent to the examination given by the NCCAOM. Applicants must also meet any other qualifications that the board establishes in regulations.

Background: In 2018, the State Acupuncture Board established a legislative review committee to review, revise, and update the Maryland Acupuncture Practice Act to ensure that the law reflects current board practices. The board voted at its May 8, 2018 meeting to make several changes, including updating definitions and current education requirements.

According to the board, many acupuncture schools across the country, as well as in Maryland, are moving toward offering a Doctorate of Oriental Medicine degree that offers a broad, accredited program covering several Oriental medical modalities. Thus, the definitions of “acupuncture” and “practice acupuncture” are updated to more accurately

reflect the therapies that are currently practiced by the acupuncture profession. The board advises that the current 1,800-hour training requirement, established in 1994, is well below national requirements (more than 2,625 hours) and that rather than requiring a minimum number of hours of training, a minimum degree requirement is more prudent. The board seeks to repeal the alternate path to licensure that allows an applicant to complete a course of training found by the board to be equivalent to a course approved by ACAOM as the organization that conducted course review for the board no longer exists. The board would rather require applicants from non-accredited schools to instead obtain a diplomate in acupuncture from NCCAOM or pass the NCCAOM examination.

As of January 2018, 22 states require the NCCAOM examination for licensure and 24 states, including Maryland and the District of Columbia, use NCCAOM as one method of qualifying for licensure. Three states have no acupuncture practice laws, while California requires its own licensing examination.

Additional Information

Prior Introductions: None.

Cross File: HB 404 (Delegate R. Lewis) - Health and Government Operations.

Information Source(s): Maryland Department of Health; National Certification Commission for Acupuncture and Oriental Medicine; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2019
md/jc

Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510