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# Acupuncture Examining Board Law

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## ACUPUNCTURE

### 45:2C-1. Purpose of act

The purpose of this act is to establish the more effective provision of acupuncture services in this State in order to encourage the use thereof by the residents of this State who pursue this form of health care treatment and to protect the public health, safety and welfare.

L.1983, c. 7, s. 1, eff. Jan. 18, 1983.

### 45:2C-2 Definitions.

2. As used in this act:

- a. "Acupuncture" means the practice of Oriental medicine based on traditional Oriental medical theories, including, but not limited to, the stimulation of a certain point or 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, including pain control, for the treatment of diseases or dysfunctions of the body and includes the techniques of electroacupuncture, mechanical stimulation, adjunctive therapies and moxibustion.
- b. "Board" means the Acupuncture Examining Board.
- c. "Electroacupuncture" means the therapeutic use of weak electric currents at acupuncture loci.
- d. "Moxibustion" means the therapeutic use of thermal stimulus at acupuncture loci by burning artemisia.

L.1983, c.7, s.2; amended 2009, c.56, s.2.

### 45:2C-3 Acupuncture Examining Board.

3. There is created in the Division of Consumer Affairs of the Department of Law and Public Safety and under the State Board of Medical Examiners an Acupuncture Examining Board consisting of nine members, four of whom shall be acupuncturists licensed in this State and not licensed as physicians and surgeons, two members shall be physicians and surgeons licensed in this State, with at least two years' experience in acupuncture; and pursuant to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2), two members shall be public members who do not hold a license as a physician and surgeon or acupuncturist and one member shall be from a department in the Executive Branch of the State government. The members of the board shall be residents of the State appointed by the Governor for terms of three years and until the appointment and qualification of their successors. Of the members initially appointed, three shall hold office for one year; three shall hold office for two years; and three shall hold office for three years. Vacancies shall be filled for the unexpired terms only.

The board shall organize as soon as possible after the appointment of its members and shall annually elect a chairman and a secretary from among its members. The board shall carry out the responsibilities assigned to it under this act and such other matters as the State Board of Medical Examiners may require. The board shall promulgate such rules and regulations as it deems necessary to effectuate the purposes of this act. All regulations adopted, amended or repealed by the board shall be subject to the review and approval of the State Board of Medical Examiners.

L.1983, c.7, s.3; amended 1984, c.76, s.1; 2009, c.56, s.3.

#### **45:2C-4 Record of proceedings, register of applications for licensure.**

4. The board shall keep a record of its proceedings under this act and a register of all applications for licensure hereunder, which register shall include but not be limited to:

- a. The name and residence of each applicant;
- b. The date of the application;
- c. The applicant's place of business;
- d. Whether the applicant was rejected or a license was granted and the date of such action.

The board shall compile annually a list of licensed acupuncturists authorized to practice in this State. This list shall be available to the public.

L.1983, c.7, s.4; amended 2009, c.56, s.4.

#### **45:2C-5 Standards governing practice of acupuncture.**

5. a. The State Board of Medical Examiners, after consultation with the board, shall establish standards governing the practice of acupuncture, including but not limited to:

- (1) (Deleted by amendment, P.L.2009, c.56)
- (2) An acupuncturist shall obtain informed written consent from each patient, giving each patient a full explanation of the procedure to be performed and informing each patient of the possible complications which may result therefrom, before performing acupuncture.
- (3) Only acupuncture devices labeled in accordance with United States Food and Drug Administration guidelines shall be used by acupuncturists.
- (4) An acupuncturist shall advise each patient as to the importance of consulting with a licensed physician regarding the patient's condition, and shall keep on file with the patient's records a form attesting to the patient's notice of that advice. The form shall be in duplicate, with one copy to be issued to the patient, and signed and dated by both the acupuncturist and the patient.

(5) An acupuncturist shall maintain medical malpractice liability insurance coverage, at appropriate amounts as set forth in regulations.

b. The board may employ such personnel as it deems necessary for the administration of this act.

L.1983, c.7, s.5; amended 2009, c.56, s.5.

## **45:2C-6 Practices allowed by holder of license.**

6. a. A license issued pursuant to this act authorizes the holder thereof to engage in the practice of acupuncture and when used in connection therewith to perform or prescribe the use of tuina, shiatsu, and other forms of Oriental massage, surface stimulation of a certain point or combination of points on the body, breathing techniques and exercise to promote health.

b. The holder of a license may also utilize adjunctive therapies, which include, but are not limited to: Oriental dietary therapy; lifestyle and behavioral education; laser stimulation in accordance with relevant federal law; cupping; thermal methods; magnets; gua-sha; percutaneous and transcutaneous electrical nerve stimulation; and, subject to the additional certification and filing requirements set forth in section 14 of P.L.2009, c.56 (C.45:2C-19), herbology. Any adjunctive therapies utilized by the holder of a license shall be approved by the board.

L.1983, c.7, s.6; amended 2009, c.56, s.6.

## **45:2C-7 License required to practice acupuncture; exceptions.**

7. A person who is not licensed under this act shall not practice acupuncture, hold himself out as practicing acupuncture, or use a title or description, including the following: L.Ac; Licensed Acupuncturist; C. A.; Certified Acupuncturist; Acupuncturist; or any other letters or words denoting that the person so practices acupuncture. A person who is participating in an approved course of study or school in acupuncture may practice acupuncture under conditions established by the board.

The State Board of Medical Examiners may suspend or revoke a license to practice medicine and surgery, upon proof to its satisfaction that the holder thereof practiced acupuncture contrary to the provisions of this act or employed a person who practiced acupuncture without licensure.

L.1983, c.7, s.7; amended 1984, c.76, s.2; 2009, c.56, s.7.

## **45:2C-8 Practice of acupuncture by physician, surgeon, dentist.**

8. Nothing in this act shall be construed to prevent the practice of acupuncture by a person licensed in New Jersey as a physician and surgeon or dentist and is in good standing, provided his course of training has included acupuncture. The course of training in acupuncture shall be for a minimum of 300 hours and shall include a clinical training program of not less than 150 hours. A person licensed in New Jersey as a physician and surgeon or dentist, who practices acupuncture as permitted pursuant to this section, shall be subject to oversight by the State Board of Medical Examiners or the New Jersey

State Board of Dentistry, as appropriate, and shall not be subject to oversight by the Acupuncture Examining Board.

L.1983, c.7, s.8; amended 2009, c.56, s.8.

## **45:2C-9 Requirements for licensure as acupuncturist.**

9. Except as provided in section 8 of P.L.1983, c.7 (C.45:2C-8), each person desiring to obtain a license to practice acupuncture shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish satisfactory evidence to the board that he:

- a. Is at least 21 years of age;
- b. Is of good moral character; and
- c. (1) Has a baccalaureate degree and has successfully completed a board approved course of study or a board approved program of a school of acupuncture.
  - (2) (Deleted by amendment, P.L.2009, c.56)
  - (3) (Deleted by amendment, P.L.2009, c.56)

The application shall be accompanied by the fee prescribed by the board.

The board shall evaluate each applicant applying for a license to practice acupuncture and make the final determination regarding each applicant's admission to the examination and the issuance or denial of a license.

L.1983, c.7, s.9; amended 1984, c.76, s.3; 2009, c.56, s.9.

## **45:2C-9.1 Certified acupuncturist deemed licensed.**

15. Any person who is a certified acupuncturist pursuant to section 9 of P.L.1983, c.7 (C.45:2C-9) on the effective date of P.L.2009, c.56 (C.45:2C-19 et al.) shall be deemed a licensed acupuncturist under, and subject to the provisions of, P.L.1983, c.7 (C.45:2C-1 et seq.), as amended and supplemented by P.L.2009, c.56 (C.45:2C-19 et al.).

L.2009, c.56, s.15.

## **45:2C-10. Examinations; reexamination after failure to pass**

The board shall administer an examination to applicants who comply with section 9 of this act. The examination shall be written in the English language and shall test the applicant's knowledge of the practice of acupuncture, human anatomy, modern sterilization techniques, the storage and handling of sterile equipment, and such other subjects as the board may require. The examination shall include a practical test of the skills required to competently practice acupuncture, and demonstrate the

applicant's ability to meaningfully communicate in English with a patient regarding the patient's acupuncture treatment. Examinations shall be held within the State at least once a year at a time and place to be designated by the board. If an applicant fails to pass the examination, he may be reexamined at the next examination upon payment of the reexamination fee.

L.1983, c. 7, s. 10, eff. Jan. 18, 1983.

## **45:2C-11 Licensing.**

11. The board shall license each applicant who passes the examination, in accordance with standards fixed by it and who is not disqualified to be licensed pursuant to the provisions of this act or P.L.1978, c.73 (C.45:1-14 et seq.).

L.1983, c.7, s.11; amended 2009, c.56, s.10.

## **45:2C-13 Standards for approval of courses of study, schools.**

13. a. The board shall establish standards for the approval or recognition of courses of study and schools, completion of which will satisfy the requirements of subsection c. of section 9 of this act.

b. (Deleted by amendment, P.L.2009, c.56)

L.1983, c.7, s.13; amended 1984, c.76, s.4; 2009, c.56, s.11.

## **45:2C-15. Continuing education; standards**

The board shall establish standards for the continuing education of acupuncturists.

L.1983, c. 7, s. 15, eff. Jan. 18, 1983.

## **45:2C-16 Posting license, notification of change of address.**

16. Before practicing acupuncture, an acupuncturist shall post his license in a conspicuous location in his office. If an acupuncturist has more than one office, he shall obtain from the board a duplicate license for each additional office. Where a license or duplicate is lost or destroyed, notice of the loss or destruction shall be given to the board forthwith and the board may issue a copy thereof. An acupuncturist shall notify the board in writing of any change of address or location of his office at least five days prior to the change, returning therewith his license and any duplicates, so that the board may either endorse thereon the change or issue a new license and duplicates as of the same date as the original license, in lieu of the license and duplicates so surrendered.

L.1983, c.7, s.16; amended 2009, c.56, s.12.

## 45:2C-17 Refusal to grant, suspension, revocation of license; grounds.

17. In addition to the provisions of section 8 of P.L.1978, c.73 (C.45:1-21), the board may refuse to grant or may suspend or revoke a license to practice acupuncture upon proof to the satisfaction of the board that the holder thereof has:

- a. Employed unlicensed persons to practice acupuncture; or
- b. Advertised the practice of acupuncture so as to disseminate false, deceptive or misleading information, whether as an individual, through a professional service corporation or through a third party.

L.1983, c.7, s.17; amended 2009, c.56, s.13.

## 45:2C-18. Annual report

For 5 years following enactment of this act the board shall submit a report to the Legislature in January of each year. The report shall include, but not be limited to, a summary of the implementation of this act; the number of acupuncturists certified in the preceding year; and a description of all complaints received and disciplinary action taken against acupuncturists by the board and State Board of Medical Examiners in the preceding year. The report may include any legislative bills which the board may desire to recommend for adoption by the Legislature.

L.1983, c. 7, s. 18, eff. Jan. 18, 1983.

## 45:2C-19 Herbology in practice of acupuncture, certification.

14. a. An acupuncturist licensed on or after the effective date of P.L.2009, c.56 (C.45:2C-19 et al.), before employing herbology in his practice, shall submit to the board proof of current certification in either Chinese Herbology or Oriental Medicine by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or its successor.

b. (1) The board may, as provided in this subsection, approve the employment of herbology in the practice of acupuncture by the following persons who do not meet the herbology certification requirements of subsection a. of this section:

(a) An acupuncturist certified on or before the effective date of P.L.2009, c.56 (C.45:2C-19 et al.), who employs herbology in his practice; or

(b) A person who, on or before the effective date of P.L.2009, c.56 (C.45:2C-19 et al.), is enrolled in and graduates, or has graduated, from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).

(2) The board shall promulgate rules and regulations concerning the appropriate criteria for approval pursuant to this subsection, which shall include:



- (a) professional level training in herbology at a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM);
  - (b) experience in the professional use of herbology in the acupuncturist's practice; or
  - (c) any other criteria deemed appropriate by the board.
- (3) Persons seeking approval to employ herbology pursuant to this subsection shall apply to the board within six months after the final adoption of the rules and regulations establishing the criteria.

L.2009, c.56, s.14.