

CHAPTER 43-61 ACUPUNCTURISTS

43-61-01. Definitions.

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

1. "Acupuncture" means an East Asian system of health care that maintains and restores the health of patients through treatments that include patient education, botanical medicine, qi gong, tai qi, or the stimulation of a certain point or points on or below the surface of the body, including traditional meridian points and ashi trigger points by the insertion of presterilized, filiform, disposable needles with or without electronic stimulation or by utilizing manual or thermal techniques.
2. "Acupuncturist" means an individual licensed to practice acupuncture under this chapter.
3. "Approved acupuncture program" means a board-approved graduate level educational program that is offered by an institution of higher education and accredited by a national or regional agency recognized by the United States department of education, or another such equivalent program approved by the board which:
 - a. Is accredited, has the status of candidate for accreditation, or meets the standards of an organization approved by the board, such as the accreditation commission of acupuncture and oriental medicine.
 - b. Has been approved by the board after an investigation that determines that the college or program meets education standards equivalent to those established by the accrediting agency under subdivision a and complies with the board's rules.
4. "Board" means the state board of integrative health care created under chapter 43-57.

43-61-02. Exemptions.

Some of the therapies used by an acupuncturist, such as the use of botanical medicine, foods, and such physical forces as needling and touch are not the exclusive privilege of acupuncturists. This chapter does not restrict or apply to the scope of practice of any other profession licensed, certified, or registered under the laws of this state.

43-61-03. License required - Title restrictions.

1. Effective January 1, 2016, an individual may not practice any form of acupuncture without a current acupuncture license issued by the board.
2. An acupuncturist may use the title "Licensed Acupuncturist" and the abbreviation "LAc" when used to reflect that title. Effective January 1, 2016, an individual who uses these terms or initials as identification without having received an acupuncture license under this chapter is engaging in the practice of acupuncture without a license.

43-61-04. Qualifications for licensure.

To obtain a license to practice acupuncture in this state, an application must be made to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.

43-61-05. Application for licensure.

1. An applicant for acupuncture licensure shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is of good moral character and satisfied all of the requirements of this chapter and chapter 43-57, including:
 - a. Successful completion of an approved acupuncture program;
 - b. Successful completion of an examination prescribed or endorsed by the board, such as the national certification commission for acupuncture and oriental medicine;
 - c. Physical, mental, and professional capability for the practice of acupuncture in a manner acceptable to the board; and

- d. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter and chapter 43-57. The board may modify this restriction for cause.
2. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish that the applicant possesses the necessary qualifications.

43-61-06. Initial applications - Education testing exception.

Notwithstanding the education and examination requirements for licensure under subdivisions a and b of subsection 1 of section 43-61-05, if an applicant was a bona fide resident of the state from January 1, 2015, through December 31, 2015, was practicing acupuncture in this state immediately preceding January 1, 2016, was required to apply for licensure under this chapter in order to continue that practice, and does not meet the educational or examination requirements or both, the board may issue a license or limited license to that applicant if, following an examination of the applicant's education and experience, the board determines the applicant has sufficient education and experience to prepare the applicant to practice acupuncture.

43-61-07. Licensure granted without examination to individuals licensed in other states.

1. The board may issue an acupuncture license by endorsement to an applicant who complies with licensure requirements and who passed an examination given by a recognized certifying agency approved by the licensing agency if the board determines the examination was equivalent in every respect to the examination required under this chapter.
2. The board may enter reciprocal agreements with licensing agencies of other states providing for reciprocal waiver of further examination or any part of the examination.
3. If an applicant is exempt from the examination required under this chapter, the applicant shall comply with the other requirements for licensure. The board may adopt rules allowing for temporary and special licensure to be in effect during the interval between board meetings.

43-61-08. Practice of acupuncture.

1. An acupuncturist may practice acupuncture as a limited practice of the healing arts as exempted under section 43-17-02. An acupuncturist may not:
 - a. Prescribe, dispense, or administer any prescription drug; or
 - b. Claim to practice any licensed health care profession or system of treatment other than acupuncture unless holding a separate license in that profession.
2. An acupuncturist may prescribe and administer for preventive and therapeutic purposes the following therapeutic substances and methods:
 - a. Patient education, botanical medicine, qi gong, and tai qi; and
 - b. The stimulation of a certain point or points on or below the surface of the body, including traditional meridian points and ashi trigger points by the insertion of presterilized, filiform, or disposable needles with or without electronic stimulation or by utilizing manual or thermal techniques.

43-61-09. Public health duties.

An acupuncturist has the same duties as a licensed physician with regard to public health laws, reportable diseases and conditions, communicable disease control and prevention, and local boards of health, except that the authority and responsibility are limited to activities consistent with the scope of practice established under this chapter and chapter 43-57.

43-61-10. Employment by hospitals.

A hospital may employ an acupuncturist in the same manner as provided under section 43-17-42.