

SR

405

SENATE COMMITTEE REPORT

FURTHER

5/5/88

DATE TURNED INTO OFFICE _____

Mr. President:

_____ Finance _____ Committee considered _____ SB 405 _____

practice of acupuncture
and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FURTHER

L&C
FINANCE

DATE TURNED INTO OFFICE _____

4/12/88
Mr. President:

L&C Committee considered SB 405

practice of acupuncture

and recommended

replace with _____ CS SB 405 (LIC)) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

*+ report it back
as folder*

do pass

do not pass

no recommendation

individual recommendations

CAF

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER L&C
Finance

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)
2/10/88

DATE TURNED INTO OFFICE 4/12/88

Mr. President:

HESS Committee considered SB 405

practice of acupuncture.

Mazout
and recommended:

- replace with CS SB 405. (HESS) same title
- attached amendment(s) and *+ do pass* new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

*F of
& letter of intent*

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Joe P. Josephson

[Signature]

Committee Backup Attached Paul Fischer (Do Pass)
Chairman signature and recommendation

Offered: 5/5/88
Referred: Finance

5-1684L

Original sponsor: Abood

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 405 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of acupuncture."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. PURPOSE. The health, safety, and welfare of the people of
9 the state are best served by the establishment of an orderly system of
10 licensure for the practice of acupuncture in the state. The rapid develop-
11 ment of the profession, including the establishment of national standards
12 for the education and practice of acupuncturists, has resulted in increased
13 public interest and increased demand for access to qualified acupunc-
14 turists.

15 * Sec. 2. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 06. ACUPUNCTURE.

17 ARTICLE 1. LICENSURE AND PRACTICE OF ACUPUNCTURISTS.

18 Sec. 08.06.010. DUTIES OF THE DEPARTMENT. The Department of
19 Commerce and Economic Development shall

20 (1) issue licenses to practice acupuncture;

21 (2) impose disciplinary sanctions as authorized by this
22 chapter;

23 (3) prepare an annual report for submission to the legisla-
24 ture covering activities under this chapter, including a summary of
25 all complaints received, disciplinary actions taken, and prosecutions
26 brought under this chapter; and

27 (4) adopt regulations under the Administrative Procedure
28 Act (AS 44.62) necessary to carry out the purposes of this chapter
29 including

- 1 (A) standards for the practice of acupuncture;
2 (B) standards for continuing education and training;
3 (C) a code of ethics for the the practice of acupunc-
4 ture.

5 Sec. 08.06.020. PRACTICE OF ACUPUNCTURE WITHOUT LICENSE PROHIB-
6 ITED. A person may not practice acupuncture without a license.

7 Sec. 08.06.030. APPLICATION FOR LICENSE. A person desiring to
8 practice acupuncture shall apply in writing to the department.

9 Sec. 08.06.040. LICENSE TO PRACTICE ACUPUNCTURE. (a) A person
10 is qualified to receive a license to practice acupuncture if the
11 person

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

15 (A) has completed

16 (i) a course of study, consistent with the core
17 curriculum and guidelines of the National Commission of Acu-
18 puncture Schools and Colleges, approved by the department;
19 or

20 (ii) other training approved by the department; or

21 (B) is licensed in another state that has licensing
22 requirements approved by the department;

23 (4) is qualified for certification by the National Commis-
24 sion for the Certification of Acupuncturists as a diplomate in acu-
25 puncture;

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

28 (6) has not had a license to practice acupuncture suspended
29 or revoked in this state or in another state, territory, or province.

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

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

6 Sec. 08.06.050. RENEWAL OF LICENSE. A license under this chap-
7 ter may not be renewed unless the applicant

8 (1) demonstrates continued competence as an acupuncturist
9 in a manner established by the department in regulations; and

10 (2) submits proof that the applicant maintains certifica-
11 tion by the National Commission for the Certification of Acupunctur-
12 ists as a diplomate of acupuncture.

13 Sec. 08.06.060. DISCLOSURE. (a) A person who practices acu-
14 puncture shall disclose that the person's training and practice are in
15 acupuncture

16 (1) to each patient; and

17 (2) on all material used in the practice of acupuncture and
18 made available to patients or to the public.

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

22 Sec. 08.06.070. RESTRICTIONS ON PRACTICE OF ACUPUNCTURE. A
23 person who practices acupuncture may not

24 (1) give, prescribe, or recommend in the practice a

25 (A) prescription drug;

26 (B) controlled substance;

27 (C) poison;

28 (2) engage in surgery; or

29 (3) use the word "physician" in the person's title.

ARTICLE 2. GENERAL PROVISIONS.

Sec. 08.06.110. 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 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 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

1 the delivery of professional service to patients.

2 Sec. 08.06.120. DISCIPLINARY POWERS OF DEPARTMENT. (a) The
3 department may take the following disciplinary actions, singly or in
4 combination:

- 5 (1) permanently revoke a license;
- 6 (2) suspend a license for a specified period;
- 7 (3) censure or reprimand a licensee;
- 8 (4) impose limitations or conditions on the professional
9 practice of a licensee;
- 10 (5) require a licensee to submit to peer review;
- 11 (6) impose requirements for remedial professional education
12 to correct deficiencies in the education, training, and skill of the
13 licensee;
- 14 (7) impose probation requiring a licensee to report regu-
15 larly to the department on matters related to the grounds for proba-
16 tion;
- 17 (8) impose a civil fine not to exceed \$5,000.

18 (b) The department may withdraw probationary status if the
19 deficiencies that required the sanction are remedied.

20 (c) The department may summarily suspend a licensee from the
21 practice of the profession before a final hearing is held or during an
22 appeal if the department finds that the licensee poses a clear and
23 immediate danger to the public health and safety. A person is enti-
24 tled to a hearing before the department to appeal the summary suspen-
25 sion within seven days after the order of suspension is issued. A
26 person may appeal an adverse decision of the department on an appeal
27 of a summary suspension to a court of competent jurisdiction.

28 (d) The department may reinstate a suspended or revoked license
29 if, after a hearing, the department finds that the applicant is able

1 to practice the profession with skill and safety.

2 (e) The department may accept the voluntary surrender of a
3 license. A license may not be returned unless the department deter-
4 mines that the licensee is competent to resume practice and the li-
5 censee pays the appropriate renewal fee.

6 (f) The department shall seek consistency in the application of
7 disciplinary sanctions. The department shall explain a significant
8 departure from prior decisions involving similar facts in the order
9 imposing the sanction.

10 Sec. 08.06.130. EXEMPTION. This chapter does not apply to a
11 person who practices acupuncture under AS 08.36 or AS 08.64.

12 Sec. 08.06.140. PENALTY. A person who violates this chapter or
13 a regulation adopted under this chapter is guilty of a class B misde-
14 meanor.

15 Sec. 08.06.190. DEFINITIONS. In this chapter

16 (1) "acupuncture" means a form of healing developed from
17 traditional Chinese medical concepts that uses the stimulation of
18 certain points on or near the surface of the body by the insertion of
19 needles to prevent or modify the perception of pain or to normalize
20 physiological functions;

21 (2) "department" means the Department of Commerce and
22 Economic Development;

23 (3) "practice of acupuncture" means the insertion of acu-
24 puncture needles and the application of moxibustion to specific areas
25 of the human body based upon acupuncture diagnosis; the practice of
26 acupuncture includes adjunctive therapies involving mechanical, ther-
27 mal, electrical, and electromagnetic treatment and the recommendation
28 of dietary guidelines and therapeutic exercise.

29 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

1 (28) regulation of acupuncture under AS 08.06.

2 * Sec. 4. AS 08.01.050(a)(4) is amended to read:

3 (4) notify applicants of acceptance or rejection as de-
4 termined by the board or as determined by the department under AS 08.-
5 06 for acupuncturists, under AS 08.11 for audiologists, under AS 08.40
6 for electrical administrators, under AS 08.45 for naturopaths, or
7 under AS 08.55 for hearing aid dealers;

8 * Sec. 5. AS 08.01.050(a)(9) is amended to read:

9 (9) issue licenses or temporary licenses as authorized by
10 the board or as authorized by the department under AS 08.06 for acu-
11 puncturists, under AS 08.11 for audiologists, under AS 08.40 for
12 electrical administrators, under AS 08.45 for naturopaths, or under
13 AS 08.55 for hearing aid dealers;

14 * Sec. 6. AS 08.02.010(a) is amended to read:

15 (a) An acupuncturist licensed under AS 08.06, an audiologist
16 licensed under AS 08.11, a person licensed in the state as a chiro-
17 practor under AS 08.20, a dentist under AS 08.36, a medical practi-
18 tioner or osteopath under AS 08.64, a registered nurse under AS 08.68,
19 an optometrist under AS 08.72, a registered pharmacist under AS 08.80,
20 a registered physical therapist or occupational therapist under
21 AS 08.84, or a psychologist under AS 08.86, shall use as professional
22 identification appropriate letters or a title after that person's name
23 which represents that person's specific field of practice. The let-
24 ters or title shall appear on all signs, stationery, or other adver-
25 tising in which the person offers or displays personal professional
26 services to the public. In addition, a person engaged in the practice
27 of medicine or osteopathy as defined in AS 08.64.380, or a person
28 engaged in any manner in the healing arts who diagnoses, treats,
29 tests, or counsels other persons in relation to human health or

1 disease and uses the letters "M.D." or the title "doctor" or "phy-
2 sician" or another title that tends to show that the person is willing
3 or qualified to diagnose, treat, test, or counsel another person,
4 shall clarify the letters or title by adding the appropriate special-
5 ist designation, if any, such as "dermatologist", "radiologist",
6 "audiologist", "naturopath", or the like.

7 * Sec. 7. AS 08.36 is amended by adding a new section to read:

8 Sec. 08.36.115. QUALIFICATIONS FOR ACUPUNCTURE APPLICANTS. An
9 applicant for a license to perform acupuncture in the regular practice
10 of dentistry shall satisfy the requirements of AS 08.36.100 and those
11 requirements of experience or education in the practice of acupuncture
12 as may be adopted by the board.

13 * Sec. 8. AS 08.64.170(a) is amended to read:

14 (a) A person may not practice medicine, podiatry, or osteopathy
15 [, OR ACUPUNCTURE] in the state unless the person is licensed under
16 this chapter, except that

17 (1) a physician assistant may examine, diagnose, or treat
18 persons under the supervision, control, and responsibility of either a
19 physician licensed under this chapter or a physician exempted from
20 licensing under AS 08.64.370;

21 (2) a physician-trained mobile intensive care paramedic may
22 render emergency lifesaving service; and

23 (3) [A PERSON LICENSED UNDER AS 08.36 MAY PERFORM ACUPUNC-
24 TURE IN THE REGULAR PRACTICE OF DENTISTRY, SUBJECT TO THE REGULATIONS
25 OF THE BOARD OF DENTAL EXAMINERS; AND

26 (4)] a person who is licensed or authorized under another
27 chapter of this title may engage in a practice that is authorized
28 under that chapter.

29 * Sec. 9. AS 08.64.180 is amended to read:

1 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires
2 to practice medicine or [,] osteopathy [OR ACUPUNCTURE] in the state
3 shall apply in writing to the department for a license.

4 * Sec. 10. AS 09.55.560(1) is amended to read:

5 (1) "health care provider" means an acupuncturist licensed
6 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor
7 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
8 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
9 dispensing optician licensed under AS 08.71; a naturopath licensed
10 under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist
11 licensed under AS 08.80; a physical therapist or occupational thera-
12 pist licensed under AS 08.84; a physician licensed under AS 08.64; a
13 podiatrist; a psychologist and a psychological associate licensed
14 under AS 08.86; and a hospital as defined in AS 18.20.130, including a
15 governmentally owned or operated hospital; a corporate entity covered
16 under AS 21.88.050(b)(11); and an employee of a health care provider
17 acting within the course and scope of employment;

18 * Sec. 11. AS 18.23.070(3) is amended to read:

19 (3) "health care provider" means an acupuncturist licensed
20 under AS 08.06; a chiropractor licensed under AS 08.20; a dental
21 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
22 a nurse licensed under AS 08.68; a dispensing optician licensed under
23 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
24 censed under AS 08.80; a physical therapist or occupational therapist
25 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
26 trist; a psychologist and a psychological associate licensed under
27 AS 08.86; and a hospital as defined in AS 18.20.130, including a
28 governmentally owned or operated hospital; a corporate entity covered
29 under AS 21.88.050(b)(1); and an employee of a health care provider

1 acting within the course and scope of employment;

2 * Sec. 12. AS 21.36.090(d) is amended to read:

3 (d) A person may not practice or permit unfair discrimination
4 against a person who provides a service covered under a group disabili-
5 ty policy that extends coverage on an expense incurred basis, or
6 under a group service or indemnity type contract issued by a nonprofit
7 corporation, if the service is within the scope of the provider's
8 occupational license. In this subsection, "provider" means a state
9 licensed physician, dentist, osteopath, optometrist, acupuncturist,
10 chiropractor, nurse midwife, naturopath, physical therapist, or occu-
11 pational therapist.

12 * Sec. 13. AS 21.88.900(9) is amended to read:

13 (9) "health care provider" means an acupuncturist licensed
14 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor
15 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
16 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
17 dispensing optician licensed under AS 08.71; an optometrist licensed
18 under AS 08.72; a pharmacist licensed under AS 08.80; a physical
19 therapist or occupational therapist licensed under AS 08.84; a physi-
20 cian licensed under AS 08.64; a podiatrist; a psychologist and a
21 psychological associate licensed under AS 08.86; a hospital as defined
22 in AS 18.20.130, including a governmentally owned or operated hospi-
23 tal; a corporate entity covered under AS 21.38.050(b)(11); an employee
24 of a health care provider acting within the course and scope of em-
25 ployment;

26 * Sec. 14. AS 21.88.900 is amended by adding a new paragraph to read:

27 (18) "acupuncturist" means a person licensed under AS 08.06.

28 * Sec. 15. AS 47.17.070(9) is amended to read:

29 (9) "practitioner of the healing arts" includes

1 acupuncturists, chiropractors, dental hygienists, dentists, health
2 aides, nurses, nurse practitioners, occupational therapists, occupa-
3 tional therapy assistants, optometrists, osteopaths, naturopaths,
4 physical therapists, physical therapy assistants, physicians, physi-
5 cian's assistants, psychiatrists, psychologists, psychological associa-
6 tes, audiologists licensed under AS 08.11, hearing aid dealers li-
7 censed under AS 08.55, religious healing practitioners, and surgeons;

Offered: 4/12/88
Referred: Labor and Commerce and Finance
Original sponsor: Flood

5-1684B

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 405 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of acupuncture."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. PURPOSE. The health, safety, and welfare of the people of
9 the state are best served by the establishment of an orderly system of
10 licensure for the practice of acupuncture in the state. The rapid develop-
11 ment of the profession, including the establishment of national standards
12 for the education and practice of acupuncturists, has resulted in increased
13 public interest and increased demand for access to qualified acupunc-
14 turists.

15 * Sec. 2. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 06. ACUPUNCTURE.

17 ARTICLE 1. BOARD OF ACUPUNCTURE.

18 Sec. 08.06.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

19 There is created the Board of Acupuncture composed of five members.
20 Three members shall be acupuncturists licensed under this chapter, one
21 member shall be a physician licensed under AS 08.64, and one shall be
22 a public member.

23 (b) Members of the board shall elect a member of the board as
24 chair. The chair serves for a term of one year.

25 Sec. 08.06.020. BOARD MEETINGS. The board shall hold at least
26 two meetings each year. The board may hold additional meetings at the
27 call of the chair or of a majority of the board members.

28 Sec. 08.06.030. DUTIES OF THE BOARD. The board shall

29 (1) issue licenses to practice acupuncture;

1 (2) impose disciplinary sanctions as authorized by this
2 chapter;

3 (3) prepare an annual report for submission to the depart-
4 ment and the legislature covering board activities and a summary of
5 all complaints received, disciplinary actions taken, and prosecutions
6 brought under this chapter; and

7 (4) adopt regulations under the Administrative Procedure
8 Act (AS 44.62) necessary to carry out the purposes of this chapter
9 including

10 (A) standards for the practice of acupuncture;

11 (B) standards for continuing education and training;

12 (C) a code of ethics for the the practice of acupunc-
13 ture.

14 ARTICLE 2. LICENSURE AND PRACTICE OF ACUPUNCTURISTS.

15 Sec. 08.06.050. PRACTICE OF ACUPUNCTURE WITHOUT LICENSE PROHIB-
16 ITED. A person may not practice acupuncture without a license.

17 Sec. 08.06.060. APPLICATION FOR LICENSE. A person desiring to
18 practice acupuncture shall apply in writing to the Department of
19 Commerce and Economic Development.

20 Sec. 08.06.070. LICENSE TO PRACTICE ACUPUNCTURE. (a) A person
21 is qualified to receive a license to practice acupuncture if the
22 person

23 (1) is of good moral character;

24 (2) is at least 21 years of age;

25 (3) either

26 (A) has completed

27 (i) a course of study, consistent with the core
28 curriculum and guidelines of the National Council of Acu-
29 puncture Schools and Colleges, at a school of acupuncture

1 approved by the board; or

2 (ii) other training approved by the board; or

3 (B) is licensed in another state that has licensing
4 requirements approved by the board;

5 (4) is qualified for certification by the National Commis-
6 sion for the Certification of Acupuncturists as a diplomate in acu-
7 puncture;

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

10 (6) has not had a license to practice acupuncture suspended
11 or revoked in this state or in another state, territory, or province.

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

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

17 Sec. 08.06.080. RENEWAL OF LICENSE. A license under this chap-
18 ter may not be renewed unless the applicant

19 (1) demonstrates continued competence as an acupuncturist
20 in a manner established by the board in regulations; and

21 (2) submits proof that the applicant maintains certifica-
22 tion by the National Council for the Certification of Acupuncturists
23 as a diplomate of acupuncture.

24 Sec. 08.06.090. DISCLOSURE. (a) A person who practices acu-
25 puncture shall disclose that the person's training and practice are in
26 acupuncture

27 (1) to each patient; and

28 (2) on all material used in the practice of acupuncture and
29 made available to patients or to the public.

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

4 Sec. 08.06.100. RESTRICTIONS ON PRACTICE OF ACUPUNCTURE. A
5 person who practices acupuncture may not

6 (1) give, prescribe, or recommend in the practice a

7 (A) prescription drug;

8 (B) controlled substance;

9 (C) poison;

10 (2) engage in surgery; or

11 (3) use the word "physician" in the person's title.

12 ARTICLE 3. GENERAL PROVISIONS.

13 Sec. 08.06.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
14 TIONS. After a hearing, the board may impose a disciplinary sanction
15 on a person licensed under this chapter when the board finds that the
16 licensee

17 (1) secured a license through deceit, fraud, or intentional
18 misrepresentation;

19 (2) engaged in deceit, fraud, or intentional misrepresenta-
20 tion in the course of providing professional services or engaging in
21 professional activities;

22 (3) advertised professional services in a false or mislead-
23 ing manner;

24 (4) has been convicted of a felony or other crime that
25 affects the licensee's ability to continue to practice competently and
26 safely;

27 (5) intentionally or negligently engaged in or permitted
28 the performance of patient care by persons under the licensee's super-
29 vision that does not conform to minimum professional standards

1 regardless of whether actual injury to the patient occurred;

2 (6) failed to comply with this chapter, with a regulation
3 adopted under this chapter, or with an order of the board or the
4 department;

5 (7) continued to practice after becoming unfit due to

6 (A) professional incompetence;

7 (B) failure to keep informed of current professional
8 practices;

9 (C) addiction or severe dependency on alcohol or other
10 drugs that impairs the ability to practice safely;

11 (D) physical or mental disability; or

12 (8) engaged in lewd or immoral conduct in connection with
13 the delivery of professional service to patients.

14 Sec. 08.06.130. ACUPUNCTURE TREATMENT UNDER HEALTH CARE INSUR-
15 ANCE. A health care insurance policy shall include coverage for the
16 services of an acupuncturist licensed under this chapter, if the
17 policy covers acupuncture treatment by a health care provider subject
18 to this title.

19 Sec. 08.06.140. EXEMPTION. This chapter does not apply to a
20 person who practices acupuncture under AS 08.36 or AS 08.64.

21 Sec. 08.06.150. PENALTY. A person who violates this chapter or
22 a regulation adopted under this chapter is guilty of a class B misde-
23 meanor.

24 Sec. 08.06.190. DEFINITIONS. In this chapter

25 (1) "acupuncture" means a form of healing developed from
26 traditional Chinese medical concepts that uses the stimulation of
27 certain points on or near the surface of the body by the insertion of
28 needles to prevent or modify the perception of pain or to normalize
29 physiological functions;

1 (2) "board" means the Board of Acupuncture;

2 (3) "department" means the Department of Commerce and
3 Economic Development;

4 (4) "practice of acupuncture" means the insertion of acu-
5 puncture needles and the application of moxibustion to specific areas
6 of the human body based upon acupuncture diagnosis; the practice of
7 acupuncture includes adjunctive therapies involving mechanical, ther-
8 mal, electrical, and electromagnetic treatment and the recommendation
9 of dietary guidelines and therapeutic exercise.

10 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

11 (28) Board of Acupuncture (AS 08.06.010).

12 * Sec. 4. AS 08.02.010(a) is amended to read:

13 (a) An acupuncturist licensed under AS 08.06, an audiologist
14 licensed under AS 08.11, a person licensed in the state as a chiro-
15 practor under AS 08.20, a dentist under AS 08.36, a medical practi-
16 tioner or osteopath under AS 08.64, a registered nurse under AS 08.68,
17 an optometrist under AS 08.72, a registered pharmacist under AS 08.80,
18 a registered physical therapist or occupational therapist under
19 AS 08.84, or a psychologist under AS 08.86, shall use as professional
20 identification appropriate letters or a title after that person's name
21 which represents that person's specific field of practice. The let-
22 ters or title shall appear on all signs, stationery, or other adver-
23 tising in which the person offers or displays personal professional
24 services to the public. In addition, a person engaged in the practice
25 of medicine or osteopathy as defined in AS 08.64.390, or a person
26 engaged in any manner in the healing arts who diagnoses, treats,
27 tests, or counsels other persons in relation to human health or dis-
28 ease and uses the letters "M.D." or the title "doctor" or "physician"
29 or another title that tends to show that the person is willing or

1 qualified to diagnose, treat, test, or counsel another person, shall
2 clarify the letters or title by adding the appropriate specialist
3 designation, if any, such as "dermatologist", "radiologist", "audiolo-
4 gist", "naturopath", or the like.

5 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

6 (21) Board of Acupuncture (AS 08.06.010) -- June 30, 1992.

7 * Sec. 6. AS 08.36 is amended by adding a new section to read:

8 Sec. 08.36.115. QUALIFICATIONS FOR ACUPUNCTURE APPLICANTS. An
9 applicant for a license to perform acupuncture in the regular practice
10 of dentistry shall satisfy the requirements of AS 08.36.100 and those
11 requirements of experience or education in the practice of acupuncture
12 as may be adopted by the board.

13 * Sec. 7. AS 08.64.170(a) is amended to read:

14 (a) A person may not practice medicine, podiatry, or osteopathy
15 [, OR ACUPUNCTURE] in the state unless the person is licensed under
16 this chapter, except that

17 (1) a physician assistant may examine, diagnose, or treat
18 persons under the supervision, control, and responsibility of either a
19 physician licensed under this chapter or a physician exempted from
20 licensing under AS 08.64.370;

21 (2) a physician-trained mobile intensive care paramedic may
22 render emergency lifesaving service; and

23 (3) [A PERSON LICENSED UNDER AS 08.36 MAY PERFORM ACUPUNC-
24 TURE IN THE REGULAR PRACTICE OF DENTISTRY, SUBJECT TO THE REGULATIONS
25 OF THE BOARD OF DENTAL EXAMINERS; AND

26 (4)] a person who is licensed or authorized under another
27 chapter of this title may engage in a practice that is authorized
28 under that chapter.

29 * Sec. 8. AS 08.64.180 is amended to read:

1 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires
2 to practice medicine or [,] osteopathy [OR ACUPUNCTURE] in the state
3 shall apply in writing to the department for a license.

4 * Sec. 9. AS 09.55.560(1) is amended to read:

5 (1) "health care provider" means an acupuncturist licensed
6 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor
7 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
8 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
9 dispensing optician licensed under AS 08.71; a naturopath licensed
10 under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist
11 licensed under AS 08.80; a physical therapist or occupational thera-
12 pist licensed under AS 08.84; a physician licensed under AS 08.64; a
13 podiatrist; a psychologist and a psychological associate licensed
14 under AS 08.86; and a hospital as defined in AS 18.20.130, including a
15 governmentally owned or operated hospital; a corporate entity covered
16 under AS 21.88.050(b)(11); and an employee of a health care provider
17 acting within the course and scope of employment;

18 * Sec. 10. AS 18.23.070(3) is amended to read:

19 (3) "health care provider" means an acupuncturist licensed
20 under AS 08.06; a chiropractor licensed under AS 08.20; a dental
21 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
22 a nurse licensed under AS 08.68; a dispensing optician licensed under
23 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
24 censed under AS 08.80; a physical therapist or occupational therapist
25 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
26 trist; a psychologist and a psychological associate licensed under
27 AS 08.86; and a hospital as defined in AS 18.20.130, including a
28 governmentally owned or operated hospital; a corporate entity covered
29 under AS 21.88.050(b)(1); and an employee of a health care provider

1 acting within the course and scope of employment;

2 * Sec. 11. AS 21.36.090(d) is amended to read:

3 (d) A person may not practice or permit unfair discrimination
4 against a person who provides a service covered under a group disabili-
5 ty policy that extends coverage on an expense incurred basis, or
6 under a group service or indemnity type contract issued by a nonprofit
7 corporation, if the service is within the scope of the provider's
8 occupational license. In this subsection, "provider" means a state
9 licensed physician, dentist, osteopath, optometrist, acupuncturist,
10 chiropractor, nurse midwife, naturopath, physical therapist, or occu-
11 pational therapist.

12 * Sec. 12. AS 21.88.900(9) is amended to read:

13 (9) "health care provider" means an acupuncturist licensed
14 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor
15 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
16 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
17 dispensing optician licensed under AS 08.71; an optometrist licensed
18 under AS 08.72; a pharmacist licensed under AS 08.80; a physical
19 therapist or occupational therapist licensed under AS 08.84; a physi-
20 cian licensed under AS 08.64; a podiatrist; a psychologist and a
21 psychological associate licensed under AS 08.86; a hospital as defined
22 in AS 18.20.130, including a governmentally owned or operated hospi-
23 tal; a corporate entity covered under AS 21.88.050(b)(11); an employee
24 of a health care provider acting within the course and scope of em-
25 ployment;

26 * Sec. 13. AS 21.88.900 is amended by adding a new paragraph to read:

27 (18) "acupuncturist" means a person licensed under AS 08.06.

28 * Sec. 14. AS 47.17.070(9) is amended to read:

29 (9) "practitioner of the healing arts" includes

1 acupuncturists, chiropractors, dental hygienists, dentists, health
2 aides, nurses, nurse practitioners, occupational therapists, occupa-
3 tional therapy assistants, optometrists, osteopaths, naturopaths,
4 physical therapists, physical therapy assistants, physicians, physi-
5 cian's assistants, psychiatrists, psychologists, psychological associ-
6 ates, audiologists licensed under AS 08.11, hearing aid dealers li-
7 censed under AS 08.55, religious healing practitioners, and surgeons;

8 * Sec. 15. INITIAL APPOINTMENTS. Notwithstanding AS 08.06.010, added
9 by sec. 2 of this Act, the persons initially appointed as acupuncturist
10 members of the Board of Acupuncture are not required to hold a license to
11 practice acupuncture in this state at the time of appointment; however,
12 they shall be qualified to receive a license under AS 08.06.070, added by
13 sec. 2 of this Act.
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Introduced: 2/10/88
Referred: Health, Education and Social
Services, Labor and Commerce
and Finance

5-1684A

1 IN THE SENATE

BY ABOOD

2 SENATE BILL NO. 405

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of acupuncture."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. PURPOSE. The health, safety, and welfare of the people of
9 the state are best served by the establishment of an orderly system of
10 licensure for the practice of acupuncture in the state. The rapid develop-
11 ment of the profession, including the establishment of national standards
12 for the education and practice of acupuncturists, has resulted in increased
13 public interest and increased demand for access to qualified acupunc-
14 turists.

15 * Sec. 2. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 06. ACUPUNCTURE.

17 ARTICLE 1. BOARD OF ACUPUNCTURE.

18 Sec. 08.06.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

19 There is created the Board of Acupuncture composed of five members.
20 Three members shall be acupuncturists licensed under this chapter, one
21 member shall be a physician licensed under AS 08.64, and one shall be
22 a public member.

23 (b) Members of the board shall elect a member of the board as
24 chair. The chair serves for a term of one year.

25 Sec. 08.06.020. BOARD MEETINGS. The board shall hold at least
26 two meetings each year. The board may hold additional meetings at the
27 call of the chair or of a majority of the board members.

28 Sec. 08.06.030. DUTIES OF THE BOARD. The board shall

29 (1) issue licenses to practice acupuncture;

S

1 (2) impose disciplinary sanctions as authorized by this
2 chapter;

3 (3) prepare an annual report for submission to the depart-
4 ment and the legislature covering board activities and a summary of
5 all complaints received, disciplinary actions taken, and prosecutions
6 brought under this chapter; and

7 (4) adopt regulations under the Administrative Procedure
8 Act (AS 44.62) necessary to carry out the purposes of this chapter
9 including

10 (A) standards for the practice of acupuncture;

11 (B) standards for continuing education and training;

12 (C) a code of ethics for the the practice of acupunc-
13 ture.

14 ARTICLE 2. LICENSURE AND PRACTICE OF ACUPUNCTURISTS.

15 Sec. 08.06.050. PRACTICE OF ACUPUNCTURE WITHOUT LICENSE PROHIB-
16 ITED. A person may not practice acupuncture without a license.

17 Sec. 08.06.060. APPLICATION FOR LICENSE. A person desiring to
18 practice acupuncture shall apply in writing to the Department of
19 Commerce and Economic Development.

20 Sec. 08.06.070. LICENSE TO PRACTICE ACUPUNCTURE. (a) A person
21 is qualified to receive a license to practice acupuncture if the
22 person

23 (1) is of good moral character;

24 (2) is at least 21 years of age;

25 (3) either

26 (A) has completed a course of study, consistent with
27 the core curriculum and guidelines of the National Council of
28 Acupuncture Schools and Colleges, at a school of acupuncture
29 approved by the board; or

1 (B) is licensed in another state that has licensing
2 requirements equivalent to those of this state;

3 (4) is qualified for certification by the National Council
4 for the Certification of Acupuncturists as a diplomate in acupuncture;

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

7 (6) has not had a license to practice acupuncture suspended
8 or revoked in this state or in another state, territory, or province.

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

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

14 Sec. 08.06.080. RENEWAL OF LICENSE. A license under this chap-
15 ter may not be renewed unless the applicant

16 (1) demonstrates continued competence as an acupuncturist
17 in a manner established by the board in regulations; and

18 (2) submits proof that the applicant maintains certifica-
19 tion by the National Council for the Certification of Acupuncturists
20 as a diplomate of acupuncture.

21 Sec. 08.06.090. DISCLOSURE. (a) A person who practices acu-
22 puncture shall disclose that the person's training and practice are in
23 acupuncture

24 (1) to each patient; and

25 (2) on all material used in the practice of acupuncture and
26 made available to patients or to the public.

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

1 Sec. 08.06.100. RESTRICTIONS ON PRACTICE OF ACUPUNCTURE. A
2 person who practices acupuncture may not

3 (1) give, prescribe, or recommend in the practice a

4 (A) prescription drug;

5 (B) controlled substance;

6 (C) poison;

7 (2) engage in surgery; or

8 (3) use the word "physician" in the person's title.

9 ARTICLE 3. GENERAL PROVISIONS.

10 Sec. 08.06.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
11 TIONS. After a hearing, the board may impose a disciplinary sanction
12 on a person licensed under this chapter when the board finds that the
13 licensee

14 (1) secured a license through deceit, fraud, or intentional
15 misrepresentation;

16 (2) engaged in deceit, fraud, or intentional misrepresenta-
17 tion in the course of providing professional services or engaging in
18 professional activities;

19 (3) advertised professional services in a false or mislead-
20 ing manner;

21 (4) has been convicted of a felony or other crime that
22 affects the licensee's ability to continue to practice competently and
23 safely;

24 (5) intentionally or negligently engaged in or permitted
25 the performance of patient care by persons under the licensee's super-
26 vision that does not conform to minimum professional standards regard-
27 less of whether actual injury to the patient occurred;

28 (6) failed to comply with this chapter, with a regulation
29 adopted under this chapter, or with an order of the board or the

1 department;

2 (7) continued to practice after becoming unfit due to

3 (A) professional incompetence;

4 (B) failure to keep informed of current professional
5 practices;

6 (C) addiction or severe dependency on alcohol or other
7 drugs that impairs the ability to practice safely;

8 (D) physical or mental disability; or

9 (8) engaged in lewd or immoral conduct in connection with
10 the delivery of professional service to patients.

11 Sec. 08.06.130. ACUPUNCTURE TREATMENT UNDER HEALTH CARE INSUR-
12 ANCE. A health care insurance policy shall include coverage for the
13 services of an acupuncturist licensed under this chapter, if the
14 policy covers acupuncture treatment by a health care provider subject
15 to this title.

16 Sec. 08.06.140. EXEMPTION. This chapter does not apply to a
17 person who practices acupuncture under AS 08.36 or AS 08.64.

18 Sec. 08.06.150. PENALTY. A person who violates this chapter or
19 a regulation adopted under this chapter is guilty of a class B misde-
20 meanor.

21 Sec. 08.06.190. DEFINITIONS. In this chapter

22 (1) "acupuncture" means a form of healing developed from
23 traditional Chinese medical concepts that uses the stimulation of
24 certain points on or near the surface of the body by the insertion of
25 needles to prevent or modify the perception of pain or to normalize
26 physiological functions;

27 (2) "board" means the Board of Acupuncture;

28 (3) "department" means the Department of Commerce and
29 Economic Development;

1 (4) "practice of acupuncture" means the insertion of acu-
2 puncture needles and the application of moxibustion to specific areas
3 of the human body based upon acupuncture diagnosis; the practice of
4 acupuncture includes adjunctive therapies involving mechanical, ther-
5 mal, electrical, and electromagnetic treatment and the recommendation
6 of dietary guidelines and therapeutic exercise.

7 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

8 (28) Board of Acupuncture (AS 08.06.010).

9 * Sec. 4. AS 08.02.010(a) is amended to read:

10 (a) An acupuncturist licensed under AS 08.06, an audiologist
11 licensed under AS 08.11, a person licensed in the state as a chiro-
12 practor under AS 08.20, a dentist under AS 08.36, a medical practi-
13 tioner or osteopath under AS 08.64, a registered nurse under AS 08.68,
14 an optometrist under AS 08.72, a registered pharmacist under AS 08.80,
15 a registered physical therapist or occupational therapist under
16 AS 08.84, or a psychologist under AS 08.86, shall use as professional
17 identification appropriate letters or a title after that person's name
18 which represents that person's specific field of practice. The let-
19 ters or title shall appear on all signs, stationery, or other adver-
20 tising in which the person offers or displays personal professional
21 services to the public. In addition, a person engaged in the practice
22 of medicine or osteopathy as defined in AS 08.64.380, or a person
23 engaged in any manner in the healing arts who diagnoses, treats,
24 tests, or counsels other persons in relation to human health or dis-
25 ease and uses the letters "M.D." or the title "doctor" or "physician"
26 or another title that tends to show that the person is willing or
27 qualified to diagnose, treat, test, or counsel another person, shall
28 clarify the letters or title by adding the appropriate specialist
29 designation, if any, such as "dermatologist", "radiologist",

1 "audiologist", "naturopath", or the like.

2 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

3 (21) Board of Acupuncture (AS 08.06.010) -- June 30, 1992.

4 * Sec. 6. AS 08.36 is amended by adding a new section to read:

5 Sec. 08.36.115. QUALIFICATIONS FOR ACUPUNCTURE APPLICANTS. An
6 applicant for a license to perform acupuncture in the regular practice
7 of dentistry shall satisfy the requirements of AS 08.36.100 and those
8 requirements of experience or education in the practice of acupuncture
9 as may be adopted by the board.

10 * Sec. 7. AS 08.64.170(a) is amended to read:

11 (a) A person may not practice medicine, podiatry, or osteopathy
12 [, OR ACUPUNCTURE] in the state unless the person is licensed under
13 this chapter, except that

14 (1) a physician assistant may examine, diagnose, or treat
15 persons under the supervision, control, and responsibility of either a
16 physician licensed under this chapter or a physician exempted from
17 licensing under AS 08.64.370;

18 (2) a physician-trained mobile intensive care paramedic may
19 render emergency lifesaving service; and

20 (3) [A PERSON LICENSED UNDER AS 08.36 MAY PERFORM ACUPUNC-
21 TURE IN THE REGULAR PRACTICE OF DENTISTRY, SUBJECT TO THE REGULATIONS
22 OF THE BOARD OF DENTAL EXAMINERS; AND

23 (4)] a person who is licensed or authorized under another
24 chapter of this title may engage in a practice that is authorized
25 under that chapter.

26 * Sec. 8. AS 08.64.180 is amended to read:

27 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires
28 to practice medicine or [,] osteopathy [OR ACUPUNCTURE] in the state
29 shall apply in writing to the department for a license.

1 * Sec. 9. AS 09.55.560(1) is amended to read:

2 (1) "health care provider" means an acupuncturist licensed
3 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor
4 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
5 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
6 dispensing optician licensed under AS 08.71; a naturopath licensed
7 under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist
8 licensed under AS 08.80; a physical therapist or occupational thera-
9 pist licensed under AS 08.84; a physician licensed under AS 08.64; a
10 podiatrist; a psychologist and a psychological associate licensed
11 under AS 08.86; and a hospital as defined in AS 18.20.130, including a
12 governmentally owned or operated hospital; a corporate entity covered
13 under AS 21.88.050(b)(11); and an employee of a health care provider
14 acting within the course and scope of employment;

15 * Sec. 10. AS 18.23.070(3) is amended to read:

16 (3) "health care provider" means an acupuncturist licensed
17 under AS 08.06; a chiropractor licensed under AS 08.20; a dental
18 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
19 a nurse licensed under AS 08.68; a dispensing optician licensed under
20 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
21 censed under AS 08.80; a physical therapist or occupational therapist
22 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
23 trist; a psychologist and a psychological associate licensed under
24 AS 08.86; and a hospital as defined in AS 18.20.130, including a
25 governmentally owned or operated hospital; a corporate entity covered
26 under AS 21.88.050(b)(1); and an employee of a health care provider
27 acting within the course and scope of employment;

28 * Sec. 11. AS 21.36.090(d) is amended to read:

29 (d) A person may not practice or permit unfair discrimination

1 against a person who provides a service covered under a group disabili-
2 ity policy that extends coverage on an expense incurred basis, or
3 under a group service or indemnity type contract issued by a nonprofit
4 corporation, if the service is within the scope of the provider's
5 occupational license. In this subsection, "provider" means a state
6 licensed physician, dentist, osteopath, optometrist, acupuncturist,
7 chiropractor, nurse midwife, naturopath, physical therapist, or
8 occupational therapist.

9 * Sec. 12. AS 21.88.900(9) is amended to read:

10 (9) "health care provider" means an acupuncturist licensed
11 under AS 08.06; an audiologist licensed under AS 08.7; a chiropractor
12 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
13 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a
14 dispensing optician licensed under AS 08.71; an optometrist licensed
15 under AS 08.72; a pharmacist licensed under AS 08.80; a physical
16 therapist or occupational therapist licensed under AS 08.84; a physi-
17 cian licensed under AS 08.64; a podiatrist; a psychologist and a
18 psychological associate licensed under AS 08.86; a hospital as defined
19 in AS 18.20.130, including a governmentally owned or operated hospi-
20 tal; a corporate entity covered under AS 21.88.050(b)(11); an employee
21 of a health care provider acting within the course and scope of em-
22 ployment;

23 * Sec. 13. AS 21.88.900 is amended by adding a new paragraph to read:

24 (18) "acupuncturist" means a person licensed under AS 08.06.

25 * Sec. 14. AS 47.17.070(9) is amended to read:

26 (9) "practitioner of the healing arts" includes acupunct-
27 urists, chiropractors, dental hygienists, dentists, health aides,
28 nurses, nurse practitioners, occupational therapists, occupational
29 therapy assistants, optometrists, osteopaths, naturopaths, physical

1 therapists, physical therapy assistants, physicians, physician's
2 assistants, psychiatrists, psychologists, psychological associates,
3 audiologists licensed under AS 08.11, hearing aid dealers licensed
4 under AS 08.55, religious healing practitioners, and surgeons;

5 * Sec. 15. INITIAL APPOINTMENTS. Notwithstanding AS 08.06.010, added
6 by sec. 2 of this Act, the persons initially appointed as acupuncturist
7 members of the Board of Acupuncture are not required to hold a license to
8 practice acupuncture in this state at the time of appointment; however,
9 they shall be qualified to receive a license under AS 08.06.070, added by
10 sec. 2 of this Act.

Alaska State Legislature

SENATOR PAUL FISCHER, Chairman
SENATOR JOE JOSEPHSON, Vice Chairman
SENATOR LLOYD JONES
SENATOR JAY KERTULLA
SENATOR RICK HALFORD



P. O. BOX V
ROOM 508
STATE CAPITOL
(907) 485-3762

Senate Committee on Health, Education and Social Services

Intent Language for SB 405, an act relating to Acupuncture, sponsored by Senator Abood.

It is the intent of the Senate Health, Education and Social Services Committee by recommending do pass SB 405, an act relating to the practice of acupuncture in the State of Alaska, that the bill be moved with the recommendation that the Labor and Commerce Committee address the issue of patterning the original Board of Acupuncturists after the Board of Audiologists.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 405 (LEC)
PUBLISH DATE: SENATE
5/5/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to the practice of acupuncture.
Sponsor: Senator Abood
Requestor: Senate HESS

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		7.4	7.4	7.4	7.4	7.4
CONTRACTUAL		1.2	1.2	1.2	1.2	1.2
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		8.7	8.7	8.7	8.7	8.7
CAPITAL						
REVENUE		3.0	1.5	5.3	1.5	8.3

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		8.7	8.7	8.7	8.7	8.7
TOTAL		8.7	8.7	8.7	8.7	8.7

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

CSSB 405 will allow acupuncture services to be offered by all qualified individuals. Currently, only medical doctors can offer acupuncture services. The costs identified in this fiscal note are based on a five member board which will meet at least twice a year as required by the bill; contractual costs for printing and advertising; and supplies. (Continued on attached)

Prepared by: Jennifer Strickler, Memt. Analyst Phone: 465-2144
Division: Occupational Licensing Date: 4/13/88

Approved by Commissioner: J. Anthony Smith Date: 4/13/88
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 405 (L&C)

Testimony on this bill has revealed that very few acupuncturists currently reside in-state (2) and that only a few additional acupuncturists are expected to seek admission, should this legislation pass. For the purposes of this fiscal note, we have anticipated a maximum of 10 licensees. Because of the small number of practitioners, it would be unreasonable to establish a licensing fee which would require those few licensees to bear the entire cost of the licensing function. In such cases, the licensing costs must be supplemented by general funds or other licensing fees.

The revenues projected are also based on 10 licensees in the first year, paying a license fee of \$150 per year (\$300 biennially), and assuming a growth rate of five practitioners each year thereafter (which may be highly speculative).

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 405 (HESS)
PUBLISH DATE: SENATE 4/13/88

295

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to the practice of acupuncture.
Sponsor: Senator Abood
Requestor: Senate HESS

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		7.4	7.4	7.4	7.4	7.4
CONTRACTUAL		1.2	1.2	1.2	1.2	1.2
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		8.7	8.7	8.7	8.7	8.7
CAPITAL						
REVENUE		3.0	1.5	5.3	1.5	8.3

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		8.7	8.7	8.7	8.7	8.7
TOTAL		8.7	8.7	8.7	8.7	8.7

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

CSSB 405 will allow acupuncture services to be offered by all qualified individuals. Currently, only medical doctors can offer acupuncture services. The costs identified in this fiscal note are based on a five member board which will meet at least twice a year as required by the bill; contractual costs for printing and advertising; and supplies. (Continued on attached)

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Distribution (by preparer):

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- Legislative Sponsor
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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 405 (HESS)

295

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The revenues projected are also based on 10 licensees in the first year, paying a license fee of \$150 per year (\$300 biennially), and assuming a growth rate of five practitioners each year thereafter (which may be highly speculative).

MS

ALASKA STATE LEGISLATURE

.. **15th** Legislature ... **2nd** Session

SENATE ... **BILL** NO. ... **405**

By . **ABOOD**

"An Act relating to the practice of acupuncture."

Introduced in the Senate ... **2/10**, 19**88**

HISTORY IN THE SENATE

19	88	Read first time and referred to Committee on										
2	10	HESS, L&C, FINANCE Reported back with recommendation that										
4	12	<i>HESS replace w/CS-3 do pass, FN, letter sent to L&C</i>										
5	5	<i>L&C: replace w/CS 1 do pass, 2 no rec, FN, to Fin</i>										
		Read second time and										
		Read third time and										
		<table border="0"> <tr><td>PASSED</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Excused</td><td>Excused</td></tr> <tr><td>Absent</td><td>Absent</td></tr> </table>	PASSED	Effective Date	Yeas	Yeas	Nays	Nays	Excused	Excused	Absent	Absent
PASSED	Effective Date											
Yeas	Yeas											
Nays	Nays											
Excused	Excused											
Absent	Absent											
		Reconsideration Reconsideration not taken up										
		<table border="0"> <tr><td>PASSED</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Excused</td><td>Excused</td></tr> <tr><td>Absent</td><td>Absent</td></tr> </table>	PASSED	Effective Date	Yeas	Yeas	Nays	Nays	Excused	Excused	Absent	Absent
PASSED	Effective Date											
Yeas	Yeas											
Nays	Nays											
Excused	Excused											
Absent	Absent											
		Reported correctly engrossed Signed by President Sent to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on										
		Reported back with recommendation that										
		Read second time and										
		Read third time and										
		<table border="0"> <tr><td>PASSED</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Excused</td><td>Excused</td></tr> <tr><td>Absent</td><td>Absent</td></tr> </table>	PASSED	Effective Date	Yeas	Yeas	Nays	Nays	Excused	Excused	Absent	Absent
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PASSED	Effective Date											
Yeas	Yeas											
Nays	Nays											
Excused	Excused											
Absent	Absent											
		Reported correctly engrossed Signed by Speaker Returned to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Chapter No.
		Filed with Lt. Governor