

Title 30: Professions and Occupations

PART 2625 ACUPUNCTURIST

Part 2625: Chapter 1 The Practice of Acupuncture

Rule 1.1 Scope. The following rules pertain to acupuncture practitioners performing the technique of acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a Mississippi currently licensed physician. If the patient has received a written referral or prescription for the treatment of infertility, the referral or prescription must be issued by a currently licensed Mississippi physician whose primary practice specialty is obstetrics and gynecology.

The practitioner shall perform the technique of acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.

While treating a patient, the practitioner shall not make a medical diagnosis, but may provide pattern differentiation according to Traditional Chinese Medicine. If a patient's condition is not improving or a patient requires emergency medical treatment, the practitioner shall consult promptly with a physician.

Acupuncture may be performed in the state of Mississippi by a physician licensed to practice medicine and adequately trained in the art and science of acupuncture. Adequately trained will be defined as a minimum of 200 hours of AMA or AOA approved Category I CME in the field of acupuncture. Such licensed individuals wishing to utilize acupuncture in their practice may do so provided that any and all portions of the acupuncture treatment are performed by the person so licensed and no surrogate is authorized in this state to serve in his or her stead. The

practice of acupuncture should follow the same quality of standard that the physician, or any other physician in his or her community, would render in delivering any other medical treatment.

The Board of Medical Licensure must have on file copies of required CME prior to any Mississippi licensed physician being approved to provide treatment by acupuncture. Licensees approved by the Mississippi State Board of Medical Licensure to practice acupuncture prior to January 2011 shall not be required to meet the aforementioned CME requirements.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.2 Definitions. For the purpose of Part 2625, Chapter 1 only, the following terms have the meanings indicated:

- A. "Board" means the Mississippi State Board of Medical Licensure.
- B. "Council" means the Mississippi Council of Advisors in Acupuncture.
- C. "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.
- D. "ACAOM" means the Accreditation Commission of Acupuncture and Oriental Medicine.
- E. "CCAOM" means the Council of Colleges of Acupuncture and Oriental Medicine.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.3 Qualifications for Licensure. On or after July 1, 2009, applicants for acupuncture licensure must meet the following requirements:

- A. Satisfy the Board that he or she is at least twenty-one (21) years of age and of good moral character.
- B. Satisfy the Board that he or she is a citizen or permanent resident of the United States of America.

- C. Submit an application for license on a form supplied by the Board, completed in every detail with a recent photograph (wallet-size/passport type) attached. A Polaroid or informal snapshot will not be accepted.
- D. Pay the appropriate fee as determined by the Board.
- E. Present a certified copy of birth certificate or valid and current passport.
- F. Submit proof of legal change of name if applicable (notarized or certified copy of marriage or other legal proceeding).
- G. Provide information on registration or licensure in all other states where the applicant is or has been registered or licensed as an acupuncturist.
- H. Provide favorable references from two (2) acupuncturists licensed in the United States with whom the applicant has worked or trained.
- I. Provide proof, directly from the institution, of successful completion of an educational program for acupuncturists that are in candidacy status or accredited by ACAOM, NCCAOM or its predecessor or successor agency that is at least three (3) years in duration and includes a supervised clinical internship to ensure that applicants with an education outside the US are recognized because of the NCCAOM review process for foreign applicants.
- J. Pass the certification examinations administered by the NCCAOM and have current NCCAOM Diplomate status in Acupuncture or Oriental Medicine that is consistent with one of the following:
 - 1. If taken before June 1, 2004, pass the Comprehensive Written Exam (CWE), the Clean Needle Technique portion (CNTPT), and the Practical Examination of Point Location Skills (PEPLS).
 - 2. If taken on or after June 1, 2004, and before January 1, 2007, pass the NCCAOM Foundations of Oriental Medicine Module, Acupuncture Module, Point Location Module and Biomedicine Module.
 - 3. If taken on or after January 1, 2007, pass the NCCAOM Foundations of Oriental Medicine Module, Acupuncture Module with Point Location Module, and the Biomedicine Module.
- K. If applicant is a graduate of an international educational program, provide proof that the applicant is able to communicate in English as demonstrated by one of the following:

1. Passage of the NCCAOM examination taken in English.
 2. Passage of the TOEFL (Test of English as a Foreign Language) with a score of 560 or higher on the paper based test or with a score of 220 or higher on the computer based test.
 3. Passage of the TSE (Test of Spoken English) with a score of 50 or higher.
 4. Passage of the TOEIC (Test of English for International Communication) with a score of 500 or higher.
- L. Provide proof of successful completion of a CCAOM-approved clean needle technique course sent directly from the course provider to the Board.
- M. Provide proof of current cardiopulmonary resuscitation (CPR) certification from either the American Heart Association or the American Red Cross.
- N. Provide proof of malpractice insurance with a minimum of \$1 million dollars in coverage.
- O. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure, pass the Jurisprudence Examination as administered by the Board and submit for a criminal background check.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.4 Practice Standards. Before treatment of a patient the acupuncturist shall be sure that the patient has been examined and referred by a licensed physician and shall review the diagnosis for which the patient is receiving treatment.

The acupuncturist shall obtain informed consent from the patient after advising them of potential risks and benefits of acupuncture treatment plan.

The acupuncturist shall obtain a written prescription from the patient's licensed physician.

The acupuncturist shall obtain a detailed medical history that would identify contraindications to acupuncture such as a bleeding disorder.

An acupuncture practitioner will use sterilized equipment that has been sterilized according to standards of the national centers for disease control and prevention.

An acupuncturist shall comply with all applicable state and municipal requirements regarding public health.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.5 Patient Records. A licensed acupuncturist shall maintain a complete and accurate record of each patient that they treat. The record shall include:

- A. Name and address of the patient and other appropriate identifying information
- B. Written referral from physician
- C. The acupuncturist's evaluation of the patient including patient history examination and diagnosis
- D. Informed consent
- E. Documentation of treatment including points treated
- F. Evidence of instructions given to patient

Patient records must be maintained for a period of seven (7) years from the date of last treatment.

At patient's request, the acupuncturist shall provide the patient or other authorized person a copy of the acupuncture record. Refer to Administrative Code Part 2635 Chapter 10, Release of Medical Records.

Acupuncturists are subject to a peer review process conducted by the Council.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.6 Supervision. Any acupuncturist licensed to practice as an acupuncturist in this state shall perform the technique of acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician. As specified in the referral or prescription, the Mississippi licensed acupuncturist shall provide reports to the physician on the patient's condition or progress in treatment and comply with the conditions or restrictions on the acupuncturist's course of treatment.

The acupuncturist shall perform the technique of acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.

Before treating a patient, the acupuncturist shall advise the patient that acupuncture is not a substitute for conventional medical diagnosis and treatment and shall obtain the informed consent of the patient.

On initially meeting a patient in person, the acupuncturist shall provide in writing the acupuncturist's name, business address, and business telephone number, and information on acupuncture, including the techniques that are used.

While treating a patient, the acupuncturist shall not make a diagnosis. If a patient's condition is not improving or a patient requires emergency medical treatment, the acupuncturist shall consult promptly with a physician.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended).*

Rule 1.7 Supervising Physician Limited. Before making the referral or prescription for acupuncture, the physician shall perform a medical diagnostic examination of the patient or review the results of a medical diagnostic examination recently performed by another physician.

The physician shall make the referral or prescription in writing and specify in the referral or prescription all of the following:

- A. The physician's diagnosis of the ailment or condition that is to be treated by acupuncture;
- B. A time by which or the intervals at which the acupuncturist must provide reports to the physician regarding the patient's condition or progress in treatment; and
- C. The conditions or restrictions placed on the acupuncturist's course of treatment.

The physician shall be personally available for consultation with the acupuncturist. If the physician is not on the premises at which acupuncture is performed, the physician shall be readily available to the practitioner through some means of telecommunication and be in a location that under normal circumstances is not more than sixty (60) minutes travel time away from the location where the practitioner is practicing.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.8 Duty to Notify Board of Change of Address. Any acupuncturist who is licensed to practice as an acupuncturist in this state and changes their practice location shall immediately notify the Board in writing of the change of location. Failure to notify within 30 days could result in disciplinary action.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.9 Continuing Education.

- A. Every acupuncturist must earn or receive not less than thirty (30) hours of acupuncture related continuing education courses as precedent to renewing their license for the next fiscal year. This thirty (30) hours is per two-year cycle. Excess hours may not be carried over to another two-year cycle. *For the purpose of this regulation, the two-year period begins July 1, 2010, and every two years thereafter.* Continuing education courses must be sponsored and/or approved by one of the following organizations:

- 1. Mississippi Council of Advisors in Acupuncture

2. Mississippi Oriental Medicine Association
 3. American Association of Acupuncture and Oriental Medicine
 4. National Certification Commission for Acupuncture and Oriental Medicine
 5. American Acupuncture Council
- B. All persons licensed as acupuncturists must comply with the following continuing education rules as a prerequisite to license renewal.
1. Acupuncturists receiving their initial license to perform acupuncture in Mississippi after June 30 are exempt from the minimum continuing education requirement for the two-year period following their receiving a license. The thirty (30) hour continuing education certification will be due within the next two-year cycle.
 2. The approved hours of any individual course or activity will not be counted more than once in a two (2) year period toward the required hour total regardless of the number of times the course or activity is attended or completed by any individual.
 3. The Board may waive or otherwise modify the requirements of this rule in cases where there is illness, military service, disability or other undue hardship that prevents a license holder from obtaining the requisite number of continuing education hours. Requests for waivers or modification must be sent in writing to the Executive Director prior to the expiration of the renewal period in which the continuing education is due.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.10 Violations. Any acupuncturist who falsely attests to completion of the required continuing education may be subject to disciplinary action pursuant to Mississippi Code, Section 73-71-33 and 73-71-35.

Any acupuncturist that fails to obtain the required continuing education may be subject to disciplinary action pursuant to Mississippi Code, Section 73-71-33 and 73-71-35, and may not be allowed to renew license.

Continuing education obtained as a result of compliance with the terms of the Board Orders in any disciplinary action shall not be credited toward the continuing education required to be obtained in any two (2) year period.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.11 Renewal Schedule. The license of every person licensed to practice as an acupuncturist in the state of Mississippi shall be renewed annually.

On or before May 1 of every year, the State Board of Medical Licensure shall notify every acupuncturist to whom a license was issued or renewed during the current licensing period of the forthcoming annual renewal of license. The notice shall provide instructions for obtaining and submitting applications for renewal. The applicant shall obtain and complete the application and submit it to the Board in the manner prescribed by the Board in the notice before June 30 with the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all acupuncturists over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a license of renewal for the ensuing one (1) year period, beginning July 1 and expiring June 30 of the succeeding licensure period.

An acupuncturist practicing in Mississippi who allows their license to lapse by failing to renew the license as provided in the foregoing paragraph may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year. If the license has not been renewed within ninety (90) days after its expiration, the renewal shall be assessed a late fee of \$200.

Any acupuncturist who allows their license to lapse shall be notified by the Board within thirty (30) days of such lapse.

Any acupuncturist who fails to renew their license within four (4) years after its expiration may not renew that license. The license will become null and void and the acupuncturist will have to apply for and obtain a new license.

Any person practicing as an acupuncturist during the time their license has lapsed shall be considered an illegal practitioner and shall be subject to Mississippi Code, Section 73-71-33 and 73-71-35.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.12 Professional Ethics. All license holders shall comply with the Code of Ethics adopted by the NCCAOM except to the extent that they conflict with the laws of the State of Mississippi or the rules of the Board. If the NCCAOM Code of Ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the Code of Ethics or state law or rules may subject a license holder to disciplinary action pursuant to Part 2625, Rule 1.10.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.13 Disciplinary Proceedings.

A. Hearing Procedure and Appeals

No individual shall be denied a license or have their license suspended, revoked or restriction placed thereon, unless the individual licensed as an acupuncturist has been given notice and opportunity to be heard. For the purpose of notice, disciplinary hearings and appeals, the Board hereby adopts and incorporates by reference all provisions of the “Rules of Procedure” now utilized by the Board for those individuals licensed to practice medicine in the state of Mississippi.

B. Reinstatement of License

1. A person whose license to practice as an acupuncturist has been revoked, suspended, or otherwise restricted may petition the Mississippi State Board of Medical Licensure to reinstate their license after a period of one (1) year has elapsed from the date of the revocation or suspension. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support,

as defined in Section 93-11-153, shall be governed by Sections 93-11-157 or 93-11-163, as the case may be.

2. The petition shall be accompanied by two (2) or more verified recommendations from physicians or acupuncturists licensed by the Board of Medical Licensure to which the petition is addressed and by two (2) or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed and such facts as may be required by the Board of Medical Licensure.

The petition may be heard at the next regular meeting of the Board of Medical Licensure but not earlier than thirty (30) days after the petition was filed. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he or she is under probation or parole. The hearing may be continued from time to time as the Board of Medical Licensure finds necessary.

3. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board of Medical Licensure may investigate and consider all activities of the petitioner since the disciplinary action was taken against him or her, the offense for which he or she was disciplined, their activity during the time their license was in good standing, their general reputation for truth, professional ability and good character; and it may require the petitioner to pass an oral examination.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.14 Impaired Acupuncturists. Any individual licensed to practice as an acupuncturist, shall be subject to restriction, suspension, or revocation in the case of disability by reason of one or more of the following:

- A. mental illness, or
- B. physical illness, including but not limited to deterioration through the aging process, or loss of motor skills
- C. excessive use or abuse of drugs, including alcohol

If the Board has reasonable cause to believe that an acupuncturist is unable to practice with reasonable skill and safety to patients because of one or more of the conditions described above, referral of the acupuncturist shall be made, and action taken, if any, in the manner as provided in Sections 73-25-55 through 73-25-65, including referral to the Mississippi Professionals Health Program, sponsored by the Mississippi State Medical Association.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.15 Use of Professional Titles. A licensee shall use the title "Acupuncturist" or "Licensed Acupuncturist," "Lic. Ac.," or "L.Ac.," immediately following his/her name on any advertising or other materials visible to the public which pertain to the licensee's practice of acupuncture. Only persons licensed as an acupuncturist may use these titles. A licensee who is also licensed in Mississippi as a physician, dentist, chiropractor, optometrist, podiatrist, and/or veterinarian is exempt from the requirement that the licensee's acupuncture title immediately follow his/her name.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.16 Acupuncture Advertising. Misleading or deceptive advertising. Acupuncturists shall not authorize or use false, misleading, or deceptive advertising, and, in addition, shall not engage in any of the following:

- A. Hold themselves out as a physician or surgeon or any combination or derivative of those terms unless also licensed by the Board of Medical Licensure as a physician as defined under the Mississippi Medical Practice Act.
- B. Use the terms "board certified" unless the advertising also discloses the complete name of the board which conferred the referenced certification.
- C. Use the terms "board certified" or any similar words or phrases calculated to convey the same meaning if the advertised board certification has expired and has not been renewed at the time the advertising in question was published, broadcast, or otherwise promulgated.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended)*.

Rule 1.17 Sale of Goods from Practitioner's Office. Due to the potential for patient exploitation in the sale of goods, acupuncturists should be mindful of appropriate boundaries with patients, should avoid coercion in the sale of goods in their offices, and should not engage in exclusive distributorship and/or personal branding.

Acupuncturists should make available disclosure information with the sale of any goods in order to inform patients of their financial interests.

Acupuncturists may distribute goods free of charge or at cost in order to make such goods readily available.

Acupuncturists may make available for sale in their offices durable medical goods essential to the patient's care and non-health related goods associated with a charitable organization.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended).*

Rule 1.18 Effective Date of Rules. The above rules pertaining to the practice of acupuncturists shall become effective October 17, 2009.

Adopted January 20, 2000; amended October 17, 2009; and amended March 24, 2011.

Source: *Miss. Code Ann. §73-71-13 (1972, as amended).*

2.11 Acupuncture Practice Act [Repealed effective July 1, 2017]

§73-71-1. Short Title.

This act shall be known and may be cited as the "Acupuncture Practice Act." Whenever a reference is made to the Acupuncture Practice Act by the provisions of any statute, it is to be construed as referring to the provisions of this chapter.

§73-71-3. Legislative intent; purposes.

- (1) In its concern with the need to eliminate the fundamental causes of illness and with the need to treat the whole person, the Legislature intends to establish in this chapter a framework for the practice of the art and science of acupuncture.
- (2) The purposes of this chapter are to encourage the effective utilization of the skills relative to practitioners of acupuncture by citizens desiring their services; to remove the existing legal constraints that unnecessarily hinder the effective provision of health care services; and to subject individuals practicing acupuncture to regulation and control as a primary and independent health care profession.

§73-71-5. Definitions.

As used in this act, unless the context otherwise requires, the following terms shall have the following meanings:

- (a) "Accredited college of acupuncture" means any college, school or division of a university or college that offers the degree of Master of Science in Oriental Medicine (MSOM) or its equivalent and that is accredited by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM).
- (b) "Acupuncturist" means a person who has received a professional degree from a college of acupuncture and Oriental medicine.
- (c) "Acupuncturist-patient relationship" means that the acupuncturist has assumed the responsibility for making clinical judgments regarding the health of the patient

and the need for medical treatment, and the patient has agreed to follow the acupuncturist's instructions.

- (d) "Acupuncture practitioner" means a practitioner licensed under this chapter to practice the techniques of acupuncture in this state and includes the term "acupuncturist."
- (e) "Advisory council" means the Mississippi Council of Advisors in Acupuncture established in this chapter.
- (f) "Board" means the State Board of Medical Licensure established in Section 73-43-1 et seq.
- (g) "Complementary and integrative therapies" means a heterogeneous group of preventive, diagnostic and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from western medicine routinely taught in accredited medical colleges, or both. These therapies include, but are not limited to, acupuncture, acutheraPy and acupressure.
- (h) "Impaired practitioner" means a practitioner who is unable to practice acupuncture with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination from a competent authority or written consent based on clinical evidence, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.
- (i) "Informed consent" means the acupuncture practitioner has informed the patient, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis and has provided the patient with an estimate of the charges for treatment to be rendered and the patient has consented to the recommended treatment.
- (j) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.
- (k) "Physician" means a doctor of medicine or osteopathy who is legally authorized to practice medicine in the state of Mississippi.
- (l) "Practice of acupuncture" means:
 - i() To treat, correct, change, alleviate or prevent disease, illness, pain,

deformity, defect, injury or other physical or mental conditions by the techniques of acupuncture, including:

1. The administering or applying of an apparatus or other therapeutic technique as defined in this chapter; or
 2. The using of complementary and integrative therapies as defined in this chapter; or
 3. The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of the above.
- ii() To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in this paragraph.
- iii() To use any title, words, abbreviation or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in this paragraph.
- (m) "Techniques of acupuncture" includes acupuncture, moxibustion or heating modalities, cupping, magnets, ion pumping cords, electroacupuncture including electrodermal assessment, application of cold packs, dietary, nutritional and lifestyle counseling, manual therapy (Tui Na), massage, breathing and exercise techniques, the administration of any herb and nutritional supplement and meridian therapy. The terms used in this paragraph are defined as follows:
- i() "Acupuncture" means the insertion and manipulation of needles to the body, and the use of Oriental medicine and other modalities and procedures at specific locations on the body, for the prevention or correction of any disease, illness, injury, pain or other condition.
 - ii() "Cupping" means the heating of air or mechanical creation of suction in a cup, application to specific locations on the body to induce local vasodilation and mechanical expansion of underlying tissue.
 - iii() "Ion pumping cords" means the application of wires containing diodes to acupuncture needles that have been placed on the body.
 - iv() "Magnets" means the application of magnets to specific locations on the body.
 - v() "Electroacupuncture including electrodermal assessment" means the use of

electronic biofeedback, and electrostimulation instruments.

- vi() "Cold packs" means the application of cold packs and ice to specific locations on the body to reduce heat conditions or inflammation in surface tissues of the body.
- vii() "Dietary, nutritional and lifestyle counseling" means in depth patient interviews and counseling to determine whether poor dietary, lifestyle or nutritional practices are a factor in a patient's illness and to educate toward a healthier lifestyle.
- viii() "Manual therapy (Tui Na) and Massage" means mobilization of skeletal and soft tissues.
- ix() "Breathing and exercise techniques" means the use of Qi Gong and other techniques of therapeutic breathing and exercise.
- x() "Administration of herbal and botanical substances" means the administration of herbs of animal, vegetable or mineral origin for health maintenance and the treatment of effects of disease.
- xi() "Vitamin, mineral or nutritional supplement" means a nutritional substance, including a concentrate or extract of such a substance.
- xii() "Devices for meridian therapy" means all assessment and/or treatment devices for use with acupuncture meridians.

§73-71-7. Written referral or prescription required; acupuncture to be performed under general supervision of referring or prescribing physician; practitioner to provide certain information to patient [Repealed effective July 1, 2017].

All of the following shall apply to an acupuncture practitioner who is licensed to practice in Mississippi:

- (a) The practitioner shall perform the technique of acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician. As specified in the referral or prescription, the acupuncturist shall provide reports to the physician on the patient's condition or progress in treatment and comply with the conditions or restrictions on the acupuncturist's course of treatment.

- (b) The practitioner shall perform the technique of acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.
- (c) Before treating a patient, the practitioner shall advise the patient that acupuncture is not a substitute for conventional medical diagnosis and treatment and shall obtain the informed consent of the patient.
- (d) On initially meeting a patient in person, the practitioner shall provide in writing the practitioner's name, business address, and business telephone number, and information on acupuncture, including the techniques that are used.
- (e) While treating a patient, the practitioner shall not make a diagnosis. If a patient's condition is not improving or a patient requires emergency medical treatment, the practitioner shall consult promptly with a physician.

§73-71-9. Physician to perform medical diagnostic examination before referring or prescribing acupuncture; information to be included in referral or prescription; physician to be available for consultation with practitioner.

All of the following shall apply to an acupuncture practitioner's supervising physician for a patient:

- (a) Before making the referral or prescription for acupuncture, the physician shall perform a medical diagnostic examination of the patient or review the results of a medical diagnostic examination recently performed by another physician.
- (b) The physician shall make the referral or prescription in writing and specify in the referral or prescription all of the following:
 - i() The physician's diagnosis of the ailment or condition that is to be treated by acupuncture;
 - ii() A time by which or the intervals at which the practitioner must provide reports to the physician regarding the patient's condition or progress in treatment; and
 - iii() The conditions or restrictions placed on the practitioner's course of treatment.
- (c) The physician shall be personally available for consultation with the practitioner. If the physician is not on the premises at which acupuncture is performed, the

physician shall be readily available to the practitioner through some means of telecommunication and be in a location that under normal circumstances is not more than sixty (60) minutes travel time away from the location where the practitioner is practicing.

§73-71-11. Mississippi Council of Advisors in Acupuncture created; membership, organization and operation; compensation; annual report.

- (1) There is hereby established the Mississippi Council of Advisors in Acupuncture to aid the State Board of Medical Licensure in administering the provisions of this act.
- (2) The council shall consist of three (3) persons appointed by the Executive Director of the State Medical Licensure Board to be selected from a list of six (6) nominees of the Mississippi Oriental Medicine Association. Members of the council shall either be acupuncture practitioners who are not medical, osteopathic or chiropractic doctors or surgeons, or medical doctors who are registered to practice acupuncture or qualify as an acupuncture practitioner.
- (3) The initial members of the council shall be appointed by the Governor for staggered terms as follows: one (1) member shall be appointed for a term ending on July 1, 2011, and two (2) members shall be appointed for terms ending on July 1, 2012. After the expiration of the initial terms, each successor member shall be appointed for a term of three (3) years. A vacancy shall be filled by appointment by the Governor for the remainder of the unexpired term. Council members shall serve until their successors have been appointed and qualified.
- (4) No council member shall serve more than two (2) consecutive full terms, and any member failing to attend three (3) consecutive meetings after proper notice has been given by the council shall automatically be removed as a council member, unless excused for reasons set forth in council regulations.
- (5) The Governor may remove any member from the council for neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by Board regulations, for conflict of interest, or for any reason that would justify the suspension or revocation of his or her license to practice acupuncture.
- (6) A majority of the members of the council shall constitute a quorum to conduct business. It shall require an affirmative vote of a majority of those members present at a meeting to take any action or pass any motion. The council shall, not later than

September 1, 2009, and annually thereafter in the month of July, hold a meeting and elect from its membership a chairman and vice chairman. The council shall meet at any other times as it deems necessary or advisable by the chairman, a majority of its members, or the Governor. Reasonable notice of all meetings shall be given in the manner prescribed by the Open Meetings Law (Section 25-3-41 et seq.). Members of the council are not liable to civil action for any act performed in good faith in the execution of duties as a council member.

- (7) Members of the council shall be reimbursed for expenses and mileage as provided in Section 25-3-41, but shall receive no other compensation, perquisite or allowance for service on the council.
- (8) The council shall report annually to the Legislature statistics regarding the number of licensees, results of the licensing examinations, and violations investigated during the previous year.

§73-71-13. State Board of Medical Licensure empowered to promulgate rules and regulations governing acupuncture; board's authority and responsibilities.

- (1) The State Board of Medical Licensure is hereby empowered, authorized and directed to adopt, amend, promulgate and enforce such rules, regulations and standards governing the practice of acupuncture as may be necessary to further the accomplishment of the purpose of this chapter, and in so doing shall utilize as the basis thereof the corresponding recommendations of the advisory council.
- (2) The Board's authority and responsibility include the following:
 - (a) Grant, deny, renew, restrict, suspend or revoke licenses to practice acupuncture in accordance with the provisions of this chapter or other applicable state law;
 - (b) Examine by established protocol the qualifications and fitness of applicants for a license to practice acupuncture in this state;
 - (c) Conduct investigations of suspected violations of this chapter to determine whether there are sufficient grounds to initiate disciplinary proceedings;
 - (d) Inspect premises and equipment, on a triennial basis and assess an inspection fee in the amount of One Hundred Dollars (\$100.00) per inspection and an additional fee of Fifty Dollars (\$50.00) for each licensed acupuncturist employed by the inspected establishment;

- (e) Hold hearings on all matters properly brought before the Board, to administer oaths, receive evidence, make necessary determinations and enter orders consistent with the findings. The Board may require by subpoena the attendance and testimony of witnesses and the production of papers, records or other documentary evidence and commission depositions. The Board may designate one or more of its members to serve as its hearing officer. The Board shall adopt rules and regulations for hearings before the Board and the rules shall afford any person appearing before the Board the safeguards of procedural due process. Formal rules of evidence shall not apply;
- (f) Contract with independent consultants or other appropriate agencies to administer examinations for licensure, according to the provisions of this chapter, and establish a fee for such examination not to exceed Five Hundred Dollars (\$500.00);
- (g) Establish and publish a schedule of fees for annual licensing, certification and renewal not to exceed Four Hundred Dollars (\$400.00) annually; and
- (h) Keep and maintain accurate records of all Board business in accordance with state law.

The powers enumerated in this section are granted for the purpose of enabling the Board to supervise effectively the practice of acupuncture and are to be construed liberally to accomplish this objective.

§73-71-15. Prohibition against unlicensed practice of acupuncture unless exempt from licensure.

Unless licensed as an acupuncture practitioner under this chapter, or exempt from licensure under the provisions of this chapter, no person shall practice or hold himself or herself out as practicing or engaging in the practice of acupuncture, either for compensation or gratuitously.

§73-71-17. Acupuncture practitioner license authorizes practice of acupuncture; construction of chapter.

- (1) An acupuncture practitioner license authorizes the holder to engage in the practice of acupuncture.

- (2) This chapter shall not be construed to limit, interfere with, or prevent any other class of licensed health care professionals from practicing within the scope of their licenses as defined by each profession's state licensing statute.
- (3) This chapter shall not be construed to make unlawful the activities of persons involved in research performed under the auspices of a federal or state regulated research institution.
- (4) The practice and techniques of acupuncture shall not include the practice of physical therapy as defined in the Mississippi Physical Therapy Practice Law, Title 73, Chapter 23 of the Mississippi Code of 1972.

§73-71-19. Qualifications for licensure; examination; subjects of examination.

- (1) No person shall be licensed to practice acupuncture unless he or she has passed an examination and/or has been found to have the necessary qualifications as prescribed in the regulations adopted by the Board.
- (2) Before any applicant is eligible for an examination or qualification, he or she shall furnish satisfactory proof that he or she:
 - (a) Is a citizen or permanent resident of the United States;
 - (b) Has demonstrated proficiency in the English language;
 - (c) Is at least twenty-one (21) years of age;
 - (d) Is of good moral character;
 - (e) Has completed a program of acupuncture and has received a certificate or diploma from an institute approved by the Board, according to the provisions of this chapter;
 - (f) Has completed a clinical internship training as approved by the Board; and
 - (g) Has received training in cardiopulmonary resuscitation (CPR).
- (3) The Board may hold an examination at least once a year, and all applicants shall be notified in writing of the date and time of all examinations. The Board may use a NCCAOM examination if it deems that national examination to be sufficient to qualify a practitioner for licensure in this state. In no case shall the state's own examination be less rigorous than the nationally recognized examination.

- (4) In addition to the written examination, if the nationally recognized examination does not provide a suitable practical examination comparable to Board standards, the Board shall examine each applicant in the practical application of Oriental medical diagnostic and treatment techniques in a manner and by methods that reveal the applicant's skill and knowledge.
- (5) The Board shall require all qualified applicants to be examined in the following subjects:
 - (a) Anatomy and physiology;
 - (b) Pathology;
 - (c) Diagnosis;
 - (d) Hygiene, sanitation and sterilization techniques;
 - (e) All major acupuncture principles, practices and techniques; and
 - (f) Clean Needle Technique Exam.
- (6) To assist the Board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the Board which shall be forwarded to the Mississippi Department of Public Safety (Department) and the Federal Bureau of Investigation Identification Division for this purpose. Any and all state or national criminal history records information obtained by the Board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the Board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the Board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the Board to any other person or agency. The Board shall provide to the Department the fingerprints of the applicant, any additional information which may be required by the Department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories. The Board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in

requesting and obtaining state and national criminal history record information on the applicant.

- (7) The Board shall issue a license to every applicant whose application has been filed with and approved by the Board and who has paid the required fees and who either:
- (a) Has passed the Board's written examination and practical examination, with a score of not less than seventy percent (70%) on each examination; or
 - (b) Has achieved a passing score on a Board approved nationally recognized examination, which examination includes a written and practical portion, as determined by the Board; or
 - (c) Has received certification from a Board approved national certification process; or
 - (d) Has achieved a passing score on a Board approved nationally recognized written examination and has passed the Board's practical examination with a score of not less than seventy percent (70%).
- (8) The Board shall keep a record of all examinations held, together with the names and addresses of all persons taking examinations, and the examination results. Within forty-five (45) days after the examination, the Board shall give written notice of the results of the examination to each applicant.

§73-71-21. License without examination; requirements; reciprocity [Repealed effective July 1, 2017].

The Board may, at its discretion, issue a license without examination to an acupuncture practitioner who has been licensed, certified or otherwise formally legally recognized as an acupuncturist or acupuncture practitioner in any state or territory if all three (3) of the following conditions are met to its satisfaction:

- (a) The applicant meets the requirements of practice in the state or territory in which the applicant is licensed, certified, or registered as an acupuncturist or acupuncture practitioner;
- (b) The requirements for practice in the state or territory in which the applicant is licensed, certified or registered as an acupuncturist or acupuncture practitioner are at least as stringent as those of this state; and

- (c) The state or territory in which the applicant is licensed, certified or legally recognized as an acupuncturist or acupuncture practitioner permits an acupuncture practitioner licensed in this state to practice acupuncture or acupuncture in that jurisdiction by credentials examination.

§73-71-23. Continuing education requirements.

- (1) The Board shall establish, by regulation, mandatory continuing education requirements for acupuncture practitioners licensed in this state, including the following:

- (a) Each person licensed under this chapter, whether or not residing within the state, shall complete thirty (30) hours of continuing education within each biennial renewal period, except during the initial biennial renewal period; and

- (b) Each person not obtaining the required number of hours of continuing education may have his or her license renewed for just cause, as determined by the Board, so long as the Board requires that the deficient hours of continuing education, and all unpaid fees, are made up during the following renewal period in addition to the current continuing education requirements for the renewal period. If any acupuncture practitioner fails to make up the deficient hours and complete the later renewal period, or fails to make up any unpaid fees, then his or her license shall not be renewed until all fees are paid and all of the required hours are completed and documented to the Board.

- (2) The Board shall establish by regulation education standards and record keeping requirements for continuing education providers. A provider of continuing education courses shall apply to the Board for approval to offer continuing education courses for credit toward this requirement on a form developed by the Board, shall pay a fee covering the cost of approval and for monitoring of the provider by the Board. Institutions, associations and individuals providing continuing education shall maintain records of attendance, including sign-in sheets, for a period of three (3) years.

§73-71-25. Approval of schools and colleges offering education and training in the practice of acupuncture; standards of professional education.

- (1) The Board shall establish standards for approval of schools and colleges offering education and training in the practice of acupuncture.
- (2) Before approval of an institute of acupuncture, the Board shall determine that the institute meets standards of professional education. These standards shall provide that

the institute:

- (a) Require, as a prerequisite to graduation, a program of study of at least two thousand five hundred (2,500) hours;
- (b) Meet the minimum requirements of a Board approved national accrediting body;
- (c) Require participation in a carefully supervised clinical or internship program; and
- (d) Confer a certificate, diploma or degree in acupuncture only after personal attendance in classes and clinics.

§73-71-27. Effect of chapter on acupuncturist licensed, certified or registered under prior law; prohibition against performing professional responsibilities not qualified to perform; penalties for violation; liability insurance to be maintained.

- (1) Any acupuncturist validly licensed, certified or registered under prior law of this state shall be deemed as licensed under the provisions of this act.
- (2) All acupuncturists licensed under this section shall not accept or perform professional responsibilities that the licensee knows or has reason to know that the person is not qualified by training, experience or certification to perform. Violation of this section shall subject the licensee to the revocation or suspension of his or her license. The Board shall make regulations on those requirements and shall grant previously licensed, certified or registered acupuncturists qualification on a case-by-case basis.
- (3) The Board shall require each licensee to obtain and maintain an adequate amount of professional liability insurance and provide proof of that insurance to the Board.

§73-71-29. Licensee reporting and record keeping requirements.

- (1) Persons licensed under this chapter shall be subject to the following reporting requirements:

- (a) All morbidity, mortality, infectious disease, abuse and neglect reporting requirements of this state;
 - (b) Reporting completion of the required continuing education study to the Board with his or her license renewal;
 - (c) Notification of the Board in writing of any change of address within thirty (30) days of the change;
 - (d) Notification of the Board in writing of termination or temporary closing of the licensee's practice if the cessation of business is expected to be over ninety (90) days, or otherwise limit access to patient records. The licensee shall notify the Board upon resuming practice; and
 - (e) Posting his or her license in a conspicuous location in his or her place of practice at all times.
- (2) Persons licensed under this chapter shall be subject to the following record keeping requirements:
- (a) Maintenance of accurate records of each patient that he or she treats. The records shall include the name of the patient, medical history, subjective symptoms, objective findings and treatment rendered;
 - (b) Maintenance of patient records for a period of seven (7) years; and
 - (c) Maintenance of documents proving completion of required continuing education study for a period of three (3) years.

§73-71-31. Compliance with applicable public health laws required; requisite practices.

- (1) Acupuncture practitioners shall comply with all applicable public health laws of this state.
- (2) Sanitation practices shall include:
 - (a) Hands shall be washed with soap and water or other disinfectant between treatment of different patients;
 - (b) Skin in the area of penetration shall be swabbed with alcohol or other germicidal solution before inserting needles;

- (c) Needles and other equipment used in the practice of acupuncture shall be sterilized before using;
- (d) Needles and other hazardous waste shall be disposed of in a manner prescribed by law; and
- (e) Other sanitation practices shall be observed to insure health and safety of patients, as prescribed by the Board.

§73-71-33. Grounds for disciplinary actions.

The following acts constitute grounds for which the Board may initiate disciplinary actions:

- (a) Attempting to obtain, or renewing a license to practice acupuncture by bribery or misinterpretation;
- (b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state or territory for reasons that would preclude licensure in this state;
- (c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a felony, or a crime of moral turpitude, or a crime that directly relates to acupuncture. For the purposes of this paragraph, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction;
- (d) Advertising, practicing, or attempting to practice under a name other than one's own;
- (e) The use of advertising or solicitation that is false or misleading;
- (f) Aiding, assisting, procuring, employing or advertising an unlicensed person to practice acupuncture contrary to this chapter or a rule of the Board;
- (g) Failing to perform any statutory or legal obligation placed upon an acupuncture practitioner;
- (h) Making or filing a report that the licensee knows to be false, intentionally or negligently failing to file a report required by state or federal law, willfully impeding or obstructing that filing or inducing another person to do so. Those reports shall include only those that are signed in the capacity of an acupuncture practitioner;
- (i) Exercising coercion, intimidation or undue influence in entering into sexual

- relations with a patient, or continuing the patient-practitioner relationship with a patient with whom the licensee has sexual relations, if those sexual relations cause the licensee to perform services incompetently. This paragraph shall not apply to sexual relations between acupuncture practitioners and their spouses;
- (j) Making deceptive, untrue or fraudulent misrepresentations in the practice of acupuncture;
 - (k) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation or undue influence, or a form of overreaching conduct;
 - (l) Failing to keep written medical records justifying the course of treatment of the patient;
 - (m) Exercising undue influence on the patient to exploit the patient for financial gain of the licensee or of a third party;
 - (n) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or intemperate use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;
 - (o) Malpractice or the failure to practice acupuncture to that level of care, skill and treatment that is recognized by a reasonably prudent similar practitioner of acupuncture as being acceptable under similar conditions and circumstances;
 - (p) Practicing or offering to practice beyond the scope permitted by law or accepting or performing professional responsibilities that the licensee knows or has reason to know that he or she is not qualified by training, experience or certification to perform;
 - (q) Delegating professional responsibilities to a person when the licensee delegating those responsibilities knows, or has reason to know, that the person is not qualified by training, experience or licensure to perform them;
 - (r) Violating any provision of this chapter, a rule of the Board, or a lawful order of the Board previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Board;
 - (s) Conspiring with another to commit an act, or committing an act, that coerces, intimidates or precludes another licensee from lawfully advertising or providing his or her services;
 - (t) Fraud or deceit, or gross negligence, incompetence or misconduct in the

- operation of a course of study;
- (u) Failing to comply with state, county or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious disease;
 - (v) Failing to comply with any rule of the Board relating to health and safety, including, but not limited to, sterilization of equipment and the disposal of potentially infectious materials;
 - (w) Incompetence, gross negligence or other malpractice in the practice of acupuncture;
 - (x) Aiding the unlawful practice of acupuncture;
 - (y) Fraud or dishonesty in the application or reporting of any test for disease;
 - (z) Failure to report, as required by law, or making false or misleading report of, any contagious or infectious disease;
 - (aa) Failure to keep accurate patient records; or
 - (bb) Failure to permit the Board or its agents to enter and inspect acupuncture premises and equipment as set by rules promulgated by the Board.

§73-71-35. Disciplinary proceedings; penalties; order to compel mental or physical examination.

- (1) Disciplinary proceedings under this act shall be conducted in the same manner as other disciplinary proceedings are conducted by the State Board of Medical Licensure.
- (2) When the Board finds any person guilty of any of the acts set forth in Section 73-71-33, it may then enter an order imposing one or more of the following penalties:
 - (a) Refusal to certify to the Board an application for licensure;
 - (b) Revocation or suspension of a license;
 - (c) Restriction of practice;
 - (d) Imposition of an administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate offense;
 - (e) Issuance of a reprimand;

- (f) Placement of the acupuncture practitioner on probation for a period of time and subject to the conditions as the Board may specify.
- (3) In enforcing this chapter, upon finding of the Board that probable cause exists to believe that the licensee is unable to serve as an acupuncture practitioner because of committing any of the acts set forth in Section 73-71-33 or any of the crimes set forth in Section 73-71-37, the Board shall have to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the Board. If the licensee refuses to comply with the order, the Board's order directing the examination may be enforced by filing a petition for enforcement in any court of competent jurisdiction. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public unless the licensee stipulates otherwise. The Board shall be entitled to the summary procedure provided in applicable state law. An acupuncture practitioner affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety of the patients. In any proceeding under this subsection, neither the record of proceedings nor the orders entered by the Board shall be used against the acupuncture practitioner in any other proceeding.
- (4) The Board shall not reinstate the license of an acupuncture practitioner, or cause a license to be issued to a person it has deemed to be unqualified, until such time as the Board is satisfied that he or she has complied with all the terms and conditions set forth in the final order and that he or she is capable of safely engaging in the practice of acupuncture.

§73-71-37. Prohibited acts; penalties.

- (1) It is unlawful for any person to:
- (a) Hold himself or herself out as an acupuncture practitioner unless licensed as provided in this chapter;
 - (b) Practice acupuncture, or attempt to practice acupuncture, without an active license or as otherwise permitted by Board rule established under the authority of this chapter;
 - (c) Obtain, or attempt to obtain, a license to practice acupuncture by fraud or misrepresentation; or

- (d) Permit an employed person to engage in the practice of acupuncture unless the person holds an active license as a practitioner of acupuncture, except as provided by this chapter.
- (2) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than six (6) months, or both.

§73-71-39. Board to establish program of care, counseling or treatment for impaired acupuncturists.

- (1) The Board shall establish a program of care, counseling or treatment for impaired acupuncturists.
- (2) The program of care, counseling or treatment shall include a written schedule of organized treatment, care, counseling, activities or education satisfactory to the Board designed for the purposes of restoring an impaired person to a condition by which the impaired person can practice acupuncture with reasonable skill and safety of a sufficient degree to deliver competent patient care.
- (3) All persons authorized to practice by the Board shall report in good faith any acupuncturist they reasonably believe to be an impaired practitioner as defined in Section 73-71-5.

§73-71-41. Confidentiality of patient care information; waiver of privilege.

- (1) No licensed acupuncturist shall disclose any information concerning the licensed acupuncturist's care of a patient except on written authorization or by waiver by the licensed acupuncturist's patient or by court order, by subpoena, or as otherwise provided in this section.
- (2) Any licensed acupuncturist releasing information under written authorization or other waiver by the patient or under court order, by subpoena, or as otherwise provided by this section shall not be liable to the patient or any other person.
- (3) The privilege provided by this section shall be waived to the extent that the licensed acupuncturist's patient places the licensed acupuncturist's care and treatment of the patient or the nature and extent of injuries to the patient at issue in any civil criminal proceeding.

§73-71-43. License renewal; fees.

Each licensee shall be required to pay biennial license renewal fees and meet continuing education requirements as provided in this chapter.

§73-71-45. Renewal of expired license within four years after expiration; requirements for obtaining new license after four years after expiration.

- (1) A license that has expired may be renewed at any time within ninety (90) days after its expiration upon filing of an application for renewal on a form provided by the Board and payment of the renewal fee in effect on the last regular renewal date. If the license is not renewed within ninety (90) days after its expiration, the acupuncture practitioner, as a condition precedent to renewal, shall pay the renewal fees plus a late fee to be set by the Board.
- (2) A person who fails to renew his or her license within four (4) years after its expiration may not renew that license, and it may not be restored, reissued or reinstated after that time; but that person may apply for and obtain a new license if he or she meets the following requirements:
 - (a) Takes and passes a suitable examination, or demonstrates continued practice and continuing education acceptable to the Board; and
 - (b) Pays all fees that would be required if an initial application for licensure were being made.

§73-71-47. Request by licensee to have license placed on inactive status; reinstatement.

At any time while a license is valid, or expired but not lapsed, the licensee may request that his or her license be placed on inactive status. While on inactive status, the licensee is not subject to fees or continuing education requirements. As a condition of reinstatement, the licensee must satisfy the following requirements:

- (a) Demonstrate that he or she has not committed any acts or crimes constituting grounds for denial of licensure under any provisions of this chapter;
- (b) Pay fees to reactivate status as designated by the Board;

- (c) Meet continuing education requirements equivalent to those that would have been met in the preceding two (2) years; and
- (d) Establish to the satisfaction of the Board that, with due regard for the public interest, he or she is qualified to practice as an acupuncture practitioner.

§73-71-49. Suspended license subject to expiration and can be renewed; revoked license subject to expiration but cannot be renewed; reinstatement fees.

- (1) A suspended license is subject to expiration and shall be renewed as provided in this chapter, but while the license remains suspended, and until it is reinstated, the renewal does not entitle the practice of acupuncture, or any other activity or conduct in violation of the order of the Board by which the license was suspended.
- (2) A revoked license is subject to expiration as provided in this chapter but it may not be renewed. If it is reinstated after its expiration, the former licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal fee date, if any, accrued at the time of its expiration.

§73-71-51. Fees.

- (1) The Board may charge reasonable fees for the following:
 - (a) Initial application fee for licensing;
 - (b) Written and practical examination not including the cost of the nationally recognized examination;
 - (c) Biennial licensing renewal for acupuncture practitioners;
 - (d) Late renewal more than thirty (30) days, but not later than one (1) year, after expiration of a license, which late fee is in addition to any other fees;
 - (e) Reciprocal licensing fee;
 - (f) Annual continuing education provider registration fee; and
 - (g) Any and all fees to cover reasonable and necessary administrative expenses as established by the Council of Advisors in Acupuncture.
- (2) All fees shall be set forth in regulations duly adopted by the Board.

- (3) All fees and other funds collected under this chapter shall be deposited into the special fund of the State Board of Medical Licensure.

§73-71-53. Repeal of Sections 73-71-1 through 73-71-51.

Sections 73-71-1 through 73-71-51 of this act shall stand repealed on July 1, 2017.

Effective and in force from and after July 1, 2009; Amended July 1, 2013.