

REFERENCE TITLE: acupuncture; scope of practice; assistants

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1080

Introduced by
Senator Barto

AN ACT

AMENDING SECTION 32-3901, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 39, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3955; RELATING TO THE ACUPUNCTURE BOARD OF EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3901, Arizona Revised Statutes, is amended to
3 read:

4 32-3901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acupuncture":

7 (a) Means A SYSTEM OF MEDICINE BASED IN TRADITIONAL PRACTICES AND
8 INFORMED BY CONTEMPORARY SCIENCE.

9 (b) INCLUDES THE FOLLOWING:

10 (i) Puncturing the skin by thin, solid needles to reach
11 subcutaneous structures. ~~;~~

12 (ii) Stimulating the needles to ~~produce~~ EFFECT a positive
13 therapeutic response. ~~;~~

14 (iii) Removing needles. ~~and~~

15 (iv) Using AND PRESCRIBING adjunctive therapies.

16 (v) USING DECISION-SUPPORT TOOLS, INCLUDING PHYSICAL AND CLINICAL
17 EXAMINATIONS.

18 (vi) ORDERING DIAGNOSTIC IMAGING AND CLINICAL LABORATORY PROCEDURES
19 TO DETERMINE THE NATURE OF CARE OR TO FORM A BASIS FOR REFERRAL TO OTHER
20 LICENSED HEALTH CARE PROFESSIONALS, OR BOTH.

21 2. "ACUPUNCTURE ASSISTANT" MEANS AN UNLICENSED PERSON WHO HAS
22 COMPLETED A TRAINING PROGRAM APPROVED BY THE BOARD, WHO ASSISTS IN BASIC
23 HEALTH CARE DUTIES IN THE PRACTICE OF ACUPUNCTURE UNDER THE SUPERVISION OF
24 A LICENSED ACUPUNCTURIST AND WHO PERFORMS DELEGATED DUTIES COMMENSURATE
25 WITH THE ACUPUNCTURE ASSISTANT'S EDUCATION AND TRAINING, BUT WHO DOES NOT
26 EVALUATE, INTERPRET, DESIGN OR MODIFY ESTABLISHED TREATMENT PROGRAMS OF
27 ACUPUNCTURE CARE.

28 ~~2.~~ 3. "Adjunctive therapies" means the manual, mechanical,
29 magnetic, thermal, electrical or electromagnetic stimulation of
30 acupuncture points and energy pathways, auricular and detoxification
31 therapy, THE USE OF ion cord devices, electroacupuncture, herbal ~~poultices~~
32 THERAPIES, NUTRITIONAL COUNSELING, therapeutic exercise, THE USE OF
33 NONIONIZING LASERS and acupressure.

34 ~~3.~~ 4. "Board" means the acupuncture board of examiners.

35 5. "HERBAL THERAPIES" MEANS PRESCRIBING, ADMINISTERING, INJECTING,
36 COMPOUNDING AND DISPENSING HERBAL MEDICINES AND PLANT, ANIMAL, MINERAL AND
37 NATURAL SUBSTANCES.

38 6. "SUPERVISION" MEANS THAT THE SUPERVISING LICENSED ACUPUNCTURIST
39 IS PRESENT IN THE FACILITY WHERE THE ACUPUNCTURE ASSISTANT IS PERFORMING
40 SERVICES AND IS AVAILABLE FOR CONSULTATION REGARDING PROCEDURES THAT THE
41 LICENSED ACUPUNCTURIST HAS AUTHORIZED AND FOR WHICH THE LICENSED
42 ACUPUNCTURIST REMAINS RESPONSIBLE.

43 ~~4.~~ 7. "Trauma" means the experience of significant psychological
44 distress following any terrible or life-threatening event.

1 ~~5.~~ 8. "Unprofessional conduct" includes the following, whether
2 occurring in this state or elsewhere:

3 (a) Wilfully disclosing a professional secret or wilfully violating
4 a privileged communication except as either of these may otherwise be
5 required by law.

6 (b) Committing a felony as evidenced by conviction by a court of
7 competent jurisdiction.

8 (c) Being habitually intemperate in the use of alcohol or any
9 substance abuse that interferes with the ability to safely practice
10 acupuncture.

11 (d) Committing conduct that the board determines is gross
12 malpractice, repeated malpractice or any malpractice resulting in the
13 death of a patient.

14 (e) Impersonating another acupuncturist or any other practitioner
15 of the healing arts.

16 (f) Falsely acting or assuming to act as a member, an employee or
17 an authorized agent of the board.

18 (g) Procuring or attempting to procure a license pursuant to this
19 chapter by fraud or misrepresentation.

20 (h) Refusing to divulge to the board on demand the acupuncture
21 method used in the treatment of a patient.

22 (i) Giving or receiving or aiding or abetting the giving or
23 receiving of rebates, either directly or indirectly.

24 (j) Knowingly making any false or fraudulent statement, written or
25 oral, in connection with the practice of acupuncture.

26 (k) Having a license refused, revoked or suspended by any other
27 state, district or territory of the United States or any other country,
28 unless the action was not taken for reasons relating to the person's
29 ability to safely and skillfully practice acupuncture or relating to an
30 act of unprofessional conduct.

31 (l) Committing conduct that is contrary to the recognized standards
32 or ethics of the acupuncture profession or that may constitute a danger to
33 the health, welfare or safety of the patient or the public.

34 (m) Committing any conduct or having any condition that may impair
35 the ability to safely and skillfully practice acupuncture.

36 (n) Violating or attempting to violate, directly or indirectly,
37 assisting in or abetting the violation of or conspiring to violate this
38 chapter or board rules.

39 (o) Advertising in a false, deceptive or misleading manner.

40 (p) Failing or refusing to maintain adequate patient health records
41 or failing or refusing to make health records promptly available to the
42 patient or to another health practitioner or provider on request and
43 receipt of proper authorization.

1 (q) Deriving direct or indirect compensation from referring a
2 patient without disclosing to the patient in writing the extent of the
3 compensation.

4 (r) Deriving a financial interest in products the acupuncturist
5 endorses or recommends to the patient without disclosing to the patient in
6 writing the extent of the financial interest.

7 (s) Having sexual intimacies with a patient in the practice of
8 acupuncture.

9 (t) Failing to appropriately exercise control over or supervise an
10 acupuncture student employed by or assigned to the practitioner in the
11 practice of acupuncture.

12 (u) Failing to furnish information in a timely manner to the board
13 or its investigators or representatives if the information is legally
14 requested by the board.

15 (v) Supervising or engaging in a clinical training program in
16 acupuncture without being approved and registered by the board for that
17 program.

18 (w) Knowingly making a false, fraudulent or misleading statement,
19 written or oral, to the board.

20 (x) Failing to exercise proper care for a patient by abandoning or
21 neglecting a patient in need of immediate care without making reasonable
22 arrangements for the continuation of care or by failing to refer the
23 patient to another appropriate health care provider when necessary.

24 (y) Failing to use needles that have been sterilized according to
25 clean needle technique principles approved by the board.

26 (z) FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND
27 TRAINING AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD IN
28 RULE, FOR PERFORMING A THERAPEUTIC MODALITY.

29 (aa) PRESCRIBING OR ADMINISTERING MEDICINE OR DRUGS, EXCEPT AS
30 ALLOWED PURSUANT TO THIS CHAPTER.

31 Sec. 2. Title 32, chapter 39, article 3, Arizona Revised Statutes,
32 is amended by adding section 32-3955, to read:

33 32-3955. Acupuncture assistants; scope of duties; use of
34 title

35 A. THIS CHAPTER DOES NOT PROHIBIT AN ACUPUNCTURE ASSISTANT FROM
36 ASSISTING A LICENSED ACUPUNCTURIST PURSUANT TO RULES ADOPTED BY THE BOARD,
37 CONSISTENT WITH THE FOLLOWING:

38 1. AN ACUPUNCTURE ASSISTANT MAY:

39 (a) REMOVE ACUPUNCTURE NEEDLES.

40 (b) MONITOR ACUPUNCTURE PROCEDURES SUCH AS THE APPLICATION OF HEAT
41 OR MOXIBUSTION.

42 (c) PERFORM NONCRITICAL FUNCTIONS SUCH AS GATHERING BASIC PATIENT
43 INFORMATION, TAKING BLOOD PRESSURE AND ATTENDING TO PATIENT TREATMENT
44 ROOMS.

1 2. AN ACUPUNCTURE ASSISTANT MAY NOT INSERT ACUPUNCTURE NEEDLES OR
2 EVALUATE, INTERPRET, DESIGN OR MODIFY ESTABLISHED TREATMENT PROGRAMS OF
3 ACUPUNCTURE CARE.

4 B. IT IS UNLAWFUL FOR A PERSON TO DO EITHER OF THE FOLLOWING:

5 1. WORK AS AN ACUPUNCTURE ASSISTANT EXCEPT UNDER THE SUPERVISION OF
6 A LICENSED ACUPUNCTURIST PURSUANT TO THIS CHAPTER AND THE RULES ADOPTED BY
7 THE BOARD.

8 2. USE THE ABBREVIATION "A.A." OR THE TERM "ACUPUNCTURE ASSISTANT"
9 UNLESS THE PERSON IS WORKING UNDER THE SUPERVISION OF A LICENSED
10 ACUPUNCTURIST PURSUANT TO THIS CHAPTER AND THE RULES ADOPTED BY THE BOARD.

11 Sec. 3. Rulemaking; acupuncture assistants

12 A. On or before July 1, 2023, for the purposes of this act, the
13 acupuncture board of examiners shall adopt rules pursuant to title 41,
14 chapter 6, Arizona Revised Statutes.

15 B. Until the acupuncture board of examiners adopts rules and
16 approves training programs for acupuncture assistants, a licensed
17 acupuncturist may supervise an unlicensed person who has completed a
18 training program for acupuncture assistants that includes removing needles
19 and assisting in basic health care duties in the practice of acupuncture.