

SECTION-BY-SECTION SUMMARY THE ACUPUNCTURE REGULATIONS

243 CMR 4.00: DISCIPLINARY PROCEEDINGS FOR ACUPUNCTURISTS

4.02: General Provisions

4.03: Disposition of Complaints

243 CMR 5.00: THE PRACTICE OF ACUPUNCTURE

5.01: Introductory Provisions

AACRAO and ACAOM refer to national educational organizations.

5.02: Licensure Provisions

Initial license applicants on or after January 1, 2009 will need to obtain NCCAOM certification in Acupuncture, Oriental Medicine or Chinese Herbology or be licensed in another state or foreign nation with which Massachusetts has a reciprocal agreement. to be eligible for licensure in Massachusetts. Renewing licensees will be grandfathered into this requirement.

502(3) Board Certification

As of January 1, 2009, an applicant for initial licensure must be nationally board certified in either Acupuncture, Oriental medicine or Chinese Herbology or be licensed in another state or foreign nation with which Massachusetts has a reciprocal licensing agreement.

Although reciprocal licensing is mentioned here, Massachusetts does not currently have any active reciprocal licensing agreements.

5.02 (4) Examinations for Licensure

Massachusetts examination consists of the NCCAOM examinations in Acupuncture, Foundations of Oriental Medicine, Point Location, Biomedicine, and Clean Needle Technique. The Committee retains its right to add an oral component or a clinical component to the acupuncture licensure examination requirements in future years, with notice.

5.03: Educational Requirements for Full Licensure

As of July 1, 2009, applicants for an initial license to have taken an undergraduate science course **with a laboratory component**. The laboratory can be in general biology, human anatomy or human physiology. The Committee retains its right to determine an equivalent to the undergraduate prerequisites, but adds stronger language indicating it will only do so in “extraordinary circumstances.” The Committee eliminates a provision that allowed correspondence courses to satisfy undergraduate prerequisites prior to June 30, 1990.

Hours of clinical/didactic instruction required for acupuncture education are 1,905 hours.

Undergraduate courses in anatomy, physiology and biology are still required, but those hours of study are in addition to the 1,905 graduate hours

Every initial licensee must have at least 30 hours of training in herbal medicine. Initial licensees after Jan. 1, 2009, must have NCCAOM Certification in Chinese Herbology in order to practice acupuncture with herbs and must have 660 hours in herbal training, of which 210 hours were clinical hours in acupuncture and herbology.

After initial licensure, acupuncturists who wish to use herbs in their practice **must have at least 10 hours of continuing education directly related to herbology, 15 hours directly related to acupuncture, and 30 hours of CAE altogether (meaning that 5 hours of CAE can be indirectly related to acupuncture or herbology). Specifying that 10 hours of the required 30 hours of CAE must be herbology-related to maintain herbology certification is a new requirement.** The Committee voted to allow a grace period of 6 months in implementing this 10 hours of herbology CAE requirement. As of July 1, 2009, will be required to have 10 hours of their 30 hours of Continuing Acupuncture Education be directly related to herbology.

5.04: Committee Approval of Acupuncture Schools and Clinical Programs

On a case-by-case basis, the American Association of Collegiate Registrars and Admissions Officers (AACRAO) will receive an applicant’s educational documents and verify the authenticity of credentials from foreign acupuncture schools for the Committee. The Committee will review the AACRAO credentials review report and determine whether to approve the acupuncture school.

5.05: Application Provisions

An additional requirement is added for applications for a temporary license under Section 5.02(2)(e). These temporary licensees must be sponsored or supervised by an active Massachusetts licensee. That sponsoring licensee must sign a statement indicating his willingness to serve in this capacity.

Subsection (5) is rewritten for clarity.

5.06: Fees

There is a minor addition clarifying that acupuncture fees are set by the Executive Office of Administration and Finance under the authority of MGL c. 7 § 3B. These fees are located at 801 CMR 4.02 (243).

5.07: Renewal Provisions

Acupuncturists will be getting their renewal applications earlier. The time period by which the Committee must mail renewal applications is changed to 90 days prior to the renewal date, instead of 60 days.

Renewal requirements are essentially unchanged. However, continuing acupuncture education requirements are moved to a new section, 243 CMR 5.10, where they are expanded upon. The current 5.07(2), “Consequences of Failure to Renew a Full License,” is deleted and replaced with 5.07(4), “Lapsed License.”

5.08: Safe Practice Provisions

One sentence is added for clarification. “Disposable needles do not need to be sterilized after each use but must be properly discarded after each use.”

The subsection on the use of electrical stimulation is deleted.

Lasers may only be used in the practice of acupuncture in accordance with FDA regulations. One clarifying sentence is added, “Investigational devices shall be used exclusively in research settings and for research purposes.”

5.09: Miscellaneous Provisions

Language that referred to a requirement to obtain a physician’s referral prior to acupuncture treatment is deleted. This requirement was eliminated by the Acts of 1998, c. 114, § 2. The subsections on “Acupuncture Assistants” and “Discrimination Against Recipients of Public Assistance Prohibited” are unchanged.

Section 5.09(2)(e) is a new provision, designed to help acupuncturists when they seek reimbursement for acupuncture services from insurers. A problem sometimes occurs when insurance companies require the use of diagnosis codes in billing. Non-physician acupuncturists are legally prohibited from independently making Western medicine diagnoses. This regulation resolves that conflict by allowing acupuncturists to describe the patient’s symptoms in these instances.

In keeping with the Committee’s focus on oversight of the use of herbs as part of an acupuncture practice, the following consumer protection requirement is added to 5.09(4); “A licensee who is approved by the Committee to employ herbs in his acupuncture practice shall display conspicuously his license certificate indicating he is currently approved to use herbal therapy in his practice.”

5.10: Mandatory Continuing Acupuncture Education

This section is new, although the mandatory nature of CAE is not new. This is an expansion on the current 5.07(5) and (6), clarifying and strengthening the Board's requirements on CAE.

The subsection 5.10(2) entitled, "Quality of Education," is substantially reworked from the current 5.07(5). The Committee enumerates 10 requirements for continuing acupuncture education. The Committee has always required that the course have "clearly stated educational or professional objectives that can be realistically accomplished." However now the Committee provides additional guidance on CAE. The Committee requires for the first time that any self-directed course must include an examination that demonstrates mastery of the subject matter. The Committee specifies that a "credit hour" must be at least 50 minutes long. The instructor must be a Massachusetts licensee if the course includes a clinical component. The instructor must update his written syllabus, outline, or other written materials every 4 years. The Committee prohibits a licensee from using the same course from the same instructor in consecutive renewal periods, unless the course has been substantially revised.

A licensee wishing to have use herbal medicine as part of her practice of acupuncture must have 10 hours of CAE in herbology biennially. (This provision will be implemented as of July 1, 2009.) The Committee refers to this as an "herbal therapy distinction" or as "herbology certification." A renewing licensee who does not have 10 hours in herbology will not receive a renewal of his herbology distinction.

A licensee must maintain documentation of his CAE attendance for two renewal cycles. The Committee may randomly audit CAE credits. Section 5.10(4) corresponds to 5.07(6).