

Document: Proposed Rule

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**TITLE 844 MEDICAL LICENSING BOARD OF
INDIANA**

Proposed Rule
LSA Document #01-47

DIGEST

Adds 844 IAC 13 to establish standards for the competent and ethical practice of acupuncture. Effective 30 days after filing with the secretary of state.

844 IAC 13

SECTION 1. 844 IAC 13 IS ADDED TO READ AS FOLLOWS:

ARTICLE 13. ACUPUNCTURISTS

Rule 1. Definitions

844 IAC 13-1-1 Applicability

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 1. The definitions in this rule apply throughout this article. *(Medical Licensing Board of Indiana; 844 IAC 13-1-1)*

844 IAC 13-1-2 “Acupuncture” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 2. (a) “Acupuncture” means the evaluation and treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of presterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body.

(b) The term does not include:

(1) radiology, electrosurgery, chiropractic technique, physical therapy, use or prescribing of any drugs, medications, serums, or vaccines; or

(2) determination of an allopathic differential diagnosis.

(Medical Licensing Board of Indiana; 844 IAC 13-1-2)

844 IAC 13-1-3 “Acupuncturist” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 3. “Acupuncturist” means an individual to whom a license has been issued to practice acupuncture in Indiana. *(Medical Licensing Board of Indiana; 844 IAC 13-1-3)*

844 IAC 13-1-4 “ADS” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 4. (a) “ADS” means acupuncture detoxification specialist.

(b) ADS is:

- (1) limited to the use of five (5) points in accordance with NADA protocol; and**
- (2) for the purpose of treating alcoholism, substance abuse, or chemical dependency as defined by IC 25-2.5-2-7.**

(c) An ADS is a person who:

- (1) has met the minimum requirements as stated in 844 IAC 13-3-1;**
- (2) is functioning in a dependent relationship with a physician licensed by the board or an acupuncturist licensed by the board; and**
- (3) is performing under his or her supervision a task or combination of tasks traditionally performed in a chemical dependency treatment program under the law for the purpose of treating alcoholism, substance abuse, or chemical dependency.**

(Medical Licensing Board of Indiana; 844 IAC 13-1-4)

844 IAC 13-1-5 “Affiliate professionals license” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1; IC 25-10; IC 25-14; IC 25-29

Sec. 5. (a) “Affiliate professionals license” refers to an affiliate licensed acupuncturist.

(b) An affiliate licensed acupuncturist is a:

- (1) chiropractor licensed under IC 25-10;**
- (2) dentist licensed under IC 25-14; or**
- (3) podiatrist licensed under IC 25-29;**

with at least two hundred (200) hours of acupuncture approved by the board. *(Medical Licensing Board of Indiana; 844 IAC 13-1-5)*

844 IAC 13-1-6 “Board” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 6. “Board” refers to the medical licensing board of Indiana. *(Medical Licensing Board of Indiana; 844 IAC 13-1-6)*

844 IAC 13-1-7 “Equivalent physiological acupuncture training” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 7. “Equivalent physiological acupuncture training” means at least two hundred (200) hours of certification from the school or program that is approved by the college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education where the applicant obtained two hundred (200) hours of acupuncture training. *(Medical Licensing Board of Indiana; 844 IAC 13-1-7)*

844 IAC 13-1-8 “NADA” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 8. “NADA” refers to the National Acupuncture Detoxification Association. *(Medical Licensing Board of Indiana; 844 IAC 13-1-8)*

844 IAC 13-1-9 “Supervising acupuncturist” defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 9. "Supervising acupuncturist" means a medical doctor, osteopathic physician, affiliate licensed acupuncturist, or licensed acupuncturist approved by the board to supervise and be responsible for a particular ADS. The supervisor is not to supervise more than a total of twenty (20) ADS at any one (1) time. *(Medical Licensing Board of Indiana; 844 IAC 13-1-9)*

844 IAC 13-1-10 "Under the direction and supervision of the licensed acupuncturist" defined

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-1

Sec. 10. "Under the direction and supervision of the licensed acupuncturist", as referred to in this rule with reference to ADS, means that the supervising physician or affiliate licensed acupuncturist shall be reasonably available and responsible at all times for the direction and the actions of the practitioner being supervised when services are being performed by the practitioner. The patient's care shall always be the responsibility of the supervising physician or affiliate licensed acupuncturist. *(Medical Licensing Board of Indiana; 844 IAC 13-1-10)*

Rule 2. Licensure

844 IAC 13-2-1 Application

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-1

Sec. 1. An applicant for acupuncture licensure shall submit the following information:

- (1) An application in a form and manner prescribed by the board.
- (2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.
- (3) The fee specified in section 6 of this rule.
- (4) Original or verification of proof of current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture.
- (5) Transcript from the training program or acupuncture college program of completion of three (3) years of postsecondary training program or acupuncture college that is approved by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.
- (6) A notarized copy of proof of completion of a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.
- (7) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.
- (8) Otherwise meets the requirements of IC 25-2.5-2-1.

(Medical Licensing Board of Indiana; 844 IAC 13-2-1)

844 IAC 13-2-2 Licensure in another state or authorized in another country

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-3

Sec. 2. An applicant who is licensed in another state or authorized in another country to practice acupuncture shall submit the following information:

- (1) An application in a form and manner prescribed by the board.
- (2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.
- (3) The fee specified in section 6 of this rule.
- (4) Evidence from the state or country that the applicant holds or has held a license or is authorized to practice acupuncture in another country to the board that the qualifications are substantially equivalent as those specified in section 1 of this rule.
- (5) A notarized copy or original verification of proof of current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture.
- (6) A transcript in the original language of issuance and a translation from the training program or acupuncture college program of completion of three (3) years of postsecondary training program or acupuncture college that is approved or substantially equivalent to the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

- (7) A notarized copy of proof of completion of a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.**
- (8) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.**
- (9) Otherwise meets the requirements of IC 25-2.5-2-1.**

(Medical Licensing Board of Indiana; 844 IAC 13-2-2)

844 IAC 13-2-3 Licensure by tutorial program

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-1

Sec. 3. A person who is a student in a tutorial program in Indiana is eligible to apply for licensure as an acupuncturist as specified in section 1 of this rule if they meet the following requirements:

- (1) The candidate must meet the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) tutorial requirements and the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM) Syllabus Program of Study. These requirements will be based upon the current standards of NCCAOM and NACSCAOM.**
- (2) The candidate must present proof of certification.**

A candidate who meets these requirements is eligible to apply for licensure as an acupuncturist as specified in section 1 of this rule. *(Medical Licensing Board of Indiana; 844 IAC 13-2-3)*

844 IAC 13-2-4 Affiliated professional's license to practice acupuncture

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-1; IC 25-2.5-2-3; IC 25-10; IC 25-14; IC 25-29

Sec. 4. An applicant who is licensed as a chiropractor licensed under IC 25-10, a dentist licensed under IC 25-14, and a podiatrist licensed under IC 25-29 may be granted an affiliated license upon submission of the following information:

- (1) An application in a form and manner prescribed by the board.**
- (2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.**
- (3) The fee specified in section 6 of this rule.**
- (4) An official certificate from the school or program which is an approved college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education where the applicant obtained two hundred (200) hours of acupuncture training.**
- (5) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.**
- (6) Otherwise submits proof of current licensure in Indiana as a chiropractor, a podiatrist, or a dentist.**

(Medical Licensing Board of Indiana; 844 IAC 13-2-4)

844 IAC 13-2-5 Training for affiliated professional's license; courses and institutions

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-1; IC 25-2.5-2-3

Sec. 5. (a) A list of courses and institutions that provide training approved for the purpose of qualifying an individual for an affiliated professional's license shall be available from the board through the health professions bureau.

(b) If a program or course is not listed, the board shall review each program on a case-by-case basis.

(c) The aforementioned information shall be submitted for the board's review. *(Medical Licensing Board of Indiana; 844 IAC 13-2-5)*

844 IAC 13-2-6 Fees

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-1

Sec. 6. The board shall charge and collect the following fees:

Application for licensure	\$150
Affiliated professional's license	\$150
Application for certification as an ADS	\$10
Renewal fee for acupuncturist (does not apply for affiliate acupuncturists)	\$100 per biennium
Renewal fee for affiliate acupuncturist (as an additional fee to be paid upon renewal of the primary license)	\$100
Renewal fee for acupuncturist detoxification specialist	\$20 per biennium
Penalty fee for failure to renew	\$150
Duplicate wall license	\$10
Verification for licensure	\$10

(Medical Licensing Board of Indiana; 844 IAC 13-2-6)

Rule 3. Supervision

844 IAC 13-3-1 Acupuncture detoxification specialist; certification

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-7

Sec. 1. (a) An applicant may practice acupuncture detoxification protocol under the supervising acupuncturist within the context of a state, federal, or board approved alcohol, substance abuse, or chemical dependency program upon approval of the board.

(b) The ADS shall provide the board with the following documentation:

- (1)** An application in a form and manner prescribed by the board.
- (2)** Must be eighteen (18) years or older.
- (3)** Two (2) recent passport-quality photographs of the applicant.
- (4)** The fee specified in 844 IAC 13-2-6.
- (5)** A notarized copy of a high school diploma or general educational development diploma.
- (6)** A notarized copy of documentation of successful completion of a board approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that meets or exceeds the standards of training by the National Acupuncture Detoxification Association.
- (7)** A notarized copy of proof of completion of a clean needle technique course approved by the national Certification Commission for Acupuncture and Oriental Medicine or National Acupuncture Detoxification Association.
- (8)** A list of all supervisors.
- (9)** Otherwise meets the requirements of IC 25-2.5-2-7.

(Medical Licensing Board of Indiana; 844 IAC 13-3-1)

844 IAC 13-3-2 Acupuncture detoxification specialist; supervision

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-7; IC 25-27.5-6

Sec. 2. (a) The supervising acupuncturist shall be physically present or readily available at all times that treatment is being administered by the ADS.

(b) A licensed acupuncturist who intends to supervise an ADS shall register his or her intent to do so with the board on a form approved by the board prior to commencing supervision of a ADS. The supervising acupuncturist shall include the following information on the form supplied by the board:

- (1)** The name, business address, and telephone number of the supervising acupuncturist or physician.
- (2)** The current license number of the acupuncturist or physician.

(3) A description of the setting in which the ADS will practice under the supervising acupuncturist or physician, including the specialty, if any, of the supervising acupuncturist or physician.

(4) A statement that the supervising acupuncturist or physician will do the following:

(A) Exercise continuous supervision over the ADS in accordance with IC 25-27.5-6 and this article.

(B) Review all functions performed by the ADS one (1) time per month and maintain adequate documentation at all times. The supervisor must sign-off on and date the patient chart.

(C) At all times, retain professional and legal responsibility for the care rendered by the ADS.

(5) Detailed description of the process maintained by the acupuncturist, affiliated acupuncturist, or physician for evaluation of the ADS's performance.

(c) The supervising acupuncturist, affiliated acupuncturist, or physician shall, within fifteen (15) days, notify the board when the supervising relationship with the ADS is terminated, and the reason for such termination.

(d) If for any reason an ADS discontinues working at the direction and/or under the supervision of the physician, affiliated acupuncturist, or licensed acupuncturist under which the ADS was registered, such ADS and physician, affiliated acupuncturist, or licensed acupuncturist shall inform the board, in writing, within fifteen (15) days of such event and his or her approval shall terminate effective the date of the discontinuation of employment under the supervising physician, affiliated acupuncturist, or licensed acupuncturist, which termination of approval shall remain in effect until such time as a new application is submitted by the same or another physician, affiliated acupuncturist, or licensed acupuncturist approved by the board. The physician, affiliated acupuncturist, or licensed acupuncturist and ADS, in such written report, shall inform the board of the specific reason for the discontinuation of employment of the ADS, and/or of the discontinuation of supervision by the physician or licensed to whom the ADS was registered. (*Medical Licensing Board of Indiana; 844 IAC 13-3-2*)

Rule 4. License Renewal

844 IAC 13-4-1 Licensure renewal

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-5

Sec. 1. (a) A renewal application shall be submitted to the bureau on or before September 30 of each even-numbered year on a form provided by the bureau.

(b) The application shall be accompanied by the renewal fee required by 844 IAC 13-2-6.

(c) A licensee must sign the renewal application provided by the bureau that verifies that the applicant holds a current active certification by the National Certification Commission for Acupuncture and Oriental Medicine.

(d) A person who holds a license as an acupuncturist must renew biennially as required by IC 25-2.5-2-5.

(e) A person who fails to renew his or her license within three (3) years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if he or she meets all of the requirements. (*Medical Licensing Board of Indiana; 844 IAC 13-4-1*)

844 IAC 13-4-2 Licensure renewal for affiliates

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-5

Sec. 2. (a) A renewal application for chiropractors, dentists, and podiatrists shall be submitted to the bureau on or before the date of the renewal of the primary license. Therefore the renewal of a:

(1) chiropractor's acupuncture license shall be submitted to the bureau on or before July 1 of each even-numbered year simultaneously with the renewal of the chiropractor license;

(2) dentist's acupuncture license shall be submitted to the bureau on or before March 1 of each even-numbered year simultaneously with the renewal of the dental license; and

(3) podiatrist's acupuncture license shall be submitted to the bureau on or before June 30 of the fourth odd-numbered year simultaneously with the renewal of the podiatrist license.

(b) The renewal fee shall be in addition to the renewal fee of the primary license.

(c) A renewal application must be signed, indicating that the practitioner is currently licensed as a chiropractor, dentist, or podiatrist in Indiana. *(Medical Licensing Board of Indiana; 844 IAC 13-4-2)*

844 IAC 13-4-3 Certification renewal for acupuncture detoxification specialist

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-5

Sec. 3. (a) A renewal application shall be submitted to the bureau on or before September 30 of each even-numbered year on a form provided by the bureau. The application shall be accompanied by the renewal fee required by 844 IAC 13-2-6.

(b) A person who holds a certification as an ADS must renew biennially as required by IC 25-2.5-2-5. *(Medical Licensing Board of Indiana; 844 IAC 13-4-3)*

844 IAC 13-4-4 Address; change of name

Authority: IC 25-22.5-2-7

Affected: IC 25-2.5-2-5

Sec. 4. (a) Each licensed acupuncturist, affiliated professional licensed acupuncturist, or certified ADS shall inform the board, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A licensed acupuncturist, affiliated professional licensed acupuncturist, or certified ADS failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the board or bureau, nor shall it exonerate or otherwise excuse the licensed acupuncturist, affiliated professional licensed acupuncturist, or certified ADS from renewing such license. *(Medical Licensing Board of Indiana; 844 IAC 13-4-4)*

Rule 5. Standards of Professional Conduct

844 IAC 13-5-1 Duties of acupuncturist

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. (a) An acupuncturist in the conduct of his or her practice of acupuncture shall abide by, and comply with, the standards of professional conduct in this rule.

(b) An acupuncturist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment and prognosis, and all records relating thereto, about which the acupuncturist may learn or otherwise be informed during the course of, or as a result of, the patient-acupuncturist relationship. Information about a patient shall be disclosed by an acupuncturist when required by law or when authorized by the patient or those responsible for the patient's care.

(c) An acupuncturist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where an acupuncturist reasonably determines that the information is or would be detrimental to the physical or mental health of the patient, or in the case of a minor or incompetent person, except where an acupuncturist reasonably determines that the information would be detrimental to the physical or mental health of those responsible for the patient's care.

(d) The acupuncturist shall give reasonable written notice to an active patient or those responsible for the patient's care when the acupuncturist withdraws from a case so that another acupuncturist may be employed by the patient or by those responsible for the patient's care. An acupuncturist shall not abandon a patient. As used in this section, "active patient" means a person whom the acupuncturist has examined, cared for, or otherwise consulted with, during the two (2) year period prior to retirement, discontinuation of practice of acupuncture, or leaving or moving from the community.

(e) An acupuncturist who withdraws from a case, except in emergency circumstances, shall, upon written request, make

available to his or her patient all records, test results, histories, diagnoses, files, and information relating to the patient that are in the acupuncturist's custody, possession, or control, or copies of such documents herein before described.

(f) An acupuncturist shall exercise reasonable care and diligence in the diagnosis and treatment of patients based upon approved scientific principles, methods, treatments, professional theory, and practice.

(g) An acupuncturist shall not represent, advertise, state, or indicate the possession of any degree recognized as the basis for licensure to practice acupuncture unless the acupuncturist is actually licensed on the basis of such degree in the state or states in which he or she practices.

(h) An acupuncturist shall obtain consultation whenever requested to do so by a patient or by those responsible for a patient's care.

(i) An acupuncturist who has personal knowledge based upon a reasonable belief that another acupuncturist has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of acupuncture shall promptly report such conduct to the board. Further, an acupuncturist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of acupuncture shall promptly report such conduct to the board. *(Medical Licensing Board of Indiana; 844 IAC 13-5-1)*

844 IAC 13-5-2 Fees for services

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 2. (a) Fees charged by an acupuncturist for his or her professional services shall compensate the acupuncturist only for the services actually rendered.

(b) An acupuncturist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation unless the:

(1) patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and

(2) division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

(c) An acupuncturist shall not pay or accept compensation from a practitioner for referral of a patient. *(Medical Licensing Board of Indiana; 844 IAC 13-5-2)*

844 IAC 13-5-3 Responsibility for employees

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 3. An acupuncturist shall be responsible for the conduct of each and every person employed by the acupuncturist for every action or failure to act by the employee or employees in the course of the employee's relationship with the acupuncturist; provided, however, that an acupuncturist shall not be responsible for the action of persons he or she may employ whose employment by the acupuncturist does not relate directly to the acupuncturist's practice of acupuncture. *(Medical Licensing Board of Indiana; 844 IAC 13-5-3)*

844 IAC 13-5-4 Referral

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 4. (a) A licensed acupuncturist may only provide services upon the referral of a licensed medical doctor, or doctor of osteopathic medicine.

(b) An acupuncturist may, whenever the acupuncturist believes it to be beneficial to the patient, send or refer a patient to a qualified specific health care provider. Prior to any such referral, however, the acupuncturist shall examine and/or consult with the patient to reasonably determine that a condition exists in the patient that would be within the scope of practice of

the specific health care provider to whom the patient is referred. *(Medical Licensing Board of Indiana; 844 IAC 13-5-4)*

844 IAC 13-5-5 Discontinuation of practice

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 5. (a) An acupuncturist, upon his or her retirement, upon discontinuation of the practice of acupuncture, or upon leaving or moving from a community shall notify all of his or her active patients, in writing, or by publication once a week for three (3) consecutive weeks, in a newspaper of general circulation in the community, that he or she intends to discontinue his or her practice of acupuncture in the community, and shall encourage his or her patients to seek the services of another licensed practitioner. The acupuncturist discontinuing his or her practice shall make reasonable arrangements with his or her active patients for the transfer of his or her records, or copies, thereof, to the succeeding practitioner or an acupuncture association approved by the board.

(b) Nothing provided in this section shall preclude, prohibit, or prevent an acupuncturist from selling, conveying, or transferring for valuable consideration, the acupuncturist's patient records to another licensed practitioner who is assuming his practice, provided that written notice is given to patients as provided in this section. *(Medical Licensing Board of Indiana; 844 IAC 13-5-5)*

844 IAC 13-5-6 Advertising

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 6. (a) An acupuncturist shall not, on behalf of himself or herself, a partner, an associate, or any other practitioner or specific health care provider affiliated with the acupuncturist, use, or participate in the use of, any form of public communication containing a false, fraudulent, materially misleading, or deceptive statement or claim.

(b) In order to facilitate the process of informed selection of an acupuncturist by the public, an acupuncturist may advertise services through the public media, including, but not limited to, a telephone directory, acupuncturists' directory, newspaper or other periodical, radio or television, or through a written communication not involving personal contact.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the acupuncturist, and a recording and transcript of the actual transmission shall be retained by the acupuncturist for a period of three (3) years from the last date of broadcast.

(d) If the acupuncturist advertises a fee for acupuncture material, service, treatment, consultation, examination, or other procedure, the acupuncturist must provide that material, service, or procedure for no more than the fee advertised.

(e) Unless otherwise conspicuously specified in the advertisement, an acupuncturist who publishes or communicates fee information in a publication that is published more than one (1) time per month shall be bound by any representation made therein for a period of thirty (30) days after the publication date. An acupuncturist who publishes or communicates fee information in a publication that is published once a month or less frequently shall be bound by any representation made therein until the publication of the succeeding issue unless a shorter time is conspicuously specified in the advertisement. An acupuncturist who publishes or communicates fee information in a publication that has no fixed date for publication for a succeeding issue shall be bound by any representation made therein for one (1) year, unless a shorter period of time is conspicuously specified in the advertisement.

(f) Unless otherwise specified in the advertisement, an acupuncturist who broadcasts fee information by radio, cable, or television shall be bound by any representation made therein for a period of ninety (90) days after such broadcast.

(g) An acupuncturist who places an advertisement using a corporation name or trade name is required to identify the location or locations at which the acupuncture service will be provided. The name of the acupuncturist who will provide the acupuncture services must be identified at that location. *(Medical Licensing Board of Indiana; 844 IAC 13-5-6)*

844 IAC 13-5-7 Failure to comply

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 7. Failure to comply with the standards of professional conduct and competent practice of acupuncture may result in disciplinary proceedings against the offending acupuncturist. All acupuncturists licensed in Indiana shall be responsible for having knowledge of the standards of conduct and competent practice established by IC 25-2.5. (Medical Licensing Board of Indiana; 844 IAC 13-5-7)

Rule 6. Revocation or Suspension of License

844 IAC 13-6-1 License revocation; duties of licensees

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. In any case where a practitioner's license has been revoked, the person shall do the following:

- (1) Promptly notify, or cause to be notified, in the manner and method specified by the board, all patients then in the care of the practitioner, or those persons responsible for the patient's care, of the revocation and of the practitioner's consequent inability to act for or on their behalf in the practitioner's professional capacity. Such notice shall advise all patients to seek the services of another practitioner in good standing of their own choice.**
- (2) Promptly notify, or cause to be notified, all health care facilities where such practitioner has privileges of the revocation accompanied by a list of all patients then in the care of such practitioner.**
- (3) Notify, in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:
 - (A) The Indiana department of public welfare.**
 - (B) Social Security Administration.**
 - (C) The board or equivalent agency of each state in which the person is licensed to practice acupuncture.**
 - (D) The National Certification Commission for Acupuncture and Oriental Medicine.****
- (4) Make reasonable arrangements with the licensee's active patients for the transfer of all patient records, studies, and test results, or copies thereof, to a succeeding practitioner employed by the patient or by those responsible for the patient's care.**
- (5) Within thirty (30) days after the date of license revocation, the practitioner shall file an affidavit with the board showing compliance with the provisions of the revocation order and with 844 IAC 7, which time may be extended by the board. Such affidavit shall also state all other jurisdictions in which the practitioner is still licensed.**
- (6) Proof of compliance with this section shall be a condition precedent to any petition for reinstatement.**

(Medical Licensing Board of Indiana; 844 IAC 13-6-1)

844 IAC 13-6-2 License suspension; duties of licensees

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 2. (a) In any case where a person's license has been suspended, the person shall, within thirty (30) days from the date of the order of suspension, file with the board an affidavit that states the following:

- (1) All active patients then under the practitioner's care have been notified in the manner and method specified by the board of the practitioner's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another practitioner of good standing of their own choice.**
- (2) All health care facilities where such practitioner has privileges have been informed of the suspension order.**
- (3) Reasonable arrangements were made for the transfer of patient records, studies, and test results, or copies thereof, to a succeeding practitioner employed by the patient or those responsible for the patient's care.**

(b) Proof of compliance with this section shall be a condition precedent to reinstatement. (Medical Licensing Board of Indiana; 844 IAC 13-6-2)

844 IAC 13-6-3 Reinstatement

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 3. No person whose license to practice acupuncture in Indiana has been suspended shall be eligible for reinstatement unless that person establishes by clear and convincing evidence before the board the following:

- (1) The person desires in good faith to obtain restoration of such license.
- (2) The term of suspension prescribed in the order of suspension has elapsed or seven (7) years have elapsed since the revocation.
- (3) The person has not engaged in the practice of acupuncture or has attempted to do so from the date discipline was imposed.
- (4) The person has complied fully with the terms, if any, of the order for suspension or revocation.
- (5) The person's attitude with regard to the misconduct, violation of law or rule, or incompetent practice for which the person was disciplined is one of genuine remorse.
- (6) The person has a proper understanding of an attitude toward the standards that are imposed by statute or rule upon persons holding such license as had been suspended and the person can be reasonably expected to conduct himself in conformity with such standards.
- (7) The person can be safely recommended to the public and applicable profession as a person fit to be reinstated and is able to practice his or her profession with reasonable skill and safety to patients.
- (8) The disability has been removed, corrected, or otherwise brought under control if the suspension or revocation was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs.
- (9) The person has successfully taken and completed such written examinations and tests as may be required by the board, and has completed professional training.

(Medical Licensing Board of Indiana; 844 IAC 13-6-3)

844 IAC 13-6-4 Petitions for reinstatement; filing fee

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 4. (a) Any person whose license has been suspended may apply for reinstatement by filing with the board a petition stating that the requirements of 844 IAC 7-1-1 have been satisfied or complied with. Ten (10) copies of such petition shall be filed with the board together with a filing fee of four hundred dollars (\$400).

(b) Upon the filing of such petition and payment of the filing fee, the board shall schedule a hearing. After the hearing, the board shall determine whether the petitioner has met the requirements set forth in the disciplinary order, and shall determine whether, as a condition to reinstatement, disciplinary or corrective measures, including, but not limited to, reexamination, additional training or postgraduate education, or a preceptorship, should be imposed. The board shall thereafter, upon satisfactory compliance with 852 IAC 1-12-1 and of any and all disciplinary and corrective measures that may be imposed, enter an order continuing the suspension or reinstating the license to the petitioner.

(c) Any person filing for reinstatement shall be responsible for the payment of any and all costs incurred by the board in conducting a hearing upon the petition for reinstatement that exceed the amount of the filing fee. Any such costs shall be paid by the petitioner within fifteen (15) days of the receipt of a statement therefor from the board. In no event will there be any refund or rebate of any part of the filing fee. *(Medical Licensing Board of Indiana; 844 IAC 13-6-4)*

Rule 7. Notification of Practice Location

844 IAC 13-7-1 Professional sign; notification of public; facility requirements

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. (a) A practitioner has a duty and responsibility in the establishment of an office for the practice of acupuncture to maintain a sign clearly visible to the public indicating the name or names of all practitioners practicing at that location. The minimum requirements on the sign are the practitioner's name and title.

(b) The practitioner's title may be written as follows:

- (1) If a practitioner is licensed under this article the practitioner may refer to themselves as either an acupuncturist or a licensed acupuncturist.
- (2) If the practitioner is a professional, the practitioner may use:

- (A) the doctorate initials, such as D.C., D.D.S., or D.P.M.; or
- (B) acupuncturist.

(c) A sign may not be misleading to the public.

(d) A practitioner has a duty and responsibility in the establishment of an office for the practice of acupuncture to maintain a safe and hygienic facility adequately equipped to provide acupuncture services. (*Medical Licensing Board of Indiana; 844 IAC 13-7-1*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 24, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed new rules to establish standards for the competent and ethical practice of acupuncture. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
Executive Director
Health Professions Bureau