

By Mr. Robinson of Melrose, petition of William G. Robinson and other members of the House for legislation to establish a board of registration of oriental medicine and establishing standards for the practice of oriental medicine and acupuncture. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO ORIENTAL MEDICINE.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby
2 amended by inserting after section 84, the following two
3 sections:—

4 *Section 85.* There shall be a board of registration of oriental
5 medicine consisting of seven residents of the Commonwealth
6 appointed by the Governor. One member shall be a member of the
7 state bar with experience in the field of medical insurance. Two
8 members shall be oriental medicine practitioners. Two members
9 shall be acupuncturists. One member shall be a physician of west-
10 ern medicine licensed to practice in Massachusetts who has been
11 actively involved with the practice of oriental medicine for at least
12 three years. One member shall be from the general public and shall
13 not be engaged in or have a financial interest in the delivery of
14 health services.

15 The governor shall appoint three of the initial members to terms
16 of two years and four of the initial members to terms of three years.
17 Thereafter, all appointees shall serve for terms of three years.
18 Vacancies shall be filled by the governor and shall be filled with
19 persons who possess the qualifications required of the original
20 appointees. The governor shall designate one of the members to be
21 the chairperson.

22 Those members appointed to the initial board as oriental medi-
23 cine practitioners and acupuncturists need not be licensed.
24 Members so appointed after the initial board is appointed shall be
25 licensed under the provisions of Section 138 through 147 of chapter
26 112 of the General Laws prior to such appointment.

27 *Section 86.* The board shall set forth standards for the practice
28 of oriental medicine and acupuncture. The board shall adopt such
29 rules and regulations as are necessary for the conduct of its busi-
30 ness and shall administer examinations, issue licenses and set the
31 fees for examinations, certificates and fines.

32 The board shall meet not less than four times per calendar year.
33 At the first meeting of each year, the board shall elect a vice-
34 chairperson and a secretary.

35 All fees received by the board and not returned to applicants
36 shall be paid monthly to the state treasurer. Members of the board
37 shall serve without compensation, but shall be reimbursed for
38 necessary expenses incurred in the discharge of their official duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by inserting after section 137 the following ten
3 sections: —

4 *Section 138.* As used in sections 138 through 147 inclusive, the
5 following words shall have the following meaning unless the con-
6 text requires otherwise:

7 a) "Acupuncture", the insertion of needles through the skin,
8 with or without the addition of an electric current, the application
9 of heat to the skin, or both, at certain points on the body in an
10 attempt to improve body function, relieve pain, or both.

11 b) "Board", board of registration of oriental medicine estab-
12 lished in section 85 of chapter 13 of the General Laws.

13 "Licensed acupuncturist", a person licensed under the provi-
14 sions of sections 138-147 of this chapter to practice acupuncture.

15 c) "Licensed acupuncturist", a person licensed under the provi-
16 sions of sections 138-147 of this chapter to practice acupuncture.

17 d.) "Licensed oriental medicine practitioner", a person licensed
18 under the provisions of sections 138-147 of this chapter to practice
19 oriental medicine.

20 e) "Oriental medicine", the healing art using acupuncture and
21 oriental herbal treatment.

22 *Section 139.* No person shall engage in the practice of oriental
23 medicine or acupuncture unless they hold a valid license for that
24 practice issued by the board pursuant to the provisions of this
25 chapter.

26 To obtain a license to practice as oriental medicine practitioner,
27 a person shall apply to the board in such manner and under such
28 terms as the board may establish and shall satisfy the requirements
29 specified in section 140 of this chapter.

30 To obtain a license to practice acupuncture, a person shall apply
31 to the board in such manner and under such terms as the board
32 may establish and shall satisfy the requirements specified in section
33 141 of this chapter.

34 *Section 140.* The board shall issue a license to practice as an
35 oriental medicine practitioner if the applicant meets the following
36 requirements:

37 a) furnishes proof that he or shee is at least twenty-one years of
38 age; and,

39 b) furnishes proof of good moral character; and,

40 c) (i) has completed all of the following:

41 A. the equivalent of two academic years as determined by the
42 board at an accredited college or university in undergraduate
43 courses designated by the board as being relative to oriental
44 medicine,

45 B. an approved course of training in oriental medicine of not
46 less that four academic years, the first two years of which shall
47 consist of an approved course of training in acupuncture,

48 C. one year of internship, and

49 D. one year of residency training or

50 (ii) has obtained a license or certificate of registration to prac-
51 tice as an oriental medicine practitioner from the government of
52 the Republic of China, the People's Republic of China, Macau,
53 Hong Kong, Korea, Japan, Great Britain and its colonies, Canada,
54 or any other country that has licensing or certification procedures
55 for the practice of oriental medicine; and,

56 d) passes an examination administered by the board that tests
57 the applicant's competency in and knowledge of the practice,
58 theory and ethics and all phases of oriental medicine; and

59 e) pays the initial registration fee set by the board.

60 *Section 141.* The board shall issue a license to practice acupunc-
61 ture if the applicant meets the following requirements:

62 a) furnishes proof that he or she is at least twenty-one years of
63 age; and,

64 b) furnishes proof of good moral character; and,

65 c) (i) has completed all of the following:

66 A. the equivalent of two academic years as determined by the
67 board at an accredited college or university in undergraduate
68 courses designated by the board as being relative to oriental
69 medicine.

70 B. an approved course of training in acupuncture of not less
71 than two academic years, and,

72 C. one year of internship, or

73 (ii) has obtained a license or certificate of registration to prac-
74 tice acupuncture from the government of the Republic of China,
75 the People's Republic of China, Macau, Hong Kong, Korea,
76 Japan, Great Britain and its colonies, Canada, or any other coun-
77 try that has licensing or certification procedures for the practice of
78 acupuncture; and,

79 d) passes an examination administered by the board that tests
80 the applicant's competency in and knowledge of the practice,
81 theory, and ethics of acupuncture; and,

82 e) pays the initial registration fee set by the board.

83 *Section 142.* Notwithstanding the provisions of sections 140
84 and 141 of this chapter, the board may grant, without examination,
85 a license to practice as an oriental medicine practitioner or as an
86 acupuncturist, if the applicant holds a valid license to practice as
87 such from another state in the United States and if, at the time said
88 license was issued or most recently renewed, the licensing require-
89 ments of that state were substantially equivalent to those set forth
90 in this chapter as determined by the board. The applicant shall pay
91 the initial registration fee set by the board.

92 *Section 143.* Any applicant who fails to pass an examination
93 may take subsequent examinations, providing that the application
94 fee is paid for each subsequent examination.

95 *Section 144.* The board shall issue a license for one year. To
96 renew a license, the person holding the license shall file an applica-
97 tion for renewal and pay the renewal fee set by the board on or
98 before the termination date. Any person failing to submit an
99 application within two months of the renewal date shall not have
100 his or her license renewed, but may apply for an original license.
101 Any person failing to pay the renewal fee shall have his or her
102 license suspended until such time as the fee is paid. If the fee is not
103 paid within two months after the renewal date and the board sent
104 written notice of non-payment within one month after the renewal
105 date, the license shall terminate and the person may apply for an
106 original license.

107 *Section 145.* The board shall maintain a list of all persons
108 licensed by the board which shall include the individual's name,
109 business and residential addresses, date of birth, and date of issu-
110 ance of the original and renewed licenses. The board may adopt
111 rules and regulations to acquire this information and to insure the
112 accuracy of said information.

113 *Section 146.* The board may refuse to issue or renew and may
114 suspend or revoke any license issued, if the board finds the appli-
115 cant has:

- 116 a) committed fraud, intentional misrepresentation, or decep-
117 tion in applying for a license or renewal of a license or in taking the
118 examination; or,
- 119 b) acted unprofessionally, as defined by the board; or,
- 120 c) been convicted of a felony or of the illegal use, possession or
121 distribution of any controlled substance; or
- 122 d) been convicted of any offense involving moral turpitude; or,
- 123 e) committed gross malpractice or deceptive advertising, or is
124 addicted to alcohol or a controlled substance; or,
- 125 f) a physical or mental disability which renders his or her prac-
126 tice of acupuncture or oriental medicine dangerous to a patient; or,
- 127 g) been found in violation of any of the provisions of this section
128 or of any rule or regulation of the board.

129 The board shall not suspend, revoke, or refuse to issue or renew
130 any license except in accordance with the provisions of chapter
131 30A of the General Laws.

20 b) the applicant has been a resident of the Commonwealth for
21 the calendar year immediately preceding the date of his applica-
22 tion, and

23 c) the applicant files his application and pays the necessary fee
24 within 60 days after the board first accepts applications for the
25 license to practice acupuncture.

26 (3) An applicant for a license to practice as an oriental medicine
27 practitioner or as an acupuncturist shall be deemed to satisfy the
28 requirements of subsection c of said sections 140 and 141 of this
29 chapter 112 if:

30 a) the applicant achieves a satisfactory score on the examina-
31 tion given by the board for that license, and

32 b) the applicant files his application and pays the necessary fee
33 within 60 days after the board first accepts applications for the
34 license to practice oriental medicine or acupuncture.