

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 26 BOARD OF ACUPUNCTURE

Chapter 02 General Regulations

Authority: Health Occupations Article, §§1-211, 1A-205, 1A-301, 1A-306, 1A-307, and 1A-316; Agriculture Article, §§2-301(g) and 2-304; Annotated Code of Maryland

.01 Scope.

A. This chapter governs the practice of acupuncture.

B. This chapter does not apply to:

- (1) An individual employed by the federal government as an acupuncturist while practicing within the scope of that employment;
- (2) A student, trainee, or visiting teacher designated as such while participating in a course of study or training under the supervision of a licensed acupuncturist in a program approved by the Board or the Maryland Higher Education Commission; or
- (3) An individual practicing a health occupation who is authorized to practice under a provision of the Annotated Code of Maryland, including:
 - (a) A physician authorized under Health Occupations Article, Title 14, Annotated Code of Maryland, to perform acupuncture as it is defined in that title,
 - (b) A dentist authorized under Health Occupations Article, Title 4, Annotated Code of Maryland, to perform acupuncture in connection with the practice of dentistry, or
 - (c) A veterinarian licensed under the Agriculture Article, Title 2, Subtitle 3, Annotated Code of Maryland, who performs acupuncture on animals in connection with the practice of veterinary medicine.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine.
- (2) "Acupuncture" means a form of health care, based on a theory of energetic physiology, that describes the interrelationship of the body organs or functions of a human or animal with an associated point or combination of points.
- (3) "Applicant" means an individual who has applied to the Board for a license to practice acupuncture in this State.

- (4) "Board" means the State Board of Acupuncture.
- (5) "CCAOM" means the Council of Colleges of Acupuncture and Oriental Medicine.
- (6) "License" means a license issued by the Board to practice acupuncture in this State.
- (7) "NCCAOM" means the National Commission for the Certification of Acupuncture and Oriental Medicine.
- (8) "Practice acupuncture" means the use of oriental medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health including:
 - (a) Stimulation of points of a human or animal body by the insertion of acupuncture needles;
 - (b) The application of moxibustion; and
 - (c) Manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of oriental acupuncture medical theories.
- (9) "TOEFL" means the Test of English as a Foreign Language.

.03 Application for License.

A. To qualify for a license, an applicant shall:

- (1) Submit a completed application on a form supplied by the Board;
- (2) Provide at the applicant's expense, in English, all documentation required by §§B, C, and D of this regulation or copies of original documents with English translations;
- (3) Pay the necessary fees established in COMAR 10.26.01;
- (4) Submit a current signed passport-size photograph; and
- (5) Meet with the Board to review the application if requested by the Board.

B. To prove that the applicant is 18 years old, or older, the applicant shall provide a certified copy of an official government or institutional record, if requested by the Board.

C. To prove good moral character, the applicant shall provide names and addresses of three individuals who can attest to the applicant's reputation for honesty and credibility, as follows:

- (1) Two of these individuals shall have known the applicant for the 5-year period directly preceding the application for licensure; and
- (2) The third individual shall be a practicing acupuncturist in Maryland or in a state within the United States that has licensing requirements at least equivalent to those of this State.

D. The applicant shall provide documentary evidence of having met one of the following standards for education, training, or demonstrated experience:

(1) Graduation from a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours, that is:

(a) Approved by the Maryland Higher Education Commission,

(b) Accredited by the ACAOM; or

(c) Found by the Board to be equivalent to a course approved by the ACAOM;

(2) Achievement of a:

(a) Diplomate in Acupuncture from the NCCAOM; or

(b) Passing score on an examination that is determined by the Board to be equivalent to the examination given by the NCCAOM; or

(3) Existing license, certification, or registration in acupuncture in another state that has a reciprocity agreement with Maryland and has education, practice, or examination requirements equal to or greater than those established in this State.

E. An applicant shall demonstrate proof of proficiency in the written and oral communication of the English language by providing documentary evidence that:

(1) The applicant has completed at least 60 classroom credits from an English-speaking undergraduate school or English-speaking professional school; or

(2) The applicant has achieved a passing score on the TOEFL within the 2 years preceding license application.

F. Proof of proficiency in the English language does not apply to an individual who was in possession of a valid Maryland acupuncture license by March 1, 1996, or had applied by that date and subsequently met all requirements for licensure.

G. Review of Foreign Credentials.

(1) An applicant shall provide proof of equivalency to a course accredited by the ACAOM by submitting to the Board:

(a) An official transcript from the colleges or universities attended which lists:

(i) 1,800 hours of training in acupuncture, of which 300 hours are clinical; and

(ii) Subjects taken and the credits earned by the applicant; and

(b) A translation into the English language, certified by an individual acceptable to the Board, of a transcript which is in a language other than English.

(2) In addition to §G(1) of this regulation, the Board may require the applicant to submit the education credits at the applicant's expense to an educational evaluation agency

approved by the Board with the request that the evaluation report be sent directly to the Board.

.04 Approval of Applicant for Licensure.

A. The Board shall determine whether an application is complete as received, with all required documentation enclosed.

B. Within 90 days of its receipt of a completed application and required information or documentation, the Board shall approve or deny the application.

C. Upon approval of an application, the Board shall issue a document authorizing the applicant to practice acupuncture in this State in accordance with Health Occupations Article, §1A-304, Annotated Code of Maryland, and the regulations in this chapter.

D. Except with approval of the Board, an applicant may not withdraw an application while under investigation or after having received a notice of denial of licensure.

E. For each individual registered with the State Board of Physician Quality Assurance to perform acupuncture as of July 1, 1994, the Board shall consider the individual licensed until December 31, 1995.

.05 Term, Renewal, Reinstatement, and Inactive Status.

A. Unless renewed, the term of a license is valid through the expiration date.

B. Renewal.

(1) At least 1 month before a license expires, the Board shall send to the licensee a renewal notice that states the:

(a) Date on which the current license expires;

(b) Date by which the renewal application is to be received by the Board for the renewal to be issued and mailed before the license expires; and

(c) Amount of the renewal fee.

(2) Before a license expires, the licensee may renew if the licensee:

(a) Submits to the Board a completed renewal application on the form required by the Board along with documentation that the licensee meets the requirements for a license;

(b) Pays the renewal fee specified in COMAR 10.26.01.03; and

(c) If requested, submits to the Board documentation that the licensee has complied with the continuing education requirements established under §F of this regulation.

(3) A licensee shall keep the Board apprised of the licensee's current address and telephone number, or shall pay a fee as specified in COMAR 10.26.01.03H.

C. A licensee has a grace period of 30 days after the licensee's license expires to renew retroactively if the licensee:

- (1) Otherwise is entitled to have the license renewed; and
- (2) Pays to the Board the renewal fee and late fee set by the Board.

D. Reinstatement. Thirty days after the expiration date of a license, a licensee whose license has expired without seeking inactive status may have the license reinstated upon:

- (1) Submitting to the Board a completed reinstatement application on a form required by the Board;
- (2) Meeting the requirements of §B(2)(b) and (c) of this regulation for every year the license is lapsed;
- (3) Payment of the reinstatement fee, and renewal fee, specified in COMAR 10.26.01; and
- (4) Providing documentation of continuing education established under §F of this regulation.

E. Inactive Status.

- (1) The Board shall place a licensee on inactive status for a maximum period of 6 years if the licensee submits to the Board within 30 days after the expiration of a license:
 - (a) An application for inactive status on the form required by the Board; and
 - (b) The inactive status application fee specified in COMAR 10.26.01.
- (2) To reactivate a license from inactive status, the applicant shall meet the:
 - (a) Renewal requirements in §B(2)(a) and (b) of this regulation that exist at the time the individual changes from inactive to active status; and
 - (b) Continuing education requirements for every year the license was inactive.

F. Continuing Education.

- (1) A licensee applying for renewal shall complete 40 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:
 - (a) At least 25 hours in formally organized programs which are relevant to the practice of acupuncture and are approved by the Board or sponsored by, but not limited to, the following organizations and their member organizations:
 - (i) The American Academy of Medical Acupuncturists;
 - (ii) The American Association of Acupuncture and Oriental Medicine (AAAOM);

- (iii) The Council of Colleges of Acupuncture and Oriental Medicine (CCAOM);
- (iv) The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM);
- (v) The National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);
- (vi) The National Academy of Acupuncture and Oriental Medicine (NAAOM);
- (vii) The Society for Acupuncture Research;
- (viii) Center for Oriental Medical Research and Education (COMRE);
- (ix) The National Acupuncture Detoxification Association; or
- (x) The National Acupuncture Teachers Association.

(b) Not more than 15 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and are sponsored by, but not limited to, organizations listed in §F(1)(a) of this regulation and the following organizations:

- (i) World Health Organization (WHO);
- (ii) National Institutes of Health (NIH);
- (iii) The National Institutes of Health Office of Alternative Medicine (NIHOAM);
- (iv) American Medical Association (AMA);
- (v) American Nurses Association (ANA);
- (vi) American Psychiatric Association (APA);
- (vii) American Hospital Association (AHA);
- (viii) American Lung Association (ALA);
- (ix) Red Cross;
- (x) Local colleges; or
- (xi) Local hospitals;

(c) Not more than 15 hours of training in accredited programs which will assist a licensee to carry out the licensee's professional responsibilities, including, but not limited to:

- (i) Management courses for a school administrator;
- (ii) Foreign language training for translators of relevant texts;
- (iii) Educational methodology for teachers of acupuncture;

(d) Not more than 15 hours teaching acupuncture and related oriental medical therapies in an accredited school or in a program approved for acupuncture continuing education; or

(e) Not more than 10 hours of pro bono work as outlined in §F(3) of this regulation.

(2) Part of the 40 hours of relevant continuing education referenced in §F(1) of this regulation, shall consist of at least 3 hours in ethics or professional boundary training every 4 years.

(3) Pro Bono Work.

(a) Pro bono work shall earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 10 credit hours per renewal cycle.

(b) Upon completion of the pro bono work, the licensee shall obtain from the facility written documentation of completion of pro bono hours including:

(i) The name of the facility;

(ii) The address where the pro bono work was provided;

(iii) The type of work that was done;

(iv) The number of hours of actual work provided for which the licensee desires credit hours; and

(v) A statement guaranteeing that the work provided no financial benefit to licensee.

(4) A licensee applying for reinstatement shall document evidence of 20 hours of approved continuing education for every year the individual has not been licensed by the Board as defined in §F of this regulation.

(5) Licensees shall maintain the documentation of their continuing education credits for 4 years.

(6) If requested by the Board, a licensee shall provide proof of continuing education attendance by providing documentation of:

(a) Name of the program;

(b) Date of the program;

(c) Number of continuing education hours earned; and

(d) Name of the sponsoring organization.

.06 Acupuncture on Animals.

A. To obtain certification from the Board as qualified to practice acupuncture on animals, an applicant shall:

(1) Possess a current license to practice acupuncture in Maryland;

(2) Successfully complete a Board-approved specialty training program in animal acupuncture from a school accredited by ACAOM or approved by the Maryland Higher Education Commission that consists of a minimum of 135 hours of theory and clinical training and includes at a minimum in each of the following:

- (a) 90 hours in diagnosis of energy dynamics and treatment of animals,
 - (b) 15 hours in comparative functional anatomy and physiology of animals,
 - (c) 15 hours in animal handling, restraints, and emergencies, and
 - (d) 20 hours in introduction to animal diseases and zoonotics that require the immediate attention of a veterinary practitioner;
- (3) Complete and submit the application provided by the Board; and
- (4) Pay the fee as specified in COMAR 10.26.01.

B. To practice acupuncture on animals, the licensed acupuncturist:

- (1) Shall possess certification for animal acupuncture from the Board;
- (2) Shall cooperate and consult with a veterinarian by:
 - (a) Beginning acupuncture treatment on an animal only if the animal has been seen by a veterinary practitioner within the previous 14 days,
 - (b) Adhering to the terms and conditions of treatment decided by the veterinary practitioner, including the degree of communication and collaboration between the veterinary practitioner and the individual practicing acupuncture, and
 - (c) Reporting to the veterinary practitioner at the end of the animal's acupuncture treatment or at monthly intervals at the discretion of the veterinary practitioner; and
- (3) May not practice acupuncture on an animal for which the licensed acupuncturist has not been appropriately trained in accordance with this regulation.

C. The Board shall maintain a list of all:

- (1) Licensed acupuncturists certified by the Board as qualified to practice acupuncture on animals; and
- (2) Animal acupuncture training programs that the Board approves.

D. On or after the effective date of this regulation, unless the person is certified by the Board as qualified to practice acupuncture on animals, an individual may not:

- (1) Represent to the public that the individual is an animal acupuncturist; and
- (2) Practice acupuncture on animals.

E. Exception to Certification. This regulation does not apply to an individual who practices acupuncture on an animal under a research protocol which has been approved by an Animal Use and Care Committee as provided in 9 CFR Ch. 1, Part 2, Subpart C, §§2.30—2.38.

F. Violation of this regulation constitutes unprofessional conduct and may result in disciplinary action as set forth in Health Occupations Article, §4-315, Annotated Code of Maryland.

.07 Auricular Detoxification Specialist.

A. Qualification. To qualify as an auricular detoxification aide, an applicant shall be certified or licensed as one of the following health care professionals who works directly with chemically dependent clients of a chemical dependency program in the counseling or treatment of those clients:

- (1) A certified professional counselor—alcohol and drug;
- (2) A certified associate counselor—alcohol and drug;
- (3) A supervised counselor—alcohol and drug;
- (4) A licensed clinical alcohol and drug counselor;
- (5) A licensed nurse;
- (6) A licensed psychologist who works directly with chemically dependent clients of a chemical dependency program in the counseling or treatment of those clients; or
- (7) A licensed certified social worker—clinical who works directly with the chemically dependent clients of a chemical dependency program in the counseling or treatment of those clients.

B. Registration. Before registering with the Board as an auricular detoxification specialist, an applicant shall:

- (1) Provide documentation of successful completion of a training program that:
 - (a) Consists of a minimum 70-hour basic training of which 40 hours are clinical training which includes the following training and subject matter:
 - (i) At least 20 treatments during a 4-hour period with good point location and techniques;
 - (ii) The uses and limitations of the treatment;
 - (iii) Communal treatment effect and maintaining an appropriate atmosphere;
 - (iv) Clean needle technique;
 - (v) The limited scope of practice of auricular detoxification and other ethical principles;
 - (vi) The implications of the role of auricular acupuncture for addiction in the larger addiction treatment context;
 - (vii) Preparation of written chart notes regarding status, treatment given, and patient response;
 - (viii) Adjunctive nature of auricular acupuncture for addiction and the importance of collaboration and communication with the treatment team;

(ix) The psycho-spiritual nature of recovery and the ability to respect and support the client's individual beliefs and cognitive process;

(x) Methods to modify treatment appropriately and to respond to adverse clinical situations should they occur;

(xi) Sensitivity, compassion, and respect for clients; and

(xii) Understanding of addictions from the perspective of basic concepts of Chinese medicine; or

(b) Is approved by the Board;

(2) Complete an application provided by the Board;

(3) Provide the name and address of the acupuncturist licensed by the State who shall supervise the applicant;

(4) Provide verification of licensure from the appropriate Health Occupations Board;

(5) Work within a Board-approved professional setting; and

(6) Pay the registration fee in COMAR 10.26.01.

C. The Board may approve a Maryland licensed acupuncturist for supervision of an individual registered to perform auricular detoxification if the licensee:

(1) Holds a valid license to practice acupuncture in Maryland;

(2) Has completed a training program in auricular detoxification as set forth in §B of this regulation;

(3) Has completed an auricular detoxification specialist supervisor training course that consists of:

(a) Maryland law and regulations;

(b) Management skills, including but not limited to:

(i) Appropriate record keeping;

(ii) Ordering supplies;

(iii) Scheduling; and

(iv) Daily operation requirements;

(c) Auricular detoxification methodologies, including but not limited to:

(i) Point location;

(ii) Clean needle technique; and

(iii) Environmental hazards;

(d) Teaching and leadership skills;

(e) Patient safety and risk management;

(f) Occupational Safety and Health Administration (OSHA) requirements;

(g) Health Insurance Portability and Accountability Act (HIPAA) requirements;

- (h) Auricular detoxification program development; and
- (i) Ethics, including but not limited to:
 - (i) Complaint resolution; and
 - (ii) Professional boundaries; and
- (4) Submits to the Board a completed application provided by the Board.

D. Supervisor Responsibilities. A supervisor shall ensure that:

- (1) Auricular detoxification specialists are sufficiently competent in the areas listed in §B(1) of this regulation;
- (2) Auricular detoxification treatment records for patients of auricular detoxification specialists are maintained in a manner appropriate for and consistent with current and reasonable community standards of care; and
- (3) An on-site visit with the auricular detoxification specialist occurs at least once every 2 months.

E. Renewal of Registration.

- (1) At least 1 month before a registration expires, the Board shall send a renewal notice to an auricular detoxification specialist that states:
 - (a) The date the current registration expires;
 - (b) The date a renewal application is to be received by the Board for the renewal to be issued and mailed before the registration expires; and
 - (c) The amount of the renewal fee.
- (2) Before a registration expires, an individual registered to perform auricular detoxification may renew registration if the individual submits:
 - (a) A completed renewal application on the form required by the Board;
 - (b) Documentation that the supervising licensee meets the requirements for a license;
 - (c) Verification from the appropriate Health Occupation Board under §A(1) of this regulation, that confirms that the individual has a current certification or license in good standing; and
 - (d) The renewal fee specified in COMAR 10.26.01.
- (3) An individual registered to perform auricular detoxification shall maintain a current address and telephone number with the Board.

F. Reinstatement of Expired Registration. An auricular detoxification specialist holding an expired registration may apply for reinstatement if the individual:

- (1) Completes an application for reinstatement approved by the Board; and
- (2) Submits the auricular detoxification specialist registration reinstatement fee specified in COMAR 10.26.01.

G. Setting. The clinical substance abuse program or professional setting where an individual performs auricular detoxification on patients with documented substance abuse concerns shall meet reasonable community standards.

H. Complaints.

- (1) The Board may investigate a complaint filed against an auricular detoxification specialist or the supervising licensed acupuncturist.
 - (2) The Board may withdraw the registration of the auricular detoxification specialist or take action against the license of the supervising acupuncturist if either individual violates an applicable law, regulation, or standard of practice while performing auricular detoxification.
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