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H.690

Introduced by Representative Klein of East Montpelier

Referred to Committee on

Date:

Subject: Professions and occupations; acupuncture; exemption; medicine;
osteopathy

Statement of purpose of bill as introduced: This bill proposes to allow a
physician or osteopath to practice acupuncture if it is within the scope of his or
her professional practice.

~~An act relating to the practice of acupuncture by physicians and osteopaths~~

~~An act relating to the practice of acupuncture by physicians, osteopaths,
and physician assistants~~

*An act relating to the practice of acupuncture by health care professionals
acting within their scope of practice.*

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 26 V.S.A. § 3402 is amended to read:~~

§ 3402. PROHIBITIONS; OFFENSES; EXEMPTIONS

(a) Except as provided in section 3412 of this title, ~~no~~ a person shall not
practice acupuncture unless he or she is licensed in accordance with the
provisions of this chapter.

1 ~~(b)(1) No A person shall not use in connection with the person's name any~~
2 letters, words, or insignia indicating or implying that the person is an
3 acupuncturist unless the person is licensed in accordance with this chapter.

4 (2) The only title a licensed acupuncturist may use in reference to that
5 license is "licensed acupuncturist" or its abbreviation, as "Lic. Ac."

6 (c) A person who violates any of the provisions of subsection (a) or (b) of
7 this section shall be subject to the penalties provided in 3 V.S.A. § 127(e).

8 (d) Nothing in subsection (a) of this section shall prevent a student from
9 performing acupuncture under the supervision of a competent licensed
10 acupuncturist instructor:

11 (1) within a school or a college or an acupuncture department of a
12 college or university that is licensed by the Vermont Agency of Education or
13 certified by the Accreditation Commission for Acupuncture and Oriental
14 Medicine; ~~or~~

15 (2) as a student in a Director-approved apprenticeship; or

16 (3) as an intern in any hospital.

17 (e) Nothing in subsection (a) of this section shall prevent a person who is
18 licensed or certified as an acupuncturist in another state or Canadian province
19 from practicing acupuncture for no more than five days in a calendar year
20 as part of a health care professional educational seminar or program in
21 Vermont, if the educational seminar or program is directly supervised by a

1 ~~Vermont-licensed health care professional whose scope of practice includes~~
2 ~~acupuncture.~~

3 ~~(f) The provisions of this chapter shall not apply to the following persons~~
4 ~~acting within the scope of his or her professional practice:~~

5 ~~(1) a person licensed to practice medicine under chapter 23 of this~~
6 ~~title; or~~

7 ~~(2) a person licensed to practice osteopathic medicine under chapter 33~~
8 ~~of this title.~~

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on passage.~~

Sec. 1. 26 V.S.A. § 3402 is amended to read:

§ 3402. PROHIBITIONS; OFFENSES; EXEMPTIONS

(a) Except as provided in section 3412 of this title, ~~no~~ a person shall not practice acupuncture unless he or she is licensed in accordance with the provisions of this chapter.

(b)(1) ~~No~~ A person shall not use in connection with the person's name any letters, words, or insignia indicating or implying that the person is an acupuncturist unless the person is licensed in accordance with this chapter.

(2) The only title a licensed acupuncturist may use in reference to that license is "licensed acupuncturist" or its abbreviation, as "Lic. Ac."

(c) A person who violates any of the provisions of subsection (a) or (b) of this section shall be subject to the penalties provided in 3 V.S.A. § 127(e).

(d) Nothing in subsection (a) of this section shall prevent a student from performing acupuncture under the supervision of a competent licensed acupuncturist instructor:

(1) within a school or a college or an acupuncture department of a college or university that is licensed by the Vermont Agency of Education or certified by the Accreditation Commission for Acupuncture and Oriental Medicine; ~~or~~

(2) as a student in a Director-approved apprenticeship; or

(3) as an intern in any hospital.

(e) Nothing in subsection (a) of this section shall prevent a person who is licensed or certified as an acupuncturist in another state or Canadian province from practicing acupuncture for no more than five days in a calendar year as part of a health care professional educational seminar or program in Vermont, if the educational seminar or program is directly supervised by a Vermont-licensed health care professional whose scope of practice includes acupuncture.

~~*(f) The provisions of this chapter shall not apply to the following persons acting within the scope of his or her professional practice:*~~

~~*(1) a person licensed to practice medicine under chapter 23 of this title;*~~

~~(2) a person licensed to practice osteopathic medicine under chapter 33 of this title; or~~

~~(3) a person licensed as a physician assistant under chapter 31 of this title.~~

(f) This chapter shall not be construed to limit or restrict in any way the right of a licensed practitioner of a health care profession regulated under this title from performing services within the scope of his or her professional practice.

*Sec. 1a. DIRECTOR OF PROFESSIONAL REGULATION; EVALUATING
NON-ACUPUNCTURISTS*

The Director of Professional Regulation, with cooperation of the relevant professional regulatory boards, shall monitor and evaluate whether non-acupuncturists employing acupuncture as a therapeutic modality are doing so safely, within their scopes of practice, and in a manner consistent with the public health, safety, and welfare.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.