

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2113

By: Pae

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5
6 AS INTRODUCED

7 An Act relating to acupuncture and Asian medicine;
8 defining terms; establishing the Acupuncture and
9 Asian Medicine Committee; providing for membership,
10 terms, reimbursement policy, and powers and duties of
11 Committee; providing for codification; and providing
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 4201.1 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 As used in this act:

18 1. "Accreditation Commission for Acupuncture and Herbal
19 Medicine" or "ACAHM" means the national organization that oversees
20 and credentials acupuncture college programs of study;

21 2. "Acupuncture and Asian medicine" means a system of primary
22 health care for the prevention, diagnosis, and treatment of human
23 health conditions, injury, and disease; the promotion or restoration
24 of health; and the support and stimulation of a patient's inherent
self-healing processes through patient education and the use of

1 acupuncture and Asian medicinal therapies and therapeutic
2 substances;

3 3. "Acupuncture physical application" means the therapeutic use
4 by licensed acupuncturists of the actions or devices of electrical
5 muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet
6 light, sauna, infrared light therapy, biofeedback, musculoskeletal
7 technique, and therapeutic exercise;

8 4. "Approved acupuncture and Asian medical program" means an
9 acupuncture and Asian medical education program in the United States
10 or abroad that meets the requirements for accreditation by the
11 Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM)
12 or an equivalent federally recognized accrediting body for the
13 acupuncture and Asian medical profession recognized by the
14 Acupuncture and Asian Medicine Committee created in Section 2 of
15 this act, or the State Department of Health. This program must be
16 an institution, or part of an institution, of higher education that
17 at the time the student completes the program is:

18 a. either accredited or is a candidate for accreditation
19 by a regional institutional accrediting agency
20 recognized by the State of Oklahoma or the United
21 States Department of Education, or

22 b. a degree-granting college or university that:
23 (1) prior to the existence of ACAHM offered a full-
24 time structured curriculum in acupuncture and

1 supervised patient care which constituted a
2 master's level acupuncture education program that
3 was equivalent to the requirements of ACAHM,

4 (2) is reputable, and

5 (3) is in good standing in the judgment of the State
6 Department of Health;

7 5. "Approved substances" means over-the-counter substances,
8 food extracts, vitamins, minerals, or other dietary supplements,
9 botanical preparations, and a limited formulary of legend drugs;

10 6. "Committee" means the Acupuncture and Asian Medicine
11 Committee;

12 7. "Department" means the State Department of Health;

13 8. "License" means the document of authorization issued by the
14 State Department of Health for a person to engage in the practice of
15 acupuncture and Asian medicine;

16 9. "Licensed acupuncturist" means a practitioner of acupuncture
17 and Asian medicine who has been properly licensed for that purpose;

18 10. "National Certification Commission for Acupuncture and
19 Oriental Medicine" or "NCCAOM" means the national credentialing body
20 of acupuncturists which determines if an individual has completed
21 the requirements to be eligible to sit for the national board exams.
22 The Commission also administers the national board exams; and

23 11. "Practicing acupuncture and Asian medicine" means the
24 surgical use of single-use needles inserted into and removed from

1 the body and the use of other devices, modalities, and procedures to
2 penetrate the skin and stimulate underlying myofascial trigger
3 points and muscular and connective tissues for the management of
4 neuromusculoskeletal pain and movement impairments, treat
5 dysfunctions in skeletal muscle, fascia, and connective tissue,
6 diminish persistent peripheral nociceptive input, and reduce or
7 restore impairments of body structure and function leading to
8 improved activity and participation. Practicing acupuncture and
9 Asian medicine further means the prevention, cure, or correction of
10 any disease, illness, injury, pain, or other condition.
11 Furthermore, practicing acupuncture and Asian medicine means to
12 restore and maintain an individual's health. Practicing acupuncture
13 and Asian medicine includes, but is not limited to, utilizing
14 acupuncture, dry needling, herbs, tuina, massage, cupping, injection
15 therapy, auriculotherapy, gua sha, Eastern medicine nutrition,
16 therapeutic exercise, moxibustion therapy, electrostimulation,
17 electro-cupping, bloodletting, interpreting bloodwork results,
18 manual therapy, vitamins, injectable substances, and Chinese herbal
19 formulas which licensed acupuncturists use in the practice of their
20 profession.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 4201.2 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. There is hereby established the Acupuncture and Asian
2 Medicine Committee to assist the State Department of Health in
3 approval for applicants and to advise the Department on all matters
4 pertaining to the licensure, education, and continuing education of
5 licensed acupuncturists and the practice of acupuncture and Asian
6 medicine.

7 B. The Acupuncture and Asian Medicine Committee shall consist
8 of seven (7) members who shall be appointed by the State Department
9 of Health as follows:

10 1. Four members who are licensed to practice acupuncture and
11 Asian medicine. Nominations for these four members shall be
12 submitted by the Oklahoma Society of Acupuncturists and Asian
13 Medicine;

14 2. One member who is a layperson who is not and who has never
15 been licensed to practice acupuncture and Asian medicine, or is a
16 member of any closely related profession;

17 3. One member from the State of Department of Health; and

18 4. One member who is licensed by the State Board of Medical
19 Licensure and Supervision.

20 C. Members of the Committee shall be appointed for terms of
21 four (4) years or for the remainder of an unexpired term of a
22 vacancy. Members shall serve at the pleasure of the appointing
23 authority. Vacancies on the Committee shall be filled by the
24 Committee in the same manner as the original appointment.

1 D. Members of the Committee shall not be compensated but may be
2 reimbursed for all actual and necessary expenses incurred in the
3 performance of duties.

4 E. The Committee shall have the power and duty to:

5 1. Assist the State Department of Health in promulgating rules;

6 2. Assist in approving courses for continuing education units
7 and in determining which applicants have met the requirements set
8 forth by the Department and the Committee;

9 3. Advise the State Department of Health on all matters
10 pertaining to the licensure, education, and continuing education
11 requirements for the practice of acupuncture and Asian medicine in
12 this state;

13 4. Assist and advise in all hearings involving licensed
14 acupuncturists who are deemed to be in violation of this act; and

15 5. Establish and maintain a reasonable fees and fines schedule.

16 SECTION 3. This act shall become effective November 1, 2023.

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