

45:9B-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

COPY NO. 2

NJSA 45:9B-1 to 45:9B-14

Laws of 1975 Chapter 358

Bill No. A520

Sponsor(s) Klein

Date Introduced Pre-filed

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly April 16, 1974

Senate Dec. 15, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes 10/21/74 and 4/21/75

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings Yes

974.90 New Jersey. Legislature. Senate.
L699 Labor, Industry & Professions Committee.
1974 Public hearing on S835 and A520 (Practice of acupuncture)
held May 7, 1974. Trenton, 1974 128 p.

10/4/76
MAY 1977

DEPOSITORY COPY
Do Not Remove From Library

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY. No. 520

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman KLEIN

AN ACT ****[regulating the practice of acupuncture]**** ***establishing acupuncture research programs***, requiring licenses for the ****[practice thereof]**** ***participation therein***, **[creating a State Board of Acupuncture in the Division of Consumer Affairs in the Department of Law and Public Safety,]** and supplementing Title 45 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 ***1. The State Board of Medical Examiners in the Division of*
2 *Consumer Affairs of the Department of Law and Public Safety is*
3 *hereby authorized to establish and administer acupuncture research*
4 *programs in research institutions or hospitals affiliated with duly*
5 *recognized medical schools.*

1 *2. The research programs established by the board pursuant to*
2 *this act shall remain operative until December 31, 1978. On or*
3 *before December 31, 1978, the board shall report to the Governor*
4 *and the Legislature its evaluation of the acupuncture research*
5 *program and shall include therewith its recommendations with*
6 *respect to the future prohibition or authorization of acupuncture*
7 *treatment outside of a controlled research environment.*

1 *3. For purposes of establishing and administering acupuncture*
2 *research programs, the board is empowered to promulgate, amend,*
3 *and rescind rules and regulations deemed necessary and proper.*

1 *4. Persons designated by the board to participate in acupuncture*
2 *research shall be licensed pursuant to this act.***

1 ****[1.]**** ***5.*** Definition of practice of acupuncture ***re-*
2 *search***. a. The practice of acupuncture ***research*** is defined

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

3 as **["treating"]** *studying treatment* by means of mechanical,
 4 thermal or electrical stimulation effected by the insertion of solid
 5 needles or the application of heat or electrical stimulation at a point
 5A or combination of points on the surface of the body predetermined
 6 on the basis of the theory of the physiological interrelationship
 7 of body organs with an associated point or combination of points
 8 for diseases, disorders and dysfunctions of the body for the pur-
 9 pose of achieving a regular therapeutic or prophylactic effect.

10 b. A license to practice acupuncture *research* shall not permit
 11 the holder thereof to use radiotherapy, fluoroscopy, or any form of
 12 ionizing radiation, to operate, to reduce fractures or dislocations,
 13 or to use diagnostic or therapeutic methods involving chemical or
 14 biological means.

15 c. A license to practice acupuncture *research* shall permit the
 16 holder thereof to treat any human disease, pain, injury, deformity
 17 or physical condition not prohibited by the provision of this section
 18 provided the **["patient to be treated"]** *person volunteering for*
 19 *research treatment* presents a prior referral obtained from a
 20 licensed physician after appropriate medical examination.

1 **[2.]** *6.* Practice of acupuncture *research* and use of
 2 title **["doctor of acupuncture."]** Only a *person*, unless
 3 licensed or exempt under this act, shall **["practice"]** *par-*
 3A *ticipate in* acupuncture *research* or use **["the"]** *a* title
 4 **["doctor of acupuncture."]** *or description including the term*
 5 *"acupuncture" or any of its derivatives in a manner which would*
 6 *imply that he is licensed under this act.*

1 **[3.]** *7.* **["State Board of"]** Acupuncture *Advisory*
 2 *Committee.* a. **["A State Board of"]** *An* Acupuncture *Advisory*
 3 *Committee* is hereby created in the Division of Consumer Affairs
 3A of the Department of Law and Public Safety **["of the State of New**
 3B *Jersey"]*, *under the State Board of Medical Examiners.*

4 Within 30 days after this act takes effect, the members of the
 5 **["State Board of"]** Acupuncture *Advisory Committee* shall be
 6 appointed by the Governor with the *advice and* consent of the
 7 Senate for the purpose of assisting the **["department"]** *board*
 8 on matters of professional licensing and professional conduct. The
 9 **["board"]** *committee* shall be composed of seven members, in-
 10 cluding three *licensed* practitioners of acupuncture *research*,
 11 two licensed physicians, **["one educator who is bilingual (English**
 12 *and Chinese) and holds a doctorate or equivalent degree in a non-*
 13 *medically related subject which relates to the understanding of the*
 14 *history, theory and practice of acupuncture, and one member"]*

14A **and two members** of the general public ***[who holds a graduate**
 14B **degree in any of the biological sciences]***.

15 Each member of the ***[board]* *committee*** ****[**, except the mem-
 16 bers first appointed,**]*** shall serve ****[for a term of 3 years]*** ******
 17 ****until December 31, 1978****. ****[Each member shall hold office**
 18 until the appointment of his successor. The initial appointments
 19 to the board shall be three members for a term of 1 year, two mem-
 20 bers for a term of 2 years, and two members for a term of 3 years.**]*** ******
 21 Vacancies shall be filled for the unexpired term only. ****[No member**
 21A **may be appointed for more than 2 *[years]* *terms*.]****

22 b. Each member of the ***[board]* *committee*** shall serve with-
 23 out compensation, but shall be entitled to be reimbursed for his
 24 necessary travel expenses in connection with the business of the
 24A board.

25 ***[Each practitioner of acupuncture who is a member of the**
 26 **board shall be the holder of a license issued pursuant to this act.]***
 27 **The three acupuncturists **[initially]** appointed to the commit-*
 28 *tee need not be licensed **[acupuncturists]** *to practice acu-*
 29 *puncture research* at the time of their appointment, provided,*
 30 *however, they satisfy the requirements for licensure within a*
 31 *reasonable time after such requirements are established by the*
 31A *board.**

32 c. In accordance with the provisions of this act the ***[board]***
 33 ***committee*** shall, within 6 months following their appointment
 34 and after appropriate hearings and investigation, ***[issue]***
 35 ***transmit*** their initial recommendations for the establishment of
 36 ****acupuncture research programs and**** standards for professional
 37 education, experience and licensing examinations **to the board.*
 38 *Based upon the recommendations and subject to the approval of*
 39 *the committee, the State Board of Medical Examiners shall estab-*
 40 *lish, by rules or regulations adopted in accordance with the ‘‘Ad-*
 41 *ministrative Procedure Act,’’ P. L. 1968, c. 410 (C. 52:14B-1 et*
 42 *seq.), the education, experience and examination requirements for a*
 43 *license to practice acupuncture **research**, and such other re-*
 43A *quirements with respect to the practice of acupuncture **research***
 44 *and the conduct of practitioners thereof as the board may deem*
 45 *advisable to effectuate the provisions of this act.**

1 ****[4.]* *8.*** Requirements for a ****[professional]** *re-**
 2 **search**** license. To qualify for a license ***[as a doctor of]* *to**
 3 **practice*** acupuncture ****research**** an applicant shall fulfill the
 3A following requirements:

- 4 a. Application: file an application with the board;
- 5 b. Education: have received an education satisfactory to the
6 board and in accordance with ***[the commissioner's]*** *its* regula-
6A tions ****[*], but in no event, less than 36 months of study and train-**
6B *ing in a school approved by the board***;
- 7 c. Experience: have experience satisfactory to the board and
8 in accordance with ***[the commissioner's]*** *its* regulations;
- 9 d. Examination: pass examination satisfactory to the board and
10 in accordance with ***[the commissioner's]*** *its* regulations, in
11 ***[the theory and practice of pulse diagnosis and]** *the theory and*
12 *practice of acupuncture*;
- 13 ***[e. Age: be at least 21 years of age;**
- 14 f. Citizenship: be a United States citizen, or file a declaration
15 of intention to become a citizen in accordance with the board's
16 regulations;**]**
- 17 ***[g.]*** *e.* Character: be of good moral character as determined
18 by the board; and
- 19 ***[h.]*** *f.* Fees: pay a fee to the board for admission to the ex-
20 amination and for initial license of \$40.00, for each reexamination
21 \$15.00, and for each biennial registration \$15.00.
- 22 **No license to practice acupuncture shall be issued pursuant to*
23 *this act unless the applicant therefor shall submit proof satisfac-*
24 *tory to the board that he has or will have on the effective date of*
25 *his license a professional liability insurance policy with coverage*
26 *of not less than \$100,000.00 for any one claimant.**
- 1 ****[*5.]*** ****9.**** *The board may waive the education, experience*
2 *and examination requirements for licensure hereunder and issue a*
3 *license* ****to practice acupuncture research**** *by endorsement to any*
4 *applicant who holds a current license or certificate to practice acu-*
5 *puncture issued by the licensing agency of another state or country*
6 *which, in the opinion of the board, has licensure requirements for*
7 *the practice of acupuncture equivalent to or higher than those* ****[in**
8 *effect]** ****required to practice acupuncture research**** *pursuant*
9 *to this act.***
- 1 ****[*6.]*** ****10.**** *Any person licensed to practice medicine and*
2 *surgery* ****or registered to practice physical therapy**** *in this*
3 *State may engage in the practice of acupuncture* ****research****,
4 *provided said person shall have passed the examination provided*
5 *for in subsection* ****[4 d.]*** ****8 d.**** *of this act and shall have re-*
6 *ceived such training in the practice of acupuncture* ****research****
7 *as the board shall require in its rules or regulations.**

1 **[7.]** **11.** *Any person licensed to practice medicine and*
 2 *surgery in this State who is engaged in the practice of acupuncture*
 3 ***research** on the effective date of this act may continue to engage*
 4 *in such practice and shall not be in violation of this act thereby for*
 5 *a period not to exceed 6 months from the effective date of the rules*
 6 *or regulations prescribing examination and training requirements*
 7 *for any such person.**

1 *[5.]* **[8.]* **12.** The board may refuse to grant or may
 2 suspend or revoke a license issued pursuant to this act upon proof
 3 to the satisfaction of the board that the holder of such license (a)
 4 has been adjudicated insane, or (b) habitually uses intoxicants, or
 5 (c) has been convicted of crime involving moral turpitude, or has
 6 pleaded nolo contendere, non vult contendere or non vult to an
 7 indictment, information or complaint alleging the commission of
 8 crime involving moral turpitude, or (d) has been determined to be
 9 physically or mentally incapacitated, or (e) knowingly becomes em-
 10 ployed by any physician, surgeon, chiropractor, or osteopath, who
 11 advertises, or (f) shall have presented to the board any diploma,
 12 license or certificate that shall have been illegally obtained or shall
 13 have signed or issued unlawfully or under fraudulent representa-
 14 tions, or obtains or shall have obtained a license to practice in this
 15 State through fraud of any kind, or (g) has been guilty of gross mal-
 16 practice or gross neglect in the practice of acupuncture ***re-*
 17 *search*** which has endangered the health or life of any person, or
 18 (h) has been demonstrated professionally incompetent to practice
 18A acupuncture ***research***.

19 Before any license to practice acupuncture ***research*** shall be
 20 suspended or revoked, except in the case of convictions of crime in-
 21 volving moral turpitude or plea of nolo contendere, non vult con-
 22 tendere or non vult to indictment, information, or complaint alleging
 23 commission of crime involving moral turpitude, *[or convictions of
 24 violations of or pleas of nolo contendere, non vult contendere or
 25 non vult,]* the accused person shall be furnished with a copy of the
 26 complaint and be given a hearing before said board in person or
 27 by attorney, and any person whose license shall be suspended or
 28 revoked in accordance with this section shall be deemed an un-
 29 licensed person during the period of such suspension or revocation,
 30 and as such shall be subject to the penalties hereinafter prescribed
 31 for persons who practice acupuncture ***research*** without first
 32 having obtained a license so to do. Any person whose license to
 33 practice acupuncture ***research*** has been suspended or revoked
 34 pursuant to this section may, at the discretion of the board, be re-

35 licensed at any time to practice without an examination or applica-
 36 tion made to the board.

37 The record of conviction or the record of entry of a plea of
 38 nolo contendere, non vult contendere or non vult in any of the
 39 courts of this State, or any other state of the United States, or
 40 any of the courts of the United States, or the court of any foreign
 41 nation, shall be sufficient warrant for the board to refuse to grant
 42 or to suspend or revoke the license to practice acupuncture ***re-*
 43 *search***.

1 **[6.]* **[*9.]*** **13.*** Exempt persons. Nothing in this act
 2 shall be construed to affect or prevent a student from engaging in
 3 clinical practice under the supervision of a licensed **[doctor of*
 4 *acupuncture]* **[*acupuncturist]*** **acupuncture researcher***
 5 in an educational or research institution or hospital in this State
 6 registered by the State**[; nor shall anything herein be construed*
 7 *to affect or prevent a licensed physician of this State from practic-*
 8 *ing acupuncture subject to such regulations as may be promulgated*
 9 *by the board of medical examiners]**.

1 **[7. All applicants in order to qualify for a license as a doctor of*
 2 *acupuncture shall fulfill all the requirements of this act; however,*
 3 *education, experience and examination requirements for the pro-*
 4 *fessional license may be waived and licenses issued by a licensing*
 5 *board of another state or country may be endorsed.]**

1 ***[*10.]*** **14.*** *Any person violating the provisions of this act*
 2 *shall, in addition to any other sanction provided herein, be liable to*
 3 *a penalty of not less than \$500.00 nor more than \$1,000.00 for each*
 4 *offense. The penalty shall be collected and enforced by a summary*
 5 *proceeding pursuant to the "Penalty Enforcement Law" (N. J. S.*
 6 *2A:58-1 et seq.).**

1 **[8.]* **[*11.]*** **15.*** This act shall take effect immediately.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 520

—◆—
STATE OF NEW JERSEY
—◆—

DATED: OCTOBER 21, 1974

This bill regulates the practice of acupuncture in New Jersey. No person shall practice acupuncture unless licensed under the provisions of this act. An Acupuncture Advisory Committee is created within the Division of Consumer Affairs, under the State Board of Medical Examiners. The advisory committee shall be appointed by the Governor with the advice and consent of the Senate. This advisory committee shall be composed of seven members, including three licensed practitioners, two licensed physicians, and two members of the general public. These members shall serve without compensation and shall be appointed to not more than two 3-year terms.

The State Board of Medical Examiners shall establish the education, experience and examination requirements for a license to practice acupuncture based upon the recommendations of the advisory committee. Requirements for a professional acupuncture license include: (1) no less than 36 months of study in a school approved by the board; (2) passing an examination satisfactory to the board; (3) professional liability insurance with coverage of not less than \$100,000.00 for any one claimant.

The board may waive the education, experience and examination requirements for an applicant holding a license or certificate from another state or country which, in the opinion of the board, is equivalent to one issued in New Jersey. Any person licensed to practice medicine or surgery may engage in the practice of acupuncture provided an examination is passed and such training as the board shall require is received. Any physician or surgeon already practicing acupuncture on the effective date of this legislation shall have 6 months to comply with regulations concerning examination and training requirements.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 520

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: APRIL 21, 1975

Assembly Bill No. 520 defines and regulates the practice of acupuncture and authorizes the State Board of Medical Examiners to license acupuncturists. It also establishes a seven member Acupuncture Advisory Committee appointed by the Governor with the advice and consent of the Senate under the State Board for the purpose of assisting the board in administering the act.

Based on the recommendations of the Advisory Committee, the State board would establish by rules and regulations the education, experience, and examination requirements with respect to the practice of acupuncture and the conduct of practitioners.

The bill establishes certain statutory qualifications for licensure, and requires professional liability insurance of at least \$100,000.00 for any one claimant.

The committee amended the bill to direct that the board establish acupuncture research programs in research institutions or hospitals affiliated with duly recognized medical schools. The research programs would only remain in effect until December 31, 1978. On or prior thereto the board would evaluate the acupuncture research program and recommend to the Governor and the Legislature its determinations with respect to the authorization of acupuncture in other than a research environment.