

45:2C-3 et al

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 45:2C-3 et al (Acupuncturist -- Examining Board - members certification)

**LAWS OF:** 1984 **CHAPTER:** 76

**Bill No:** S1756

**Sponsor(s):** McManimon

**Date Introduced:** May 14, 1984

**Committee:** **Assembly:** Independent Author

**Senate:** ////

**Amended during passage:** No

**Date of Passage:** **Assembly:** May 21, 1984

**Senate:** May 21, 1984

**Date of Approval:** July 12, 1984

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** No

**Senate** No

**Fiscal Notes:** No

**Veto Message:** No

**Message on Signing:** ~~No~~ Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

Bill, referred to in sponsor's statement: S1352.

SENATE, No. 1756

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Senator McMANIMON

(Without Reference)

AN ACT concerning the regulation of the practice of acupuncture  
and amending P. L. 1983, c. 7.

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

1 1. Section 3 of P. L. 1983, c. 7 (C. 45:2C-3) is amended to read  
2 as follows:

3 3. There is created in the Division of Consumer Affairs of the  
4 Department of Law and Public Safety and under the State Board  
5 of Medical Examiners and Acupuncture Examining Board con-  
6 sisting of nine members, four of whom shall be acupuncturists,  
7 certified in this State and not licensed as physicians and surgeons,  
8 two members shall be physicians and surgeons licensed in this State  
9 with at least two years experience in acupuncture; and pursuant  
10 to the provisions of section 2 of P. L. 1971, c. 60 (C. 45:1-2.2) two  
11 members shall be public members who do not hold a license or  
12 certificate as a physician and surgeon or acupuncturist and one  
13 member shall be from a department in the Executive Branch of  
14 the State government. The four acupuncturists initially appointed  
15 to the board need not be certified in this State but shall be certified  
16 in another state and *shall be deemed to be and shall become certi-*  
17 *fied acupuncturists in this State [as soon as possible after] im-*  
18 *mediately upon their appointments as members of the board.* The  
19 members of the board shall be residents of the State appointed by  
20 the Governor for terms of three years and until the appointment  
21 and qualification of their successors. Of the members initially ap-  
22 pointed three shall hold office for one year; three shall hold office

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

Matter printed in italics thus is new matter.

23 for two years; and three shall hold office for three years. Vacan-  
24 cies shall be filled for the unexpired terms only.

25 The board shall organize as soon as possible after the appoint-  
26 ment of its members and shall annually elect a chairman and a  
27 secretary from among its members. The board shall carry out the  
28 responsibilities assigned to it under this act and such other matters  
29 as the State Board of Medical Examiners may require. The board  
30 shall promulgate such rules and regulations as it deems necessary  
31 to effectuate the purposes of this act. All regulations adopted,  
32 amended or repealed by the board shall be subject to the review  
33 and approval of the State Board of Medical Examiners.

1 2. Section 7 of P. L. 1983, c. 7 (C. 45:2C-7) is amended to read  
2 as follows:

3 7. No person who is not certified under this act shall practice  
4 acupuncture, hold himself out as practicing acupuncture, or use  
5 a title or description, including the following: C. A., Certified Acu-  
6 puncturist; Acupuncturist; M. D., C. A.; M. D., Certified Acupune-  
7 turist; or any other letters or words denoting that the person so  
8 practices acupuncture. A person who is participating in an ap-  
9 proved course of study, school or tutorial program in acupuncture  
10 may practice acupuncture under conditions established by the  
11 board.

12 The State Board of Medical Examiners may suspend or revoke  
13 a license to practice medicine and surgery [or a registration to  
14 practice physical therapy] upon proof to its satisfaction that the  
15 holder thereof practiced acupuncture contrary to the provisions of  
16 this act or employed a person who practiced acupuncture without  
17 certification.

1 3. Section 9 of P. L. 1983, c. 7 (C. 45:2C-9) is amended to read  
2 as follows:

3 9. Each person desiring to obtain a certification to practice acu-  
4 puncture shall make application therefor to the board upon such  
5 form and in such manner as the board shall prescribe and shall  
6 furnish satisfactory evidence to the board that he:

7 a. Is at least 21 years of age;

8 b. Is of good moral character; and

9 c. (1) Has a baccalaureate degree and has successfully com-  
10 pleted a board approved [two-years] *two-year* course of study or  
11 a board approved two-year program of a school of acupuncture  
12 or (2) has successfully completed a board approved tutorial pro-  
13 gram in acupuncture or at least three years experience practicing  
14 acupuncture within three years after the enactment of this act  
15 which is recognized by the board or (3) is the holder of a license

16 to practice medicine and surgery. ~~For registration to practice physi-~~  
 17 ~~cal therapy in this State].~~ The application shall be accompanied  
 18 by the fee prescribed by the board.

19 The board shall evaluate each applicant applying for a certificate  
 20 to practice acupuncture and make the final determination regard-  
 21 ing each applicant's admission to the examination and the issuance  
 22 or denial of a certificate.

1 4. Section 13 of P. L. 1983, c. 7 (C. 45:2C-13) is amended to  
 2 read as follows:

3 13. a. The board shall establish standards for the approval or  
 4 recognition of courses of study, schools, tutorial programs and  
 5 practical experience in acupuncture, completion of which will sat-  
 6 isfy the requirements of subsection ~~[d.] c.~~ of section 9 of this act.

7 b. The board shall approve or recognize training or practical  
 8 experience acquired by an applicant prior to the effective date of  
 9 this act where the training or practical experience meets the  
 10 standards set by the board

1 5. Section 14 of P. L. 1983, c. 7 (C. 45:2C-14) is amended to  
 2 read as follows:

3 14. A tutorial program in acupuncture shall be provided under  
 4 the supervision of an acupuncturist approved by the board. To  
 5 obtain approval an acupuncturist shall:

6 a. Make application therefor to the board upon such form and  
 7 in such manner as the board shall prescribe, accompanied by pay-  
 8 ment of the prescribed fee;

9 b. Be certified to practice acupuncture in this State;

10 c. Have at least seven years experience practicing acupuncture.

11 An approved acupuncturist shall supervise no more than two  
 12 students at one time and shall inform the board in writing of the  
 13 names of the students the acupuncturist is supervising and any  
 14 other information the board may require.

15 Approvals shall be granted for one year and shall be renewed  
 16 annually. An approved acupuncturist shall pay a renewal fee pre-  
 17 scribed by the board to the board on or before July 1 of each year.  
 18 If the renewal fee is not paid by that date the approval shall auto-  
 19 matically expire. Approval which has thus expired may, within  
 20 one year of its expiration, be renewed on payment to the board  
 21 of the past due renewal fee and a delinquency fee. After the one  
 22 year period approval may be renewed only by complying with the  
 23 provisions of this section ~~[of this act].~~

24 ~~[The provisions of this section shall expire three years after the~~  
 25 ~~enactment of this act.]~~

1 6. This act shall take effect immediately and shall be retroactive  
 2 to January 18, 1983.

## STATEMENT

This bill clarifies an ambiguity in the law establishing the Acupuncturist Examining Board. This bill provides that initial members of the board, who must be certified acupuncturists in another state, shall be certified acupuncturists in this State by virtue of their appointment to the board. This certification mechanism is similar to the licensing mechanisms for the initial appointees to other professional boards in this State, such as the State Board of Psychological Examiners and fulfills the original intent of the Legislature when it established the board. In addition, the bill makes several technical corrections to the law. This bill is similar to a bill recently passed by the Legislature. Unlike that bill, however, this bill retains the jurisdiction of the State Board of Medical Examiners over the Acupuncture Examining Board.

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Bills

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A-888, sponsored by Assemblywoman Marie S. Mihler, R-Monmouth, which increases the fee for a teaching certificate from \$5 to \$30, the first increase in this fee in more than 40 years. The bill provides for a \$20 refund for individuals whose credentials are insufficient to entitle them to a certificate.

S-1756, sponsored by State Senator Francis J. McManimon, D-Mercer, which provides that the four initial acupuncturist members of the Acupuncturists Examining Board shall receive certification in New Jersey as acupuncturists by virtue of their appointment. Those members must, by law, already be certified as acupuncturists in another state. The bill retains the jurisdiction of the State Board of Medical Examiners\* over the Acupuncture Examining Board.

A-980, sponsored by Assemblyman John S. Watson, D-Mercer, which earmarks \$124,500 from payments to municipalities for cost of general assistance for St. Francis Medical Center for reimbursement for cost of indigent care.

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