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## TITLE 216 – DEPARTMENT OF HEALTH

### CHAPTER 40 – PROFESSIONAL LICENSING & FACILITY REGULATION

#### SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 8 – Licensing Doctors of Acupuncture and ~~Oriental~~Doctors of Acupuncture and Chinese Medicine

#### 8.1 Authority and Purpose

These rules and regulations for licensing Doctors of Acupuncture and Doctors of Acupuncture and Chinese ~~Oriental~~ Medicine are promulgated pursuant to the authority conferred under R.I. Gen. Laws § 5-37.2-7(3), and are established for the purpose of adopting minimal standards for the licensure of Doctors of Acupuncture and Doctors of Acupuncture and Chinese ~~Oriental~~ Medicine in this state.

#### 8.2 Definitions

- A. "ACAOMACAHM" means the Accreditation Commission for Acupuncture and ~~Oriental~~Herbal Medicine.
- B. "Act" means the R.I. Gen. Laws Chapter 5-37.2, entitled, "The ~~Healing~~ Art~~Practice~~ of Acupuncture and ~~Oriental~~Chinese Medicine."
- C. "Acupuncture" means the insertion of needles into the human body for the purpose of regulating physiology.~~the insertion of needles into the human body by piercing the skin of the body, for the purpose of controlling and regulating the flow of energy and blood in the body.~~
- D. "Auricular acudetox," also known as "5 Needle Protocol," "5NP," or "NADA protocol" means as defined in R.I. Gen. Laws § 5-37.2-2(3).
- E. "Auricular acupuncture technician" or "AAT" means as defined in R.I. Gen. Laws § 5-37.2-2(4).
- F. "Chinese herbal medicine" means as defined in R.I. Gen. Laws § 5-37.2-2(5).
- ~~D~~G. "Department" means the Rhode Island Department of Health.
- ~~E~~H. "Director" means the Director of the Rhode Island Department of Health.
- F. ~~"DAOM" means~~

GI. ~~"Doctor of Acupuncture and Oriental Medicine." means as defined in R.I. Gen. Laws § 5-37.2-2(7). means a person who has completed an ACAOM accredited program in acupuncture and Oriental medicine and is licensed under the provisions of R.I. Gen. Laws Chapter 5-37.2, to practice the art of healing known as acupuncture and Oriental medicine.~~

J. ~~"Doctor of Acupuncture and Chinese Medicine" means as defined in R.I. Gen. Laws § 5-37.2-2(8).~~

K. ~~"General supervision" means as defined in R.I. Gen. Laws § 5-37.2-2(9).~~

L. ~~"National Acupuncture Detoxification Association" or "NADA" means as defined in R.I. Gen. Laws § 5-37.2-2(10).~~

HM. ~~"NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.~~

N. ~~"Qualified individual" means as defined in R.I. Gen. Laws § 5-37.2-2(11).~~

## **8.3 Qualifications for Licensure**

### **8.3.1 General Requirements**

~~A. No person can practice acupuncture and Oriental medicine or any branch of acupuncture and Oriental medicine in Rhode Island without holding a valid license as a Doctor of Acupuncture and Oriental Medicine issued by the Department in accordance with R.I. Gen. Laws Chapter 5-37.2, and the requirements of this Part.~~

~~1. Unless an individual is licensed as a Doctor of Acupuncture and Oriental Medicine under the Act, or exempt from licensure under the requirements of the Act, no person can practice or hold himself or herself out as practicing, or engaging in the practice of acupuncture and Oriental medicine, either for compensation or free of charge gratuitously.~~

AB. Persons licensed and registered as Physicians physicians under R.I. Gen. Laws Chapter 5-37 are authorized to practice acupuncture and Oriental Chinese medicine are exempt from the licensure requirements of this Part of §§ 8.4 – 8.8 of this Part in accordance with R.I. Gen. Laws § 5-37-20.

BG. All Doctors of Acupuncture and Doctors of Acupuncture and Chinese Oriental Medicine licensed in accordance with the Act and this Part and Doctors of Acupuncture licensed in accordance with the provisions of R.I. Gen. Laws § 5-37.2-12.4, and § 8.4.3 of this Part must abide by the NCCAOM Code of Ethics.

### **8.3.2 Doctor of Acupuncture or Doctor of Acupuncture and Oriental Medicine**

A. Before any applicant seeking licensure as a Doctor of Acupuncture is eligible for licensure, ~~he or she~~they must furnish satisfactory proof to the Department that ~~he or she~~they

1. ~~Is~~Are a United States citizen or legal alien;
2. ~~Has~~Have passed the ~~Oriental Medicine~~ examination administered by the National Commission for the Certification of Acupuncture and Oriental Medicine or any credentialing body meeting the standards for professional certification programs approved by the Department.
3. ~~Has~~Have demonstrated proficiency in the English language by successfully completing the test administered by the ~~NCCAOM National Commission for the Certification of Acupuncture and Oriental Medicine~~ (or any similar credentialing body that meets the standards for professional certification programs approved by the Department) in English or by successfully completing the Test of English as a Foreign Language (TOEFL);).
4. ~~Is~~Are at least twenty-one (21) years of age;).
5. Meets ~~the~~ requirements for completion of an accredited program as specified in R.I. Gen. Laws § 5-37.2-12.1(5).
6. Meets ~~the~~ clinical internship training as designated as appropriate by the National Commission for the Certification of Acupuncture and Oriental Medicine (or any credentialing body meeting the standards for professional certification programs approved by the Department).
7. ~~Has three (3)~~Have two (2) letters of reference from reputable individuals other than relatives ~~and,~~ at least ~~two (2)~~one (1) of which shall be from a licensed or registered acupuncturist. ~~doctors of acupuncture; and~~

### **8.3.3 Approval Requirements for Doctor of Acupuncture and Chinese Medicine License the Use of Herbal Therapy**

A. Acupuncture licensees who obtained licensure prior to January 1, 2022, and employ herbal therapy, including herbal formulations, and who submitted evidence of herbal training that the Department has determined was substantially equivalent or exceeded the ACAHM curricular requirements regarding Chinese herbal medicine may continue to employ herbal therapy and may be granted a Doctor of Acupuncture and Chinese Medicine license by the Department.

AB. In addition to the licensure requirements of § 8.3.2(A) of this Part, an applicant seeking licensure as a Doctor of Acupuncture and ~~Oriental~~Chinese Medicine may apply ~~with their initial application, or at any time thereafter, for a permit to employ herbal therapy, including patent or raw herbs,~~ by submitting evidence of one (1) of the following:

1. Completion of an ACAOM/ACAHM accredited or candidate status ~~oriental medicine-Oriental Medicine~~ program of at least thirty-six (36) months and a minimum of 2,500 hours of clinical/didactic training, of which at least 660 hours were training hours in herbs and at least 210 of those were clinical hours in acupuncture and herbs; and, or traditional Chinese Medicine program, or an herbal medicine program that the Department determines is substantially equivalent or exceeds the ACAHM curriculum requirements regarding herbal medicine; or,
2. ~~Has passed~~A passing score on the NCCAOM exam module ~~infor~~ Chinese Herbology.

## 8.4 Application for Licensure and Fees

### 8.4.1 Documentation

- A. In order to apply for a license as a Doctor of Acupuncture or Doctor of Acupuncture and ~~Oriental-Chinese~~ Medicine, an applicant must submit the following on forms provided by the Department:
1. Completed application including but not limited to name, address, date of birth, social security number, telephone number and email address.
  2. Application fee as defined in ~~the rules and regulations pertaining to the~~ Fee Structure for Licensing, Laboratory, and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fee is non-refundable and non-returnable;
  3. ~~Three (3)~~Two (2) letters of reference from reputable individuals other than relatives ~~and~~, at least ~~two (2)~~one (1) of which shall be from a licensed or registered ~~doctors of acupuncture or acupuncturists~~acupuncturist;
  4. A certified copy of birth certificate; or if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card or such other birth verifying papers acceptable to the Department;
  5. The results of the NCCAOM examination submitted to the Department directly by the National Commission for the Certification of Acupuncture and Oriental Medicine which confirms the applicant met the qualifications for the NCCAOM examination ~~and passed each of the following NCCAOM exam modules:~~
    - a. ~~Foundation of Oriental Medicine~~
    - b. ~~Biomedicine~~
    - c. ~~Acupuncture with Point Location~~

## 8.4.2 License by Reciprocity

- A. The Department may, at its discretion, issue a license without examination to ~~a doctor of acupuncture and Oriental medicine~~an acupuncturist who has been licensed, certified, or formally legally recognized as an acupuncturist in any state or territory if all of the conditions specified in R.I. Gen. Laws § 5-37.2-12.2 are met to its satisfaction.
- ~~4~~B. In order to apply for a license as a Doctor of Acupuncture or Doctor of Acupuncture and ~~Oriental-Chinese~~ Medicine by reciprocity an applicant must submit the following on forms provided by the Department:
- ~~a~~1. Completed application including but not limited to name, address, date of birth, social security number, telephone number and email address.
  - ~~b~~2. Application fee as defined in ~~the rules and regulations pertaining to the~~ Fee Structure for Licensing, Laboratory, and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fee is non-refundable and non-returnable-;
  - ~~c~~3. Verification that the applicant is licensed and in good standing as ~~a doctor of acupuncture and Oriental medicine~~an acupuncturist in all states and territories where the applicant has a current license as ~~a DAOM~~an acupuncturist or was previously licensed as ~~a DAOM~~an acupuncturist.

## 8.4.3 Previously Licensed Doctors of Acupuncture

- A. Any Doctor of Acupuncture validly licensed, certified, or registered under a prior law of Rhode Island is considered licensed in accordance with the requirements of R.I. Gen. Laws Chapter 5-37.2. A previously licensed, certified, or registered acupuncturist is only allowed to, perform those professional duties and responsibilities ~~that~~which are in accordance with ~~his or her~~their professional education, training, and/or experience.
- B. ~~All~~Any Doctors of Acupuncture or Doctor of Acupuncture and Chinese Medicine licensed in accordance with R.I. Gen. Laws § 5-37.2-12.4, cannot accept or perform professional responsibilities which the licensee knows or has reason to know that they are not qualified by training, experience, or certification to perform. Violation of this section of the Act will subject the licensee to the revocation or suspension of ~~his or her~~their license.

## 8.5 Issuance of License

A license as a Doctor of Acupuncture or Doctor of Acupuncture and ~~Oriental~~ Chinese Medicine may be issued to an applicant who meets the relevant requirements for licensure as required by the Act and this Part.

### 8.5.1 Auricular Acudetox and Auricular Acupuncture Technicians

- A. An auricular acupuncture technician, qualified and trained to perform auricular acudetox ('5NP'), may perform the procedure within that individual's current scope of practice, provided that the individual obtains a certificate of training from a recognized organization or agency that meets or exceeds NADA training.
- B. Acudetox may be performed by auricular acupuncture technicians working in, or in collaboration with, behavioral health and healthcare agencies, or other state-approved programs or agencies.
- C. Any complaints filed against an auricular acupuncture technician relating to the performance of any 5NP procedure shall be handled by the licensing board or Department in conformance with the requirements of that individual's healthcare license or certification.
- D. Any individual performing auricular acudetox shall not use the title "acupuncturist" or "Doctor of Acupuncture" or "Doctor of Acupuncture and Chinese Medicine," as defined in R.I. Gen. Laws § 5-37.2-2, or otherwise represent themselves as an acupuncture professional and shall not perform acupuncture outside of the scope of the auricular acudetox procedure.
- E. Nothing in the Act is intended to limit, interfere with, or prevent a certified auricular acupuncture technician from practicing within the scope of their certification.

## 8.6 Continuing Education

- A. Mandatory continuing education requirements for a Doctor of Acupuncture or Doctor of Acupuncture and ~~Oriental-Chinese~~ Medicine licensed in this state, shall include, but not be limited to the following:
  - 1. Each person licensed under the Act, ~~whether or not residing in Rhode Island,~~ must complete forty (40) hours of continuing education within each biennial (two (2) year) renewal period, except during the initial annual renewal period.
  - 2. Continuing education hours will be accepted by the Department for course work which has been presented, accepted or approved by a nationally recognized acupuncture organization or its local chapter, or any accredited school of Acupuncture and Oriental Medicine.
  - 3. At the time of license renewal, each licensee will be required to attest to having complied with the continuing education requirements of §§ 8.6(A)(1) and (2) of this Part. Course descriptions, proof of attendance or other documentation of completion will be retained by the licensee for a minimum of three (3) years and is subject to random audit by the Department.

- a. Failure to produce satisfactory documentation of completion upon request by the Department ~~are~~is grounds for disciplinary action under the provisions of the Act.
4. If a licensee has not completed the required number of continuing education hours, the deficient hours of continuing education must be made up during the following renewal period in addition to the current continuing education requirements for the renewal period. If any Doctor of Acupuncture or Doctor of Acupuncture and ~~Oriental-Chinese~~ Medicine fails to make up the deficient hours and complete the subsequent renewal period then ~~his or her~~their license shall not be renewed until all the required hours are completed and documented to the Department.

## 8.7 Renewal of License

- A. Expiration. The license of every person licensed in accordance with the requirements of the Act and this Part will expire annually on the first (1st) day of February of each year.
- B. Renewal. Every licensed person who intends to continue to practice as a Doctor of Acupuncture or a Doctor of Acupuncture and ~~Oriental-Chinese~~ Medicine must file a renewal application together with the renewal fee as defined in ~~the rules and regulations pertaining to the~~ Fee Structure for Licensing, Laboratory, and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The application and renewal fee must be submitted to the Department on or before the thirty-first (31st) day of January in each year. The license renewal will be effective ~~4~~the first (1st) day of February of that year.
- C. Failure to Renew
  1. If a licensee fails to renew ~~his or her~~their license on or before the thirty-first (31st) day of January in each year, as required by this Part, the license will expire.
  2. An expired license may be renewed by completion of the renewal application and payment of the required fee.

## 8.8 Recording of License and Display of License

- A. In accordance with R.I. Gen. Laws § 5-37.2-14, every person holding a license to practice Acupuncture or Acupuncture and ~~Oriental-Chinese~~ Medicine in Rhode Island must record ~~his or her~~their license with the city or town hall in the city or town where ~~his or her~~their office ~~and or~~ residence are located.
  1. Every licensee who changes their residence or office must have his or her license recorded in the municipality to which ~~he or she has~~they have moved their office or residence.



- B. Every licensee must display their current license in ~~his or her~~their office, place of business or place of employment.

## 8.9 Grounds for Refusal, Revocation or Suspension of License

- A. The Department may refuse to issue or may suspend or revoke any license for grounds in accordance with R.I. Gen. Laws § 5-37.2-15.

~~B~~1. Any license, issued by the Department may be revoked or suspended by the Department for violation of any provisions of the Act, in accordance with R.I. Gen. Laws § 5-37.2-16. No such action may be taken unless twenty (20) days advanced written notice specifying the charge against ~~him or her~~them is given to the accused licensee. A reasonable opportunity will be given to the accused to present evidence and testimony and to be represented by counsel at a hearing or hearings.

~~C~~2. All hearings and reviews required under the provisions of R.I. Gen. Laws Chapter 5-37.2, shall be held in accordance with the provisions of the Act and ~~the Department of Health "Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health [R42-35-PP]" and "Rules and Regulations Pertaining to (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1 of the Rhode Island Department of Health [R38-2-APRA]" this Title).~~