

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING & FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 8 – Licensing Doctors of Acupuncture and 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 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 minimum standards for the licensure of Doctors of Acupuncture and Doctors of Acupuncture and Chinese Medicine in this state.

8.2 Definitions

- A. "ACAHM" means the Accreditation Commission for Acupuncture and Herbal Medicine.
- B. "Act" means R.I. Gen. Laws Chapter 5-37.2, entitled, "The Practice of Acupuncture and Chinese Medicine."
- C. "Acupuncture" means the insertion of needles into the human body for the purpose of regulating physiology.
- 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).
- G. "Department" means the Rhode Island Department of Health.
- H. "Director" means the Director of the Rhode Island Department of Health.
- I. "Doctor of Acupuncture" means as defined in R.I. Gen. Laws § 5-37.2-2(7).
- 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).
- M. "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. Persons licensed and registered as physicians under R.I. Gen. Laws Chapter 5-37 who are authorized to practice acupuncture and Chinese medicine are exempt from the licensure requirements of §§ 8.4 – 8.8 of this Part in accordance with R.I. Gen. Laws § 5-37-20.
- B. All Doctors of Acupuncture and Doctors of Acupuncture and Chinese Medicine licensed in accordance with the Act must abide by the NCCAOM Code of Ethics.

8.3.2 Doctor of Acupuncture

- A. Before any applicant seeking licensure as a Doctor of Acupuncture is eligible for licensure, they must furnish satisfactory proof to the Department that they:
 - 1. Are a United States citizen or legal alien;
 - 2. Have passed the 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. Have demonstrated proficiency in the English language by successfully completing the test administered by the NCCAOM (or 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. Are at least twenty-one (21) years of age.
 - 5. Meet the requirements for completion of an accredited program as specified in R.I. Gen. Laws § 5-37.2-12.1(5).
 - 6. Meet 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. Have two (2) letters of reference from reputable individuals other than relatives, at least one (1) of which shall be from a licensed or registered acupuncturist.

8.3.3 Requirements for a Doctor of Acupuncture and Chinese Medicine License

- 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.
- B. In addition to the licensure requirements of § 8.3.2(A) of this Part, an applicant seeking licensure as a Doctor of Acupuncture and Chinese Medicine may apply by submitting evidence of one (1) of the following:
 1. Completion of an ACAHM accredited or candidate status Oriental Medicine program, 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. A passing score on the NCCAOM exam module for 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 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 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. Two (2) letters of reference from reputable individuals other than relatives, at least one (1) of which shall be from a licensed or registered 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.

8.4.2 License by Reciprocity

- A. The Department may, at its discretion, issue a license without examination to 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.
- B. In order to apply for a license as a Doctor of Acupuncture or Doctor of Acupuncture and Chinese Medicine by reciprocity, 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 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. Verification that the applicant is licensed and in good standing as an acupuncturist in all states and territories where the applicant has a current license as an acupuncturist or was previously licensed as 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 which are in accordance with their professional education, training, and/or experience.
- B. Any Doctor 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 their license.

8.5 Issuance of License

A license as a Doctor of Acupuncture or Doctor of Acupuncture and 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 Chinese Medicine licensed in this state, shall include, but not be limited to, the following:
 - 1. Each person licensed under the Act 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 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 Chinese Medicine fails to make up the deficient hours and complete the subsequent renewal period then 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 Chinese Medicine must file a renewal application together with the renewal fee as defined in 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 the first (1st) day of February of that year.
- C. Failure to Renew
 1. If a licensee fails to renew 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 Chinese Medicine in Rhode Island must record their license with the city or town hall in the city or town where their office 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 they have moved their office or residence.
- B. Every licensee must display their current license in 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.
 - 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 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.
 - 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 Practices and Procedures Before the Rhode Island Department of Health (Part [10-05-4](#) of this Title).

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**PART 8 - LICENSING DOCTORS OF ACUPUNCTURE AND ORIENTAL MEDICINE
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