

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Healthcare Regulation
 2 Subcommittee

3 Representative Altman offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 457.102, Florida Statutes, is amended
 8 to read:

9 457.102 Definitions.—As used in this chapter:

10 (1) "Acupuncture" means a skilled intervention and form of
 11 primary health care, based on traditional Chinese medicine,
 12 contemporary Eastern medicine and biological sciences ~~medical~~
 13 ~~concepts and modern oriental medical techniques,~~ that employs
 14 acupuncture diagnosis and treatment, as well as adjunctive
 15 therapies and diagnostic techniques, for the promotion,
 16 maintenance, and restoration of health and the prevention of

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17 disease. Acupuncture shall include, but not be limited to, the
18 insertion of acupuncture needles and the application of
19 moxibustion to specific areas of the human body and the use of
20 electroacupuncture, Qi Gong, Eastern ~~oriental~~ massage and
21 bodywork, herbal therapy, dietary guidelines, and other
22 adjunctive therapies, as defined by board rule.

23 (2) "Acupuncturist" means a practitioner of Eastern
24 medicine who is any person licensed under as provided in this
25 chapter to practice acupuncture as a primary health care
26 provider.

27 (3) "Board" means the Board of Acupuncture.

28 ~~(4)-(5)~~ "Department" means the Department of Health.

29 (6) "Direct supervision" means the immediate supervision
30 by a licensed acupuncturist, with the licensee assuming legal
31 liability for the supervised actions. The board shall establish
32 by rule what constitutes direct supervision under this chapter.

33 (7) "Doctor of Acupuncture and Chinese Herbal Medicine"
34 means an acupuncturist licensed under this chapter who has
35 completed a doctoral degree in Acupuncture and Chinese Medicine.

36 (8) "Doctor of Acupuncture and Oriental Medicine" means an
37 acupuncturist licensed under this chapter who has completed a
38 doctoral degree in Acupuncture and Oriental Medicine.

39 ~~(9)-(6)~~ "Eastern Oriental medicine" means the use of a
40 primary health care system of medicine that includes
41 differential diagnoses and treatment principles, modalities,

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42 procedures, and techniques employing acupuncture; traditional
43 Chinese medicine; contemporary Eastern medicine; herbal
44 medicine; adjunctive therapies; biological sciences; and medical
45 assessments, examinations, and evaluations for the promotion,
46 maintenance, and restoration of health and the prevention of
47 human disease ~~acupuncture, electroacupuncture, Qi Gong, oriental~~
48 ~~massage, herbal therapy, dietary guidelines, and other~~
49 ~~adjunctive therapies.~~

50 ~~(10)(4)~~ "License" means the document of authorization
51 issued by the department for a person to engage in the practice
52 of acupuncture.

53 ~~(11)(7)~~ "Prescriptive rights" means the prescription,
54 administration, and use of needles, medical and devices,
55 restricted devices, and prescription devices; diagnostic
56 laboratory tests and imaging procedures; botanical and herbal
57 medicines; nutritional substances; and acupuncture point
58 injection therapies which include the injection of sterile
59 solutions that are used in the practice of acupuncture and
60 Eastern ~~oriental~~ medicine.

61 Section 2. Subsection (2) of section 457.105, Florida
62 Statutes, is amended to read:

63 457.105 Licensure qualifications and fees.—

64 (2) A person may become licensed to practice acupuncture
65 if the person applies to the department and meets all of the
66 following criteria:

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67 (a) Is 21 years of age or older, has good moral character,
68 and has the ability to communicate in English, which is
69 demonstrated by having passed the national written examination
70 in English or, if such examination was passed in a foreign
71 language, by also having passed a nationally recognized English
72 proficiency examination.

73 (b) Has completed 60 college credits from an accredited
74 postsecondary institution and, effective July 1, 2032, has
75 completed a minimum of 90 semester credits leading to a
76 bachelor's degree from a liberal arts college or a university
77 accredited by an accrediting agency recognized and approved by
78 the United States Department of Education, or a foreign college,
79 university, or institution program, as a prerequisite to
80 enrollment in an authorized, accredited ~~3-year course of study~~
81 ~~in acupuncture and oriental medicine,~~ and has completed a ~~3-year~~
82 ~~course of study in acupuncture and oriental medicine,~~ and
83 ~~effective July 31, 2001,~~ a 4-year course of study in acupuncture
84 and Eastern oriental medicine, which, effective July 30, 2036,
85 terminates with the completion of a doctoral degree in
86 acupuncture that is recognized and approved by the United States
87 Department of Education and which meets standards established by
88 the board by rule, including ~~which standards include,~~ but are
89 not limited to, successful completion of academic courses in
90 western anatomy, western physiology, western pathology, western
91 biomedical terminology, first aid, and cardiopulmonary

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92 resuscitation (CPR). However, any person who enrolled in an
93 authorized course of study in acupuncture before August 1, 1997,
94 must have completed only a 2-year course of study which meets
95 standards established by the board by rule, which standards must
96 include, but are not limited to, successful completion of
97 academic courses in western anatomy, western physiology, and
98 western pathology.†

99 (c) Has successfully completed a board-approved national
100 examination and certification process, is actively licensed in a
101 state that has examination and licensing qualification
102 requirements that are substantially equivalent to or more
103 stringent than those required by ~~of~~ this state, or passes an
104 examination administered by the department, which examination
105 tests the applicant's competency and knowledge of the practice
106 of acupuncture and Eastern ~~oriental~~ medicine. At the request of
107 any applicant, traditional ~~oriental~~ nomenclature for the points
108 shall be used in the examination. The examination shall include
109 a practical examination of the knowledge and skills required to
110 practice modern and traditional acupuncture and oriental
111 medicine, covering diagnostic and treatment techniques and
112 procedures.†~~and~~

113 (d) Pays the required fees set by the board by rule not to
114 exceed the following amounts:

115 1. Examination fee: \$500 plus the actual per applicant
116 cost to the department for purchase of the written and practical

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117 portions of the examination from a national organization
118 approved by the board.

119 2. Application fee: \$300.

120 3. Reexamination fee: \$500 plus the actual per applicant
121 cost to the department for purchase of the written and practical
122 portions of the examination from a national organization
123 approved by the board.

124 4. Initial biennial licensure fee: \$400, if licensed in
125 the first half of the biennium, and \$200, if licensed in the
126 second half of the biennium.

127 Section 3. Section 457.106, Florida Statutes, is created
128 to read:

129 457.106 Scope of practice for acupuncturists.-

130 (1) The scope of practice for an acupuncturist includes
131 those acts, modalities, procedures, techniques, and
132 interventions a licensee is authorized to provide under this
133 chapter, including, but not limited to:

134 (a) Examination, evaluation and management, analysis,
135 diagnosis, and treatment services.

136 (b) The use and ordering of testing procedures, diagnostic
137 imaging, and laboratory tests.

138 (c) The stimulation of points, areas of the body, and
139 tissues or substances within the body using acupuncture and
140 Eastern medicine, herbal medicine therapies, nutritional
141 substances, point injection, sterile solutions, qi, medical

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142 instruments, and other devices or means, as defined by board
143 rule.

144 (2) The board shall periodically revise the use of
145 acupuncture point injection therapies based on national
146 standards of practice.

147 Section 4. Subsection (3) of section 457.107, Florida
148 Statutes, is amended to read:

149 457.107 Renewal of licenses; continuing education.—

150 (3) The board shall prescribe by rule continuing education
151 requirements of up to 30 hours biennially as a condition for
152 renewal of a license. All education programs must be approved by
153 the board and ~~that~~ contribute to the advancement, extension, or
154 enhancement of professional skills and knowledge related to the
155 practice of acupuncture, whether conducted by a nonprofit or
156 profitmaking entity, ~~are eligible for approval.~~ The continuing
157 professional education requirements must be in acupuncture or
158 Eastern oriental medicine subjects, including, but not limited
159 to, anatomy, biological sciences, adjunctive therapies,
160 sanitation and sterilization, emergency protocols, ~~and~~ diseases,
161 and practice management. As used in this subsection, the term
162 "practice management" means the development or mechanics of
163 establishing and managing an office, including enhancement of
164 patient care, risk management, cybersecurity, cost containment,
165 health care documentation, and insurance coding, billing, and
166 claims processing. Up to 6 hours of practice management

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167 continuing education may be applied to satisfy the requirements
168 for license renewal per biennium licensing period. The board may
169 set a fee of up to \$100 for each continuing education provider.
170 The licensee shall retain in his or her records the certificates
171 of completion of continuing professional education requirements.
172 All national and state acupuncture and Eastern ~~oriental~~ medicine
173 organizations and acupuncture and Eastern ~~oriental~~ medicine
174 schools are approved to provide continuing professional
175 education in accordance with this subsection.

176 Section 5. Paragraph (a) of subsection (1) of section
177 457.116, Florida Statutes, is amended to read:

178 457.116 Prohibited acts; penalty.—

179 (1) A person may not:

180 (a) Practice acupuncture unless the person is licensed
181 under ss. 457.101-457.118, unless the person is practicing in
182 the capacity of a guest instructor or in response to a declared
183 disaster or emergency, if the person holds an active license to
184 practice acupuncture in another state, the District of Columbia,
185 or a possession or territory of the United States and maintains
186 medical malpractice insurance or proof of financial
187 responsibility that meets the minimum requirements for licensure
188 as set by the board. The board shall establish by rule a
189 definition, scope of practice, and other conditions necessary to
190 implement a guest instructor and a guest practitioner exemption

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191 for teaching approved courses and practicing acupuncture in
192 response to a declared disaster or emergency;

193 Section 6. This act shall take effect July 1, 2024.

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196 **T I T L E A M E N D M E N T**

197 Remove lines 10-19 and insert:

198 an acupuncturist; requiring the Board of Acupuncture to revise
199 the use of specified therapies based on national standards of
200 practice; amending s. 457.107, F.S.; requiring education
201 programs for licensure renewals to be approved by the Board of
202 Acupuncture; revising continuing professional education
203 requirements; providing a definition; amending s. 457.116, F.S.;
204 authorizing a person to practice acupuncture without a license
205 under specified