

By Senator Hooper

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1 A bill to be entitled
2 An act relating to the practice of acupuncture;
3 amending s. 457.102, F.S.; revising and defining
4 terms; amending s. 457.105, F.S.; revising education
5 requirements for acupuncture licensure, beginning on
6 specified dates; creating s. 457.106, F.S.;
7 authorizing acupuncturist assistants to assist in the
8 practice of acupuncture under the direct supervision
9 of an acupuncturist; providing that a supervising
10 acupuncturist assumes legal liability for the actions
11 of an acupuncturist assistant acting under his or her
12 direct supervision and control; requiring the Board of
13 Acupuncture to adopt specified rules related to
14 acupuncturist assistants; amending s. 457.107, F.S.;
15 revising continuing education requirements for
16 acupuncture licensure renewal; creating s. 457.1084,
17 F.S.; requiring the board to establish and maintain a
18 formulary for acupoint injection therapies; specifying
19 requirements for the formulary; creating s. 457.115,
20 F.S.; providing construction; amending s. 457.116,
21 F.S.; providing an exception for specified prohibited
22 acts; requiring the board to adopt certain rules;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 457.102, Florida Statutes, is amended to
28 read:

29 457.102 Definitions.—As used in this chapter, the term:

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30 (1) "Acupuncture" means a skilled intervention and form of
31 primary health care, based on traditional and contemporary
32 Eastern medicine and biological sciences ~~Chinese medical~~
33 ~~concepts and modern oriental medical techniques~~, that employs
34 acupuncture diagnosis and treatment, as well as adjunctive
35 therapies and diagnostic techniques, for the promotion,
36 maintenance, and restoration of health and the prevention of
37 disease. The scope of practice for an individual licensed to
38 practice acupuncture under this chapter includes those acts,
39 modalities, procedures, techniques, and interventions that a
40 licensee is authorized under this chapter to provide directly or
41 remotely using telehealth, including examination, evaluation,
42 analysis, diagnosis, management, and treatment; use and ordering
43 of testing procedures, diagnostic imaging, and laboratory tests;
44 stimulation of points, areas of the body, tissues, or substances
45 within the body using acupuncture; and Eastern medicine, herbal
46 medicine therapies, nutritional substances, point injection,
47 sterile solutions, qi, medical instruments, and other devices or
48 means as defined by board rule. Acupuncture includes ~~shall~~
49 ~~include~~, but is not ~~be~~ limited to, the insertion, stimulation,
50 and removal of acupuncture needles and the application of
51 moxibustion to specific areas of the human body and the use of
52 electroacupuncture, Qi Gong, Eastern ~~oriental~~ massage and
53 bodywork, herbal therapy, dietary guidelines, and other
54 adjunctive therapies, as defined by board rule.

55 (2) "Acupuncturist" means any person licensed under ~~as~~
56 ~~provided in~~ this chapter to practice acupuncture as a primary
57 health care provider.

58 (3) "Acupuncturist assistant" means an unlicensed person

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59 who has completed a certification program approved by the board
60 for the purpose of assisting a licensee under this chapter.

61 (4) "Board" means the Board of Acupuncture.

62 (8)-(4) "License" means the document of authorization issued
63 by the department for a person to engage in the practice of
64 acupuncture.

65 (5)-(5) "Department" means the Department of Health.

66 (6) "Direct supervision" means responsible supervision and
67 control, with the licensed acupuncturist assuming legal
68 liability for the actions of an acupuncturist assistant acting
69 under his or her supervision.

70 (7)-(6) "Eastern ~~Oriental~~ medicine" means the use of a
71 primary health care system of medicine that includes
72 differential diagnoses and treatment principles, modalities,
73 procedures, and techniques employing acupuncture; traditional
74 Eastern medicine; contemporary Eastern medicine; herbal
75 medicine; adjunctive therapies; biological sciences; and medical
76 assessments, examinations, and evaluations for the promotion,
77 maintenance, and restoration of health and the prevention of
78 human disease acupuncture, electroacupuncture, Qi Gong, oriental
79 massage, herbal therapy, dietary guidelines, and other
80 adjunctive therapies.

81 (9)-(7) "Prescriptive rights" means the prescription,
82 administration, and use of needles; medical, restricted, and
83 prescription devices; diagnostic laboratory tests and imaging
84 procedures; botanical and herbal medicines; nutritional
85 substances; and sterile solutions and devices, restricted
86 devices, and prescription devices that are used in the practice
87 of acupuncture and Eastern ~~oriental~~ medicine.

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

90 457.105 Licensure qualifications and fees.—

91 (2) A person may become licensed to practice acupuncture if
92 the person applies to the department and meets all of the
93 following criteria:

94 (a) Is 21 years of age or older, has good moral character,
95 and has the ability to communicate in English, which is
96 demonstrated by having passed the national written examination
97 in English or, if such examination was passed in a foreign
98 language, by also having passed a nationally recognized English
99 proficiency examination.†

100 (b) Has completed 60 college credits from an accredited
101 postsecondary institution and, effective July 1, 2026, has
102 completed a minimum of 90 semester hours leading to a bachelor's
103 degree from a liberal arts college or university accredited by
104 an accrediting agency recognized and approved by the United
105 States Department of Education, or a foreign college,
106 university, or institution program as a prerequisite to
107 enrollment in an authorized, accredited ~~3-year course of study~~
108 ~~in acupuncture and oriental medicine, and has completed a 3-year~~
109 ~~course of study in acupuncture and oriental medicine, and~~
110 ~~effective July 31, 2001, a 4-year course of study in acupuncture~~
111 and Eastern oriental medicine, which, effective July 30, 2030,
112 concludes with graduates completing a doctoral degree in a
113 specialty in acupuncture which is recognized by the United
114 States Department of Education and which meets standards
115 established by ~~the board~~ by rule. ~~Such, which~~ standards include,
116 but are not limited to, successful completion of academic

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117 courses in western anatomy, western physiology, western
118 pathology, western biomedical terminology, first aid, and
119 cardiopulmonary resuscitation (CPR). However, any person who
120 enrolled in an authorized course of study in acupuncture before
121 August 1, 1997, must have completed only a 2-year course of
122 study which meets standards established by the board by rule,
123 which standards must include, but are not limited to, successful
124 completion of academic courses in western anatomy, western
125 physiology, and western pathology.~~†~~

126 (c) Has successfully completed a board-approved national
127 examination and certification process, is actively licensed in a
128 state that has examination and licensing qualification
129 requirements that are substantially equivalent to or more
130 stringent than those currently required by ~~of~~ this state, or
131 passes an examination administered by the department, which
132 examination tests the applicant's competency and knowledge of
133 the practice of acupuncture and Eastern ~~oriental~~ medicine. At
134 the request of any applicant, traditional Eastern ~~oriental~~
135 nomenclature for the points must ~~shall~~ be used in the
136 examination. The examination must ~~shall~~ include a practical
137 examination of the knowledge and skills required to practice
138 modern and traditional acupuncture and Eastern ~~oriental~~
139 medicine, covering diagnostic and treatment techniques and
140 procedures.~~†~~ ~~and~~

141 (d) Pays the required fees set by ~~the board~~ ~~by~~ rule not to
142 exceed the following amounts:

143 1. Examination fee: \$500 plus the actual per applicant cost
144 to the department for purchase of the written and practical
145 portions of the examination from a national organization

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146 approved by the board.

147 2. Application fee: \$300.

148 3. Reexamination fee: \$500 plus the actual per applicant
149 cost to the department for purchase of the written and practical
150 portions of the examination from a national organization
151 approved by the board.

152 4. Initial biennial licensure fee: \$400, if licensed in the
153 first half of the biennium, and \$200, if licensed in the second
154 half of the biennium.

155 Section 3. Section 457.106, Florida Statutes, is created to
156 read:

157 457.106 Acupuncturist assistants.—

158 (1) Acupuncturist assistants may assist in the practice of
159 acupuncture under the direct supervision of an acupuncturist. An
160 acupuncturist assumes legal liability for the actions of an
161 acupuncturist assistant acting under his or her direct
162 supervision and control.

163 (2) The board shall adopt rules to govern the scope of
164 practice of acupuncturist assistants. At a minimum, the board
165 shall do all of the following:

166 (a) Specify criteria for and approve certification programs
167 for the purpose of appropriately training acupuncturist
168 assistants.

169 (b) Adopt rules specifying the roles and tasks a certified
170 acupuncturist assistant is allowed to perform or is prohibited
171 from performing. Such roles and tasks may include, but need not
172 be limited to, the removal of acupuncture needles. Prohibited
173 roles and tasks must include developing or altering an
174 acupuncture plan of care and insertion of acupuncture needles.

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175 (c) Adopt rules defining what constitutes "direct
176 supervision" beyond the responsible supervision and control of
177 an acupuncturist assistant.

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

180 457.107 Renewal of licenses; continuing education.—

181 (3) The board shall prescribe by rule continuing education
182 requirements of up to 30 hours biennially as a condition for
183 renewal of a license. All education programs must be approved by
184 the board. To be approved, an education program must ~~that~~
185 contribute to the advancement, extension, or enhancement of
186 professional skills and knowledge related to the practice of
187 acupuncture, whether conducted by a nonprofit or for-profit
188 profitmaking entity, ~~are eligible for approval.~~

189 (a) The continuing ~~professional~~ education requirements must
190 include:

191 1. ~~be in~~ Acupuncture or Eastern oriental medicine subjects,
192 including, but not limited to, anatomy, biological sciences,
193 adjunctive therapies, sanitation and sterilization, emergency
194 protocols, and diseases; and

195 2. Practice management, which is defined as the development
196 or mechanics of establishing and managing an office, including
197 enhancement of patient care, risk management, cybersecurity,
198 cost containment, health care documentation, and insurance
199 coding, billing, and claims processing topics. No more than 6
200 hours of practice management continuing education credit may be
201 applied to satisfy the requirements for license renewal per
202 biennial licensing period.

203 (b) The licensee shall retain in his or her records the

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204 certificates of completion for each continuing education course
205 completed.

206 (c) The board may set a fee of up to \$100 for each
207 continuing education provider. ~~The licensee shall retain in his~~
208 ~~or her records the certificates of completion of continuing~~
209 ~~professional education requirements.~~ All national and state
210 acupuncture and Eastern ~~oriental~~ medicine organizations and
211 acupuncture and Eastern ~~oriental~~ medicine schools are approved
212 to provide continuing ~~professional~~ education in accordance with
213 this subsection.

214 Section 5. Section 457.1084, Florida Statutes, is created
215 to read:

216 457.1084 Acupoint injection formulary.—The board shall
217 establish and maintain a formulary for acupoint injection
218 therapies. The formulary must be based on national standards of
219 acupuncture practice and periodically revised to maintain such
220 standards.

221 Section 6. Section 457.115, Florida Statutes, is created to
222 read:

223 457.115 Construction.—The terms "Eastern medicine,"
224 "acupuncture," and "acupuncturist" are synonymous with
225 "acupuncture physician," and each term must be construed to mean
226 a practitioner of Eastern medicine as defined in this chapter.
227 This section may not be construed to allow an acupuncture
228 physician licensed under this chapter to advertise for or
229 perform the practice of medicine, osteopathic medicine, or
230 chiropractic medicine unless he or she maintains a separate
231 active license issued by the department to practice under
232 chapter 458, chapter 459, or chapter 460, as applicable.

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233 Section 7. Section 457.116, Florida Statutes, is amended to
234 read:

235 457.116 Prohibited acts; penalty.—

236 (1) A person may not do any of the following:

237 (a) Practice acupuncture unless the person is licensed
238 under ss. 457.101-457.118 or is acting in the capacity of a
239 guest instructor or guest practitioner. The board shall adopt
240 rules to define the terms "guest instructor" and "guest
241 practitioner" and specify the scope of capacity for such
242 individuals and any other conditions necessary to implement this
243 paragraph. The rules must provide for guest instructors and
244 guest practitioners who are teaching approved education courses
245 or are practicing acupuncture in this state in response to a
246 declared state of emergency.†

247 (b) Use, in connection with his or her name or place of
248 business, any title or description of services which
249 incorporates the words "acupuncture," "acupuncturist,"
250 "acupuncture physician," "certified acupuncturist," "licensed
251 acupuncturist," or "Eastern oriental medical practitioner"; the
252 letters "L.Ac.," "R.Ac.," "A.P.," or "D.E.M." "D.O.M."; or any
253 other words, letters, abbreviations, or insignia indicating or
254 implying that he or she practices acupuncture unless he or she
255 is a holder of a valid license issued pursuant to ss. 457.101-
256 457.118.†

257 (c) Present as his or her own the license of another.†

258 (d) Knowingly give false or forged evidence to the board or
259 a member thereof.†

260 (e) Use or attempt to use a license that has been
261 suspended, revoked, or placed on inactive or delinquent status.†

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262 (f) Employ any person who is not licensed pursuant to ss.
263 457.101-457.118 to engage in the practice of acupuncture.~~7~~~~or~~

264 (g) Conceal information relating to any violation of ss.
265 457.101-457.118.

266 (2) A person who violates this section commits a
267 misdemeanor of the second degree, punishable as provided in s.
268 775.082 or s. 775.083.

269 Section 8. This act shall take effect July 1, 2024.