

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

**Subchapter H. Acupuncturists, ~~Acupuncturists' Assistants,~~ and
Acupuncture Detoxification Specialists Fees**

§183. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the certification of physician acupuncturists, licensed acupuncturists' assistants, and acupuncture detoxification specialists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1615 (August 2008), LR

§185. Certification and Licensure

A. For processing an application for certification as an physician acupuncturist or as a licensed acupuncturist assistant, a fee of \$200 shall be payable to the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), LR 34:1615 (August 2008), LR

§187. Annual Renewal

A. For processing an application for annual renewal of certification of an physician acupuncturist's or a licensed acupuncturist acupuncturist assistant's certification, a fee of \$100 shall be payable to the board.

B. ...

C. In addition to the fee prescribed by §187.A, any individual who fails to renew his or her certificate or license timely shall be charged a delinquent fee of \$50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), LR 34:1615 (August 2004), LR

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 21. Acupuncturists, ~~Acupuncturists' Assistants,~~ and
Acupuncture Detoxification Specialists

Subchapter A. General Provisions

§2101. Scope of Chapter

A. The rules of this Chapter govern the certification of physician acupuncturists and licensed acupuncturists' assistants to ~~perform and practice traditional Chinese acupuncture~~ and of acupuncture detoxification specialists to practice acupuncture detoxification in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993), amended LR 34:1615 (August 2008); LR

§2103. Definitions

A. As used in this Chapter and Chapter 51, the following terms shall have the meanings specified.

* * *

Acupuncture Detoxification Specialist (ADS)—an individual who possesses current certification, duly issued by the board, to practice acupuncture detoxification under the supervision of a physician or licensed acupuncturist's assistant.

~~*Acupuncturist*—a physician possessing current certification, duly issued by the board, to practice acupuncture.~~

~~*Acupuncturist's Assistant (AcA)*—an individual possessing current certification, duly issued by the board, to practice acupuncture under the supervision of a physician.~~

Applicant—a person who has applied to the board for certification as an physician acupuncturist, licensed acupuncturist's assistant or acupuncture detoxification specialist in the state of Louisiana.

* * *

Clinical Practice Guidelines or Protocols (guidelines or protocols)—a written set of ~~directives~~ erguidelines instructions to be followed for use by an licensed acupuncturist's assistant in the performance of patient care activities containing each of the components specified by §5106.A of these rules. Clinical practice guidelines or protocols ~~are valid for a period not to exceed one year and shall be annually reviewed,~~ updated as appropriate, and signed by the ~~supervising-referral physician and licensed acupuncturist's assistant.~~ The signature of the ~~supervising physician and LAc acupuncturist's assistant~~ and date of review shall be noted on the guidelines or protocols. Guidelines or protocols shall be maintained at both the primary practice site of the ~~supervising-referral physician and the LAc acupuncturist's assistant,~~ and shall be made available for review and inspection upon request by a representative of the board.

* * *

Good Moral Character—as applied to an applicant, means that:

a. . . .

b. the applicant has not, prior to or during the pendency of an application to the board, been culpable of any act, omission, condition, or circumstance which would provide cause under §5113 of these rules for the suspension or revocation of certification as an physician acupuncturist, licensed acupuncturist's assistant, or acupuncture detoxification specialist;

c.-d. ...

Licensed Acupuncturist (LAc)—an individual, other than a physician possessing a current license, duly issued by the board to practice acupuncture in this state.

Physical Practice Location—a location in this state at which a physician engages in the practice of medicine.

Physician Acupuncturist—a physician possessing current certification, duly issued by the board, to practice acupuncture.

Primary Practice Site—the location at which a ~~supervising physician, licensed acupuncturist's assistant~~ or acupuncture detoxification specialist spends the majority of time in the exercise of the privileges conferred by licensure or certification issued by the board.

Proposed Supervising Licensed Acupuncturist's Assistant—an ~~licensed acupuncturist's assistant~~ who has submitted to the board an application for approval as a supervising acupuncturist's assistant.

Referral Physician—a physician who practices medicine at a physical practice location in this state, with whom a licensed acupuncturist has established a relationship to provide for referrals and any follow-up care which may be necessary.

Supervising Licensed Acupuncturist's Assistant—an ~~licensed acupuncturist's assistant~~ registered with the board under this Chapter to provide supervision to an acupuncture detoxification specialist.

Supervising Physician—a physician registered with the board under this Chapter to supervise an ~~acupuncturist's assistant or~~ acupuncture detoxification specialist.

Supervision—~~as to an acupuncturist's assistant, shall mean responsible oversight of the services rendered by an acupuncturist's assistant as specified in §5106.A of these rules.~~

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993), amended LR 34:1615 (August 2008), LR

Subchapter B. Physician Acupuncturist Certification

§2105. Scope of Subchapter

A. The rules of this Subchapter prescribe the qualifications and procedures requisite to certification as an physician acupuncturist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1616 (August 2008) LR

§2107. Qualifications for Certification as Physician Acupuncturist

A. To be eligible for certification as an physician acupuncturist, an applicant shall:

1.-2. ...

3. have successfully completed:

a. not less than six months of training in ~~traditional Chinese~~ acupuncture in a school or clinic approved by the board pursuant to §§2118-2121 of this Chapter; or

3.b.-B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1616 (August 2008), LR

§2109. Application Procedure for ~~Certified Acupuncturist~~ Physician Acupuncturist

A. Application for certification as an physician acupuncturist shall be made in a format approved by the board.

B.-E. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1617 (August 2008), LR

Subchapter C. Licensed Acupuncturist's Assistant and Acupuncture Detoxification Specialist Certification; Registration of Supervising Qualifications for Referral and Supervising Physicians and, Supervising Licensed Acupuncturist's Assistant

§2111. Scope of Subchapter

A. The rules of this Subchapter prescribe the qualifications and procedures requisite to ~~certification licensure as an licensed acupuncturist's assistant, certification as an and~~ acupuncture detoxification specialist, and ~~for those of registration as a supervising referral physician and or supervising physician and licensed acupuncturist's assistant~~ in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1617 (August 2008), LR.

§2113. ~~Qualifications for Certification Licensure as an Licensed Acupuncturist's Assistant; Qualifications for Registration as Supervising Physician for Acupuncturist's Assistant~~

A. To be eligible for ~~certification a license as an licensed acupuncturist's assistant~~, an applicant:

1.-3. . . .

4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

5. shall have either:

a. ~~successfully completed not less than 36 months of training in traditional Chinese acupuncture in graduated from an acupuncture school or clinic college approved by the board pursuant to §§2118-2121 of this Chapter accredited by the Accreditation Commission on Acupuncture and Oriental Medicine; or~~

b. ~~have been formally appointed or employed to perform acupuncture exclusively for research purposes by and at:~~

~~i. an accredited licensed hospital located in the state of Louisiana; or~~

~~ii. an accredited school or college of medicine located in the state of Louisiana; or~~

~~be. passed the certification examination given by the National Certification Commission for Acupuncture and Oriental Medicine or its successor; and~~

6. shall affirm that he or she shall only practice under establish and maintain a relationship with a physicians supervision, as defined in §5106.A of these rules, at all times while engaged in the practice of acupuncture.

~~B. Prior to undertaking the supervision of an acupuncturist's assistant a physician shall be approved by and registered with the board. To be eligible for registration, a proposed supervising physician shall, as of the date of the application:~~

- ~~1. possess a current, unrestricted license to practice medicine in the state of Louisiana; and~~
- ~~2. have been in the active practice of medicine for at least two years following the completion of postgraduate residency training, if any.~~

~~C. The board may waive or modify any of the requirements otherwise required by this Chapter for certification under §2113.A.5.b, as it may deem necessary or appropriate to effectuate the purposes of this Part.~~

~~BD. The burden of satisfying the board as to the qualifications and eligibility of the applicant and proposed supervising physician for certification, registration and approval shall be upon the applicant and proposed supervising physician, who shall demonstrate and evidence such qualifications in the manner prescribed by, and to the satisfaction of, the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34 1617 (August 2008), LR

§2114. Qualifications for Certification as an Acupuncture Detoxification Specialist; Qualifications for Registration of Supervising Physician or Supervising Licensed Acupuncturist's Assistant

A. To be eligible for certification as an acupuncture detoxification specialist, an applicant:

1.-3. ...

4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

5. shall have:

a.-b. ...

6. shall affirm that he or she shall only provide acu detox under the general supervision of a physician or a licensed acupuncturist's assistant, as defined in §5106.B of these rules.

B.-B.2. ...

C. Prior to undertaking the supervision of an acupuncture detoxification specialist an licensed acupuncturist's assistant shall be registered with the board. To be eligible for registration to supervise an ADS a proposed supervising LAcA shall, as of the date of the application:

1. possess a current, unrestricted certification license to practice as an LAcA; and
2. have held certification or licensure by the board to practice as an LAcA in this state for at least two years immediately preceding the date of application.

D. The burden of satisfying the board as to the qualifications and eligibility of the applicant acupuncture detoxification specialist, proposed supervising physician or proposed supervising licensed acupuncturist's assistant shall be upon the applicant, proposed supervising physician or proposed supervising licensed acupuncturist's assistant, who shall demonstrate and evidence such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1618 (August 2008), amended LR

§2115. Application Procedure for Licensed Acupuncturist's Assistant

A. Application for certification as an licensed acupuncturist's assistant shall be made in a format approved by the board and shall include notification of intent to practice, signed by a proposed supervising physician who is registered with or has applied for registration to the board as a supervising physician.

B. An application for certification and approval under this Subchapter shall include:

1. ...

2. ~~a description of the name, primary practice site and contact information of the proposed supervising referral physician's professional background and specialty, if any; the nature and scope of his medical practice; the primary practice site and the geographic and demographic characteristics of his medical practice; and the primary practice site and all other addresses or locations of the office or offices where the applicant is to practice acupuncture;~~

3. ~~a description of the proposed supervising physician's knowledge of and prior training or experience, if any, in traditional Chinese acupuncture;~~

4. ~~attestation by the applicant and proposed supervising physician certifying that current clinical practice guidelines or protocols conforming to the requirements of §5106.A of these rules have been prepared, dated, signed and shall be utilized by the licensed acupuncturist's assistant in the exercise of the privileges conferred by certification licensure under this Part and produced upon request by a representative of the board;~~

5. ~~attestation by the applicant and proposed supervising physician, certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and~~

6. such other information and documentation as the board may require.

C.-E. ...

F. Upon submission of a completed application form, together with the documents required thereby, and the payment of the application fee, the applicant acupuncturist's assistant shall be required to appear before the board or its designee if the board has questions concerning the applicant's qualifications make a personal appearance before a member of the board, or its designee, to be interviewed regarding his or her qualifications for certification and approval under this Chapter and understanding of the authority, limitations, obligations, and responsibilities imposed on acupuncturists' assistants by laws and regulations applicable thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1618 (August 2008), LR

§2116. Application Procedure for Acupuncture Detoxification Specialist

A. Application for certification as an ADS shall be made in a format approved by the board and shall include notification of intent to practice in a format approved by the board, signed by a proposed supervising physician or proposed supervising licensed acupuncturist's assistant who is registered with or has applied for registration to the board as a supervising physician or supervising licensed acupuncturist's assistant.

B. Application for certification and approval under this Subchapter shall include:

1. ...

2. ~~the nature of the proposed supervising physician's practice or supervising acupuncturist's assistant's practice and the primary practice site and/or geographic characteristics of the type of settings or locations where the applicant intends to provide acu detox;~~

3. ~~the methods to be used to provide general supervision by the proposed supervising physician or supervising acupuncturist's assistant;~~

24. attestation by the applicant ~~and proposed supervising physician or supervising acupuncturist's assistant~~ certifying that the requirements of §5106.B of these rules shall be followed in the exercise of the privileges conferred by certification under this Part;

35. attestation by the applicant ~~and proposed supervising physician or supervising acupuncturist's assistant~~ certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and

46. such other information and documentation as the board may require.

C.-E. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1619 (August 2008), LR

§2117. Application Procedure for Registration of Supervising Physician or Supervising Licensed Acupuncturist's Assistant

A. Application for registration of a supervising physician or supervising LAc for an ~~acupuncturist's assistant or acupuncture detoxification specialist or as a supervising AcA for an ADS~~, shall be made in a format approved by the board, include proof satisfactory to the board that the applicant possesses the qualifications set forth in this Chapter, and contain such other information and documentation as the board may require.

B. . . .

C. A separate fee shall not be assessed for registration or approval of a supervising physician or supervising LAc for an ~~AcA or ADS or of a supervising AcA for an ADS~~.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1619 (August 2008), LR

Subchapter D. Board Approval of Acupuncture Schools and ClinicsColleges

§2118. Scope of Subchapter

A. The rules of this Subchapter provide the method and procedures by which acupuncture schools and clinics colleges are approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), LR

§2119. Applicability of Approval

A. As provided in this Chapter the successful completion of formal training in ~~traditional Chinese~~ acupuncture from a school or clinic-college approved by the board is among the alternative qualifications requisite to certification as an physician acupuncturist or licensed acupuncturist's assistant. This qualification will be deemed to be satisfied if the school or clinic-college in which the applicant received training in ~~traditional Chinese~~ acupuncture was approved by the board as of the date on which the applicant completed such training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), LR

§2121. Approval of Acupuncture Schools or Colleges

A. A school or college providing training in ~~traditional Chinese~~ acupuncture which is currently accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), or its predecessor, the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM), shall concurrently be deemed approved by the board.

B. A school or college providing training in ~~traditional Chinese~~ acupuncture which has been accorded candidacy status by ACAOM, or its predecessor, NACSCAOM, shall concurrently be deemed conditionally approved by the board, provided that board approval shall be automatically withdrawn if accreditation is not awarded by ACAOM within three years of the date on which candidacy status was recognized.

C. The board may approve additional schools or programs providing training in ~~traditional Chinese~~ acupuncture upon the request of an applicant or application by any such school or program and upon the submission to the board of documentation that such school or program provides training in Chinese acupuncture under standards substantially equivalent to those prescribed by ACAOM for accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), LR

Subchapter E. Certification, License Issuance, Approval of Registration of Supervising Physician or Supervising Licensed Acupuncturist's Assistant, Termination, Renewal, Reinstatement

§2125. Issuance of Certification and Licensure, Approval of Registration

A. If the qualifications, requirements, and procedures specified by this Chapter for an physician acupuncturist are met to the satisfaction of the board, the board shall certify the applicant as an physician acupuncturist.

B. If the qualifications, requirements, and procedures specified by this Chapter for an licensed acupuncturist's assistant are met to the satisfaction of the board, the board shall certify the applicant as an licensed acupuncturist's assistant. ~~Issuance of certification to an applicant under this Chapter shall constitute approval of registration of the proposed supervising physician.~~

C. ~~Each acupuncturist's assistant certificate issued under this Chapter shall be endorsed as Class A or Class B as follows.~~

1. ~~An acupuncturist's assistant Class A certificate shall be issued to an applicant who qualifies for certification pursuant to §2113.A.5.a or §2113.A.5.c of this Chapter.~~

2. ~~An acupuncturist's assistant Class B certificate shall be issued to an applicant who qualifies for certification pursuant to §2113.A.5.b of this Chapter. Such certificate shall be further endorsed with the name and location of the hospital, medical school, or clinic at which the applicant is to be employed to perform acupuncture exclusively for research purposes.~~

CD. If the qualifications, requirements, and procedures specified by this Chapter for an acupuncture detoxification specialist are met to the satisfaction of the board, the board shall certify the applicant as an ADS. Issuance of certification to an applicant under this Chapter shall constitute approval of registration of the proposed supervising physician or proposed supervising licensed acupuncturist's assistant.

E. ~~Although a physician must notify the board each time he or she intends to undertake the supervision of an acupuncturist's assistant, registration with the board is only required once. Notification of supervision of a new or additional AcAs by a registered supervising physician shall be deemed given to the board upon the AcA's filing with the board of a notice of intent to practice in accordance with §2127.D of this Chapter.~~

DF. Although a physician or licensed acupuncturist's assistant must notify the board each time he or she intends to undertake the general supervision of an acupuncture detoxification specialist, registration with the board is only required once. Notification of supervision of a new or additional ADSs by a registered supervising physician or LAcA shall be deemed given to the board upon the ADS's filing with the board of a notice of intent to practice in accordance with §2127.F of this Chapter.

EG. The board shall maintain a list of ~~physicians who are registered to supervise an acupuncturist's assistant and of physicians and LAcAs who are registered to supervise an ADS~~. Each registered physician, registered LAcA and ADS is responsible for updating the board within fifteen days should any of the information required and submitted change after the physician has been registered to supervise an AcA or after a physician or LAcA has been registered to supervise an ADS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1620 (August 2008), LR

§2127. Expiration and Termination of Certification and Licensure; Modification; Notice of Intent

A. Every certification and ~~approval-license~~ issued by the board under this Chapter shall expire, and become null, void, and to no effect on the last day of the year in which ~~such-it certification~~ was issued.

B. The timely submission of an application for renewal of certification or licensure, as provided by §2129 of this Chapter, shall operate to continue the expiring certification or licensure in full force and effect pending issuance or denial of renewal-certification.

C. Except as provided in Subsection D of this Section, ~~certification-licensure~~ as an licensed acupuncturist's assistant whether an initial ~~certificate-license~~ or renewal thereof, shall terminate and become void, null and to no effect on and as of any day that:

1. the ~~supervising-referral~~ physician no longer possesses a current, unrestricted license to practice medicine in the state of Louisiana;
2. the ~~supervising-referral~~ physician, whether voluntarily or involuntarily, ceases the active practice of medicine;
3. the relationship between the licensed acupuncturist's assistant and the ~~supervising-referral~~ physician is terminated; or
4. the licensed acupuncturist's assistant's certification-license expires for failure to timely renew.

D. ~~Certification-Licensure~~ shall not terminate upon termination of a relationship between a ~~supervising~~ physician and licensed acupuncturist's assistant provided that:

1. the licensed acupuncturist's assistant currently has a ~~referral supervisory~~ relationship with another ~~supervising~~ physician; alternatively, the LAcacupuncturist's assistant ceases to practice until such time as notification is provided to the board, in a format approved by the board, that he or she has entered into a ~~supervisory~~ relationship with another ~~new-supervising referral~~ physician who satisfies the qualifications, requirements and procedures of this Chapter. Such notification shall be deemed effective as of the date received by the board, subject to final approval at the next board meeting; and
2. the licensed acupuncturist's assistant notifies the board of any changes in or additions to his ~~supervising-referral~~ physicians within 15 days of the date of such change or addition.

E. Except as provided in Subsection F of this Section, certification as an acupuncture detoxification specialist, whether an initial certificate or renewal thereof, shall terminate and become void, null and to no effect on and as of any day that:

1. the supervising physician or supervising licensed acupuncturist's assistant no longer possesses a current, unrestricted license to practice as a physician or as an LAcA in the state of Louisiana;
2. the supervising physician or supervising acupuncturist's assistant, whether voluntarily or involuntarily, ceases the active practice of medicine or practice as an LAcA;
3. the relationship between the ADS and the supervising physician or the supervising LAcA is terminated; or
4. ...

F. Certification shall not terminate upon termination of a relationship between a supervising physician or supervising LAcA and ADS provided that:

1. the ADS currently has a supervisory relationship with another supervising physician or supervising LAcA; alternatively, the ADS ceases to practice until such time as notification is provided to the board, in a format approved by the board, that he or she has entered into a supervisory relationship with a new supervising physician or supervising LAcA who satisfies the qualifications, requirements and procedures of this Chapter. Such notification shall be deemed effective as of the date received by the board, subject to final approval at the next board meeting; and

2. the ADS notifies the board of any changes in or additions to his supervising physicians or supervising LAcAs within 15 days of the date of such change or addition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1621 (August 2008), LR

§2129. Renewal of Certification and Licensure; Verification of Registration

A. Every certificate or license issued by the board under this Chapter shall be renewed annually on or before the last day of the year in which it was issued its date of expiration by submitting to the board a properly completed application for renewal, in a format specified by the board, together with the renewal fee prescribed in Chapter 1 of these rules.

~~B. An Renewal applications and instructions may be obtained from the board's web page or upon personal or written request to for renewal of certification shall be transmitted in a format approved by the board to each person holding certification issued under this Chapter on or before the first day of December of each year. Such form shall be transmitted to the primary practice site or preferred mailing address of each certificate holder as reflected in the official records of the board.~~

C. Each registered supervising physician and supervising licensed acupuncturist's assistant shall annually verify the accuracy of registration information on file with the board in a format approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1621 (August 2008), LR

Subchapter F. Restricted Licensure, Permits

§2131. Emergency Temporary Permit

A. Acupuncture Detoxification Specialist. The board may issue an emergency temporary permit to an acupuncture detoxification specialist, valid for a period of not more than 60 days, to provide voluntary, gratuitous acu detox services in this state during a public health emergency and for such periods thereafter as the Louisiana Department of Health and Hospitals ("DHH") shall deem the need for emergency services to continue to exist, at sites specified by DHH or approved by the board. Application for such permit shall be made in accordance with §412 of this Part and include notification of intent to practice under a supervising physician or supervising LAc in a manner approved by the board.

~~B. To be eligible for issuance of such a permit an individual shall:~~

- ~~1. hold a current, unrestricted license in good standing in another state to practice as an ADS;~~
- ~~2. prior to providing such services, present or cause to be presented to the board:
 - ~~a. indisputable personal identification;~~
 - ~~b. a copy of his or her license to practice as an ADS in another state or such other information as may be deemed satisfactory to the board on which to verify out-of-state licensure;~~
 - ~~c. a completed application containing such information as may be required by the board; and~~
 - ~~d. notification of intent to practice in a format approved by the board, signed by a physician or an AcA licensed or certified to practice in this state, who will fulfill the functions of a supervising physician or supervising AcA for an ADS as described in this Section. An individual is responsible for updating the board within 15 days should any of the information required and submitted on the applicant's notice of intent change after a temporary permit has been issued under this Section.~~~~

~~C. To be eligible for approval as a supervising physician or supervising AcA under this Section a physician or AcA shall:~~

- ~~1. possess a current, unrestricted license or certificate to practice as a physician or AcA in Louisiana; and~~
- ~~2. submit a completed application containing such information as may be required by the board.~~

~~D. Although a physician or AcA must notify the board each time he or she intends to undertake the supervision of an ADS under this Section, registration with the board is only required once. Notification of supervision of new or additional ADSs by a registered supervising physician or a registered supervising AcA shall be deemed given to the board upon the ADS's filing with the board of a notice of intent to practice in accordance with Subsection B of this Section.~~

~~E. The board shall maintain a list of physicians and AcAs who are registered to supervise ADSs under this Section. Each registered supervising physician and supervising AcA is responsible for updating the board should any of the information required and submitted on the physician's or AcA's application change following registration.~~

~~F. An ADS holding a permit under this Section shall practice in this state only on a voluntary, gratuitous basis, shall perform only those acupuncture services authorized by this Section, and shall practice only at sites specified by DHH or approved by the board.~~

~~BG. Services performed by an ADS issued a permit under this Section shall be limited to acu detox, and approved by the supervising physician or supervising AcA. Such services may be and performed under the general supervision of the supervising physician or supervising LAcA. All services shall be documented in written form by the ADS and available for review by the supervising physician or supervising LAcA.~~

~~H. A temporary permit may be issued upon such terms, conditions, limitations or restrictions as to time, place, nature, and scope of practice as are, in the judgment of the board, deemed necessary or appropriate to its responsibilities under law. The board may, in addition, waive or modify any of the requirements of Chapters 21 and 51 of these rules, applicable to certification as an ADS, that it may deem necessary or appropriate to effectuate the purposes of this Section.~~

~~I. An ADS shall visibly display a permit issued under this Section, or such other identifying information as the board may specify, in plain view on his or her person at all times while exercising the privileges of such permit.~~

~~J. A temporary permit creates no right or entitlement to certification as an ADS or renewal of the permit after its expiration. A temporary permit shall expire and become null and void on the earlier of:~~

- ~~1. 60 days from the date on which it was issued;~~
- ~~2. a date specified on the permit less than 60 days from the date of issuance;~~
- ~~3. the date the ADS's term of voluntary, gratuitous service is terminated; or~~
- ~~4. the date on which the ADS's relationship with the supervising physician or supervising AcA identified in the notice of intent terminates.~~

~~K. The board may, in its discretion, extend or renew for one or two additional 60 day periods a permit that has expired provided that all conditions prerequisite to original issuance are satisfied.~~

~~L. Following termination of a declaration of emergency the board may issue, extend or renew a 60 day permit under this Section during such period as DHH shall deem the need for emergency services to continue to exist.~~

~~CM. Licensed Acupuncturist's Assistants. The board may issue an emergency temporary permit to an licensed acupuncturist's assistant to provide voluntary, gratuitous acupuncture services in this state during a public health emergency, and for such periods thereafter as DHH shall deem the need for emergency services to continue to exist, in accordance with §412 of this Part.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1275 and R.S. 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 32:2057 (November 2006), amended LR 34:1621 (August 2008), LR

Subchapter G. Acupuncture Advisory Committee

§2139. Scope of Subchapter

A. To assist the board on matters relative to acupuncture, an Acupuncture Advisory Committee is hereby constituted, to be composed and appointed and to have such duties and responsibilities as hereinafter provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360, 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR

§2141. Constitution, Function and Responsibilities of Advisory Committee

A. The board shall constitute and appoint an Acupuncture Advisory Committee which shall be organized and function in accordance with the provisions of this Subchapter.

B. Composition. The committee shall be comprised of five members selected by the board, four of whom shall be licensed acupuncturists and one of whom shall be a physician acupuncturist or referral physician. All members of the advisory committee will be licensed by the board and practice and reside in this state.

C. Insofar as possible or practical, in its appointment of members to the advisory committee the board shall maintain geographic diversity so as to provide representative membership on the advisory committee by individuals residing in various areas of the state.

D. Term of Service. Each member of the committee shall serve for a term of four years, or until a successor is appointed and shall be eligible for reappointment. Committee members serve at the pleasure of the board. Committee members may be reappointed to two additional terms of four years.

E. Functions of the Committee. The Committee will provide the Board with recommendations relating to:

1. applications for licensure;
2. educational requirements for licensure;
3. changes in related statutes and rules;
4. model forms and examples of clinical practice guidelines and protocols; and
5. perform such other functions and provide such additional advice and recommendations as may be requested by the board.

F. Committee Meetings. The committee shall meet at least once each calendar year, or more frequently as may be deemed necessary by a quorum of the committee or by the board. Three members of the committee constitute a quorum. The committee shall elect from among its members a chair. The chair shall call, designate the date, time, and place of, and preside at all meetings of the committee. The chair shall record or cause to be recorded accurate and complete written minutes of all meetings of the committee and shall cause copies of the same to be provided to the board.

G. Confidentiality. In discharging the functions authorized under this Section, the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. Committee members are prohibited from communicating, disclosing, or in any way releasing to anyone other than the board, any confidential information or documents obtained when acting as the agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360, 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 3. Practice

**Chapter 51. Physician Acupuncturists, Licensed Acupuncturists'
Assistants, and Acupuncture Detoxification Specialist**

§5101. Scope of Chapter

A. The rules of this Chapter govern the practice of ~~traditional Chinese~~ acupuncture by physician acupuncturists, and licensed acupuncturists' assistants and of acupuncture detoxification by acupuncture detoxification specialists in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1622 (August 2008), LR

§5105. Necessity of Certification or Licensure; Exemptions

A. No person may act as or undertake to perform or practice acupuncture or acupuncture detoxification unless he or she holds a current license, certificate or permit issued certification by the board. While any physician may practice acupuncture, enter into a relationship with a licensed acupuncturist to respond to referrals for follow up care, and may apply to the board for registration to supervise an AeA or and ADS, only a physician certified by the board under this Part may hold himself or herself out as a certified physician acupuncturist.

B. ~~Any person, other than a physician, who acts as or undertakes to perform or practice acupuncture without a current acupuncturist's assistant's certificate issued under this Chapter shall be deemed to be engaging in the unlawful practice of medicine; provided, however, that none~~ None of the provisions of this Chapter shall apply to any person employed by, and acting under the supervision and direction of, any commissioned physician of any of the United States Armed Services, Public Health Service or Veterans' Administration, practicing in the discharge of his or her official duties.

C. ~~Any person, other than a physician or an acupuncturist's assistant, who acts as or undertakes to perform or practice acupuncture detoxification without current certification as an ADS issued under this Chapter shall be deemed to be engaging in the unlawful practice of medicine; provided, however, that none of the provisions of this Chapter shall apply to any person employed by, and acting under the supervision and direction of, any commissioned physician of any of the United States Armed Services, Public Health Service or Veterans' Administration, practicing in the discharge of his official duties~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1622 (August 2008), LR

§5106. Referral Physician Supervision; Clinical Practice Guidelines or Protocols

A. ~~Licensed Acupuncturist's Assistant. Supervision of an AeA~~ A licensed acupuncturist shall establish and maintain a relationship with a physician who operates a physical practice location in Louisiana to provide referrals and follow-up care which may be necessary. Such a relationship shall, at a minimum, provide; shall not be construed to require the physical presence of the supervising physician. Supervision shall exist when the supervising physician gives informed concurrence of the actions of the AeA, whether given prior to or after the action, and when the services of an AeA are:

1. ~~provided when that the supervising referral physician and LAeA shall have the capability to be in contact with each other by telephone or other telecommunications device on a regular basis; and~~

2. ~~performed in accordance with clinical practice guidelines or protocols set forth~~ mutually agreed to by the supervising physician and LAeA that shall, at a minimum, include:

~~a. a description of the nature and type of services to be performed by the AcA;~~
~~b. the respective responsibilities of the supervising physician and AcA;~~
~~c. the methods to be used by the supervising physician to insure responsible direction and control of the activities of the AcA;~~

~~d. description of the procedures to be employed by the AcA including, but not limited to, adherence to procedures that shall require the use of disposable needles, proper handling and disposal of needles, and the provisions of universal precautions;~~

~~ae. the LAcA's documentation requirements for each visit which shall, at a minimum, include:~~

~~i. the symptoms reported by the patient in his or her words (may be recorded by the patient);~~

~~ii. a treatment plan;~~

~~iii. informed consent for the services signed by the patient; and~~

~~iv. written authority signed by the patient authorizing the supervising physician to review the patient's medical record;~~

~~bf. a list of conditions and events upon which the LAcA is required to notify the referral supervising physician; provided, however, that should the LAcA have need to contact the supervising physician for any reason regarding the care of a particular patient, and the supervising physician is not immediately available, then the service shall not be provided until the supervising physician has been contacted;~~

~~cg. a predetermined plan to address medical emergencies e.g., calling 911, referral to a hospital emergency room or a primary care provider, after hours, weekend, and vacation coverage for consultation if needed;~~

~~dh. the requirements for reporting referring by the AcA to the supervising physician regarding patient care and the schedule by which such are to take place;~~

~~ei. an acknowledgment of the mutual obligations and responsibilities of that the supervising physician and LAcA to comply with all requirements of §5111 of this Chapter; and~~

~~fj. in the event that the LAcA serves or intends to serve as a supervising LAcA for an ADS such guidelines or protocols shall include any additional instructions or procedures that are to be followed.~~

B. Acupuncture Detoxification Specialist. General supervision of an ADS shall not be construed to require the physical presence of a supervising physician or supervising licensed acupuncturist's assistant. General supervision shall exist when the services of an ADS:

1. are provided when the supervising physician or supervising LAcA and the ADS shall have the capability to be in contact with each other by either telephone or other telecommunications device on a regular basis to address any questions or concerns that may arise from the provision of acu detox; provided, however, that should the ADS have need to contact the supervising physician or supervising LAcA for any reason regarding the administration of acu detox to a particular individual, and the supervising physician or supervising LAcA is not immediately available, then the acu detox service shall not be provided until the supervising physician or supervising LAcA has been contacted;

2. ...

3. are documented in written form by an ADS and made available for review by the supervising physician or supervising LAcA. Such documentation shall, at a minimum, include:

a. ...

b. written authority signed by the patient authorizing the supervising physician or supervising LAcA to review the patient's medical record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1622 (August 2008), amended, LR

§5107. Authority and Limitations of Licensed Acupuncturist's Assistant and Acupuncture Detoxification Specialist

A. ~~An licensed acupuncturist's assistant shall not:~~

1. ~~practice without supervision a relationship with a physician, as defined or provided in this Chapter;~~
2. ~~perform, provide, attempt to perform or provide, or hold himself or herself out to the public as being capable of performing or providing any procedure, service or function required by law to be performed or provided by one possessing a certificate, registration or license other than as an LAcA, in the absence of such certificate, registration or license; or~~
3. ~~identify himself, or permit any other person to identify him, as "Doctor" unless he designates the degree entitling such use or render any service to a patient unless the LAc acupuncturist's assistant has clearly identified himself as an acupuncturist's assistant LAc by any method reasonably calculated to advise the patient that the licensed acupuncturist's assistant is not a licensed physician.~~

~~B. An acupuncturist's assistant holding Class B certification shall not perform or provide, or attempt to perform or provide, any acupuncture procedure, service, or function authorized by certification issued under these rules other than in the course of bona fide scientific research conducted at the direction and under the auspices of his employing hospital, medical school, or clinic.~~

BC. An acupuncture detoxification specialist shall not:

1. practice without general supervision, as defined or provided in this Chapter;
2. perform or provide acu detox other than at the addresses, locations or types of locations identified in his or her current application;
3. perform, provide, attempt to perform or provide, or hold himself or herself out to the public as being capable of performing or providing any procedure, service or function other than acu detox as defined in this Part. The types of services that an ADS shall not provide include, but are not limited to, counseling, nutritional assessments, biofeedback or any other acupuncture, medical or psychological service; or
4. identify himself or herself, or permit any other person to identify him or her, as "~~d~~Doctor" or as "licensed acupuncturist's assistant" or render any service to a patient unless the acupuncture detoxification specialist has clearly identified himself as an acupuncture detoxification specialist by any method reasonably calculated to advise the patient that he or she is not a physician or LAcA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1623 (August 2008), LR

§5109. Authority and Limitations of Supervising Physician and Supervising Acupuncturist's Assistant [Repealed]

Reserved.

~~A. The supervising physician is responsible for the responsible supervision and direction of the acupuncturist's assistant and retains responsibility to the patient for the competence and performance of the acupuncturist's assistant.~~

~~B. A supervising physician shall not concurrently supervise, or be approved to supervise, more than five acupuncturist's assistants.~~

~~C. The supervising physician or supervising acupuncturist's assistant is responsible for providing general supervision of the ADS and retains responsibility to the patient for the competence and performance of the ADS.~~

~~D. Except as may be applicable to a temporary permit issued under §2131 of these rules, a supervising physician or a supervising acupuncturist's assistant shall not concurrently supervise, or be approved to supervise, more than five ADSs.~~

~~E. The board may, in its discretion, grant an exception to the limitations provided in this Section on a case-by-case basis.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1624 (August 2008), Repealed, LR

§5111. Mutual Obligations and Responsibilities

A. ~~The acupuncturist's assistant~~LAc and supervising physician shall:

1. ~~immediately notify~~report directly to the board, in writing, of:
 - a. the termination of the licensed acupuncturist's assistant's supervisory relationship with the supervising a referral physician; and
 - b. the retirement or withdrawal from active practice by the referral supervising physician or LAcA; and
 - c. ~~any change in the functions, activities, or services of the acupuncturist's assistant or the location of their performance;~~
2. comply with reasonable requests by the board for personal appearances, information and documentation required by this Part relative to the functions, activities, and performance of the licensed acupuncturist's assistant and/or supervising referral physician. This obligation shall apply equally to a referral physician;
3. insure that each individual to whom the ~~acupuncturist's assistant~~LAc provides patient services is expressly advised and understands that the ~~acupuncturist's assistant~~LAc is not a physician; and
4. insure that, with respect to each patient, all activities, functions, services, and treatment measures of the ~~LAc acupuncturist's assistant~~ are immediately and properly documented in written form ~~by the acupuncturist's assistant; and~~
5. ~~insure that in those instances where an AcA has a primary practice site that is different from that of the supervising physician that:~~
 - a. ~~the supervising physician shall review a random sample of the lesser of 10 percent or 20 of the AcA's records on a quarterly basis; and~~
 - b. ~~the AcA shall maintain at his or her primary practice site, a list of records reviewed by the supervising physician reflecting the date that such records were reviewed and the signature of the supervising physician. Such list shall be kept in chronologically order and maintained by the AcA for no less than five years.~~

B. The licensed acupuncturist's assistant and the supervising referral physician shall bear equal and reciprocal obligations to insure strict compliance with their respective obligations and responsibilities, and provisions set forth in the rules of this Part.

C. The ADS, supervising physician or supervising ~~acupuncturist's assistant~~LAc shall:

1. immediately notify the board, in writing, of:
 - a. the retirement or withdrawal from active practice by the supervising physician or supervising LAcA; and
 - b. . . .
2. comply with reasonable requests by the board for personal appearances and/or information and documentation required by this Part relative to the functions, activities, and performance of the ADS and supervising physician or supervising LAcA;
3. insure that each individual to whom an ADS provides patient services is expressly advised and understands that the ADS is not a physician or ~~an~~ LAcA; and
4. . . .

D. The ADS and the supervising physician or supervising LAcA shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities, and provisions set forth in the rules of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1624 (August 2008), LR

§5113. Causes for Action; Suspension, Revocation, Imposition of Restrictions

A. The board may suspend, revoke, or impose probationary conditions and restrictions on any certification or license issued under this Part ~~the certification of any acupuncturist, acupuncturist's assistant or acupuncturo detoxification specialist, and/or upon the license of a supervising physician or supervising AcA,~~ upon a finding, following hearing, that such individual is culpable of:

1.2. ...

3. perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a certificate or license to practice acupuncturo or acupuncturo detoxification;

4.-9 ...

10. knowingly performing any act which in any way assists ~~an uncertified~~ person who is not certified or licensed to practice acupuncturo or acupuncturo detoxification, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm, or corporation to induce the referral of patients ~~to the acupuncturist, acupuncturist's assistant or acupuncturo detoxification specialist;~~

12.-13. ...

14. refusal to submit to examination and inquiry by an examining committee of physicians appointed by the board to inquire into the certificate or license holder's physical and/or mental fitness and ability to practice acupuncturo or acupuncturo detoxification with reasonable skill or safety to patients;

15.-17. ...

B. The board may, as a probationary condition, or as a condition of the reinstatement of any certificate or license suspended or revoked hereunder, require the physician acupuncturist, licensed acupuncturist's assistant or acupuncturo detoxification specialist to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees; and, with respect to ~~an~~ physician acupuncturist or licensed acupuncturist's assistant, to pay a fine not to exceed the sum of \$5,000.

C. Any certificate or license suspended, revoked, or otherwise restricted by the board may be reinstated by the board, provided, however, that no application may be made to the board for reinstatement of a revoked certificate or license until not less than one year has elapsed from the date of the revocation. The board shall have discretion to accept or reject any application for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1113 (October 1994), amended LR 34:1625 (August 2008), LR