CHAPTER 01 – NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

SECTION .0100 - LICENSURE

21 NCAC 01 .0101 APPLICATION AND PRACTICE REQUIREMENTS FOR LICENSURE

In addition to and for the purposes of meeting the requirements of G.S. 90-455, an applicant for licensure to practice acupuncture shall satisfy requirements one through six and eight listed below or requirements one through five and requirements seven and eight listed below:

(1) Submit a completed application;

(2) Submit fees as required by Rule .0103 of this Section;

(3) Ensure that an official copy of a diploma, transcript, license or certificate, examination score, or other document required for application is forwarded directly to the Board by the issuing entity or its successor organization or designated state agency. Documents shall have an official or government seal or written verification authenticating the document;

(4) If the applicant sat for the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination on or before June 30, 2004, the applicant shall submit proof that he or she passed the acupuncture written exam and the point location exam as established and determined by NCCAOM or its successor organization. If the applicant sat for the licensing examination after June 30, 2004, the applicant shall submit proof that he or she passed, as determined by NCCAOM, the following four NCCAOM modules: Foundations of Oriental Medicine, Acupuncture, Biomedicine and Point Location;

(5) Submit proof that he or she passed the Clean Needle Technique course as offered and determined by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) or its successor organization;

(6) Submit proof of satisfying the education requirements listed below:

(a) US Trained Applicants. All U.S. trained applicants shall graduate from a three-year postgraduate acupuncture college, accredited by or in candidacy status by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or its successor organization.

(b) Foreign Trained Applicants. All foreign trained applicants shall graduate from a postgraduate acupuncture college that meets the curricular requirements of ACAOM. The college shall also be approved by either:

(i) A foreign government's Ministry of Education;

(ii) A foreign government's Ministry of Health;

(iii) A governmental agency that is comparable to a division or department of the US Government charged with educational accreditation; or

(iv) A private foreign accreditation agency that has an accreditation process and standards substantially equivalent to that of ACAOM, and that is recognized for that purpose by the substantially equivalent governmental entity in that foreign country. The educational institutions shall meet the curricular requirements of ACAOM.

(c) The documents substantiating that the U.S. trained applicant has met the specified requirements shall be submitted as follows:

(i) The educational program or governmental agency from which the applicant received the certificate or diploma shall send an official copy of the applicant's transcript directly to the Board in a sealed envelope.

(ii) By its submission of this transcript, the program or agency shall verify the applicant's satisfactory completion of the required ACAOM academic and clinical education and designate the completed courses and the hours of study completed in each subject.

(d) The documents substantiating that the Foreign trained applicant has met the specified requirements shall be submitted as follows:

(i) The educational program or governmental agency from which the applicant received the certificate or diploma shall send an official copy of the applicant's transcript directly to the Board in a sealed envelope;

(ii) By submission of this transcript, the program or agency shall verify the applicant's satisfactory completion of his or her clinical education and designate the completed courses and hours of study earned in each subject;

(iii) The applicant, at his or her own expense, shall submit an accurate English translation that interprets all documents submitted in a foreign language. Each translated document shall bear the affidavit of the translator certifying that he or she is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Each translated document shall also bear the affidavit of the applicant, certifying that the translation is a true and complete translation of the original. Each affidavit shall be signed before a notary public; and

(iv) All foreign trained applicants, at his or her expense, shall submit their transcripts for evaluation by a foreign credential evaluation service to determine if the applicant's course work is equivalent to that required of an applicant from a three-year postgraduate acupuncture college accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). This includes a subject-by-subject analysis that meets the curricular requirements of ACAOM in effect at the time of certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) in the acupuncture written and point location examinations. The applicant may use a current member of the National Association of Credential Evaluation Services (NACES) or the American Association of Collegiate Registrars and Admissions Offices (AACRAO);

(7) Practice Requirements:

(a) The applicant shall fulfill the requirements set forth in G.S. 90-455.

(b) Disciplinary action, as used in Article 30 of Chapter 90 of the General Statutes, means censure, suspension, or revocation but does not include a letter of caution, warning or admonition; and

(8) Submit a license history stating the disciplinary record of the applicant to reflect any censure, suspension or revocation. The record shall be sent directly to the Board by each state board in which the applicant has been licensed to practice acupuncture.

History Note: *Authority G.S. 90-451; 90-454; 90-455;*
Temporary Adoption Eff. March 18, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. August 1, 1996;
Amended Eff. August 1, 2007; July 1, 2000; April 1, 1999; August 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0102 REQUIREMENTS/WAIVER/QUALIFICATIONS/LICENSURE DETAILED IN G.S. 90-455

An applicant for licensing seeking a waiver of the requirements of Rule .0101 of this Section shall:

(1) Submit a completed application before December 31, 1994, and

(2) Submit non-refundable fees as required by Rule .0103 of this Section, and

(3) Provide proof of North Carolina residency as of January 1, 1993, and

(4) Fulfill one of the following:

(a) Submit a certified copy, certified by the issuing institution, of a transcript including evidence of graduation from an acupuncture college approved by the Board (an approved acupuncture college is one that is a minimum of two academic years of training and is certified or approved by the state or country in which it operates), or

(b) Submit evidence of successful completion of the Clean Needle Technique (CNT) course and achieve a score of not less than 15 points as outlined in the Sub-items (4)(b)(i) and (ii) of this Rule to satisfy requirements for a Board approved training program.

(i) Submit proof of a score of not less than 70% on the National Commission for the Certification of Acupuncturists examination: 15 points; or

(ii) Training: Accrue 15 points (a minimum of 5 points in both categories in Sub-items (4)(b)(ii)(A) and (B) of this Rule.

(A) Education:

(I) Structured - For each 100 hours of documented completion of a formal training program approved by the Board: 1 point. A formal training program is an acupuncture college certified or approved by the state or country in which it operates.

(II) Apprenticeship - For each 150 hours of supervised apprenticeship training with an acupuncturist [and which is verified by such acupuncturist(s)]: 1 point.

(B) Experience: An applicant must accrue a minimum of five points in any combination of Sub-items (4)(ii)(B)(I) and (II) of this Rule. Acupuncture must comprise at least 90% of the applicant's practice. Treatments for cessation of smoking and weight loss shall not be adequate to satisfy the experience requirements if such therapies comprise more than 40% of the applicant's practice.

(I) Treatment of not fewer than 100 different patients for not less than 2000 patient hours within the last three years prior to application for licensure: 5 points.

(II) Treatment of not fewer than 100 patients for not less than 4000 patient hours within the last three years prior to application for licensure: 10 points.

(5) Submit all correspondence, including application, in writing, typed or printed only, to the North Carolina Acupuncture Licensing Board, P.O. Box 25171, Asheville, NC 28803.

History Note: *Authority 90-454; 90-455; S.L. 1993, c. 303, s. 3;*
Filed as a Temporary Adoption Eff. March 18, 1994 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Eff. August 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0103 FEES

The following fees shall apply:

(1)	Application (non-refundable)	$100.00
(2)	Initial biennial licensing	$500.00
(3)	Renewal of biennial licensing	$300.00
(4)	Late license renewal (additional)	$200.00
(5)	Inactive license renewal, biennial extension	$ 50.00
(6)	Duplicate license	$ 25.00
(7)	Duplicate wall certificate	$ 50.00
(8)	Mailing Labels	$150.00
(9)	Returned check	$ 40.00
(10)	Verification of North Carolina licensure to another state	$ 25.00
(11)	Name change	$ 5.00
(12)	Continuing education per single program approval	$ 50.00
(13)	Continuing education provider approval	$ 50.00
(14)	Initial school application	$1,000.00
(15)	Biennial renewal school approval application	$500.00

History Note: *Authority G.S. 90-457;*
Temporary Adoption Eff. March 18, 1994 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Eff. August 1, 1994;
Amended Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0104 DEFINITIONS

In addition to the definitions contained in G.S. 90-451, the following shall apply throughout this Chapter:

(1) "Licensed Acupuncturist" or "Acupuncturist" is the title conveyed by the North Carolina Acupuncture Licensing Board pursuant to Article 30 of Chapter 90 of the North Carolina General Statutes. Licensed Acupuncturists or Acupuncturists may only refer to him or herself as a doctor in the state of North Carolina, if he or she has earned an educational degree of "doctor" or "doctorate" in accordance with G.S. 90-458.

(2) "Acupuncture adjunctive therapies" include the adjunctive therapies listed in G.S. 90-451(3). It also includes stimulation to acupuncture points and channels by any of the following: cupping, thermal methods, magnets, and gwa-sha scraping techniques.

(3) "Acupuncture diagnostic techniques" include the use of observation, listening, smelling, inquiring, palpation, pulse diagnosis, tongue diagnosis, hara diagnosis, physiognomy, five element correspondence, ryodoraku, akabani, and electro-acupuncture.

(4) "Acupuncture needles" mean the same as in 21 CFR 880.5580, which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at https://www.gpo.gov/fdsys/pkg/CFR-2016-title21-vol8/pdf/CFR-2016-title21-vol8-sec880-5580.pdf at no cost. "Acupuncture needles" include solid filiform needles, intradermal, plum blossom, press tacks, and prismatic needles.

(5) "Dietary guidelines" include nutritional counseling and the recommendation of food and supplemental substances.

(6) "Electrical stimulation" includes the treatment or diagnosis of energetic imbalances using TENS, Piezo electrical stimulation, acuscope therapy, auricular therapy devices, percutaneous and transcutaneous electrical nerve stimulation and Class IIIa, 5 milliwatt laser devices. All laser products shall meet the performance standards for light-emitting products as set forth in 21 CFR 1040.10 and 1040.11, including subsequent amendments and editions, which can be found at https://www.gpo.gov/fdsys/pkg/CFR-2012-title21-vol8/pdf/CFR-2012-title21-vol8-part1040.pdf at no cost.

(7) "Herbal medicine" includes tinctures, patent remedies, decoction, powders, diluted herbal remedies, freeze dried herbs, salves, poultices, medicated oils, and liniments.

(8) "Massage and manual techniques" include acupressure, shiatsu, Tui-Na, qi healing, and medical qi gong.

(9) "Therapeutic exercise" includes qi gong, Taoist self-cultivation exercises, dao yin, tai qi chuan, ba gua, and meditative exercises.

(10) "Thermal methods" include moxibustion, hot and cold packs and infrared lamps. The use of infrared heat lamps shall be done in accordance with 21 CFR 890.5500, including subsequent amendments and editions, which can be found at https://www.gpo.gov/fdsys/pkg/CFR-2017-title21-vol8/pdf/CFR-2017-title21-vol8-sec890-5500.pdf at no cost.

History Note: *Authority G.S. 90-451(3); 90-454;*
Eff. July 1, 1995;
Readopted Eff. April 1, 2018.

21 NCAC 01 .0105 QUALIFICATIONS FOR LICENSURE THROUGH LICENSE RECIPROCITY

An applicant for licensure to practice acupuncture in North Carolina shall:

(1) Submit a completed application;

(2) Submit fees as required by Rule .0103 of this Section;

(3) Have submitted directly to the North Carolina Acupuncture Licensing Board, an official letter from the licensing board of another jurisdiction with whom the North Carolina Acupuncture Licensing Board has a reciprocal licensing agreement, verifying that the applicant is currently licensed and in good standing in such jurisdiction.

History Note: *Authority G.S. 90-454; 90-455;*
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0106 CHANGE OF NAME OR ADDRESS

Every person licensed under the provisions of this Article shall give written notice to the Board of any change in his or her name or address within 60 calendar days after the change takes place.

History Note: *Authority G.S. 90-454; 90-455; 90-456;*
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0107 BOARD MAILING ADDRESS

All correspondence shall be mailed to the following address:
North Carolina Acupuncture Licensing Board
P.O. Box 10686
Raleigh, N.C. 27605

History Note: *Authority G.S. 90-450;*
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

SECTION .0200 - RENEWAL OF LICENSURE

21 NCAC 01 .0201 RENEWAL OF LICENSURE

The procedure and requirements for renewal of license are as follows:

(1) Biennial Renewal. A licensee shall renew his or her license by the second July 1 following initial licensure and thereafter renew his or her license by July 1 every two years.

(2) Continuing Education. Licensees seeking renewal of their license shall verify on a renewal form prepared by the Board that the licensee has completed the required continuing education units in accordance with Rule .0301 of this Chapter. The renewal form shall include the following information:

- (a) licensee's: identity and contact information;
- (b) requested action from the Board;
- (c) statements pertaining to renewal and fitness for licensure; and
- (d) information pertaining to courses taken including the number of units completed and each of the courses completed.

(3) Fees. The licensee shall pay the renewal fee prescribed in Rule .0103 of this Chapter.

(4) Suspended license. The holder of a suspended license shall meet the renewal requirements pursuant to G.S. 90-455(b) and this Rule for the duration of the suspension or the license shall expire pursuant to G.S. 90-457.1(e).

(5) Expired license. Failure to receive notification that a license has expired does not relieve the holder of an expired license of the responsibility of meeting the continuing education requirements that would have been required if the license had continued to be in effect. These continuing education units shall not apply to the renewal requirements for the subsequent renewal period. In order to renew an expired license pursuant to G.S. 90-455(e), the applicant shall file the renewal form prepared by the Board, submit proof of completion of continuing education, and pay the late license renewal (additional) fee resulting from the expired license as well as the renewal of biennial licensing fee. Expired licenses not renewed within two years after the license expired or not reactivated within eight years after the license is placed on inactive status, pursuant to G.S. 90-455(c), shall be deemed lapsed, pursuant to G.S. 90-455(f).

History Note: *Authority G.S. 90-454; 90-455; 90-457.1;*
Eff. December 1, 1995;
Amended Eff. August 1, 2007;
Readopted Eff. April 1, 2018.

21 NCAC 01 .0202 PROCESS TO OBTAIN INACTIVE LICENSE; ACTIVATE LICENSE

(a) The procedure and requirements for inactive status are as follows:

(1) Written request for inactive license. A licensed acupuncturist not engaged in the practice of acupuncture may request that his or her license be placed in inactive status by submitting the request in writing to the Board.

(2) Following a period of eight years, the Board shall treat an inactive license as lapsed.

(b) The procedure and requirements to activate a license are as follows:

(1) Submit an application to activate a license on a form provided by the Board.

(2) The applicant meeting the requirements to activate his or her license as set out in G.S. 90-455(c) shall submit a signed statement to the Board establishing that he or she has not been involved in any prohibited activities set forth in G.S. 90-456 during the period of inactive status.

(3) To make this determination, the Board may hold a hearing in accordance with the requirements followed for revocation and suspension of a license as set out in 21 NCAC 01 .0710.

(4) The applicant shall satisfy the Board that he or she completed 40 hours of continuing education units within the preceding two-year period as set out in G.S. 90-455.

(c) Fees: An applicant shall submit payment of an inactive license fee extension every two years upon notice by the Board.

(d) The Board shall activate a license upon a finding that the applicant has paid the sum total fee, completed the continuing education requirements, and not engaged in any prohibited activities that would constitute the basis for discipline as set forth in G.S. 90-456.

History Note: *Authority G.S. 90-450; 90-455; 90-456;*
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

SECTION .0300 – CONTINUING EDUCATION

21 NCAC 01 .0301 STANDARDS FOR CONTINUING EDUCATION

(a) Unless otherwise indicated, one CEU, as used in this Rule, shall be equal to one contact hour or 50 minutes of instruction.

(b) All licensees shall complete 40 Continuing Education Units (CEU) every two years as follows:

(1) 25 CEUs shall be obtained from courses that have content relating to the scope of the practice of acupuncture. Fifteen of these 25 hours shall contain course content related to the insertion of acupuncture needles and the application of moxibustion to the human body. The remaining 10 hours of CEUs may be obtained from course content related to adjunctive therapies including massage, mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of herbs, dietary guidelines, and therapeutic exercise; and

(2) the remaining 15 CEUs may be comprised of any combination of the following:

(A) 15 CEUs related to any of the content contained in Subparagraph (b)(1) of this Rule;

(B) up to 10 CEUs for acupuncture or Chinese medicine research studies in hospitals or institutions as set forth in Paragraph (e) of this Rule;

(C) up to 10 CEUs for teaching of Chinese medicine in a formally organized course as set forth in Paragraph (c)(2) of this Rule;

(D) up to 10 CEUs for published work in peer-reviewed journals as set forth in Paragraph (g) of this Rule; or

(E) two CEUs for obtaining or maintaining CPR certification.

(c) All courses completed for purposes of CEUs shall meet the following requirements:

(1) be approved by one or more of the following organizations or their successor organizations:

(A) Acupuncture schools in candidacy status or accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.(ACAOM);

(B) National Certification Commission for Acupuncture and Oriental Medicine;

(C) The Society for Acupuncture Research;

(D) National Acupuncture Detoxification Association;

(E) American Academy of Medical Acupuncture (AAMA); or

(F) North Carolina Acupuncture Licensing Board (NCALB); and

(2) be formally organized. A formally organized course shall meet the following requirements:

(A) the sponsor shall maintain a record of attendance for four years. Records shall be made available to the Board upon request;

(B) the instructor shall hold credentials to practice in the field that is the subject of the course or the instructor shall be competent to teach the designated course and be permitted to perform acupuncture needling techniques for the purposes of demonstration, as determined by the Board based upon the instructor's educations, training, and experience;

(C) the course shall have stated objectives and a syllabus or a description of the content of the course with a class outline;

(D) the course shall be evaluated by each participant on an evaluation form provided by the instructor; and

(E) upon completion of each course, the provider shall issue a certificate of completion to each participant to include the following information:

(i) the title of the course;

(ii) the name of the participant;

(iii) the name of the instructors;

(iv) the name of the provider;

(v) the date and location of the course;

(vi) the number of CEUs completed.

(d) Licensees may obtain up to 28 hours of CEUs by completing online courses approved by an organization set forth in Subparagraph (c)(1) of this Rule.

(e) 10 CEUs may be obtained in each renewal period by licensees who are involved in acupuncture or Chinese medicine research studies in accredited hospitals or educational institutions. A research project may only be submitted once for the purpose of obtaining CEU credit. In order to obtain Research approved CEUs the following must be submitted to the Board for review and approval:

(1) The Institutional Review Board (IRB) approval;

(2) A summary of the study; and
(3) The names and credentials of researchers involved.

(f) A maximum of 10 CEUs may be obtained in each renewal period by teaching acupuncture education in an educational institution accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a CEU course approved by the NCALB. One hour of CEU credit shall be awarded for every three hours of teaching up to 30 hours. All CEUs for teaching shall be approved in advance by the Board prior to the date of the class. For approval the licensee shall submit the following information:

(1) the title of the course;
(2) a summary of course content or class syllabus;
(3) the location of the course;
(4) the dates of the course;
(5) the total number of classroom hours taught;
(6) a copy of course evaluation to be provided students; and
(7) the course fees and refund policy.

(g) 10 CEUs may be obtained by authoring an article in a peer-reviewed journal of acupuncture or Chinese medicine. Examples of journals that shall be considered by the Board include:

(1) The Journal of Traditional Chinese Medicine;
(2) The American Journal of Chinese Medicine; and
(3) The World Journal of Traditional Chinese Medicine.

(h) CEUs from any given course may be used to satisfy the requirements of only one renewal period.

(i) Each licensee shall retain for four years records of all continuing education programs attended, indicating:

(1) the title of the course or program;
(2) the name of the participant;
(3) the name of all instructors;
(4) the name of the provider;
(5) the date and location of the course; and
(6) the number of CEUs completed.

(j) Pursuant to G.S. 90-457.1(b), the Board may audit the records of any licensee to ensure compliance with the continuing education requirements of this Rule. No licensee shall be subject to audit more than once every two years.

(k) All applications for pre-approval for CEU courses must be submitted 60 days prior to the date of the course.

(l) A licensee may apply to the Board for an extension of time to complete continuing education requirements in accordance with G.S. 90-457.1(f).

History Note: *Authority G.S. 90-451; 90-454; 90-455(b)(3); 90-457.1;*
Eff. July 1, 1995;
Temporary Amendment Eff. January 26, 1996;
Temporary Amendment Expired November 11, 1996;
Amended Eff. August 1, 2007; August 1, 2002;
Readopted eff. April 1, 2018.

SECTION .0400 - PRACTICE PARAMETERS AND PROCEDURES

21 NCAC 01 .0401 PRACTICE PARAMETERS

The following are the practice parameters for acupuncturists in North Carolina:

(1) A licensed acupuncturist shall practice within the scope of training offered by a college accredited, or in candidacy status, by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

(2) A licensed acupuncturist must practice within the confines of his training. Parameters for diagnosis and treatment of patients include, Five Elements, Eight Principles, Yin Yang Theory, Channel Theory, Zang Fu Organ Theory, Six Stages and Four Aspects of Disease Progressions.

History Note: *Authority G.S. 90-454;*
Eff. August 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0402 ACUPUNCTURE PROCEDURES

The following procedures shall be followed within the practice of acupuncture:

(1) Practice Setting:

(a) Treatments shall be given in surroundings that provide privacy and confidentiality.

(b) Community acupuncture practices that perform acupuncture treatment in a group setting shall obtain and retain a signed consent waiving the right to a private treatment setting from every patient prior to his or her first treatment.

(c) Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have an accessible bathroom facility.

(d) All applicable OSHA Standards, as amended or replaced, shall be met including those pertaining to blood borne pathogens, which can be found at https://www.gpo.gov/fdsys/pkg/CFR-2017-title29-vol6/pdf/CFR-2017-title29-vol6-sec1910-1030.pdf at no cost.

(e) All acupuncture practice and recordkeeping shall be compliant with all State and federal laws and regulations pertaining to the confidentiality of medical records including security and privacy regulations enacted under HIPAA, as amended or replaced, including 45 C.F.R Part 160, which can be found at https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part160.pdf at no cost, and subparts A and E of Part 164, which can be found at https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164-subpartA.pdf and https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164-subpartE.pdf respectively and at no cost.

(2) Prior to treatment, a licensee shall obtain a written or oral medical history that includes the following information:

(a) Current and past conditions, illnesses, treatments, hospitalizations, and current medications, and allergies to medications;

(b) A social history that shall include the use of tobacco, alcohol, caffeine, and recreational drugs;

(c) The names of health practitioners;

(d) The presenting complaints, along with remedies and treatments tried and in progress;

(e) Whether the patient is pregnant and whether the patient has any biomedical devices, such as artificial joints or cardiac pacemaker.

(3) Fees. Information concerning treatment fees shall be made available to the patient prior to treatment.

(4) Guarantees. No express or implied guarantee about the success of treatment shall be given to the patient. Reasonable indication of the length of treatment and usual outcome shall be given to the patient.

(5) Diagnosis:

(a) Licensees shall diagnose each patient employing methods used by the traditions represented in Asian medicine as reflected in Rule .0104(2) of this Chapter and within the context of Accreditation Commission for Acupuncture and Oriental Medcine (ACAOM) educational programs.

(b) All acupuncture diagnostic techniques utilized shall be recorded at each visit.

(6) Treatment. The specifics of all treatment shall be recorded at each visit. Treatments shall be in accordance with Asian and biomedical knowledge obtained in acupuncture training programs.

(7) Medical Records. Dated notes of each patient visit and communication shall be kept seven years. Authorization for release of medical records shall be obtained prior to sharing of any patient information. Medical records shall be released to patient upon receipt of the authorization. G.S. 90-411 sets forth the amounts healthcare providers can charge for copies of patient medical records. In charging patients for their records, licensees shall follow G.S. 90-411 as written, or as subsequently amended.

(8) Failure to Progress:

(a) If a patient fails to respond to treatments, the licensee shall initiate a discussion with the patient about other forms of treatment available or make a referral to another health care professional.

(b) In the case of persistent or unexplained pain, or the unexplained worsening of any condition while receiving treatment, the licensee shall initiate a referral or seek a consultation with other health care providers. In choosing a referral source, the licensee shall give priority to practitioners who have previously seen or treated the patient.

(c) Licensees shall honor and consider all requests by a patient for information about other forms of treatment available or for referral to another health care practitioner.

History Note: *Authority G.S. 90-411; 90-454;*
Eff. August 1, 1995;
Readopted Eff. April 1, 2018.

SECTION .0500 - SCHOOLS AND COLLEGES OF ACUPUNCTURE

21 NCAC 01 .0501 QUALIFICATIONS FOR ESTABLISHING A SCHOOL FOR ACUPUNCTURE IN NORTH CAROLINA

(a) For the purposes of this Rule "Acupuncture program" means training in acupuncture offered by an academic institution on a continuing basis.

(b) In addition to and for the purposes of meeting the requirements of G.S. 90-454(3), in order to be approved as a school of acupuncture an institution must meet the following standards:

(1) submit a completed application;

(2) submit fees as required by Rule .0103 of this Chapter;

(3) offer an Acupuncture program that extends over a minimum of three academic years, six semesters, nine quarters or 27 months, which consists of a minimum of 1800 clock hours with a minimum of 900 hours of didactic and theoretical training and 650 hours of supervised clinic. A minimum of 400 hours of the 650 hours of clinical training must be actual treatments;

(4) achieve candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine within one year of beginning classes and maintain accreditation throughout years of operation;

(5) provide a transcript of grades, as part of the student=s record, that includes the following: name, address, date of birth, course titles, grades received, number of clock hours per course;

(6) grant a diploma only after the student has successfully completed the educational program in acupuncture, personally attended all required classes and completed the program requirements.

History Note: *Authority G.S. 90-454;*
Eff. December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

SECTION .0700 - ADMINISTRATIVE PROCEDURES

21 NCAC 01 .0701 ADMINISTRATIVE REVIEW OF BOARD'S DECISION DENYING ISSUANCE OF A LICENSE

Whenever the North Carolina Acupuncture Licensing Board has determined that a person has failed to satisfy the Board of his qualifications and has failed to be issued a license, the Board shall immediately notify such person of its decision, and indicate in what respect the applicant has so failed to satisfy the Board. Such applicant shall be given a contested case hearing before the Board upon request of such applicant filed with or mailed by registered mail to the secretary of the Board at 1418 Aversboro Rd., Garner, NC 27529 within 60 days after receipt of the Board's decision, stating the reasons for such request. The Board shall within 20 days of receipt of such request notify such applicant of the time and place of a public hearing, which shall be held within 60 days. The burden of satisfying the Board of his qualifications for licensure shall be upon the applicant. Following such hearing, the Board shall determine whether the applicant is entitled to be licensed.

History Note: *Authority G.S. 90-454;*
Eff. December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0702 FILING COMPLAINTS

(a) General. Any person who has reason to believe that a licensed acupuncturist has violated the laws governing acupuncture may file a complaint with the North Carolina Acupuncture Licensing Board. Complaints shall be filed with the secretary of the North Carolina Acupuncture Licensing Board at 1418 Aversboro Road, Garner, North Carolina 27529.

(b) Form of Complaint. Complaints may be formal or informal, but must be in writing:

(1) Informal Complaint. The Board shall consider any written communication, construed most favorably to the complainant, which appears to allege a violation of the laws governing acupuncture an informal complaint.

(2) Formal Complaint. A complainant shall execute a formal complaint in writing under oath upon a form provided by the secretary. The complaint shall specify the statute or rule allegedly violated and shall contain a short statement of the acts or omissions constituting the alleged violation including the dates of said acts or omissions.

(c) Secretary's Response to Complaints. The secretary shall review any complaint to determine whether a major or minor violation has been alleged. If the secretary determines that the alleged violation is minor, he shall attempt to resolve the complaint by informal communication with the complainant and the acupuncturist complained of. If the secretary determines that the alleged violation is major, he shall assist the complainant in filing a formal complaint, if one has not already been filed.

History Note: *Authority G.S. 90-454;*
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0703 DETERMINATION OF PROBABLE CAUSE

(a) General. Formal complaints shall be investigated by the North Carolina Acupuncture Licensing Board. The Board shall hold a hearing to determine whether there is probable cause to believe a violation of the laws governing acupuncture has occurred.

(b) Notice of Hearing. The secretary shall provide notice of the probable cause hearing to the acupuncturist complained against by certified mail at least 15 days in advance of the hearing.

(c) Conduct of Probable Cause Hearing. The probable cause hearing shall be informal, and the secretary may establish at his discretion such procedures as are necessary to facilitate examination of the evidence. The Board may consider evidence at the probable cause hearing which would not be admissible if offered at the hearing in a contested case.

(d) Action by the Board. After examining the evidence presented at the probable cause hearing, the Board may dispose of each charge in the formal complaint as follows:

(1) If no probable cause exists to believe that a violation of G.S. 90-456 has occurred, the charge may be dismissed.

(2) If the respondent admits the charge, he may be directed to cease and desist from commission of those acts which violate the provisions of G.S. 90-456.

(3) If a charge is denied and probable cause is found, or if a charge, while admitted, is of such gravity as to make the imposition of punitive sanctions appropriate, the complaint shall be presented to the Board for its decision on the merits in accordance with G.S. 150B, Article 3A.

History Note: *Authority G.S. 90-456;*
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0704 INFORMAL PROCEEDINGS

(a) In addition to formal hearings pursuant to G.S. 90-456, the Board may conduct informal proceedings in order to settle on an informal basis matters of dispute. A person practicing acupuncture pursuant to a license or other authority granted by the Board may be invited to attend a meeting with the Board or a committee of the Board on an informal basis to discuss any matter the Board deems appropriate. No public record of such proceeding shall be made nor shall any individual be placed under oath to give testimony. Matters discussed by a person appearing informally before the Board may, however, be used against such person in a formal hearing if a formal hearing is subsequently initiated.

(b) As a result of such informal meeting, the Board may recommend that certain actions be taken by such person, may offer such person the opportunity to enter into a consent order which will be a matter of public record, may institute a contested case concerning such person, or may take other action as the Board may deem appropriate in each case.

(c) Attendance at such an informal meeting is not required and is at the sole discretion of the person so invited. A person invited to attend an informal meeting may have counsel present at such meeting.

History Note: *Authority G.S. 150B-38(h);*
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0705 INITIATION OF FORMAL HEARINGS

(a) The North Carolina Acupuncture Licensing Board may initiate a disciplinary action against a licensed acupuncturist or applicant pursuant to G.S. 90-456.

(b) Upon receipt of a written request and substantiating information from any person in a position to present information as a basis for the action, the North Carolina Acupuncture Licensing Board shall conduct an investigation sufficient to determine whether reasonable cause exists to initiate disciplinary action(s).

(c) An opportunity will be given the person for a hearing before the Board at the next meeting.

History Note: *Authority G.S. 90-456; 150B-38(h);*
Eff. August 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0706 CONTINUANCES

Any person summoned to appear before the Board at a contested case hearing may seek to obtain a continuance of that hearing by filing with the Executive Secretary of the Board, as soon as the reason for continuance is known, a motion for continuance setting forth with specificity the reason the continuance is desired. Continuances shall be granted for reasons such as personal or family illness, death, or an act of God. Motions for continuances shall be ruled upon by the President and Executive Secretary of the Board or in the absence of the President, by the Secretary and Executive Secretary.

History Note: *Authority G.S. 90-456; 150B-38(h);*
Eff. March 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0707 DISQUALIFICATION FOR PERSONAL BIAS

Any person summoned to appear before the Board at a contested case hearing may challenge on the basis of personal bias or other reason for disqualification the fitness and competency of any member of the Board to hear and weigh evidence concerning that person. Challenges shall be stated by way of motion accompanied by affidavit setting forth with specificity the grounds for such challenge and shall be filed with the Executive Secretary of the Board within 14 days of receipt of letter. Nothing contained in this Rule shall prevent a person appearing before the Board at a contested case hearing from making personal inquiry of members of the Board as to their knowledge of and personal bias concerning that person's case.

History Note: *Authority G.S. 90-456; 150B-38(h);*
Eff. March 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0709 PROCEDURE OF REVOCATION OF LICENSURE

(a) If the North Carolina Acupuncture Licensing Board determines that reasonable cause exists to initiate a disciplinary action pursuant to G.S. 90-456, the Board shall prepare written charges and determine what action(s) shall be taken.

(b) The Board shall provide the person with a copy of the written charges and notify the person that it shall take the determined action(s) unless the person, within 60 days of receipt of notice, initiates administrative proceedings under G.S. 150B, Article 3A. The notice will be sent certified mail, return receipt requested.

(c) If the person initiates administrative proceedings the North Carolina Acupuncture Licensing Board shall defer final action on the matter until the proceedings are completed. If the person does not initiate administrative proceedings within 60 days of receipt of notice, the North Carolina Acupuncture Licensing Board may implement the action(s) at its next meeting.

(d) The North Carolina Acupuncture Licensing Board may reinstate a suspended or revoked license or may grant a new license upon application and demonstration of satisfactory compliance with Board requirements.

History Note: *Authority G.S. 90-456; 150B-38(h);*
Eff. August 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0710 HEARING BEFORE REVOCATION OR SUSPENSION OF A LICENSE

Before the Board shall revoke, restrict or suspend any license granted by it, the licensee shall be given a written notice indicating the general nature of the charges, accusation, or complaint made against him. This notice may be prepared by a committee of one or more members of the Board designated by the Board, and stating that such licensee will be given an opportunity to be heard concerning such charges or complaint at a time and place stated in such notice, or at a time and place to be thereafter designated by the Board. The Board shall hold a hearing not less than 30 days from the date of the service of such notice upon such licensee, at which such licensee may appear personally and through counsel, may cross examine witnesses and present evidence in his own behalf.

History Note: *Authority G.S. 90-454(1);*
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.

21 NCAC 01 .0711 PROVISIONS FOR PETITION FOR A RULE CHANGE

Each person desiring to petition for the adoption, amendment or repeal of a rule shall submit the following information to the Board:

(1) draft of the proposed rule or amendment to a rule;
(2) reasons for the proposal;
(3) effect of the existing rule;
(4) data supporting the proposal;
(5) effect on existing practices in the area involved, including costs;
(6) names of those most likely to be affected, with addresses if known; and
(7) the name and address of the petitioner. The North Carolina Acupuncture Licensing Board shall render a decision regarding the denial of a petition or the initiation of rule-making proceedings.

History Note: *Authority G.S. 90-454(8); 150B-20;*
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.