

§ 140-50.3- 002100 Part 2100. Acupuncture.

These Regulations shall supersede the prior Acupuncture Regulations adopted 11 Commonwealth Register 6715 (12/15/89); Emergency and Proposed 11 Commonwealth Register 6372 (9/15/89), NMIAC § 140-50.1-200-220.

Chapter Authority: 3 CMC § 2206(b); PL 15-105, Section 3, § 2206(b), as amended. Regulation History: PL 15-105 (effective when approved by Governor Benigno R. Fitial, November 7, 2007), the “Health Care Professions Act of 2007,” 3 CMC §§ 2201-36. The Act created a Health Care Professions Licensing Board, as an independent regulatory agency, given the complete jurisdiction, power, authority and duty to license and regulate all health care professions, except for the practice of nursing. The Board is empowered by the Legislature to adopt rules and regulations regarding all matters over which the Board has jurisdiction.

§ 140-50.3- 002101 Definitions.

(a) **“ACAOM” is the Accreditation Commission for Acupuncture and Oriental Medicine and is the commission in charge of accrediting U.S. schools or programs of acupuncture or oriental medicine.**

(b) **“AACRAO” is the American Association of Collegiate Registrars and Admissions Officers. AACRAO International Education Services (IES) provides evaluations of academic credentials from all countries of the world.**

(c) **“AACRAO Evaluated Schools” are schools outside the U.S. that have been evaluated by the AACRAO IES and are (1) recognized by the Ministry of Education, or an equivalent governmental body in the country in which it is located, and (2) the program of education completed at that school is substantially equivalent to a program at a school accredited by ACAOM.**

(d) **“Acupuncture Practice” means a comprehensive system of health care using oriental medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin and the use of other biophysical methods of acupuncture point stimulation, including the use of heat, oriental massage techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing techniques, and exercise based on oriental medical principles.**

(e) **“Diplomate in Acupuncture” means a person who is certified by the NCCAOM as having met standards of competence established by the NCCAOM, who subscribes to the NCCAOM code of ethics, and who has a current and active NCCAOM certificate. Current and active NCCAOM certification indicates successful completion of continued professional development and previous satisfaction of NCCAOM requirements.**

(f) **“NCCAOM” is the National Certification Commission for Acupuncture and Oriental Medicine and administers the acupuncture examinations.**

(g) **“NCCAOM Certification” means a certification granted by the NCCAOM to a person who has met the standards of competence established for either NCCAOM certification in acupuncture or in oriental medicine.**

(h) **“Oriental Medicine” means a system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual.**

It implements the theory through specialized methods of analyzing the energy status of the body and treating the body with acupuncture and other related modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

§ 140-50.3-002102 Exemption.

Pursuant to the requirements of § 140-50.3- 002104, any acupuncturist validly licensed prior to the adoption of these regulations shall be deemed as licensed under the provisions of these amended regulations. The acupuncturists licensed under this section shall only perform the practice of acupuncture that is in accordance with his/her education, training, and/or experience.

§ 140-50.3- 002103 Reserved.

§ 140-50.3- 002104 Requirements for Licensure.

(a) An applicant to practice acupuncture must be at least twenty-one (21) years of age, a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meet the following requirements:

(1) Applicant submits evidence of a valid, active license from a U.S. state or territory to practice acupuncture; or applicant is a graduate of a school of acupuncture accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a foreign school evaluated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO); and

(2) Applicant passed the NCCAOM written comprehensive examination or submits a notarized copy of a current NCCAOM certification; and

(3) Applicant shall complete clinical internship training not less than one (1) year under the direct supervision of a licensed acupuncturist. The clinical internship training may be obtained from a licensed acupuncturist at an approved school or from another clinical setting, from a licensed acupuncturist in private practice, or from any combination thereof. The licensed acupuncturist providing direct supervision shall:

(A) Have been licensed and actively practicing for a period not less than five (5) years prior to the start of the applicant's clinical internship training; and

(B) Have had a current, valid, and unencumbered license during the course of supervision.

(b) The Board may deny licensure if the applicant has been the subject of an adverse action in which his or her license was suspended, revoked, placed on probation, conditioned, or renewal was denied in any U.S. or foreign jurisdiction.

§ 140-50.3- 002105 Applications.

(a) An application for a license to practice acupuncture shall be made under oath on a form to be provided by the Board and shall be signed and sworn to under penalty of perjury by the applicant accompanied with the following information and documents as are necessary to establish that the applicant possesses the qualifications, as required in these regulations:

- (1) The applicant's full name and all aliases or other names ever used, current address, date and place of birth, and social security number;**
- (2) Applicant's 2x2 photograph taken within six (6) months from date of application;**
- (3) Applicant must pay the appropriate fees, including the application fee, which shall not be refunded;**
- (4) Applicant is to provide originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including, but not limited to:
 - (A) Documents showing proof that applicant is licensed to practice as a acupuncturist in another U.S. jurisdiction; or a diploma or certificate showing a degree of acupuncture or certification of completion of a program of acupuncture accredited by ACAOM or evaluated by AACRAO;**
 - (B) Document showing proof that applicant passed the NCCAOM written comprehensive examination or submit a notarized copy of a current NCCAOM certification; and**
 - (C) Document showing proof that applicant has taken and completed at least one (1) year of clinical internship training under the supervision of a licensed acupuncturist.****

§ 140-50.3-002106 Continuing Education.

- (a) All acupuncturists licensed to practice in the CNMI are required to complete thirty (30) CE hours during the twenty-four (24) months prior to the expiration of their license as a prerequisite to the renewal of their biennial license.**
- (b) One hour of credit will be allowed for each clock hour of CE participation.**
- (c) The content of all courses of continuing education submitted for board approval shall be relevant to the practice of acupuncture and Asian medicine and shall fall within the following categories:
 - (1) Acupuncture and Asian Medicine;**
 - (2) Western biomedicine and biological sciences;**
 - (3) Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine; or**
 - (4) Courses concerning law and ethics and health facility standards.****
- (d) The Board shall award hours in an approved continuing education as follows:
 - (1) Seminar or workshop;**
 - (2) Course at an accredited educational institution; or**
 - (3) Self-study, online, or correspondence course.****
- (e) It shall be the responsibility of the licensee to obtain documentation, satisfactory to**

the Board, from the organization or institution of his or her participation in the continuing education and of the number of credits earned.

(f) If a licensee fails to meet the CE requirements for renewal of license because of illness, military service, or other extenuating circumstances, the Board, upon appropriate written explanation, may grant an extension of time to complete same, on an individual basis.

(g) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE requirements or who falsely certifies attendance at and/or completion of the CE.

§ 140-50.3-002107 Renewal.

(a) All licenses issued by the Board expire every two years following issuance or renewal and become invalid after that date.

(b) Each licensee shall be responsible for submitting a completed renewal application at least sixty (60) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder, giving the date of expiration and the fee and any additional requirements for the renewal thereof.

(c) All licensees must submit satisfactory evidence of completion of CE requirements, as required under §2106 of these regulations.

(d) A late fee of \$25.00 will be charged every 1st of the month after the expiration date.

(e) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

(f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or her license to practice acupuncture in the CNMI. This will not, however, prevent the Board from considering a new application.

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- (e) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education and of the number of credits earned.
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- (f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or

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§ 140-50.3- 002107 Clinic, Treatment Procedures.

(a) Condition of Clinic.

(1) Every acupuncture clinic or office shall be maintained in a clean and sanitary condition at all times and shall have a bathroom facility.

(2) In all clinics or offices where non-disposable needles are used, there shall be functioning sterilization equipment.

(b) Treatment Procedures.

In treating a patient, an acupuncturist shall adhere to the following procedures:

(1) The acupuncturist's hands shall be brush-scrubbed with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments, and between patients.

(2) All acupuncture needles and other instruments shall be sterilized before and between uses in a manner which will destroy all microorganisms. All needle trays, which contain sterile needles, shall also be sterile. Each time needles or other instruments are sterilized, the acupuncturist shall use a tape or strip indicator, which shows that sterilization is complete.

(3) Acupuncture points, where needles are to be inserted, shall be cleaned with an appropriate antiseptic before insertion of the needle.

(4) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or penetrate the tissues in order to excise such a needle.

(5) Any complication, including, but not limited to, hematoma, peritonitis, or pneumothorax arising out of acupuncture treatment shall be referred immediately to a physician, dentist, or podiatrist, if appropriate, if immediate medical treatment is required.

(6) Acupuncture shall not be performed using hypodermic needles.

(7) All acupuncture needles and instruments to be discarded shall be safely disposed of. Needles shall be discarded in one of the following ways:

(i) They shall be sterilized and discarded in a sealed container, or

(ii) They shall be placed in a sealed, unbreakable container marked "Hazardous Waste" and disposed.

(8) Any acupuncturist who provides acupuncture treatment outside the clinic or office shall carry the required sterile needles and other instruments in a sterile, airtight container.

§140-50.3- 002108 Practice Standards.

(a) Before treatment of a patient, the acupuncturist shall ask whether the patient has been examined by a licensed physician or other health professional, with regard to the patient's illness or injury, and shall review the diagnosis as reported.

(b) The acupuncturist shall obtain informed consent from the patient, after advising the patient of the following information, which must be supplied to the patient in writing before or at the time of the initial visit:

- (1) The acupuncturist's qualifications including:**
 - (i) Education;**
 - (ii) License information; and**
- (2) Side effects, which may include the following:**
 - (i) Some pain in the treatment area;**
 - (ii) Minor bruising;**
 - (iii) Infection;**
 - (iv) Needle sickness; or**
 - (v) Broken needles.**

(c) The acupuncturist shall obtain acknowledgement by the patient in writing that the patient has been advised to consult with the patient's primary care physician about the acupuncture treatment if the patient circumstances warrant or the patient chooses to do so.

(d) The acupuncturist shall inquire whether the patient has a pacemaker or bleeding disorder.

§140-50.3- 002109 Patient Records.

An acupuncturist shall maintain a patient record for each patient treated, including:

- (1) A copy of the informed consent;**
- (2) Evidence of a patient interview concerning the patient's medical history and current physical condition;**
- (3) Evidence of a traditional acupuncture examination and diagnosis;**
- (4) Record of the treatment including points treated; and**
- (5) Evidence of evaluation and instructions given to the patient.**

§140-50.3- 002110 Referral to Other Health Care Practitioners.

(a) Referral to other health care practitioners is required when an acupuncturist sees patients with potentially serious disorders including, but not limited to:

- (1) Cardiac conditions including uncontrolled hypertension;**
- (2) Acute, severe abdominal pain;**
- (3) Acute, undiagnosed neurological changes;**
- (4) Unexplained weight loss or gain in excess of 15 percent of the body weight in less than a three-month period;**
- (5) Suspected fracture or dislocation;**
- (6) Suspected systemic infections;**
- (7) Any serious undiagnosed hemorrhagic disorder; and**

(8) Acute respiratory distress without previous history.

(b) The acupuncturist shall request a consultation or written diagnosis from a licensed physician for patients with potentially serious disorders.

§ 140-50.3- 002111 Reserved.

§ 140-50.3-002112 Code of Ethics.

The Board recognizes NCCAOM's Code of Ethics as its professional standards model. The cornerstone of the NCCAOM's commitment to ethical business practices and professional conduct is its Code of Ethics. Every CNMI-licensed acupuncturist shall abide by the NCCAOM's Code of Ethics standards and procedures as a condition to the maintenance of his or her license.

§ 140-50.3-002113 Disciplinary Action.

The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew, the license of any person who is found guilty of one or more of the violations as prescribed in § 2224 of P.L. 15-105, §§ 140-50.3-00901 – 1300 of the regulations, or NCCAOM's Code of Ethics.