

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the March 26, 2010 Illinois Register. The 45 day comment period will end May 10, 2010.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

- 1) Heading of the Part: Acupuncture Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1140
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1140.20	Amendment
1140.30	Amendment
1140.35	Amendment
1140.50	Amendment
- 4) Statutory Authority: Implementing the Acupuncture Practice Act [225 ILCS 2/20.1] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-450 and Public Act 96-255 amended the Acupuncture Practice Act to streamline the utilization of acupuncture guest instructors in Illinois; this proposed rulemaking implements those provisions. Previously, anyone coming into Illinois as a guest instructor was required to apply for a permit, including payment of an application fee. These individuals will now be able to engage in professional education through clinics, lectures, or demonstrations as an invited guest of a professional acupuncture training program, or continuing education provider, provided that the guest is licensed in another state or country, and their license is active with no disciplinary actions. They also need to be certified in good standing with the

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National Certification Commission for Acupuncture and Oriental Medicine. Obsolete language is also being removed.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813
FAX: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing acupuncture services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Acupuncture skills are required for licensure.

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14) Regulatory Agenda on which this rulemaking was summarized: January 2010

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1140

ACUPUNCTURE PRACTICE ACT

Section

1140.10	Definitions
1140.20	Fees
1140.30	Application for Licensure
1140.35	Application for Guest Instructor Permit
1140.40	Acupuncture Curriculum
1140.50	Endorsement
1140.60	Renewals
1140.70	Inactive Status
1140.80	Restoration
1140.90	Continuing Education
1140.100	Unprofessional Conduct
1140.110	Granting Variances

AUTHORITY: Implementing the Acupuncture Practice Act [225 ILCS 2] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 23 Ill. Reg. 5705, effective April 30, 1999; amended at 25 Ill. Reg. 10893, effective August 13, 2001; amended at 26 Ill. Reg. 11938, effective July 18, 2002; amended at 27 Ill. Reg. 10103, effective June 20, 2003; amended at 30 Ill. Reg. 2512, effective February 8, 2006; amended at 34 Ill. Reg. _____, effective _____.

Section 1140.20 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees:
 - 1) The fee for application for a license as an acupuncturist is \$500.
 - 2) ~~The fee for application for a guest instructor permit is \$150.~~ 3) The fee for application as a continuing education sponsor is \$250.

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- b) Renewal Fees-
 - 1) The fee for the renewal of an acupuncturist license shall be calculated at the rate of \$250 per year.
 - 2) The fee for the renewal of continuing education sponsor approval is \$250 for a 2 year license.

- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$1,000.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for the certification of a license for any purpose is \$20.
 - 4) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
 - 5) The fee for a roster of persons licensed as acupuncturists in this State shall be the actual cost of producing such a roster.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1140.30 Application for Licensure

- a) The Division shall issue a license to an applicant who submits with the application proof of the following:
 - 1) Education
 - A) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a similar accrediting body approved by the Division; or

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- B) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the Division; and
 - 2) Passing the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) acupuncture examination or a substantially equivalent examination approved by the Division; and
 - 3) Proof of successful completion of the Clean Needle Technique (CNT) course offered by the Council of Colleges of Acupuncture and Oriental Medicine; and
 - 4) ~~A complete work history since completion of acupuncture education; and~~
 - 5) The required fee specified in Section 1140.20.
- b) All documents shall be submitted to the Division in English.
- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1140.35 ~~Application for Guest Instructor Permit~~

- a) Any person not licensed in this State to practice acupuncture who is an invited guest of a professional acupuncture association, scientific acupuncture foundation, ~~an~~ acupuncture training program or a Division approved continuing education provider may provide ~~who will be providing~~ professional education through lectures, clinics or demonstrations as set forth in ~~must be the holder of a Guest Instructor Permit issued by the Division pursuant to the provisions of Section 20.1 of the Act.~~

- b) Any individuals providing services pursuant to this Section shall, upon written request of the Division, provide the following ~~An application for a Guest Instructor Permit shall be made on forms provided by the Division. The application shall include:~~
 - 1) One of the following ~~Either:~~
 - A) Current certification in good standing as an acupuncturist from the National Certification Commission for Acupuncture and Oriental Medicine; or
 - B) Current certification of licensure in another jurisdiction; or
 - C) Equivalent education and training set forth in this Part;

 - 2) Certification from an ~~the~~ acupuncture association, scientific acupuncture foundation, ~~an~~ acupuncture training program or ~~an~~ approved continuing education sponsor indicating:
 - A) That the person has received an invitation or appointment to teach acupuncture technique in conjunction with lecture, clinics or demonstrations;
 - B) The nature of the educational services to be provided by the applicant; and
 - C) The term of the invitation or contract;

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- 3) A copy of the applicant's current curriculum vitae; ~~and~~
- 4) ~~The fee set forth in Section 1140.20.~~
- c) ~~A Guest Instructor Permit shall be valid for 12 months.~~ d) A guest instructor may engage in the application of acupuncture techniques in conjunction with the lecture, clinics, or demonstration, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with these lectures, clinics or demonstrations.
- e) ~~When the holder of a Guest Instructor Permit has been discharged or terminated from an appointment, any permit issued in the name of the person shall be null and void as of the date of the discharge or termination.~~
- d)f) ~~If an individual providing services under the provisions of this Section, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice acupuncture.~~
- e)g) ~~Nothing shall prohibit individuals providing services pursuant to this Section the holder of a Guest Instructor Permit from applying for and receiving a license to practice acupuncture in this State while providing services as allowed by this Section during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Division.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1140.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as an acupuncturist shall file an application with the Division, on forms provided by the Division, that includes:
 - 1) One of the following:
 - A) Proof of passage of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or

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- another examination that has been approved by the Division for individuals licensed in another jurisdiction prior to January 1, 2002; or
- B) Current certification from the National Certification Commission for Acupuncture and Oriental Medicine for individuals licensed in another jurisdiction prior to January 1, 2002; or
- C) Verification of meeting examination, education, apprenticeship or experience requirements as set forth in Section 1140.30 of this Part for individuals licensed in another jurisdiction prior to January 1, 2000; or
- D) For applicants licensed after January 1, 2002, proof of:
- i) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a similar accrediting body approved by the Division; or
 - ii) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the Division and proof of passage of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Division;
- 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
- 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number; and
- 4) ~~Complete work history since completion of training and/or education; and~~
- 5) ~~The required fee specified in Section 1140.20 of this Part.~~

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- b) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or whether the applicant possesses individual qualifications that were substantially equivalent to the requirements of the Act.
- c) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 34 Ill. Reg. _____, effective _____)