DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Acupuncture Practice Act

2) **Code Citation:** 68 Ill. Adm. Code 1140

3) **Section Numbers:**  Proposed Actions:
   - 1140.10 Amendment
   - 1140.20 Amendment
   - 1140.30 Amendment
   - 1140.35 Amendment
   - 1140.40 Amendment
   - 1140.50 Amendment
   - 1140.90 Amendment
   - 1140.100 Amendment
   - 1140.110 Amendment

4) **Statutory 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)].

5) **A Complete Description of the Subjects and Issues Involved:** The sunset reauthorization of the Act (Public Act 100-375) made significant changes to the Act including adding herbal therapy to the scope of practice of Acupuncture, substantially adding to the definition of Acupuncture, updating the requirements for licensure in the State of Illinois for Acupuncture and general overall modernization of the Act. These proposed Rules implement these statutory changes.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this proposed rulemaking replace any emergency rule currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this proposed rulemaking contain incorporations by reference?** Yes. See Section 1140.100 b), the "Code of Ethics" of the National Certification Commission for Acupuncture and Oriental Medicine, 2025 M Street NW, Suite 800, Washington DC, 20036 (January 2016) is referenced with this new address being part of the amended language.

10) **Are there any other rulemakings pending on this Part?** No
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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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

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: Acupuncturists regulated under the Act may be affected.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Acupuncture skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2018

The full text of the Proposed Amendments begins on the next page:
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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 industry/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 (if applicable) the appropriate Board.

These proposed amendments were published in the June 1, 2018 Illinois Register. The 45-day comment period will end July 16, 2018.

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.

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 Guest Instructor
1140.40 Acupuncture Programs
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)].
Section 1140.10 Definitions

"Act" means the Acupuncture Practice Act [225 ILCS 2].

"ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine.

"Acupuncturist" means a person licensed under the Acupuncture Practice Act to practice acupuncture.

"Board" means the Board of Acupuncture.

"CCAOM" means the Council of Colleges of Acupuncture and Oriental Medicine.

"CE" means continuing education.

"CNT Course" means a clean needle technique course as administered by CCAOM.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Evaluation in Acupuncture" means the use of diagnostic and therapeutic techniques and theories rooted in East Asian medicine but including classical and modern methods taught in accredited programs of acupuncture and oriental medicine, for the purpose of determining a pattern discrimination and corresponding treatment plan.
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"NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 42 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 as a continuing education sponsor is $250.

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.
   23) 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.

35) 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 42 Ill. Reg. _____, effective ____________)

Section 1140.30 Application for Licensure

a) An applicant for licensure as an acupuncturist shall file an application with the Division that includes the following:

1) Acupuncture Program

   A) An official transcript certifying that the applicant has graduated from a school accredited by ACAOM or a similar accrediting body approved by Division; or

   B) An official transcript certifying that the applicant has graduated from a comprehensive educational program approved by the Division in accordance with Section 1140.40;

2) For applications submitted on or before December 31, 2019, proof of passage of the Proof of successful completion of the Acupuncture with Point Location examination, Biomedicine examination, and Foundations of Oriental Medicine examination of NCCAOM examinations for Acupuncture with Point Location, Biomedicine, and Foundations of Oriental Medicine or a substantially equivalent examination approved by the Division;

3) For applications submitted on or after January 1, 2020, proof of status as a Diplomate of Acupuncture (3-year program) or Diplomate of Oriental Medicine (4-year program) with NCCAOM, or a substantial equivalent approved by the Division;

43) Proof of successful completion of the CNT course administered by CCAOM; and

54) 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 as an acupuncturist in another state, he/she shall also submit a certification from the state 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 as an acupuncturist 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.

(Source: Amended at 42 Ill. Reg. _______, effective ____________)

Section 1140.35 Guest Instructor

a) Any person not licensed in this State to practice acupuncture who is an invited guest of a professional acupuncture association, scientific acupuncture foundation, acupuncture training program or Division approved continuing education provider may provide professional education through lectures, clinics or demonstrations as set forth in Section 20.1 of the Act.

b) Any individual providing services pursuant to this Section shall, upon written request of the Division, provide the following:

1) One of the following:
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A) Current certification as an active Diplomate of Acupuncture or an active Diplomate of Oriental Medicine from NCCAOM or similar body approved by the Department; or

B) Current certification of active licensure as an acupuncturist in another state or country.

2) Certification from an acupuncture association, scientific acupuncture foundation, acupuncture training program or 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;

3) A copy of the applicant's current curriculum vitae.

c) 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.

d) If an individual providing services under the provisions of this Section 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. Nothing shall prohibit individuals providing services pursuant to this Section from applying for and receiving a license to practice acupuncture in this State while providing services as allowed by this Section.

(Source: Amended at 42 Ill. Reg. ______, effective ____________)

Section 1140.40 Acupuncture Programs

The Division may, upon the recommendation of the Board of Acupuncture, approve an
applicant's acupuncture program if it meets the following minimum criteria:

a) The school from which the applicant has graduated:

1) Is legally recognized and authorized by the jurisdiction in which it is located to confer an acupuncture degree; and

2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions; and

3) Maintains permanent student records that summarize the credentials for admission, attendance and grades and other records of performance.

b) For a 3-year program, the school has a core curriculum that includes a minimum of at least 3 academic years (a minimum of 1905 hours or its equivalent,) within no less than 27 calendar months. This must be composed of at least:

1) 795 hours (or its equivalent) in theory and treatment techniques in acupuncture and related studies.

   A) Topics shall include, but not be limited to, the following:

      i) History of Acupuncture;

      ii) Basic Theory. Topics shall include, but not be limited to, basic Yin-Yang theory, 8 principles and 5 elements; Zang (viscera) organs and Fu (bowels) organs and extraordinary organs; theory and function of channels (meridians) and collaterals; Qi, blood and body fluids; Qi tonification (supplementation) and sedation (reducing); etiology (the causes of diseases) such as 6 exogenous, 7 emotional factors and non-internal or non-external reasons; pathology;

      iii) Point Location and Channel (Meridian) Theory. Topics shall include, but not be limited to, nomenclature and distribution of the 14 channels on the body surface – 12 regular channels, Ren (conception) channel and Du
IV) Acupuncture Treatment. Topics shall include, but not be limited to, the various evaluation methods utilized in acupuncture practice, differentiation of syndromes according to 8 principles, Qi and blood, Zang-Fu organs and theory of meridians and collaterals; case review, based on history of the patient and charting; the four-examination methods; measuring and recording vital signs and symptoms, to make treatment plans and future prognosis; contraindications of treatment; indications of potential risk to the patient; the need to modify standard therapeutic approach (e.g., infants and children, pregnancy) and apparently benign presentations that may have a more serious cause (hypertension, headaches);

V) Treatment Techniques. Topics shall include, but not be limited to, needle insertion depth, duration, manipulation and withdrawal; the appearance of Qi; Moxa application, direct and indirect, etc.; other techniques (e.g., bleeding, moxibustion, cupping, Gua Sha, 7 star); tonification and sedation techniques; knowledge relating to the treatment of acute and chronic conditions, first aid, analgesia, anesthesia, and electrical stimulation; safety issues; Oriental bodywork therapy (e.g., Tui Na, Shiatsu, Amma, acupressure, etc.); contraindication for certain conditions; and

VI) Ethics and Practice Management. Topics shall include, but not be limited to, confidentiality; informed consent; HIPAA guidelines; understanding the scope of practice; recordkeeping: legal requirements, release of data; ethical
and legal aspects of referring patients to another practitioner; professional conduct and appropriate interpersonal behavior; laws and regulations governing the practice of acupuncture; recognition and clarification of patient expectations; general liability insurance; legal requirements; professional liability insurance: risk management and quality assurance; building and managing a practice, including ethical and legal aspects of third party reimbursement; professional development.

B) No more than 90 hours may count towards history and ethics and practice management.

2) 660 hours (or its equivalent) in clinical training.

A) The program must assure that each student participates in a minimum of 510 hours in the supervised care of patients using acupuncture. This portion of the clinical training, conducted under the supervision of program-approved supervisors, must consist of at least 250 student-performed treatments where students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture treatments, and follow-up on patients' responses to treatment.

B) The supervised clinical practice must be an internship that provides the student training in all phases of patient care and must be conducted in a teaching clinic operated by the institution or in a clinical facility with a formal affiliation with the institution where the institution exercises academic oversight substantially equivalent to the academic oversight exercised for teaching clinics operated by the institution, where:

i) Clinical instructors' qualifications meet school requirements for clinical instruction;

ii) Regular, systematic evaluation of the clinical experience takes place; and

iii) Clinical training supervision procedures are substantially equivalent to those within the teaching clinic operated by
the institution. Student interns must receive training from a variety of clinical faculty in order to ensure that interns are exposed to different practice styles and instructional methods.

C) The program must assure that each student acquires a minimum of 150 hours in observation.

3) 450 hours (or its equivalent) in biomedical clinical sciences.

A) Biomedical Clinical Sciences. Topics shall include, but not be limited to, basic science courses; biomedical and clinical concepts and terms; human anatomy and physiology; pathology and the biomedical disease model; pharmacology; the nature of the biomedical clinical process, including history taking, diagnosis, treatment and follow-up; the clinical relevance of laboratory and diagnostic tests and procedures, as well as biomedical physical examination findings; the basis and need for referral and/or consultation; the range of biomedical referral resources and the modalities they employ; and

B) Clean Needle Technique. Topics shall include infectious diseases, sterilization procedures, needle handling and disposal, and other issues relevant to bloodborne and surface pathogens.

c) For a 4-year program, the core curriculum includes a minimum of 2625 hours, or its equivalent, within no less than 36 calendar months. This must be composed of at least:

1) 795 hours (or its equivalent) in theory and treatment techniques in acupuncture and related studies.

A) Topics shall include, but not be limited to, the following:

i) History of Acupuncture;

ii) Basic Theory. Topics shall include, but not be limited to, basic Yin-Yang theory, 8 principles and 5 elements; Zang (viscera) organs and Fu (bowels) organs and extraordinary organs; theory and function of channels (meridians) and
collaterals; Qi, blood and body fluids; Qi tonification (supplementation) and sedation (reducing), etiology (the causes of diseases) such as 6 exogenous, 7 emotional factors and non-internal or non-external reasons; pathology:

iii) Point Location and Channel (Meridian) Theory. Topics shall include, but not be limited to, nomenclature and distribution of the 14 channels on the body surface – 12 regular channels, Ren (conception) channel and Du (governing) channel; classification of points; points study should include the method of locating the points, anatomic structures, classification of points, functions and indications, and contraindications; knowledge of the specific point categories, such as the Five Shu points, Yuan (source) points, Luo (connecting) points, Xi (cleft) points, Back-Shu points, Front-Mu points, Crossing points; knowledge of the 8 extraordinary channels and their corresponding points;

iv) Acupuncture Treatment. Topics shall include, but not be limited to, the various evaluation methods utilized in acupuncture practice, differentiation of syndromes according to 8 principles, Qi and blood, Zang-Fu organs and theory of meridians and collaterals; case review, based on history of the patient and charting; the four-examination methods; measuring and recording vital signs and symptoms, to make treatment plans and future prognosis; contraindications of treatment; indications of potential risk to the patient; the need to modify standard therapeutic approach (e.g., infants and children, pregnancy) and apparently benign presentations that may have a more serious cause (hypertension, headaches);

v) Treatment Techniques. Topics shall include, but not be limited to, needle insertion depth, duration, manipulation and withdrawal; the appearance of Qi; Moxa application, direct and indirect, etc.; other techniques (e.g., bleeding, moxibustion, cupping, Gua Sha, 7 star); tonification and sedation techniques; knowledge relating to the treatment of acute and chronic conditions, first aid, analgesia.
anesthesia, and electrical stimulation; safety issues; Oriental bodywork therapy (e.g., Tui Na, Shiatsu, Amma, acupressure, etc.); contraindication for certain conditions; and

vi) Ethics and Practice Management. Topics shall include, but not be limited to, confidentiality; informed consent; HIPAA guidelines; understanding the scope of practice; recordkeeping: legal requirements, release of data; ethical and legal aspects of referring patients to another practitioner; professional conduct and appropriate interpersonal behavior; laws and regulations governing the practice of acupuncture; recognition and clarification of patient expectations; general liability insurance; legal requirements; professional liability insurance; risk management and quality assurance; building and managing a practice, including ethical and legal aspects of third party reimbursement; professional development.

B) No more than 90 hours may count towards history and ethics and practice management.

2) 660 hours (or its equivalent) in didactic Oriental herbal studies.

A) Topics shall include, but not be limited to:

i) Introduction to Oriental herbal medicine, development of herbal medical systems throughout the Orient, history of the development of Oriental herbal medicine in the USA, and legal and ethical considerations of herbal medicine;

ii) Basic Herbal Medicine Theory. Topics shall include, but not be limited to, plant-part terminology and significance to usage; herbal properties (e.g., concepts of herbal categories, taste, temperature, entering meridians); methods of preparation (i.e., dried, honey baked); methods of delivery (e.g., decoction, topical, timing); laws of combining, including common contraindications, prohibitions, precautions; methods of treatment (i.e., induce sweat, clearing, harmonize);
iii) Oriental Diagnostic and Treatment Paradigms. Topics shall include, but not be limited to, herbal medicine within the context of Shan Han/6 stages; Wen Bing/4 levels; Zang Fu; Chinese Internal and External Medicine;

iv) Herbal Strategies. Topics shall include, but are not limited to, methods and systems for planning, carrying out and evaluating a treatment; differentiation and modifications of herb formula for various patterns of disharmony according to Chinese medical principles; Chinese herbal medicine protocols applied to patients with a biomedical diagnosis;

v) Materia Medica. Includes instruction in a minimum of 300 different herbs with topics including, but not limited to, functions and meaning; visual identification, including differing methods of cutting; temperature, taste and entering meridians; taxonomy and nomenclature; introduction to Chinese names of herbs; functions and actions with a focus on classical and new developments; specific contraindications for each herb; applications of herbal dosages; current developments in individual herb research; endangered species and substitutions for them;

vi) Herbal Formulas. Includes instruction in a minimum of 150 formulas with topics including, but not limited to, traditional formula categories, functions and meanings; meanings of the traditional Chinese formula names; functions and actions with a focus on classical and new developments; specific contraindications for each formula; current development in formula research; composition and proportion of individual herbs in each formula; major modifications of formulations; patient education regarding administration, potential side effects, preparation and storage of formulas; prepared herbal formulations focusing on modifications and format of delivery;

vii) Clinical Internship and Herbal Dispensary. Topics include, but are not limited to, clinical internship in which students interview, diagnose, and write appropriate herbal formulae
moving from complete supervision to independent formula development; standards of cleanliness in herbal dispensary; storage of herbs (both raw and prepared formulas), covering issues of spoilage and bugs; practice in the filling of herbal formulas in an herbal dispensary setting; Western science for herbal medicine; botany, non-botanical and horticulture (e.g., changes in the characteristics of herbs due to environmental factors) as they pertain to herbal medicine; general principles of pharmacognosy; biochemical components of herbs and natural substances; considerations of pharmaceutical interactions with reference to current texts.

3) 870 hours (or its equivalent) in an integrated acupuncture and herbal clinical training.

A) The program must assure that each student participates in a minimum of 700 hours in the supervised care of patients using acupuncture. This portion of the clinical training, conducted under the supervision of program-approved supervisors, must consist of at least 350 student-performed treatments in which students conduct patient interviews, perform diagnosis and treatment planning, perform appropriate acupuncture treatments, and follow up on patients' responses to treatment.

B) The supervised clinical practice must be an internship that provides the student training in all phases of patient care and must be conducted in a teaching clinic operated by the institution or in a clinical facility with a formal affiliation with the institution under which the institution exercises academic oversight substantially equivalent to the academic oversight exercised for teaching clinics operated by the institution when:

i) Clinical instructors' qualifications meet school requirements for clinical instruction;

ii) Regular, systematic evaluation of the clinical experience takes place; and

iii) Clinical training supervision procedures are substantially
equivalent to those within the teaching clinic operated by the institution. Student interns must receive training from a variety of clinical faculty in order to ensure that interns are exposed to different practice styles and instructional methods.

C) The program must assure that each student acquires a minimum of 150 hours in observation.

4) 510 hours (or its equivalent) in biomedical clinical sciences.

A) Biomedical Clinical Sciences. Topics shall include, but not be limited to, basic science courses; biomedical and clinical concepts and terms; human anatomy and physiology; pathology and the biomedical disease model; pharmacology; the nature of the biomedical clinical process, including history taking, diagnosis, treatment and follow-up; the clinical relevance of laboratory and diagnostic tests and procedures, as well as biomedical physical examination findings; the basis and need for referral and/or consultation; the range of biomedical referral resources and the modalities they employ; and

B) Clean Needle Technique. Topics shall include infectious diseases, sterilization procedures, needle handling and disposal, and other issues relevant to bloodborne and surface pathogens.

d) An individual who is deficient in course work may complete the required courses at a regionally accredited college or university or a school of acupuncture accredited by ACAOM. The individual will be required to submit a transcript from the program indicating successful completion of the course and a course description.

(Source: Amended at 42 Ill. Reg. ______, effective ____________)

Section 1140.50 Endorsement

a) An applicant who is currently licensed as an acupuncturist 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, together with:
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1) One of the following:

A) For applicants licensed in another state on or before December 31, 2001, proof of one of the following:
   i) Successful completion of the NCCAOM comprehensive acupuncture examination or a substantially equivalent examination approved by the Division; or
   ii) Current certification as an active Diplomate of Acupuncture or an active Diplomate of Oriental Medicine from NCCAOM; or

B) For applicants licensed in another state after December 31, 2001, proof of:
   i) Either:
      • An official transcript certifying that the applicant has graduated from a school accredited by the ACAOM or a similar accrediting body approved by the Division; or
      • An official transcript certifying that the applicant has graduated from a comprehensive educational program approved by the Division in accordance with Section 1140.40; and
   ii) Proof of successful completion of the NCCAOM comprehensive acupuncture examination or a substantially equivalent examination approved by the Division; or

C) For applicants licensed on or after January 1, 2020 in another state, current certification as an active Diplomate of Acupuncture or Diplomate of Oriental Medicine with NCCAOM or substantially equivalent credential as approved by the Division;

2) Proof of successful completion of the CNT course as administered by CCAOM;
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3) Certification from the state of original licensure and the state in which the applicant is currently licensed and practicing as an acupuncturist, if other than original, stating the applicant's license number, the time during which the applicant was licensed in that state, a description of the licensure examination in that jurisdiction, and whether the file on the applicant contains any disciplinary actions taken or pending; and

4) The required fee specified in Section 1140.20.

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 42 Ill. Reg. ______, effective ____________)

Section 1140.90 Continuing Education

a) Continuing Education Hours Requirements

1) Every licensee who applies for renewal or restoration of an acupuncturist license shall complete 30 hours of CE relevant to the professional skills and scientific knowledge of the licensee in the practice of acupuncture.

2) A pre-renewal period is the 24 months preceding June 30 of each odd-numbered year.

3) One CE hour shall equal one 60-minute clock hour with not less than 50 minutes of instructional content within the hour. 30 to 49 minutes of instructional content would be reported be as 0.5 CE hour and 50 to 60 minutes of instructional content would be reported as 1.0 CE hour.

4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois acupuncturist license.
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5) Acupuncturists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

6) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfill the CE requirements of the State of Illinois if they meet the requirements for CE in Illinois.

b) Approved Continuing Education

1) Except for those activities listed in subsections (b)(3), (4), (5) and (6), all CE hours must be earned through sponsors approved under subsection (c) and must comply with program requirements set forth in subsection (c).

2) A maximum of 23 hours of CE credit may be earned in a pre-renewal period for completion of self-study (including online, correspondence, audio or video) courses that are provided by a sponsor approved by the Division pursuant to subsection (c). Each self-study course shall include an examination that the licensee must pass to obtain credit.

3) A maximum of 30 hours of CE credit may be earned in a pre-renewal period for successful completion of post-graduate courses related to the clinical aspects of acupuncture at a school of acupuncture accredited by ACAOM or a similar accrediting body approved by the Division. CE credit will be allotted at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

4) A maximum of 15 hours of CE credit may be earned in a pre-renewal period for verified teaching of coursework that is part of the curriculum of an acupuncture program accredited by ACAOM or a similar accrediting body approved by the Division and/or as an instructor of CE programs provided by a sponsor approved by the Division pursuant to subsection (c). Credit will be applied at the rate of 1.5 hours for each hour of teaching or presenting the course or program material and only for the first presentation of the course or program (i.e., credit shall not be allowed for repetitious presentations of the same program).

5) A maximum of 5 hours of CE credit may be earned in a pre-renewal period for completion of coursework that is part of the curriculum of an accredited college or university and/or for completion of CE programs in Illinois approved by the Division but not approved under this Part. The course or
program material must be relevant to the professional skills and scientific knowledge of the licensee in the practice of acupuncture.

6) A maximum of 5 hours of CE credit may be earned in a pre-renewal period for authoring papers published in refereed professional journals or books.

c) Approved CE Sponsors and Programs

1) Approved sponsor, as used in this Section, shall mean:

A) American Association of Acupuncture and Oriental Medicine or its affiliates;

B) Asian American Acupuncture Association, or its affiliates;

C) Illinois Association of Acupuncture and Oriental Medicine, or its affiliates;

D) Korean American Acupuncture Association of Illinois, or its affiliates;

E) Chicago Korean American Acupuncture Association, or its affiliates;

F) The National Certification Commission for Acupuncture and Oriental Medicine and individuals and organizations approved by NCCAOM to provide acupuncture CE programs; or;

G) American Society of Acupuncturists, or its affiliates; or

H) American Academy of Medical Acupuncture; or

D) Any other person, firm, association, corporation or group that has been approved and authorized by the Division pursuant to subsection (c)(2) upon the recommendation of the Board to coordinate and present CE programs.

2) Entities seeking registration as a CE sponsor pursuant to subsection (c)(1)(H) shall file a CE sponsor application, a sample CE program in accordance with subsection (c)(3), a sample evaluation in accordance with
subsection (c)(4), and a sample certificate of attendance in accordance with subsection (c)(5) along with the fee specified in Section 1140.20. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall also certify to the following:

A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;

B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(5);

C) That, upon request by the Division, the sponsor will submit evidence necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.

3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of acupuncture that includes direct and indirect patient care, acupuncture treatment, treatment techniques, point location and theory, herbal therapy or preparation, and ethics, but does not include herbal therapy or preparation;

B) Foster the enhancement of general or specialized acupuncture practice and values;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for acupuncturist license renewal.
4) Each CE program shall provide a mechanism for participants to evaluate the program and the instructor.

5) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance to verify completion of the program. The sponsor's certificate of attendance shall contain:

   A) The sponsor's name, address and Illinois CE sponsor registration number;
   
   B) The participant's name and Illinois acupuncturist license number;
   
   C) The title of the program and a brief description of the subject matter;
   
   D) The number of hours attended by the participant;
   
   E) The date and location of the program; and
   
   F) The signature of the sponsor.

6) The sponsor shall be responsible for assuring that each participant receives CE credit only for time spent attending the program.

7) The sponsor shall maintain attendance records for not less than 5 years.

8) All programs given by approved sponsors shall be open to all licensed acupuncturists and not be limited to members of a single organization or group.

9) An approved sponsor may subcontract with individuals and organizations to provide programs in accordance with the criteria set forth in this Section.

10) To maintain approval as a registered CE sponsor, each sponsor shall submit a renewal application in accordance with Section 1140.60, along with the renewal fee specified in Section 1140.20. Upon the Division's request, the sponsor shall provide a list of each program provided by the sponsor in the pre-renewal period, including the name of the program, a
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brief description of the subject matter, the number of credit hours available, the program date, and the location of the program.

11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Division receives assurances of compliance with this Section.

12) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence may be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, a renewal applicant shall be notified in writing, which shall include electronic communication. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions

1) If a licensee will be earning or has earned CE hours in another state or territory for which the licensee will be claiming credit toward full compliance in Illinois and the sponsor is not approved by the Division pursuant to subsection (c), the applicant shall submit an out-of-state CE approval form, a description and schedule of the CE program, a description of the instructor's qualifications, proof of registration or attendance, and a $25 processing fee, prior to participation in the program or 90 days prior to
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the expiration of his or her acupuncturist license. The Board or division shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

2) If a licensee fails to submit an out of state CE approval form within the time frame specified in subsection (e)(1), late approval may be obtained by submitting an out-of-state CE approval form, a description and schedule of the CE program, a description of the instructor's qualifications, and proof of attendance, along with the required fee. The required fee shall be a $25 processing fee plus a late fee of $10 for each CE hour for which late approval is requested. The late fee shall not exceed $150. The Board or Division shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee set forth in Section 1140.20, a statement setting forth the facts concerning non-compliance, and a request for waiver of all or part of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the expiration date of the license. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of the CE requirements for the license renewal for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;

B) An incapacitating illness during a substantial part of the pre-renewal period, documented by a statement from a currently licensed physician;
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C) A physical inability to travel to the sites of approved programs during a substantial part of the pre-renewal period, documented by a currently licensed physician; or

D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Amended at 42 Ill. Reg. ______, effective ____________)

Section 1140.100 Unprofessional Conduct

a) Pursuant to Section 110 of the Act, unethical, unauthorized or unprofessional conduct in the practice of acupuncture shall include, but not be limited to:

1) Procuring, attempting to procure or renewing a license by bribery or by fraudulent misrepresentation;

2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so;

3) Circulating untruthful, fraudulent, deceptive or misleading advertising;

4) Willfully failing to report any violation of the Act or this Part;

5) Willfully or repeatedly violating a lawful order of the Board or the Division previously entered in a disciplinary hearing;

6) Accepting and performing professional responsibilities that the licensee knows, or has reason to know, he/she is not competent to perform;

7) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
8) Gross or repeated malpractice or the failure to deliver acupuncture services with that level of care, skill and treatment that is recognized by a reasonably prudent acupuncturist with similar professional training as being acceptable under similar conditions and circumstances;

9) Dividing with anyone, other than physicians with whom the licensee receives referrals or another acupuncturist with whom the licensee works, any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing in a partnership, limited liability partnership, limited liability company or a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership or corporation;

10) Engaging in immoral conduct in the commission of any act related to the licensee’s practice;

11) Engaging in sexual abuse, sexual misconduct, or sexual exploitation.

b) The Division hereby incorporates by reference the "Code of Ethics" of the National Certification Commission for Acupuncture and Oriental Medicine, 2025 M Street NW, Suite 800, Washington DC 20036 (January 2016) and South Laura Street, Suite 1290, Jacksonville FL 33202 (October 2008), with no later amendments or editions.

c) The Division will hold licensees who incorporate herbal medicinals and natural or dietary supplements in their practice to the same competency standard as a licensee who has successfully passed the NCCAOM Chinese Herbs examination and completed the educational requirements as stated in Section 1140.40(c)(2).

(Source: Amended at 42 Ill. Reg. ______, effective ____________)

Section 1140.110  Granting Variances

a) The Director may grant variances from this Part in individual cases when he or she finds that:

a1) The provision from which the variance is granted is not statutorily mandated;
b2) No party will be injured by the granting of the variance; and

c3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

(Source: Amended at 42 Ill. Reg. ______, effective ____________)