

MAINE STATE LEGISLATURE

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L.D. 864

(Filing No. S- 150)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 327, L.D. 864, Bill, "An Act to Amend the Acupuncturist Licensing Law"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, acupuncturists practicing as of September 30, 1987, were required to be licensed as of September 30, 1988; and

Whereas, the Acupuncture Licensing Board was not appointed and licensed in time to have licensing procedures established to meet this deadline; and

Whereas, the original licensing laws did not contain necessary provisions to vary the licensure requirements for persons currently practicing acupuncture; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §12404, sub-§1, as enacted by PL 1987, c. 488, §3, is repealed.

Sec. 2. 32 MRSA §12404, sub-§1-A is enacted to read:

1-A. Licensure required. No person may practice acupuncture or make representation to the public as an acupuncturist in this State unless that person holds a current and valid license from the board.

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Sec. 3. 32 MRSA §12408, sub-§2, ¶A, as enacted by PL 1987, c. 488, §3, is amended to read:

A. A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse, or successful completion of the training program and any competency examination required by the Board of Registration in Medicine to be qualified as a physician's assistant;

Sec. 4. 32 MRSA §12408, sub-§3 is enacted to read:

3. Current practitioners. Persons who were practicing acupuncture in the State as of August 9, 1989, and meet either group of qualifications listed in this section shall be eligible if they are at least 21 years old. The qualification groups are:

A. Experienced-based group. The requirements for the experienced-based group are:

(1) A minimum of 2 1/2 years of practicing acupuncture in the State as of August 9, 1989;

(2) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institute approved by the board; and

(3) A minimum of 300 hours of clinical experience in acupuncture; and

B. Test-based group. The requirements for the test-based group are:

(1) A minimum of 6 months of practicing acupuncture in the State as of August 9, 1989;

(2) Certification by the National Commission for the Certification of Acupuncturists;

(3) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the Acupuncture Licensing Board;

(4) A minimum of 300 hours of clinical experience in acupuncture; and

(5) A baccalaureate degree from an accredited institution of higher learning or enrollment in a program leading to such a degree. Persons without a degree shall submit evidence of enrollment each year on the anniversary of their licensure and their license shall be suspended in those years for which they do not provide that evidence. A license based on enrollment

1 in a degree program shall be revoked 5 years after its
3 first issuance unless evidence is presented of
attainment of a baccalaureate degree from an accredited
5 institution of higher learning; or

7 (6) A license from the State as a registered
9 professional nurse or enrollment in an approved
11 professional school of nursing in a program leading to
13 a diploma. A person without a license as a registered
15 nurse shall submit evidence of enrollment each year on
17 the anniversary of licensure as an acupuncturist and
the license shall be suspended in those years for which
that person does not provide that evidence. A license
based on enrollment in a diploma program shall be
revoked 3 years after its first issuance unless
evidence is presented of licensure by the State as a
registered professional nurse.

19 Sec. 5. 32 MRSA §12408, last ¶, as enacted by PL 1987, c. 488,
21 §3, is repealed.

23 Sec. 6. 32 MRSA §12412, sub-§1, as enacted by PL 1987, c. 488,
§3, is amended to read:

25 1. Requirements. Prior to the expiration of a certificate
27 of licensing, renewal application may be made by the certificate
29 holder who shall pay a biennial renewal fee, which shall not
31 exceed the initial registration fee, and who shall submit
33 satisfactory proof of having completed continuing education
requirements adopted by the board as a condition of renewal. It
is not a condition of renewal that an applicant who qualified for
licensure as a licensed registered nurse continue to be licensed
as a registered nurse.

35 Sec. 7. Retroactivity. Sections 1 and 5 shall take effect
37 retroactively to January 1, 1987.

39 Emergency clause. In view of the emergency cited in the
preamble, this Act shall take effect August 9, 1989.

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43 **FISCAL NOTE**

45 This bill will expand the eligibility for licensure to
47 practice acupuncture. The additional biennial license fees
collected will increase dedicated revenue to the Acupuncture
Licensing Board by an estimated \$5,000 in fiscal year 1989-90.'

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51 **STATEMENT OF FACT**

This bill sets back the date when a license is required of

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1 acupuncturists new to the practice after September 30, 1987, from
September 30, 1987, to August 9, 1989, and of practicing
3 acupuncturists as of September 30, 1987, from September 30, 1988,
to August 9, 1989. It also adds 2 sets of qualifications which
5 allow practicing acupuncturists as of August 9, 1989, to be
licensed under different qualifications than will be required in
7 the future.

9 The bill is made an emergency measure in order to
accommodate these changes.

Reported by Senator Hobbins for the Committee on Business
Legislation. Reproduced and Distributed Pursuant to Senate
Rule 12.

(5/23/89)

(Filing No. S-150)