

BOARD OF MEDICAL EXAMINERS

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SUBCHAPTER 1. MEDICAL SCHOOLS, COLLEGES, EXTERNSHIPS AND CLERKSHIPS

13:35-1.1 Observership program

(a) "Observer" shall mean an undergraduate medical student of an allopathic or osteopathic school accredited either by the Liaison Committee on Medical Education or the American Osteopathic Association or a foreign medical school listed in either the World Health Organization Directory published by the World Health Organization or the International Medical Education Directory (IMED) published by the Educational Commission for Foreign Medical Graduates (ECFMG) and whose graduates are accepted by the New Jersey Board of Medical Examiners as eligible to sit for the licensure examination. Observerships are limited to the student's vacation period in an extra-curricular professional experience as delineated in this section.

(b) An observership program shall be limited to:

1. Observation of operative procedures;
2. The taking of histories;
3. The performance of physical examinations;
4. The performance of non-invasive procedures under the direct supervision of and in the immediate presence of the supervising licensed physician; and

(d) All examinations and re-examinations will be offered only during the regularly scheduled examination session except for the re-examination of the law and regulation section.

Recodified from 13:35-8.15 by R.1994 d.595, effective December 5, 1994.

See: 26 N.J.R. 1301(b), 26 N.J.R. 4780(b).

Recodified from N.J.A.C. 13:35-8.16 by R.1998 d.372, effective July 20, 1998.

See: 30 N.J.R. 1191(a), 30 N.J.R. 2633(a).

Former N.J.A.C. 13:35-8.17. Violation of the Rules, was recodified to N.J.A.C. 13:35-8.18.

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Rewrote (b); in (c), deleted the first sentence; in (d), inserted "except for the re-examination of the law and regulation section" following "scheduled examination session".

13:35-8.18 Violation of the Rules

(a) Failure to comply with any provision of N.J.S.A. 45:9A-1 et seq., or this subchapter shall be deemed a violation of the Hearing Aid Dispensers Act and may result in disciplinary action pursuant to N.J.S.A. 45:1-21 and 45:1-22.

(b) The notice of proposed suspension or revocation shall inform the licensed individual of the right to request a hearing. The hearing shall be pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

Recodified from 13:35-8.16 by R.1994 d.595, effective December 5, 1994.

See: 26 N.J.R. 1301(b), 26 N.J.R. 4780(b).

Amended by R.1995 d.330, effective June 19, 1995.

See: 27 N.J.R. 640(a) (see also 27 N.J.R. 1746(a)), 27 N.J.R. 2410(a).

Recodified from N.J.A.C. 13:35-8.17 by R.1998 d.372, effective July 20, 1998.

See: 30 N.J.R. 1191(a), 30 N.J.R. 2633(a).

Former N.J.A.C. 13:35-8.18. Fee schedule, was recodified to N.J.A.C. 13:35-8.19.

13:35-8.19 Fee schedule

(a) The fee schedule for the Hearing Aid Dispensers Examining Committee of the State Board of Medical Examiners, in the Division of Consumer Affairs in the Department of Law and Public Safety, shall be as follows:

1. Application fee	\$50.00 (non-refundable)
2. Temporary licenses	\$50.00
3. Training permits	\$50.00
4. Examination	
i. Written	\$50.00
ii. Practical	\$25.00
5. Initial License Fee	
i. If paid during the first year of a biennial renewal period	\$180.00
ii. If paid during the second year of a biennial renewal period	\$90.00
6. Endorsement	
i. Review of credentials	\$30.00
ii. Endorsement fee	
During the first year of a biennial renewal period	\$110.00

	During the second year of a biennial renewal period	\$55.00
7.	Biennial license renewal	\$180.00
8.	Renewal or Extension of Temporary License and Training Permit	\$20.00
9.	Late fee	\$50.00
10.	Reinstatement, Biennial License	\$100.00
11.	Inactive license fee	(to be determined by the Director by regulation)
12.	Duplicate or replacement of biennial registration certificate	\$25.00
13.	Preparation of certification papers for applicants to other states	\$25.00

(b) The Committee will refund the examination fee only if the application is rejected by the Committee or withdrawn by the applicant within 14 days after the Committee's receipt of the application.

(c) An applicant who fails to sit for an examination for which payment has been submitted may, one time only, have the fee credited toward the next scheduled examination. If the applicant fails to sit for such next scheduled examination, the fee will be forfeited.

R.1977 d.7, effective January 17, 1977.

See: 8 N.J.R. 425(a), 9 N.J.R. 94(c).

Amended by R.1987 d.370, effective September 8, 1987.

See: 19 N.J.R. 1055(a), 19 N.J.R. 1649(a).

Biennial registration raised from \$50.00 to \$80.00; (a)6 and 7 added.

Recodified by R.1988 d.112, effective March 7, 1988.

See: 19 N.J.R. 1949(a), 20 N.J.R. 538(a).

Recodified from 8.25.

Amended by R.1991 d.458, effective September 3, 1991.

See: 23 N.J.R. 1895(a), 23 N.J.R. 2651(a).

In (a), substantial alteration of fee schedule. Added (b) and (c).

Recodified from 13:35-8.17 by R.1994 d.595, effective December 5, 1994.

See: 26 N.J.R. 1301(b), 26 N.J.R. 4780(b).

Amended by R.1995 d.330, effective June 19, 1995.

See: 27 N.J.R. 640(a) (see also 27 N.J.R. 1746(a)), 27 N.J.R. 2410(a).

Increased some of the fees.

Recodified from N.J.A.C. 13:35-8.18 by R.1998 d.372, effective July 20, 1998.

See: 30 N.J.R. 1191(a), 30 N.J.R. 2633(a).

Former N.J.A.C. 13:35-8.19. License renewal: continuing education requirement, was recodified to N.J.A.C. 13:35-8.20.

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

In (a), added a new 11 and recodified former 11 and 12 as 12 and 13.

Amended by R.2005 d.175, effective June 6, 2005.

See: 37 N.J.R. 206(a), 37 N.J.R. 1203(a), 37 N.J.R. 2041(b).

In (a), increased the fees in 1, 5, 7 and 9, and substituted references to license for references to registration in the introductory paragraph of 5, 7 and 10.

13:35-8.20 License renewal; continuing education requirement

(a) No license renewal shall be issued by the Director unless the applicant confirms on his or her renewal application to the Hearing Aid Dispensers Examining Committee that during the two calendar years preceding application for renewal he or she participated in courses of continuing education of the type and number of credits specified in this section. Such continuing education is a mandatory require-

ment for license renewal. Licensees shall be solely responsible for obtaining and maintaining documentation on his or her completion of the required continuing education courses during the registration period. Such documentation shall be submitted to the Committee upon request, and will be surveyed on a random basis. The provisions of this subsection shall not apply to licensees renewing their licenses for the first time.

(b) Evidence of 20 documented course hours of continuing education shall be required of each applicant as a condition of biennial license renewal.

(c) The number of creditable course hours and course contents must be accepted and approved by the National Institute for Hearing Instruments Studies (NIHIS), the educational arm of the International Hearing Society (IHS), and the Committee. A licensee who completes a three or more credit course in hearing aid dispensing at an accredited college or university shall upon the approval of the Committee receive credit for 10 continuing education course hours.

(d) Acceptable continuing education courses shall be in any area which will update and refresh the clinical skills or knowledge of a hearing aid dispenser. Notwithstanding that the continuing education course meets the requirements, the Committee at its discretion may at any time examine and review any course claimed for credit. If, in the opinion of the Committee, such course does not clearly meet the requirements of this section, the course shall be disallowed for credit toward the required 20 continuing education credits.

(e) In the event that a candidate for license renewal shall complete in two years a number of hours in excess of the number of hours required by this section, the documented hours in excess of those required shall not be credited toward license renewal for subsequent years.

New Rule, R.1989 d.548, effective November 6, 1989.
See: 21 N.J.R. 1648(a), 21 N.J.R. 3474(a).
Recodified from 13:35-8.18 by R.1994 d.595, effective December 5, 1994.
See: 26 N.J.R. 1301(b), 26 N.J.R. 4780(b).
Recodified from N.J.A.C. 13:35-8.19 by R.1998 d.372, effective July 20, 1998.
See: 30 N.J.R. 1191(a), 30 N.J.R. 2633(a).
Amended by R.2005 d.120, effective April 18, 2005.
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).
Rewrote (c).

SUBCHAPTER 9. ACUPUNCTURE

13:35-9.1 Purpose and scope

(a) The rules of this subchapter are established pursuant to N.J.S.A. 45:2C-1 et seq. ("The Acupuncture Act") and set forth requirements for the practice of acupuncture in the State of New Jersey.

(b) These rules shall apply to all persons certified as acupuncturists by the State of New Jersey, applicants for such certification, guest acupuncturists granted temporary permission by the Board to perform acupuncture pursuant to N.J.A.C. 13:35-9.13, students participating in an approved course of study, school or tutorial program in acupuncture and persons licensed in New Jersey as physicians or dentists who practice acupuncture, provided that their courses of training have included acupuncture.

Amended by R.1999 d.356, effective October 18, 1999.
See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote (b).
Amended by R.2010 d.101, effective June 21, 2010.
See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

In (b), updated the N.J.A.C. reference, inserted "in New Jersey" and deleted "and surgeons" following "physicians".

13:35-9.2 Definitions

For purposes of this subchapter, the following terms shall have the following meanings:

"Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of special needles to prevent or modify the perception of pain or to normalize physiological functions including pain control and for the treatment of certain diseases or dysfunctions of the body. "Acupuncture" includes the techniques electroacupuncture, mechanical stimulation and moxibustion.

"Acupuncture program" means a course of study in acupuncture that is at least two years long and which is in addition to and separate from a baccalaureate degree program.

"Acupuncture tutorial" means an acupuncture tutorial program which has been approved by the Acupuncture Examining Board and which provides applicants who successfully complete the program with the requirements to sit for the examination for certification as an acupuncturist.

"Acupuncturist" means an individual certified by the Board to perform acupuncture services.

"Apprentice" means a person who is registered with the Board in order to participate in an acupuncture tutorial under a supervising acupuncturist.

"Baccalaureate Degree" means a bachelor degree granted upon the conclusion of a program that consists of at least 120 credits by a college or university that is accredited by a regional accreditation agency recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education.

"Board" means the Acupuncture Examining Board established by N.J.S.A. 45:2C-1 et seq.

"Certified," "certification" and "certificate" mean Board-issued authorization that an individual possesses the qualifications to perform acupuncture services.

“Electroacupuncture” means the therapeutic use of weak electric currents at acupuncture loci to diagnose or to treat diseases or conditions.

“Guest acupuncturist” means an individual legally authorized to perform acupuncture services in another state or in another country, who is not a certified acupuncturist in this State and who is permitted to perform acupuncture services pursuant to N.J.A.C. 13:35-9.14.

“Mechanical stimulation” means stimulation of a certain acupuncture point or points on or near the surface of the body by means of apparatus or instrument.

“Moxibustion” means the therapeutic use of thermal stimulus at acupuncture loci by burning artemisia alone or artemisia formulations.

“NCCAOM” means the National Certification Commission for Acupuncture and Oriental Medicine.

“Sterilize” or “sterilization” means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

“Supervising acupuncturist” or “supervisor” means a certified acupuncturist who is approved by the Board to provide an acupuncture tutorial to a trainee.

“Surface stimulation” means the application of purposeful stimuli to the surface of the body.

“Training agreement” means the written tutorial agreement between the supervisor and the trainee.

“Training plan” means the written tutorial plan that is filed with and approved by the Board.

“Training program” means and encompasses the agreement and the plan.

Amended by R.1999 d.356, effective October 18, 1999.
See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Amended by R.2010 d.101, effective June 21, 2010.
See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Added definitions “Acupuncture program”, “Acupuncturist”, “Baccalaureate Degree” and “NCCAOM”; substituted definition “‘Certified,’ ‘certification’ and ‘certificate’” for definition “‘Certified,’ ‘certification,’ and ‘certificate’”; rewrote definitions “‘Certified,’ ‘certification’ and ‘certificate’” and “Guest acupuncturist”; and deleted definition “Experience”.

13:35-9.3 Credentials required for certification

(a) At the time of application, an applicant shall submit to the Board:

1. A completed application form;
2. Legal proof of having attained the age of 21, evidenced by a document issued by a governmental agency;

3. Proof that the person has passed the English version of each of the following modules of the NCCAOM examination:

- i. Foundations of Oriental Medicine;
- ii. Acupuncture;
- iii. Point Location; and
- iv. Biomedicine;

4. If an applicant’s entire education (high school, college or university and acupuncture program) was conducted in a language other than English, proof that the applicant has achieved a passing score on the Test of English as a Foreign Language (TOEFL) examination; and

5. Proof that the applicant has completed the education requirements of N.J.A.C. 13:37-9.4.

(b) An applicant who passed the NCCAOM examination prior to January 1, 2003 shall submit proof that he or she has passed the NCCAOM biomedicine module.

(c) Any credentials required to be submitted pursuant to (a) above, which are written in a language other than English shall be accompanied by an English translation prepared at the applicant’s expense. A list of translation services shall be provided by the Board to an applicant upon request.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Rewrote the section.

13:35-9.4 Education required for certification

(a) In order to qualify for certification, an applicant shall meet one of the following education requirements:

1. Obtain a baccalaureate degree, which meets the requirements of (b) below, from a school within the United States and graduate from an acupuncture program, which meets the requirements of (e) below;

2. Obtain the equivalent of a baccalaureate degree from a school in another country and complete either:

- i. An acupuncture program, which meets the requirements of (e) below in the United States; or
- ii. An acupuncture program that is part of the baccalaureate degree program or its equivalent in another country;

3. Hold an unencumbered license as a physician in New Jersey or a license as a dentist in New Jersey. An applicant who qualifies for certification by this method shall submit to the Board proof that he or she holds a license to practice medicine and surgery in New Jersey or a license to practice dentistry in New Jersey; or

4. Successfully complete a tutorial program in acupuncture, which meets the requirements set forth in N.J.A.C. 13:35-9.17.

(b) An individual who obtains his or her education in the United States shall submit proof that he or she has obtained a baccalaureate degree. An applicant shall arrange for the college or university to submit a certified transcript directly to the Board.

(c) An individual who obtains his or her education in another country shall arrange for a transcript evaluating company recognized by NCCAOM to submit a credential evaluation directly to the Board.

(d) The credential evaluation required by (c) above shall demonstrate that the applicant obtained a degree:

1. That is equivalent to a combined baccalaureate degree and an acupuncture program from a college or university in another country that is accredited in that country;

2. That is equivalent to a masters degree or doctoral degree for which a baccalaureate degree or its equivalent was a prerequisite, and an acupuncture program from a college in another country that is accredited in that country;

3. From a college or university in another country that is equivalent to a baccalaureate degree. The college or university shall be accredited in the other country. An applicant who qualifies for certification by this method shall submit proof that he or she completed an acupuncture program in the United States that complies with (e) below; or

4. From a college in another country that is equivalent to a masters degree or doctoral degree for which a baccalaureate degree or its equivalent was a prerequisite. The college or university shall be accredited in the other country. An applicant who qualifies for certification by this method shall submit proof that he or she completed an acupuncture program in the United States that complies with (e) below.

(e) An acupuncture program that is required for certification shall be given by a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine, the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education. A list of accredited acupuncture schools shall be maintained by the Board and provided to an applicant upon request. An applicant shall arrange for the school of acupuncture to submit a certified transcript confirming that a diploma was awarded to the applicant directly to the Board.

(f) Commencing June 21, 2014, the acupuncture program required by (e) above shall consist of at least 2,500 hours of instruction.

(g) Any credentials required to be submitted pursuant to (a), (b) or (d) above, which are written in a language other

than English shall be accompanied by an English translation prepared at the applicant's expense. A list of translation services shall be provided by the Board to an applicant upon request.

New Rule, R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.4, Examination requirements, was recodified to N.J.A.C. 13:35-9.5.

13:35-9.5 New Jersey acupuncture safety and jurisprudence examination

(a) An applicant shall pass the acupuncture safety and jurisprudence examination in English administered by the Board.

(b) An applicant shall complete all of the requirements set forth in N.J.A.C. 13:35-9.3 before he or she may take the Board administered acupuncture safety and jurisprudence examination.

(c) An applicant who has passed the acupuncture safety and jurisprudence examination shall become certified within six months of passing the examination. If an applicant fails to become certified within the six months, he or she shall be required to retake the examination before being issued a certificate.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Recodified from N.J.A.C. 13:35-9.4 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Section was "Examination requirements". Deleted former (a) and (c); recodified former (b) as (a); in (a), substituted "the acupuncture safety and jurisprudence examination in English" for "a practical examination"; and added new (b) and (c). Former N.J.A.C. 13:35-9.5, Prohibited titles, repealed.

13:35-9.6 Training required of a physician or dentist

(a) A physician licensed by the New Jersey Board of Medical Examiners, or dentist licensed by the New Jersey Board of Dentistry, may practice acupuncture without being certified if he or she has:

1. Graduated from an acupuncture program given by a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine, the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education; or

2. Has completed a 300-hour comprehensive acupuncture coursework or training, which qualifies for continuing medical education credits pursuant to N.J.A.C. 13:35-6.15 and which includes at least 150 hours of clinical training, taught by an instructor or instructors who are certified as acupuncturists in New Jersey, are legally authorized to perform acupuncture services in another state, are licensed physicians in New Jersey who have met the requirements of this section or are licensed dentists in New Jersey who

have met the requirements of this section. The course shall include:

- i. Traditional Oriental medicine, which includes the theory and practice of traditional diagnostic and therapeutic procedures;
- ii. Acupuncture anatomy and physiology, which includes fundamentals of acupuncture, including point location, the meridian system, special and extra loci and auriculotherapy; and
- iii. Acupuncture techniques, such as instruction in the use of needling techniques, moxibustion and electroacupuncture, including precautions, such as sterilization of needles, contraindications and complications.

(b) Coursework or training that meets the requirements of (a)2 above shall consist of at least 150 hours of didactic and clinical instruction, which the dentist, physician or surgeon is physically attending.

(c) An individual who is qualified to practice acupuncture pursuant to (a) above and who wishes to obtain documentation from the Board indicating that he or she has met the qualifications of (a) above shall submit a written request to the Board for documentation acknowledging that he or she has met the educational requirements of (a)1 or 2 above.

(d) Pursuant to N.J.S.A. 45:2C-7, an individual who is qualified to practice acupuncture pursuant to (a) above shall not use a title "acupuncturist," "certified acupuncturist" or "CA."

New Rule, R.2010 d.101, effective June 21, 2010.
See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.6, Fee schedule; refunds, recodified to N.J.A.C. 13:35-9.8.

13:35-9.7 Prohibited titles

(a) An acupuncturist shall not represent that he or she has a doctoral degree in the field of acupuncture and/or oriental medicine, or use the title "doctor" or "Dr.," unless the educational program that awarded his or her degree is:

- 1. Approved by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) or is a college or university that is accredited by an regional accrediting agency recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education; or
- 2. Approved by the ministry of education of a foreign country to grant doctoral degrees.

(b) An acupuncturist who uses the title "doctor" or "Dr." pursuant to (a) above shall indicate that the doctoral degree is in acupuncture and/or oriental medicine.

(c) An acupuncturist shall not represent that he or she has a masters degree in the field of acupuncture and/or oriental

medicine unless the educational program that awarded his or her degree is:

- 1. Approved by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) or is a college or university that is accredited by an regional accrediting agency recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education; or
- 2. Approved by the ministry of education of a foreign country to grant masters degrees.

(d) An acupuncturist who has a doctoral or masters degree in a field other than acupuncture and/or oriental medicine may, in advertising or other materials visible to the public pertaining to the acupuncturist's practice, include this degree provided that the field in which the degree was awarded is specified without using an abbreviation and the doctoral or masters degree was obtained from an educational program, which meets the requirements of (a) or (c) above.

(e) An acupuncturist who has a doctorate in a field other than acupuncture or oriental medicine shall not use the title "doctor" in advertising or other materials visible to the public pertaining to the acupuncturist's acupuncture practice.

New Rule, R.2010 d.101, effective June 21, 2010.
See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.7, Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status; display of certificate, recodified to N.J.A.C. 13:35-9.9 and N.J.A.C. 13:35-9.10.

13:35-9.8 Fee schedule; refunds

(a) The Board shall charge the following fees:

1. Application Fee	\$100.00
2. Initial Certification Fee	
i. If paid during the first year of a biennial renewal period	\$270.00
ii. If paid during the second year of a biennial renewal period	\$135.00
3. Biennial Certification	\$270.00
4. Duplicate or replacement of biennial certificate	\$25.00
5. Late Fee (biennial certification)	\$50.00
6. Inactive Certificate Fee	(to be determined by Director by regulation)
7. Reinstatement Fee	\$150.00
8. Tutorials:	
i. Supervisor:	
(1) Application Fee	\$50.00
(2) Initial Registration	\$125.00
(3) Renewal, Annually	\$125.00
(4) Delinquency Fee	\$50.00
ii. Trainee:	
(1) Application Fee	\$25.00
(2) Initial Registration	\$60.00
9. Preparation of certification papers for applicants to other states	\$25.00
10. Continuing education sponsor fee	\$100.00

(b) The examination fee will be refunded only if the application is rejected by the Board or withdrawn by the candidate within 14 days of receipt of the application by the Board.

(c) After the 14-day period in (b) above, an applicant who fails to sit for an examination for which payment has been submitted may, one time only, have the fee credited toward the next scheduled examination. The fee will be entirely forfeited if the applicant fails to sit for the succeeding examination.

(d) The application fee is non-refundable.

Amended by R.1995 d.330, effective June 19, 1995.

See: 27 N.J.R. 640(a) (see also 27 N.J.R. 1746(a)), 27 N.J.R. 2410(a).

Increased some of the fees.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

In (a), rewrote the introductory paragraph, and substituted a reference to late fees for a reference to delinquency fees in 7.

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Rewrote the section.

Amended by R.2005 d.175, effective June 6, 2005.

See: 37 N.J.R. 206(a), 37 N.J.R. 1203(a), 37 N.J.R. 2041(b).

In (a), increased the fees in 4 and 5.

Administrative correction.

See: 37 N.J.R. 2553(a).

Recodified from N.J.A.C. 13:35-9.6 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

In (a)1, updated the fee; deleted former (a)2 and (a)3; recodified (a)4 through (a)11 as (a)2 through (a)9; and added new (a)10. Former N.J.A.C. 13:35-9.8, Referral; informed consent, recodified to N.J.A.C. 13:35-9.11.

13:35-9.9 Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status

(a) All certificates to practice acupuncture issued by the Board shall be issued for a two-year biennial certification period. A certificate holder who seeks renewal of the certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-9.6 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-9.6. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended certificate shall be deemed to be engaged in unauthorized practice.

(e) A certificate holder whose certificate has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-9.6;

2. Completion of the continuing education units required for each biennial registration period for which the certificate holder was suspended; and

3. Submission of an affidavit of employment listing each job held during the period of suspended certificate which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a certificate holder whose certificate has been automatically suspended for more than five years who wishes to return to have his or her certificate reinstated shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her certificate.

(g) Renewal applications shall provide the certificate holder with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:35-9.6 and shall not engage in the practice of acupuncture.

(h) A certificate holder who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;

2. The completion of the continuing education units required for each biennial certification period for which the certificate holder was on inactive status; and

3. Submission of an affidavit of employment listing each job held during the period the certificate holder was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a certificate holder who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as deter-

mined by the Board prior to reinstatement of his or her certificate.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Repeal and New Rule, R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Section was "Term of lawful practice; biennial registration".

Recodified in part from N.J.A.C. 13:35-9.7 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Section was "Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status; display of certificate". Recodified former (j) to N.J.A.C. 13:35-9.10. Former N.J.A.C. 13:35-9.9, Accepted equipment and devices; procedures, repealed.

13:35-9.10 Display of certificate

A certified acupuncturist shall post his or her certificate in a conspicuous location in his or her office. If a certified acupuncturist has more than one office, he or she shall obtain from the Board a duplicate certificate for each location.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Repeal and New Rule, R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Section was "Term of lawful practice; biennial registration".

Recodified in part from N.J.A.C. 13:35-9.7 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Section was "Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status; display of certificate". Recodified former (a) through (i) to N.J.A.C. 13:35-9.9; and rewrote the section. Former N.J.A.C. 13:35-9.10, Precautionary and sterilization procedures, recodified to N.J.A.C. 13:35-9.15.

13:35-9.11 Referral; informed consent

(a) A certified acupuncturist may perform initial acupuncture treatment only on presentation by the patient of a referral by or diagnosis from a licensed physician. The referring or diagnosing physician shall provide to the treating acupuncturist a diagnosis and preevaluation of the patient.

(b) The acupuncturist shall fully disclose to the patient such information as will enable the patient to make an evaluation of the nature of the treatment and of any attendant risks, as well as of available alternative options and the risks and likely outcomes of those alternatives. The acupuncturist shall obtain informed written consent from the patient before beginning acupuncture treatment.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Recodified from N.J.A.C. 13:35-9.8 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Rewrote (b). Former N.J.A.C. 13:35-9.11, Preparation of patient records; computerized records; access to or release of information; confidentiality, transfer or disposal of records, recodified to N.J.A.C. 13:35-9.16.

13:35-9.12 Scope of practice

(a) The use of any of the following to effect the stimulation of acupuncture points and channels is within the scope of practice of certified acupuncturists and shall be performed only by acupuncturists certified by the Board, individuals permitted to practice pursuant to N.J.S.A. 45:2C-8 and N.J.A.C. 13:35-9.6, students in acupuncture programs that meet the requirements of N.J.A.C. 13:35-9.4(e), guest acupuncturists permitted to perform acupuncture in New Jersey pursuant to N.J.A.C. 13:35-9.13 or apprentices in acupuncture tutorial programs that meet the requirements of N.J.A.C. 13:35-9.17:

1. Needles;
2. Moxibustion;
3. Teishin (pressure needles); and
4. Electroacupuncture (utilizing electrodes on the surface of the skin or current applied to inserted needles).

(b) Certified acupuncturists, individuals permitted to practice pursuant to N.J.S.A. 45:2C-8 and N.J.A.C. 13:35-9.6, students in acupuncture programs that meet the requirements of N.J.A.C. 13:35-9.4(e), guest acupuncturists permitted to perform acupuncture in New Jersey pursuant to N.J.A.C. 13:35-9.13 or apprentices in acupuncture tutorial programs that meet the requirements of N.J.A.C. 13:35-9.17 may, in addition to the methods listed in (a) above, use any of the following methods to effect the stimulation of acupuncture points and channels as part of his or her professional practice:

1. Acupatches;
2. Acuform;
3. Manual acutotement (stimulation by an instrument that does not pierce the skin);
4. Acupressure;
5. Cupping;
6. Gwa-sha scraping techniques;
7. Cold laser used for needle-less acupuncture;
8. Tui-na;
9. Massage, bodywork and somatic therapy;
10. Ultrasonic;
11. Thermal methods;
12. Herbal applications;
13. Magnetic stimulation;
14. Breathing techniques; and
15. Exercise to promote health and energetic balance.

(c) Certified acupuncturists, individuals permitted to practice pursuant to N.J.S.A. 45:2C-8 and N.J.A.C. 13:35-9.6, students in acupuncture programs that meet the requirements

of N.J.A.C. 13:35-9.4(e), guest acupuncturists permitted to perform acupuncture in New Jersey pursuant to N.J.A.C. 13:35-9.13 or apprentices in acupuncture tutorial programs that meet the requirements of N.J.A.C. 13:35-9.17 may use the following when providing acupuncture:

1. Solid filiform needles;
2. Dermal needles;
3. Plum blossom needles;
4. Intradermal/press needles;
5. Prismatic needles; and
6. Disposable lancets.

(d) Certified acupuncturists, students in acupuncture programs that meet the requirements of N.J.A.C. 13:35-9.4(e), guest acupuncturists permitted to perform acupuncture in New Jersey pursuant to N.J.A.C. 13:35-9.13 or apprentices in acupuncture tutorial programs that meet the requirements of N.J.A.C. 13:35-9.17 shall not use the following when providing acupuncture:

1. Staples;
2. Hypodermic needles; and
3. Subcutaneous permanently implanted needles or sutures.

Repeal and New Rule, R.2010 d.101, effective June 21, 2010.
See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).
Section was "Guest acupuncturist".

13:35-9.13 Guest acupuncturist

(a) An individual who is not a certified acupuncturist, an individual who is permitted to practice pursuant to N.J.S.A. 45:2C-8 and N.J.A.C. 13:35-9.7, a student in an acupuncture program that meets the requirements of N.J.A.C. 13:35-9.4(e) or an apprentice in an acupuncture tutorial program, which meets the requirements of N.J.A.C. 13:35-9.17, may perform acupuncture services as a guest acupuncturist if:

1. The individual receives permission from the Board to act as a guest acupuncturist pursuant to (c) below;
2. The individual performs acupuncture services as an instructor in a baccalaureate degree program, an acupuncture program that meets the requirements of N.J.A.C. 13:35-9.4(e) or a continuing education course that meets the requirements of N.J.A.C. 13:35-9.20(d); and
3. The individual is legally authorized to perform acupuncture services in another state or in another country.

(c) An individual seeking permission to act as a guest acupuncturist shall arrange for an individual in charge of the baccalaureate degree program, acupuncture program or continuing education course in which he or she will act as an instructor to submit a request for permission to the Board, in writing, no later than 60 days prior to the guest acupuncturist's initial educational presentation in New Jersey. A resumé or summary of the guest acupuncturist's credentials, written in English, shall accompany the request for approval.

(d) An individual performing acupuncture services pursuant to this section shall not:

1. Perform acupuncture services in New Jersey for more than 30 days within a calendar year; or
2. Open an office or appoint a place to meet patients or receive calls from patients in New Jersey.

New Rule, R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.13, Tutorial applications and design of tutorial program, recodified to N.J.A.C. 13:35-9.17.

13:35-9.14 Uncertified practice of acupuncture

(a) An individual is engaging in uncertified practice of acupuncture if the individual engages in any of the practices outlined in N.J.A.C. 13:35-9.12(a) and is not:

1. Certified by the Board as an acupuncturist;
2. A physician or dentist whose course of training has included acupuncture pursuant to N.J.S.A. 45:2C-8 and N.J.A.C. 13:35-9.7;
3. A guest acupuncturist permitted to perform acupuncture services pursuant to N.J.A.C. 13:35-9.13;
4. A student participating in an acupuncture program pursuant to N.J.A.C. 13:35-9.4(e); or
5. An apprentice in an acupuncture tutorial program that meets the requirements of N.J.A.C. 13:35-9.17.

New Rule, R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.14, Responsibilities of supervising acupuncturist, recodified to N.J.A.C. 13:35-9.18.

13:35-9.15 Precautionary and sterilization procedures

(a) All non-disposable needles and acupuncture equipment that comes into contact with the patient's blood or bodily fluids or penetrates the skin, and equipment used to handle or store needles or other acupuncture equipment that comes into contact with the patient's blood or bodily fluids or penetrates the skin, shall be sterilized prior to each use. Prior to sterilization, all equipment to be sterilized shall be thoroughly cleaned with a disinfectant or cleansing solution.

(b) Sterilization shall be accomplished before use by one of the following methods:

1. Steam autoclave at 250 degrees Fahrenheit (120 degrees Celsius) and 15 pounds per square inch of pressure for 30 minutes;
2. Equivalent dry heat; or
3. Ethylene oxide gas sterilization.

(c) Sterilization equipment shall be used and maintained strictly in accordance with the guidelines of the manufacturer of the equipment, and shall be monitored regularly in accordance with the manufacturer's guidelines to determine whether the equipment is functioning properly.

(d) The following methods of sterilization are prohibited: boiling acupuncture equipment, soaking acupuncture equipment in alcohol or other antiseptic solution, or glass bead sterilization.

(e) Disposable acupuncture needles shall be placed in a rigid, puncture-proof, sealable container. The container shall be sealed and labeled as a disposal container and shall be labeled as bio-hazardous material. The disposal container shall be wiped with a disinfectant if blood or other bodily fluids are spilled on the outside of the container. The acupuncturist shall dispose of the container pursuant to the requirements of the Department of Environmental Protection implementing the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq., and N.J.A.C. 7:26-3A. The acupuncturist may delegate the responsibility to dispose the container to an agent approved by the Department of Environmental Protection.

(f) If a certificate holder learns that a patient has a blood-borne infectious disease, the certificate holder shall use only disposable needles in treating the patient.

(g) The acupuncturist shall ensure that personnel responsible for performing sterilization procedures pursuant to this rule are adequately trained and supplied with a written outline of sterilization procedures. A copy of the outline shall be maintained on the premises.

Amended by R.1999 d.356, effective October 18, 1999.
See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

In (c), substituted a reference to equipment for a reference to instruments; rewrote (d) and (e); in (f), deleted "in the course of treatment of a patient," following "If", and deleted "highly" following "blood-borne"; and in (g), substituted "The acupuncturist shall" for "It shall be the responsibility of the certified acupuncturist to" at the beginning.

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

In (f), substituted "certificate holder" for "licensee" throughout.
Recodified from N.J.A.C. 13:35-9.10 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Rewrote (e). Former N.J.A.C. 13:35-9.15, Responsibilities of the acupuncture apprentice, recodified to N.J.A.C. 13:35-9.19.

13:35-9.16 Preparation of patient records; computerized records; access to or release of information; confidentiality, transfer or disposal of records

(a) The following words and terms, as used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Authorized representative" means a person who has been designated by the patient or a court to exercise rights

under this section. An authorized representative may be the patient's attorney or an employee of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

2. "Patient" means any person who is the recipient of acupuncture.

(b) Acupuncturists shall prepare contemporaneous, permanent professional treatment records. Acupuncturists shall also maintain records relating to billings made to patients and third-party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment or services rendered. Treatment records shall be maintained for a period of seven years from the date of the most recent entry.

1. To the extent applicable, professional treatment records shall reflect:

- i. The dates of all treatments;
- ii. The patient complaint;
- iii. The history;
- iv. Progress notes;
- v. Any orders for tests or consultations and the results thereof;
- vi. Documentation indicating that informed consent was given by the patient;
- vii. Findings from examinations; and
- viii. Indication that a referral or diagnosis was made by a physician, including the name of the physician.

2. Corrections and/or additions may be made to an existing record, provided that each change is clearly identified as such, dated and initialed by the certificate holder;

3. A patient record that is prepared and maintained on a personal or other computer shall be prepared and maintained as follows:

- i. The patient record shall contain at least two forms of identification, for example, name and record number or any other specific identifying information;
- ii. The entry made by the acupuncturist shall be made contemporaneously with the treatment and shall contain the date of service, date of entry, and full printed name of the treatment provider. The acupuncturist shall finalize or "sign" the entry by means of a confidential personal code ("CPC") and include date of the "signing";

iii. The acupuncturist may dictate a dated entry for later transcription. The transcription shall be dated and identified as “preliminary” until reviewed, finalized and dated by the acupuncturist as provided in (b)3ii above;

iv. The computer system shall contain an internal permanently activated date and time recordation for all entries, and shall automatically prepare a back-up copy of the file;

v. The computer system shall be designed in such manner that after “signing” by means of the CPC, the existing entry cannot be changed in any manner. Notwithstanding the permanent status of a prior entry, a new entry may be made at any time and may indicate correction to a prior entry;

vi. Where more than one acupuncturist is authorized to make entries into the computer file of any professional treatment record, the acupuncturist responsible for the acupuncture practice shall assure that each such person obtains a CPC and uses the file program in the same manner; and

vii. A copy of each day’s entry, identified as preliminary or final as applicable, shall be made available to a physician responsible for the patient’s care, to a representative of the Board, the Attorney General or the Division of Consumer Affairs no later than 10 days after a request for the record, or to a patient within 30 days of the request or promptly in the event of emergency.

(c) Acupuncturists shall provide access to professional treatment records to a patient or an authorized representative in accordance with the following:

1. No later than 30 days from receipt of a request from a patient or an authorized representative, the acupuncturist shall provide a copy of the professional treatment record, and/or billing records as may be requested. The record shall include all pertinent objective data including test results, as applicable, and subjective information.

2. Unless otherwise required by law, an acupuncturist may, if a patient requests, provide a summary of the record in lieu of providing a photocopy of the actual record, so long as that summary adequately reflects the patient’s history and treatment. An acupuncturist may charge a reasonable fee for the preparation of a summary, which has been provided in lieu of the actual record, which shall not exceed the cost allowed by (c)3 below for that specific record.

3. Acupuncturists may require that a record request be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the record requested is less than 10 pages, the acupuncturist may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.

If the acupuncturist provides a summary in lieu of the actual record, the charge for the summary shall not exceed the cost that would be charged for the actual record.

4. If the patient or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the acupuncturist shall provide a transcription at no cost to the patient.

5. The acupuncturist shall not refuse to provide a professional treatment record on the grounds that the patient owes the certificate holder an unpaid balance if the record is needed by another health care professional for the purpose of rendering care.

(d) Acupuncturists shall maintain the confidentiality of professional treatment records, except that:

1. The acupuncturist shall release patient records as directed by a subpoena issued by the Board or the Office of the Attorney General, or by a demand for statement in writing under oath from the Board or the Office of the Attorney General, pursuant to N.J.S.A. 45:1-18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full patient names. To the extent that the record is illegible, the acupuncturist, upon request, shall provide a typed transcription of the record. If the record is in a language other than English, the acupuncturist shall also provide a translation.

2. The acupuncturist shall release information as required by law or regulation.

3. The acupuncturist, in the exercise of professional judgment and in the best interests of the patient (even absent the patient’s request), may release pertinent information about the patient’s treatment to another licensed health care professional who is providing or has been asked to provide treatment to the patient, or whose expertise may assist the acupuncturist in his or her rendition of professional services.

(e) Where the patient has requested the release of a professional treatment record or a portion thereof to a specified individual or entity, in order to protect the confidentiality of the records, the acupuncturist shall:

1. Secure and maintain a current written authorization, bearing the signature of the patient or an authorized representative;

2. Assure that the scope of the release is consistent with the request; and

3. Forward the records to the attention of the specific individual identified or mark the material “Confidential.”

(f) If an acupuncturist ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the acupuncturist or designee shall:

1. Establish a procedure by which patients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another certificate holder who is assuming responsibilities of the practice. However, an acupuncturist shall not charge a patient, pursuant to (c)3 above, for a copy of the records when the records will be used for purposes of continuing treatment or care.

2. Publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the acupuncturist's practice, at least once each month for the first three months after the cessation; and

3. Make reasonable efforts to directly notify any patient treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records.

Repeal and New Rule, R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Section was "Patient records".

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Substituted "certificate holder" for "licensee" throughout.

Recodified from N.J.A.C. 13:35-9.11 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

In (a)2, substituted "acupuncture" for "a professional service rendered by a certificate holder for purposes of treatment"; in (b)1iv, deleted "and" from the end; in (b)1v, substituted a semicolon for period at the end; added (b)1vi through (b)1viii in the introductory paragraph of (b)3, substituted "that" for "which"; in (b)3vi, inserted "and" at the end; in (b)3vii, deleted "of Acupuncture Examiners" following "Board", substituted "a request for the record" for "notice", and deleted a comma following the last occurrence of "request"; deleted (b)3viii; in (c)2, substituted ", if a patient requests," for "elect to" and inserted a comma following the last occurrence of "summary"; in (c)3, substituted "Acupuncturists" for "Acupuncturist" and "acupuncturist provides" for "certificate holder elects to provide", and inserted the second sentence; and in (d)1, deleted "of Acupuncture Examiners" following the first occurrence of "Board", and inserted "from the Board or the Office of the Attorney General". Former N.J.A.C. 13:35-9.16, Training required of a physician or dentist, repealed.

13:35-9.17 Tutorial applications and design of tutorial program

(a) No person shall commence participation in a tutorial program in acupuncture in this State without prior approval of the Board.

(b) Tutorial applications shall be filed with the Board as follows:

1. Application as an acupuncture apprentice shall be filed on a form provided by the Board and accompanied by the tutorial apprentice application fee. The information to be provided on the application form shall include personal biographical and educational information and current resident status.

2. Applications for approval to supervise an acupuncture apprentice shall be filed on a form provided by the Board and accompanied by a copy of the written apprentice agreement, the tutorial supervision application

fee, and any other pertinent documents required by the Board. The information to be provided on the application shall include personal biographic, educational and experiential requirements.

(c) Evidence of prior training and experience shall be submitted to the Board for its review with the applications for registration of the supervising acupuncturist and apprentice.

(d) The apprentice shall be at least 18 years of age and shall have a minimum of 120 credits at an institution of higher learning, which must be accredited by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education.

(e) Requirements for approval of an acupuncture tutorial program are as follows:

1. An acupuncture tutorial program shall be designed to be completed in no less than two nor more than four calendar years;

2. An acupuncture tutorial program shall be designed to provide an apprentice with a structured learning experience in all the basic skills and knowledge necessary for the independent practice of acupuncture, and shall prepare the apprentice for the Board's examination for certification;

3. Acupuncture tutorial programs may be full-time or part-time relationships; the training plan and proposed supervision shall be contained in a written agreement between the supervisor and apprentice, pursuant to (g) below;

4. An acupuncture tutorial shall provide formal clinical training with supplemental theoretical and didactic instruction which may be obtained in a post-secondary educational institution which is accredited by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation, or the United States Department of Education;

5. The clinical training shall consist of a minimum of 1650 hours in the following areas:

- i. Practice observation;
- ii. Patient history and physical examination, including traditional Oriental medical diagnostic procedures;
- iii. Therapeutic treatment planning;
- iv. Preparation of the patient;
- v. Sterilization, use and maintenance of equipment;
- vi. Moxibustion;
- vii. Electroacupuncture;
- viii. Body and auricular acupuncture;
- ix. Treatment of emergencies, including certification in cardiopulmonary resuscitation ("CPR");

x. Pre and post-treatment and instructions to the patient;

xi. Contraindications and precautions; and

xii. Optional: Shiatsu, Acupressure, TaiChi-Chuan and Qi Gong; and

6. The theoretical and didactic training shall consist of a minimum of 600 hours in the following areas:

i. Traditional Oriental medicine;

ii. Acupuncture anatomy and physiology;

iii. Acupuncture techniques;

iv. Survey of clinical medicine;

v. History of Chinese medicine; and

vi. Study of medical terminology and general sciences in anatomy, physiology and pathology, which training shall be obtained in a post-secondary educational setting approved by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation, or the United States Department of Education, provided that each of the courses is for at least three academic credits.

(f) No apprentice shall be authorized to render acupuncture services to any patient unless the patient has been informed that such services will be rendered by an apprentice. The patient, on each occasion of treatment, shall be informed of the procedure to be performed by the apprentice under the supervision of the supervising acupuncturist, and shall have consented in writing prior to the initial rendering of the acupuncture procedure by the apprentice. The requirements of this subsection do not apply to those instances wherein the apprentice merely assists the supervisor in the rendering of acupuncture services.

(g) The acupuncture tutorial training program shall be set forth in a written agreement signed by the supervisor and the apprentice which shall be submitted for approval to the Board, with the application. The agreement shall include:

1. The training plan;

2. The length of training time;

3. The method of providing the theoretical and didactic training;

4. Guidelines for supervision of the acupuncture services rendered by the apprentice;

5. Tuition fees to be paid by the apprentice for participation in the program;

6. The location of the training; and

7. Any termination agreements included in the agreement between the supervisor and apprentice.

(h) An acupuncture tutorial program shall be available to all apprentices regardless of the apprentice's sex, race, religion, creed, or color and regardless of physical handicap.

Amended by R.1994 d.522, effective October 17, 1994.

See: 26 N.J.R. 2526(a), 26 N.J.R. 4195(a).

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Recodified from N.J.A.C. 13:35-9.13 by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Former N.J.A.C. 13:35-9.17, Continuing professional education requirements, recodified to N.J.A.C. 13:35-9.20.

13:35-9.18 Responsibilities of supervising acupuncturist

(a) No acupuncturist shall supervise any person in an approved tutorial program in acupuncture in this State without prior approval of the Board. Board approval shall be contingent upon submission of proof satisfactory to the Board that the supervising acupuncturist is certified to practice in New Jersey and has at least seven years of experience practicing acupuncture.

(b) The supervising acupuncturist shall have the following duties and responsibilities:

1. The supervisor shall train no more than two apprentices at one time;

2. The supervisor shall at all times be responsible for and provide supervision of the work performed by the apprentice as required in this subchapter;

3. The supervisor shall assign only those patient treatments which are unlikely to endanger the health and welfare of patients receiving such services and can be safely and effectively performed by the apprentice. The acupuncture services assigned to the apprentice shall be consistent with the level of training received by the apprentice. The supervisor shall provide continuous direction and immediate supervision of the apprentice when patient services are being provided. For purposes of this paragraph, "continuous direction and immediate supervision" means that the supervisor shall be in the same facility where the apprentice is rendering services, and shall be readily available at all times to provide advice, instruction and assistance to the apprentice and the patient;

4. The supervisor shall assure that prior to performance of any procedure, a verbal explanation is given and the patient's written informed consent to the procedure and its performance by the apprentice is obtained;

5. The supervisor shall assure that the objectives of the training plan submitted to the Board are provided and met by the apprentice;

6. The supervisor shall notify the Board in writing within 10 days of the termination of any training agreement. At the time of such notification, the registration of the apprentice shall be cancelled;

7. If the apprentice plan of the acupuncture tutorial is substantially modified, the supervisor shall file with the Board a report of such modifications within 10 days;

8. The supervisor shall assure that the apprentice complies with accepted standards of practice, this subchapter, and the statutory requirements of N.J.S.A. 45:2C-5;

9. The supervisor shall file a progress report with the Board within 30 days of completion by each apprentice of each year of an approved acupuncture tutorial. The supervisor shall file a final report within 30 days of completion of the training; and

10. The supervisor shall assure that when rendering services or otherwise engaging in professional activity, the apprentice shall always identify himself or herself as an acupuncture apprentice.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote (b).

Recodified from N.J.A.C. 13:35-9.14 by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

13:35-9.19 Responsibilities of the acupuncture apprentice

(a) The acupuncture apprentice shall have the following duties and responsibilities:

1. The apprentice shall not provide acupuncture services independently or without the required supervision, and shall not provide any services for which he or she is not trained or undergoing training;

2. The apprentice shall satisfactorily meet the objectives of the training plan submitted to the Board including the necessary theoretical training;

3. The apprentice shall comply with the standards of practice in these rules as well as all applicable statutory requirements;

4. The apprentice shall always identify himself or herself as an acupuncture apprentice when rendering services or otherwise engaging in professional activity;

5. The apprentice shall report to the Board any delay, interruption or termination of the acupuncture tutorial within 10 days; and

6. At the completion of the tutorial, the apprentice may file an application for examination.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

In (a), substituted references to apprentices for references to trainees throughout, substituted "undergoing training" for "being trained to competently perform" at the end of 1, and substituted "within 10 days" for "not reported by the supervisor" following "tutorial" in 5.

Recodified from N.J.A.C. 13:35-9.15 by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

13:35-9.20 Continuing professional education requirements

(a) For purposes of this section, "contact hour" means at least 50 minutes of instruction.

(b) The provisions of this section shall apply to all acupuncturists applying for biennial certificate renewal except those seeking renewal for the first time.

(c) No certificate renewal shall be issued by the Board unless the acupuncturist confirms on the renewal application that he or she completed at least 30 hours of continuing education.

(d) Credit for continuing professional education shall be granted as follows for each biennial period:

1. Publishing in a national professional journal, an article related to the practice of acupuncture: three continuing education hours per article, up to 15 hours;

2. Attending seminars and conferences related to the practice of acupuncture: one continuing education hour per contact hour;

3. Successfully completing graduate course work related to the practice of acupuncture taken beyond that required for professional certificate in a college or university that is regionally accredited or accredited by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM): one continuing education hour per credit hour;

4. Teaching new courses or seminars related to the practice of acupuncture. "New" means that the acupuncturist has never taught or developed curriculum for that seminar or lecture in any educational setting: one continuing education hour per contact hour, up to 15 hours;

5. Acting as a clinical supervisor in an acupuncture program that meets the requirements of N.J.A.C. 13:35-9.4(e): one continuing education hour per each 15 hours of supervision, up to 10 hours;

6. Successfully completing a continuing education course that has been approved by NCCAOM or by boards or committees regulating acupuncture in other states: one continuing education hour for each contact hour;

7. Successfully completing a distance learning course approved by NCCAOM: one continuing education hour for each contact hour, up to 15 hours;

8. Successfully completing continuing education courses or programs that are pre-approved by the Board pursuant to (e) below: one continuing education hour for each contact hour; and

9. Successfully completing a course that an acupuncturist submits for approval to the Board pursuant to (f) below, one continuing education hour for each contact hour.

(e) Sponsors of continuing education programs or courses seeking Board approval shall obtain Board approval every biennial period prior to representing that any course, program or seminar fulfills the requirements of (c) above and shall:

1. At least 90 days prior to the commencement of the course, submit the following for each course, program or seminar offered for evaluation by the Board:

- i. A detailed descriptive outline of course content and estimated hours of instruction; and
- ii. The curriculum vitae of each lecturer, including specific background information, which qualifies the individual as a lecturer in the area of instruction;

2. Monitor the attendance at each approved course, program or seminar and furnish to each enrollee a written verification of attendance, which shall include at least the following information:

- i. The title, date and location of the course, program or seminar offering;
- ii. The name and license number of the attendee;
- iii. The hours of instruction provided; and
- iv. The name and signature of the sponsor and the seal of the organization;

3. Evaluate course offerings. Evaluations shall be solicited from both the attendees and the instructors; and

4. Submit a fee pursuant to N.J.A.C. 13:35-9.8(a)11 for each submission of new courses, programs or seminars reviewed by the Board during the biennial licensing period.

(f) An acupuncturist may apply to the Board for approval of a course that does not meet the requirements of (d)2, 3, 6, 7 or 8 above. The acupuncturist shall submit to the Board the title, date and location of the course, program or seminar for which approval is being sought and the information required of a continuing professional education provider pursuant to (e)1 above.

(g) The Board may perform audits on randomly selected acupuncturists to determine compliance with continuing education requirements. An acupuncturist shall maintain the following documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request:

1. For publication of an article: the published item, including the date of publication;
2. For attendance at seminars and conferences or completion of continuing education courses: a certificate of completion from the provider;
3. For completion of graduate course work: an official transcript;

4. For teaching a course or seminar: documentation, including a copy of the curriculum, location, date and time of course or seminar, duration of course or seminar by hour and letter from provider confirming that the acupuncturist taught the course or seminar; and

5. For clinical supervision: documentation signed by the director of the acupuncture program indicating the number of hours of clinical supervision the acupuncturist provided.

(h) Credits taken in excess of the 20 required for biennial certificate renewal shall not be carried over for use in subsequent renewal periods.

(i) The Board may waive continuing education requirements on an individual basis for reasons of hardship, such as illness, disability, active service in the military or other good cause. An acupuncturist who seeks a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to certificate renewal and set forth in specific detail the reasons for requesting the waiver. The acupuncturist shall provide the Board with such supplemental materials as will support the request for waiver. A waiver of continuing education requirements granted pursuant to this subsection shall be effective only for the biennial period in which such waiver is granted. If the condition(s), which necessitated the waiver continue into the next biennial period, an acupuncturist shall apply to the Board for the renewal of such waiver for the new biennial period.

(j) The Board may direct or order an acupuncturist to successfully complete continuing education credits:

1. As part of a disciplinary or remedial measure in addition to the required credits of continuing education; or
2. To correct a deficiency in the acupuncturist's continuing education requirements.

(k) Any continuing education credits completed by the acupuncturist in compliance with an order or directive from the Board as set forth in (i) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

Amended by R.1999 d.356, effective October 18, 1999.

See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Rewrote the section.

Amended by R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

In (a), substituted "certificate" for "registration"; in (b), substituted "biennial period" for "two calendar years" preceding "preceding application" and substituted "certificate" for "registration" and "license" in the first and second sentences respectively in the introductory paragraph; in (c), substituted "certificate" for "license" in 3; .in (e), substituted "certificate" for "registration".

Recodified from N.J.A.C. 13:35-9.17 and amended by R.2010 d.101, effective June 21, 2010.

See: 41 N.J.R. 2617(a), 42 N.J.R. 1216(a).

Rewrote the section.