

New Acupuncture Bill Passes in Colorado

Editorial Staff

Colorado's acupuncturists have received a significant upgrade to their profession's status with the passage of House Bill 1117, which was signed into law by Governor Bill Owens on March 13. Introduced by Representative Pam Rhodes, the bill replaces the current Acupuncturist Practice Act, which was set to expire July 1, and introduces a flurry of new regulations regarding the practice, licensure and certification of acupuncturists.

Bill Summary

Acupuncturists in Colorado are currently regulated under the jurisdiction of the Division of Registrations, a component of the Department of Regulatory Agencies. HB 1117 extends the regulation of acupuncturists until July 1, 2013, at which time a decision will be made to continue, terminate or re-establish the statute. As with the existing legislation, the director of the Division of Registrations will be responsible for the profession's regulatory functions, and will have the authority to establish rules, accept or deny applications, set fees for licensure and renewal, and make investigations into the conduct of acupuncturists when appropriate.

One of the most important aspects of House Bill 1117 is that while the process of registering with the state remains the same, the name of the process has been changed from registration to licensure. The point in changing the name to licensure stemmed from the Department of Regulatory Agencies itself, which argued that the registration process already in place was equivalent to licensure and should be called as such.

The educational and reporting requirements for acupuncturists will also remain as they did under prior legislation. In addition, practitioners will still be required to apply for a license to practice with the Division of Registrations. To qualify for licensure, applicants must:

- have successfully completed an education program for acupuncturists that conforms to standards approved by the director of the division of registrations (these standards will be determined using the assistance of any professional organization whose membership includes a minimum of one-third of the people licensed to practice acupuncture in Colorado);
- pay an annual license fee, the amount of which will be determined by the director;
- report to the director every judgement or administrative action against the applicant that involves malpractice or the improper practice of acupuncture, whether in Colorado or any other jurisdiction; and
- purchase and maintain commercial professional liability insurance with a company authorized to do business in the state of Colorado.

Any acupuncturist who is already registered to practice in Colorado prior to July 1 will be issued a license to practice from the director and will be allowed to use the designations "LAc" or "licensed acupuncturist." Acupuncturists who have not been registered for two or more years prior to July 1, 2002 will need to reapply for licensure.

"The change in title from registered to licensed reflects the nature of our registration program in that we have to meet specific education, training and testing requirements," remarked Valerie

Hobbs, vice president of the Acupuncture Association of Colorado. "Most of the public know us simply as 'acupuncturists.' We do not expect to gain more acceptance in the eyes of our consumers just because our name has changed, as the respect we have gained is clearly through efficacy. We do, however, expect to eliminate the confusion that the title 'registered' sometimes creates with regards to the professionalism of Oriental medical practitioners, since it implies merely providing personal information for our state regulation."

Acupuncture students in training are also allowed to practice acupuncture without a license provided their practice takes place as part of a legitimate training program. Any services performed by trainees must be done under the direct, on-site supervision of a licensed acupuncturist, and the names and addresses of those people must be reported to the director by the supervising acupuncturist.

In many states, applicants for an acupuncture license must pass not only the National Certification Commission for Acupuncture and Oriental Medicine's (NCCAOM) own certification exam, but also a state licensing exam. However, taking multiple exams can cost an applicant hundreds of dollars in extra fees, and depending on the time of year the tests are given, can delay an acupuncturist from practicing in a particular state for several months.

House Bill 1117 is written such that applicants can meet certification routes by passing either the California or NCCAOM certification exams. Both of these exams require that educational programs be approved or accredited. By making certification more flexible, acupuncturists can begin practicing more easily while still having to maintain high educational standards.

"As a profession, we may hold differing viewpoints about the need for one national standard or the validity of a state's rights, but in the end, the reality is that a good number of acupuncturists in the U.S. have different routes to certification," said Hobbs. "Since there is currently not one national standard, this flexibility in our state law eliminates the need for candidates in different states to double-certify."

Licensure by Endorsement

The other significant feature included in HB 1117 is an amendment that opens up the practice of acupuncture to providers who don't currently hold a Colorado license by introducing a process called licensure by endorsement. Under this process, the director can issue a license to practice acupuncture to "any applicant who has a license in good standing as an acupuncturist under the laws of another jurisdiction," as long as the applicant presents proof of possessing "substantially equivalent credentials and qualifications to those required for licensure." The exact "credentials and qualifications" are not included in the law, but will be established by the director.

While licensure by endorsement is a relatively new concept for acupuncturists, it is already used by a wide variety of health care providers in Colorado, including podiatrists, optometrists, physical therapists and mental health professionals. Using the process to license acupuncturists, Hobbs feels, will reduce much of the bureaucratic problems that plague other states while ensuring public safety.

"The Acupuncture Association of Colorado is very much in favor of the licensure by endorsement as it streamlines the process for our profession to move about the country," Hobbs added. "In this way, our state maintains its commitment to less bureaucracy while safeguarding the public."

Legislative Status

First introduced on January 10, 2002, House Bill 1117 enjoyed an unusually fast pace through the

Colorado legislature. The original Acupuncture Practice Act was scheduled to expire on July 1 of this year. Acknowledging the political and professional turmoil expiration of the old act would create, the General Assembly deemed the new legislation vital to the well-being of Colorado's citizens - so much so that the bill contains a safety clause that declares itself "necessary for the immediate preservation of the public peace, health and safety."

Less than three weeks after it was introduced, the bill was approved by the House Committee on Business Affairs & Labor eight to one, then was passed by the House on January 29. On February 1, HB 1117 was assigned to the Senate Committee on Health, Environment, Children & Families, which approved it six to one. Just over a month later, on March 4, the bill was passed overwhelmingly by the Senate before arriving on Governor Owens' desk.

It is important to note that HB 1117 passed both the House and Senate unamended; that is, no corrections were made to the bill as it made its way through the Colorado legislature.

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