

Chapter RL 73

GROUNDS FOR DISCIPLINE

RL 73.01 Grounds for discipline

RL 73.01 Grounds for discipline. The department shall deny an application for renewal, limit, suspend, or revoke a certificate or reprimand or impose a forfeiture upon an acupuncturist upon a finding of unprofessional conduct. Unprofessional conduct includes, but is not limited, to:

(1) Practicing acupuncture while ability is impaired by a mental or emotional disorder, physical disability, alcohol or other drugs.

(2) Violating, or aiding or abetting violation of any law, the circumstances of which substantially relate to the practice of acupuncture or other healing art.

(3) Practicing acupuncture without a current and valid certificate.

(4) Having been disciplined in another jurisdiction in any way by a certifying, registering, or licensing authority for reasons substantially the same as those set forth in s. 451.14, Stats., or department regulations.

(5) After a request by the department, failing to cooperate in a timely manner with the department's investigation of a complaint filed against an acupuncturist. The department will apply a rebuttable presumption that an acupuncturist who takes longer than 30 days to respond to a request by the department has not acted in a timely manner.

(6) Practicing acupuncture fraudulently, beyond its authorized scope, with gross incompetence or gross negligence, with incompetence on one or more occasions, or with negligence on more than one occasion.

(7) Refusing to provide professional services to a person solely on the basis of such person's race, color, age, sex, sexual orientation, political or religious beliefs, handicap, marital status or national origin.

(8) Failing to provide duplicate patient records, at the acupuncturist's expense, when requested by the patient or the department. If the original record is not in English, the acupuncturist shall provide the duplicate in English translation performed by a competent translator. Thirty days is presumed to be a reasonable period of time in which to obtain the translation.

(9) Failing to maintain complete and accurate records of each patient visit, including summaries of examinations, diagnoses, and treatments performed or prescribed, and referrals to other practitioners of acupuncture or any other healing art, for a period of 7 years past the most recent visit of the patient to whom the record refers, or the time the patient reaches the age of majority.

(10) Advertising in a manner that is false, deceptive or misleading.

(11) Providing acupuncture without the informed consent of a patient. Informed consent requires:

(a) The disclosure to the patient of the availability of all alternate, viable modes of acupuncture treatment and the benefits and risks of

these treatments, including the risks and benefits associated with the use of:

1. Acupuncture needles to stimulate acupuncture points and meridians, including the specific risks of needling certain points.

2. Use of mechanical, magnetic or electrical stimulation of acupuncture points, particularly in instances where such stimulation is applied across the midline of the trunk or in patients with a history of heart trouble.

3. Moxibustion.

4. Herbal medicine.

5. Laserpuncture.

6. Acupressure.

(b) The disclosure to the patient shall involve a disclosure of the side effects including:

1. Some pain at the site of needle insertion.

2. Minor bruising.

3. Infection and the risks from needling in the vicinity of an infection.

4. Needle sickness.

5. Broken needles.

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