

CHAPTER 451

ACUPUNCTURE

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Cross-reference: See definitions in s. 440.01.

451.01 Definitions. In this chapter:

(1) "Acupuncture" means promoting, maintaining or restoring health or diagnosing, preventing or treating disease based on traditional Oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

- Inserting acupuncture needles.
- Moxibustion.
- Applying manual, thermal or electrical stimulation or any other secondary therapeutic technique.

(2) "Acupuncturist" means a person who is engaged in the practice of acupuncture.

History: 1989 a. 31, 336

451.02 Applicability. Nothing in this chapter requires a certificate under this chapter for any of the following:

(1) An individual holding a license, permit or certificate under ch. 441, 446, 447, 448 or 449 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit or certificate.

(2) An individual assisting an acupuncturist in practice under the direct supervision of the acupuncturist.

(3) An individual who engages in the practice of acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the department if the individual is designated by a title that clearly indicates his or her status as a student or trainee.

History: 1989 a. 31, 336

451.04 Certification. (1) ACUPUNCTURIST CERTIFICATE REQUIRED. No person may engage in the practice of acupuncture or use the title "acupuncturist" or any similar title unless the person is certified as an acupuncturist by the department.

(2) ACUPUNCTURIST CERTIFICATE. The department shall grant an acupuncturist certificate to any individual who does all of the following:

- Submits an application for the certificate to the department on a form provided by the department.
- Pays the fee specified in s. 440.05 (1).
- Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.
- Subject to s. 451.08, submits evidence satisfactory to the department that he or she has completed a course of study and residency program in acupuncture that meets standards established by the department by rule.
- Subject to s. 451.08, passes an examination approved by the department to determine fitness as an acupuncturist.

(3) POSTING OF CERTIFICATE. The department shall issue a certificate to each individual who satisfies the requirements in sub. (2) or s. 451.08, certifying that the holder is authorized to practice acupuncture in this state. The holder shall post the certificate in a conspicuous place in his or her place of business.

(4) EXPIRATION AND RENEWAL. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under s. 440.08 (2) (a).

History: 1989 a. 31, 336, 359; 1991 a. 39

451.06 Examination. (1) Examinations shall consist of written or practical tests, or both, requiring applicants to demonstrate minimum competency in services and subjects substantially related to the practice of acupuncture.

(2) A person is not eligible for examination unless the person has satisfied the requirements for certification under s. 451.04 (2) (a) to (d) at least 30 days before the date of the examination.

History: 1989 a. 31, 336

451.08 Reciprocal certificate. Upon application and payment of the fee specified in s. 440.05 (2), the department shall grant an acupuncturist certificate to any applicant who holds an acupuncturist certificate or license in another state or territory of the United States if the department determines that the applicant has actively engaged in the practice of acupuncture for at least 5 years or that the requirements for certification or licensure in the other state or territory are substantially equivalent to the requirements under s. 451.04 (2).

History: 1989 a. 31, 336

451.12 Infection control. The department shall promulgate rules relating to the prevention of infection, the sterilization of needles and other equipment or materials capable of transmitting infection and the safe disposal of potentially infectious materials. The rules shall require acupuncture needles to be thoroughly cleaned with an antiseptic solution prior to sterilization by autoclave and shall permit an acupuncturist to use needles that are presterilized, prewrapped and disposable.

History: 1989 a. 31, 336

451.14 Disciplinary proceedings and actions.

(1) Subject to the rules promulgated under s. 440.03 (1), the department may make investigations or conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a certified acupuncturist or deny, limit, suspend or revoke a certificate under this chapter if it finds that the applicant or certified acupuncturist has done any of the following:

- Made a material misstatement in an application for a certificate or renewal.
- Engaged in conduct while practicing acupuncture which evidences a lack of knowledge or ability to apply professional principles or skills.
- Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an offense committed while certified as an acupuncturist.
- Advertised in a manner that is false, deceptive or misleading.

(e) Impersonated another individual who holds a certificate under this chapter or allowed another individual to use his or her acupuncturist certificate.

(f) Subject to ss. 111.321, 111.322 and 111.34, practiced acupuncture while the individual's ability to practice was impaired by alcohol or other drugs.

(g) Violated this chapter or any rule promulgated under this chapter.

(3) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a certificate under sub. (2), the depart-

ment may assess against an applicant or certified acupuncturist a forfeiture of not less than \$100 nor more than \$1,000 for each violation enumerated under sub. (2).

History: 1989 a. 31, 336.

451.16 Penalties. Any person who violates this chapter or any rule promulgated under this chapter may be fined not less than \$100 nor more than \$1,000 or imprisoned for not more than 90 days or both.

History: 1989 a. 31.