

JAN 24 2013

A BILL FOR AN ACT

RELATING TO THE USE OF THE DOCTOR OF ACUPUNCTURE TITLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 436E-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§436E-13 Use of titles.** (a) A licensee who has been
4 awarded a license to practice acupuncture by the board in this
5 State may use the title of "Licensed Acupuncturist" or
6 designation "L.Ac." with the licensee's name in an advertisement
7 for acupuncture or announce or append the designation to the
8 licensee's name.

9 (b) A licensee who has been awarded an earned doctoral
10 degree may use the designation "Ph.D." in an advertisement for
11 acupuncture or announce or append the designation to the
12 licensee's name if the degree was granted from a university or
13 college recognized by a regional or national accrediting body
14 recognized by the United States Department of Education. A
15 Ph.D. recognized by the board under this subsection shall
16 designate a nonpractitioner as opposed to a practitioner or
17 "doctor" of acupuncture as provided in subsection (c).

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1 (c) ~~[A licensee who has been awarded an earned doctoral~~
2 ~~degree from a university or college recognized by a regional or~~
3 ~~national accrediting body recognized by the United States~~
4 ~~Department of Education, or who has completed a program approved~~
5 ~~by the board in the study or practice of acupuncture~~
6 ~~(traditional oriental medicine), and who has met the standards~~
7 ~~for the use of academic designations as developed by the board~~
8 ~~may use the designation "Doctor", the prefix, "Dr.", or the~~
9 ~~designation "D.Ac."; provided that the word "Acupuncturist"~~
10 ~~immediately follows the licensee's name if the designation~~
11 ~~"Doctor" or the prefix "Dr." is used alone. The board shall~~
12 ~~establish the standards required for the use of these academic~~
13 ~~designations in its rules. The rules shall provide for a time~~
14 ~~period to enable a licensee to meet the requirements for the~~
15 ~~continued use of the academic designations and shall prohibit~~
16 ~~the use of the designations after that period unless those~~
17 ~~requirements are met.] A licensee who has been approved by the
18 board to use the doctor of acupuncture title, may use the title
19 "Doctor of Acupuncture" or designation of "D.Ac.", after the
20 licensee's name, or the term "Doctor" or prefix "Dr." provided
21 that the word "Acupuncturist" immediately follows the licensee's
22 name if the term "Doctor", or the prefix "Dr." is used alone.~~

1 (d) Before any licensee shall be eligible to use the
2 doctor of acupuncture title, the licensee shall furnish
3 satisfactory proof to the board that the licensee has been
4 awarded an earned doctoral degree in acupuncture (traditional
5 oriental medicine). For licensees who graduated from an
6 institute, school, or college located in the United States or
7 any territory under the jurisdiction of the United States, the
8 institute, school, or college shall be accredited or recognized
9 as a candidate for accreditation by a regional or national
10 accrediting body that is recognized by the United States
11 Department of Education for the accreditation or
12 pre-accreditation ("candidacy") of professional post-graduate
13 doctoral programs in acupuncture and oriental medicine. For
14 licensees who graduated from a foreign institute, school, or
15 college, the licensee, at the licensee's own expense, shall have
16 the licensee's transcripts and curriculum evaluated by a board
17 approved and designated professional evaluator who shall make a
18 determination on whether the transcripts and curriculum are at
19 least equivalent to the United States recognized doctoral
20 program of study in acupuncture and oriental medicine, and that
21 the foreign institute is licensed, approved, or accredited by
22 the appropriate governmental authority or an agency recognized

1 by a governmental authority in the respective foreign
2 jurisdiction and whose curriculum is approved by the board.

3 [~~d~~] (e) Except as provided in this section, use of other
4 titles, prefixes, or designations shall not be permitted."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



10

BY REQUEST

S .B. NO. 1074

Report Title:

Acupuncturists; Doctor of Acupuncture Title

Description:

Requires acupuncture applicants for the use of the doctor of acupuncture title to complete their doctoral studies from an institution recognized by the United States acupuncture accrediting body or from a foreign institution that is licensed, approved, or accredited by the applicable governmental authority in that respective foreign jurisdiction and also requires applicants for the use of the doctor of acupuncture title who complete their doctoral studies from a doctoral program at an educational institution in a foreign jurisdiction to have their doctoral education credentials evaluated by professional evaluators designated by the Board of Acupuncture.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE USE OF THE DOCTOR OF ACUPUNCTURE TITLE.

PURPOSE: To require acupuncture licensees who are applying to use the doctor of acupuncture title to have an earned doctoral degree in acupuncture and traditional oriental medicine from an institution recognized by the U.S. acupuncture accrediting body or from a foreign institution that is licensed, approved, or accredited by the applicable governmental authority in that respective foreign jurisdiction.

To repeal the Board's authority to approve advanced programs in the study or practice of acupuncture (traditional oriental medicine), the completion of which serves as one of the pathways for obtaining permission to use the doctor of acupuncture title.

To require licensees who complete a doctoral program of study in acupuncture and traditional oriental medicine from a foreign institution to have their education credentials evaluated by a board approved professional evaluator, at the applicant's expense.

MEANS: Amend section 436E-13, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 436E-13(c), HRS, as amended by Act 90, Session Laws of Hawaii (SLH) 1992, and Act 43, SLH 1994, provides that a Hawaii licensed acupuncturist may apply for authorization to use the doctor of acupuncture title provided the license has

(1) an earned doctoral degree in acupuncture from an accredited program or (2) completed

a program approved by the Board and (3) met the standards established by the Board.

In the years following the enactment of Acts 90 and 43, the Board eagerly waited for the acupuncture accrediting body to develop a doctoral program. However, this did not occur until 2002.

Thus, the Board, in order to comply with the legislative directive, developed standards for the use of the doctoral title, which were codified via administrative rules in October 2000. Inasmuch as it developed the standards, the Board intended to adopt the accredited doctoral program as its standards when the accredited program became available. Further, the Board intended to forego its standards, in totality, when the accredited program became a reality.

In May 2002, the Accreditation Commission on Acupuncture and Oriental Medicine (ACAOM) approved a clinical doctor of acupuncture and oriental medicine program of study. The first students graduated in summer 2005. Today, nine U.S. institutions, all of which are located on the U.S. West Coast or in the Pacific Northwest, are approved by ACAOM to offer the accredited program. Some of the institutions have curriculum specifically designed to accommodate the full-time practitioner. Even though no Hawaii school offers the program, it is possible for Hawaii licensees to complete a program while practicing acupuncture full-time.

The Board strongly believes that the ACAOM clinical doctor of acupuncture and oriental medicine program is the gold standard that licensees, who wish to set themselves apart from other acupuncturists by calling themselves doctors of acupuncture, should be required to complete. For licensees who complete a foreign doctoral program, the program shall be at least equal to the ACAOM

program, as provided in section 436E-14, HRS.

Based on the foregoing, the Board believes that the requirement for the Board to approve advanced programs of study in acupuncture and oriental medicine should be repealed. This is because, unlike ACAOM, the Board does not have the resources or expertise to investigate, evaluate, and approve advanced acupuncture and oriental medicine programs of study or any programs of study. The Board maintains that it is appropriate for it to defer to and rely upon ACAOM to accredit and approve doctoral programs of study.

In addition, the Board believes that licensees who studied a doctoral level program of acupuncture and oriental medicine at a foreign institute, school, or college shall be required, at their own expense, to have their transcripts and curriculum evaluated by a board designated professional. The evaluator shall make a determination whether the transcripts and curriculum are at least equivalent to that of the U.S. accredited program.

Credential evaluation services provide an assessment of the applicant's foreign academic record, courses studied, and the degree, certificate, or diploma earned in terms of equivalency to the U.S. doctoral program. The service would also report whether the institution is recognized by the foreign government where the school is located. Further, the service would verify whether the credentials are authentic.

Credential evaluators have experience and training in the U.S. and international education systems and are recognized authorities in their fields. They also have access to foreign educational systems, institutions, and programs, and experience

in dealing with officials overseas. The Board does not possess these valuable experiences or resources.

By utilizing credential evaluators, the Board would not relinquish its charge to ensure that licensees applying to use the doctor of acupuncture title meet the requirements. Indeed, the evaluations would be a valuable tool that would assist the Board in understanding the foreign academic credentials, facilitate the review process, and ultimately result in expeditious decision-making about an applicant's foreign education.

Finally, utilizing credential evaluators would assist the Board in complying with section 436E-14, HRS.

Impact on the public: There should be a positive impact on the public and applicants applying for the use of the doctor of acupuncture title.

The public will be protected in that those who seek to set themselves apart from licensees who have met the minimum standards for acupuncture practice will be required to complete an accredited program or the equivalent.

It is important to note that licensees who graduated from a foreign program will be required to pay for a credentialing review. The cost is estimated to be about \$400. However, the applicant will benefit because the Board will be able to process their applications more expeditiously.

Impact on the department and other agencies: The impact on the Professional and Vocational Licensing Division and the Board will be positive in that applicant processing will be improved.

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It is not anticipated that this bill will impact other governmental agencies.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM
DESIGNATION:

CCA 105.

OTHER AFFECTED
AGENCIES:

None anticipated.

EFFECTIVE DATE:

Upon approval.