

21 NCAC 01.0104 is readopted with changes as published in 31:24 NCR 2482 as follows:

## 21 NCAC 01 .0104 DEFINITIONS

In addition to the definitions contained in G.S. 90-451, the following definitions shall apply throughout this Chapter:

- (1) ~~[The title of ]~~“Licensed Acupuncturist” or “Acupuncturist” is the title conveyed by ~~the~~ North Carolina Acupuncture Licensing Board pursuant to Article 30 of Chapter 90 of the North Carolina General Statutes. ~~[A Licensed Acupuncturist or Acupuncturist cannot use a licensure title from another state to refer to him or herself as a doctor.]~~ Licensed Acupuncturists or Acupuncturists may only refer to him or herself as a doctor in the state of North Carolina, if he or she has earned an educational degree of “doctor” or ~~“docterate.”~~ “doctorate” in accordance with G.S. 90-458.
- ~~(1)~~ (2) "Acupuncture adjunctive therapies" include ~~but are not limited to auricular, nose, face, hand, foot, and scalp acupuncture therapy; and~~ the adjunctive therapies listed in G.S. 90-451(3). It also includes stimulation to acupuncture points and channels by any of the following: ~~needles, cupping, thermal methods, magnets, and~~ gwa-sha scraping techniques.
- ~~(2)~~ (3) "Acupuncture diagnostic techniques" include ~~but are not limited to~~ the use of observation, listening, smelling, inquiring, palpation, pulse diagnosis, tongue diagnosis, hara diagnosis, physiognomy, five element correspondence, ryodoraku, akabani, and electro-acupuncture.
- ~~(3)~~ (4) "Acupuncture needles" mean the same as in 21 CFR 880.5580, which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title21-vol8/pdf/CFR-2016-title21-vol8-sec880-5580.pdf> at no cost. “Acupuncture needles” ~~solid filiform needles and~~ include ~~but are not limited to~~ solid filiform needles, intradermal, plum blossom, press tacks, and prismatic needles.
- ~~(4)~~ (5) "Dietary guidelines" include ~~but are not limited to~~ nutritional counseling and the recommendation of food and supplemental substances.
- ~~(5)~~ (6) "Electrical stimulation" includes ~~but is not limited to~~ the treatment or diagnosis of energetic imbalances using TENS, Piezo electrical stimulation, acuscope therapy, auricular therapy devices, ~~and~~ percutaneous and transcutaneous electrical nerve stimulation and Class IIIa, 5 milliwatt laser devices. All laser [devices] products shall meet the performance standards for light-emitting products as set forth in 21 CFR 1040.10 and 1040.11, which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2012-title21-vol8/pdf/CFR-2012-title21-vol8-part1040.pdf> at no cost. [be administered in accordance with FDA guidelines, including 21 CFR §§1040.10 and 1040.11.]
- ~~(6)~~ (7) "Herbal medicine" includes ~~but is not limited to~~ tinctures, patent remedies, decoction, powders, diluted herbal remedies, freeze dried herbs, salves, poultices, medicated oils, and liniments.
- ~~(7)~~ (8) "Massage and manual techniques" include ~~but are not limited to~~ acupressure, shiatsu, Tui-Na, qi healing, and medical qi gong.

1 (8) (9) "Therapeutic exercise" includes ~~but is not limited to~~ qi gong, Taoist self-cultivation exercises, dao  
2 yin, tai qi chuan, ba gua, and meditative exercises.

3 (9) (10) "Thermal methods" include ~~but are not limited to~~ moxibustion, ~~[moxibustion and]~~ moxibustion,  
4 hot and cold ~~[packs.] packs~~ and laser acupuncture. ~~packs and infrared lamps.~~ All acupuncture  
5 ~~devices shall be administered in accordance with Federal Drug Administration guidelines. The use~~  
6 ~~of infrared heat lamps shall be done in accordance with 21 CFR 890.5500, as amended or~~  
7 ~~replaced, which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title21-vol8/pdf/CFR->~~  
8 ~~[2017-title21-vol8-sec890-5500.pdf](https://www.gpo.gov/fdsys/pkg/CFR-2017-title21-vol8/pdf/CFR-2017-title21-vol8-sec890-5500.pdf) at no cost.~~

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10 *History Note:* Authority G.S. ~~90-451(3); 90-454;~~  
11 ~~Eff. July 1, 1995; 1995;~~  
12 ~~Readopted Eff. April 1, 2018.~~

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1 21 NCAC 01.0201 is adopted as published in 31:24 NCR 2482 as follows:

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3 **21 NCAC 01 .0201 RENEWAL OF LICENSURE**

4 The procedure and requirements for renewal of license are as follows:

- 5 (1) Biennial Renewal. A licensee ~~must~~ shall renew his or her license by the second July 1 following  
6 initial licensure and thereafter renew his or her license ~~prior to expiration every two years by July~~  
7 1 every two years [thereafter].
- 8 (2) Continuing Education. ~~An applicant for license renewal~~ Licensees seeking renewal of their license  
9 shall verify on a renewal form prepared by the Board ~~[pursuant to G.S. 90-455 (b)(1)]~~ that the  
10 licensee has completed the required continuing education ~~units,~~ units in accordance with Rule  
11 .0301 of this Chapter. The renewal form shall include ~~units,~~ the following information:
- 12 (a) licensee's: identity and contact information;
  - 13 (b) requested action from the Board;
  - 14 (c) statements pertaining to renewal and fitness for licensure; and
  - 15 (d) information pertaining to courses taken including the number of units ~~completed,~~  
16 completed and ~~a list of those programs~~ each of the courses completed. ~~The licensee must~~  
17 ~~retain such receipts, vouchers or certificates as may be necessary to document completion~~  
18 ~~of the continuing education units required. An applicant [A licensee] must [shall] retain~~  
19 ~~records to establish that the applicant [licensee] has fulfilled the educational requirements~~  
20 ~~set by the Board. [Board, pursuant to Rule .0301(m) of this Chapter.]~~
- 21 (3) Fees. The licensee ~~must~~ shall pay the renewal fee prescribed in Rule .0103 of this Chapter.
- 22 (4) Suspended license. The holder of a suspended license ~~must~~ shall meet the ~~prescribed~~ renewal  
23 requirements pursuant to G.S. 90-455(b) and this Rule for the duration of the suspension or the  
24 license shall expire. expire pursuant to G.S. 90-457.1 (e).
- 25 (5) Expired license. ~~He or she must not practice acupuncture with an expired license. [The practice of~~  
26 ~~acupuncture with an expired license is unlawful and prohibited.]~~ Failure to receive notification that  
27 ~~the a~~ license has expired ~~during this period~~ does not relieve the holder of an expired license of the  
28 responsibility of meeting the continuing education requirements that would have been required if  
29 the license had continued to be in effect. These continuing education units ~~will~~ shall not apply to  
30 the renewal requirements for the subsequent renewal period. ~~To~~ In order to renew an expired  
31 license-pursuant to G.S. 90-455(e), the applicant must shall file the approved application, renewal  
32 form prepared by the Board, submit proof of completion of continuing education, and pay the  
33 ~~renewal~~ late license renewal (additional) fee resulting from the expired license as well as the  
34 ~~required~~ renewal of biennial licensing fee. Expired licenses not renewed within two years after the  
35 license expired or not reactivated within eight years after the license is placed on inactive status,  
36 pursuant to G.S. 90-455(c), [are] shall be deemed lapsed, pursuant to G.S. 90-455(f).

37 *History Note: Authority G.S. 90-454; 90-455;90-457.1*

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*Eff. December 1, 1995;*  
*Amended Eff. August 1, 2007;*  
*Readopted Eff. April 1, 2018.*

21 NCAC 01 .0301 has been readopted with changes as published in 31:24 NCR 2482 as follows:

### 21 NCAC 01 .0301 STANDARDS FOR CONTINUING EDUCATION

(a) Unless otherwise indicated, one CEU, as used in this Rule, shall be equal to one contact hour or 50 minutes of instruction.

(b) All licensees Applicants for license renewal shall complete 40 Continuing Education Units (CEU) every two years. One CEU is defined as one contact hour or 50 minutes. years as follows:

(1) twenty-five CEUs shall be obtained from courses that have content relating to the scope of the practice of acupuncture. Fifteen of these 25 hours shall contain course content related to the insertion of acupuncture needles and the application of moxibustion to the human body. The remaining 10 hours [may hours] of CEUs may be obtained from course content related to adjunctive therapies including massage, mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of herbs, dietary guidelines, and therapeutic exercise; and

(2) the remaining 15 CEUs may be comprised of any combination of the following:

(A) 15 CEUs related to any of the content contained in Subparagraph (b)(1) of this Rule;

(B) up to 10 CEUs for acupuncture or Chinese medicine research studies in hospitals or institutions as set forth in Paragraph (e) of this Rule;

(C) up to 10 CEUs for teaching of Chinese medicine in a formally organized course as set forth in Paragraph (c)(2) of this Rule;

(D) up to 10 CEUs for published work in peer-reviewed journals as set forth in Paragraph (g) of this Rule; or

(E) two CEUs for obtaining or maintaining CPR certification.

(c) All courses completed for purposes of CEUs shall meet the following requirements:

(1) be approved by one or more of the following organizations or their successor organizations:

(A) Acupuncture schools in candidacy status or accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.(ACAOM);

(B) National Certification Commission for Acupuncture and Oriental Medicine;

(C) The Society for Acupuncture Research;

(D) National Acupuncture Detoxification Association;

(E) American Academy of Medical Acupuncture (AAMA); or

(F) North Carolina Acupuncture Licensing Board (NCALB); and

(2) be formally organized. A formally organized course shall meet the following requirements:

(A) the sponsor shall maintain a record of attendance for four years. Records shall be made available to the Board upon request;

(B) the instructor shall hold credentials to practice in the field that is the subject of the course or the instructor shall be competent to teach the designated course and be permitted to

1 perform acupuncture needling techniques for the purposes of demonstration, as  
2 determined by the Board based upon the instructor's educations, training, and experience;

3 (C) the course shall have stated objectives and a syllabus or a description of the content of the  
4 course with a class outline;

5 (D) the course shall be evaluated by each participant on an evaluation form provided by the  
6 instructor; and

7 (E) upon completion of each course, the provider shall issue a certificate of completion to  
8 each participant to include the following information:

9 (i) the title of the course;

10 (ii) the name of the participant;

11 (iii) the name of the instructors;

12 (iv) the name of the provider;

13 (v) the date and location of the course;

14 (vi) the number of CEUs completed.

15 (d) Licensees may obtain up to 28 hours of CEUs by completing online courses approved by an organization set  
16 forth in Subparagraph (c)(1) of this Rule.

17 ~~(b) All CEUs shall be completed during the two calendar years immediately preceding the:~~

18 ~~(1) License renewal date, [deadline;] or~~

19 ~~(2) Date on which the license renewal is approved by the Board.~~

20 (e) The following requirements shall apply to the total number of CEUs submitted by a licensee for license renewal:

21 ~~(1) A minimum of 25 CEUs must [shall] be obtained from formally organized courses which [that]~~  
22 ~~have content relating to the scope of practice of acupuncture as defined by G.S. 90 451(3). Fifteen~~  
23 ~~of these 25 hours shall contain course content relating to the practice of acupuncture as defined by~~  
24 ~~G.S. 90 451 (1), not including adjunctive therapies as defined in the second sentence of G.S.90~~  
25 ~~451(3) and Rule .0104(2) of this Chapter. The remaining 10 hours of instruction in formally~~  
26 ~~organized courses may be obtained from course content including adjunctive therapies. Each~~  
27 ~~course shall be sponsored or approved by one or more of the following organizations or their~~  
28 ~~successor organizations:~~

29 (A) National Acupuncture and Oriental Medicine Alliance (NAOMA);

30 (B) Association of Acupuncture and Oriental Medicine (AAOM);

31 (C) Council of Colleges of Acupuncture and Oriental Medicine (CCAOM);

32 (D) Acupuncture Schools Accredited By or in Candidacy Status with the Accreditation  
33 Commission for Acupuncture and Oriental Medicine (ACAOM);

34 (E) National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);

35 (F) National Academy of Acupuncture and Oriental Medicine (NAAOM);

36 (G) Society for Acupuncture Research;

37 (H) National Acupuncture Detoxification Association;

- (I) American Academy of Medical Acupuncture (AAMA);
- (J) The acupuncture licensing board of another State;
- (K) North Carolina Association of Acupuncture and Oriental Medicine (NCAAOM);
- (L) American Heart Association; or
- (M) American Red Cross.

(2) A maximum of 15 CEUs may be obtained from teaching acupuncture diagnosis and treatment. All CEUs for teaching shall be approved by the Board prior to the date of the class and awarded for actual classroom hours taught pursuant to this Rule. For approval the licensee shall submit the following information:

- (A) Title of the course;
- (B) Summary of course content or class syllabus;
- (C) Location of the class;
- (D) Dates of the class;
- (E) Number of classroom hours taught; and
- (F) Copy of course evaluation to be provided students.

~~(2) The remaining 15 CEUs may be comprised of any combination of the following:~~

- ~~(A) up to 15 CEUs of formally organized courses that relate to either acupuncture or the adjunctive therapies;~~
- ~~(B) up to 10 CEUs for acupuncture or Chinese medicine research;~~
- ~~(C) up to 10 CEUs for teaching of Chinese medicine in a formally organized course as defined in .0301(d) below; or~~
- ~~(D) up to 10 CEUs for published work in peer reviewed journals.]~~

~~(d) A course submitted to the Board for credit as CEUs shall be formally organized. A formally organized course shall consist of the following:~~

~~(1) A record of attendance maintained on file by the sponsor of the course. [The sponsor shall maintain a record of attendance for four years.] This record shall be made available to the Board upon request; [request, based upon the power granted to the Board pursuant to G.S. 90-454(2);]~~

~~(2) For a course taught by an instructor who is required by the State to hold a credential to practice in the field which is the subject of the course, the credential of that instructor shall be in good standing and any instructor shall be competent to teach his or her designated course by virtue of his or her education, training, and experience;~~

~~(2) The instructor shall hold credentials to practice in the field that is the subject of the course or the instructor shall be competent to teach the designated course by virtue of his or her education, training, and experience, as determined by the Board pursuant to G.S. 90-457.1(b);]~~

~~(3) The course shall have stated course objectives and a course syllabus or a description of the content of the course with a class outline;~~

1 ~~(4)~~ The course shall be evaluated by each participant; ~~participant on an evaluation form provided by~~  
2 ~~the instructor;~~ and

3 (5) Upon completion of each course ~~course,~~ the provider shall issue a certificate of completion to  
4 each participant to include:

5 (A) Title ~~The title~~ of the course;

6 (B) Name ~~The name~~ of ~~the~~ participant;

7 (C) Name ~~The name~~ of all instructors;

8 (D) Name ~~The name~~ of ~~the~~ provider;

9 (E) Date ~~The date~~ and location of the course; and

10 (F) Number ~~The number~~ of CEU's ~~CEUs~~ completed.

11 ~~(e) Licensees shall maintain CPR certification, by taking a CPR certification course every renewal period. Two (2)~~  
12 ~~CEUs are granted for maintaining CPR certification.]~~

13 ~~(f) (c)~~ ~~A maximum of~~ 10 CEUs may be obtained in each renewal period by licensees who are involved in  
14 acupuncture or Chinese medicine research studies in accredited hospitals or educational institutions. A research  
15 project may only be submitted once for the purpose of obtaining CEU credit. In order to obtain Research approved  
16 CEUs the following must be submitted to the Board for review and approval:

17 (1) ~~The~~ institutional Review Board (IRB) approval;

18 (2) A summary of the study; and

19 (3) The names and credentials of ~~primary~~ researchers involved.

20 ~~(g)~~ A maximum of 10 CEUs may be obtained in each renewal period by teaching up to 30 hours of acupuncture  
21 education in an American College of Acupuncture and Oriental Medicine (ACAOM) accredited educational  
22 institution. Three hours of teaching are necessary for each CEU awarded.

23 ~~(h)~~ (f) A maximum of 10 CEUs may be obtained in each renewal period by teaching ~~up to 30 hours of~~  
24 acupuncture education in an educational institution accredited by the Accreditation Commission for Acupuncture  
25 and Oriental Medicine (ACAOM) or a CEU course approved by the NCALB. One hour of CEU credit shall be  
26 awarded for every three hours of teaching up to 30 hours. All CEUs for teaching shall be approved in advance by  
27 the Board prior to the date of the class. ~~class and awarded for actual classroom hours taught.~~ ~~Three hours of~~  
28 ~~teaching are necessary for each CEU awarded.]~~ For approval the licensee shall submit the following information:

29 (1) ~~The~~ the title of the course;

30 (2) ~~A~~ a summary of course content or class syllabus;

31 (3) ~~The~~ the location of the course;

32 (4) ~~The~~ the dates of the course;

33 (5) ~~The~~ the total number of classroom hours taught;

34 (6) ~~A~~ a copy of course evaluation to be provided students; and

35 (7) ~~The~~ the course fees and refund policy.

36 ~~(i)~~ (g) ~~A maximum of~~ 10 CEUs may be obtained by authoring an article in a peer-reviewed journal of  
37 acupuncture or Chinese medicine. Examples of journals that ~~would~~ shall be considered by the Board include:



- (1) The Journal of Traditional Chinese Medicine;
- (2) The American Journal of Chinese Medicine; and
- (3) The World Journal of Traditional Chinese Medicine.

(j) [A maximum of 10 CEUs may be obtained in online courses. All online courses shall be approved by one of the following organizations or their successor organization:

- (1) Acupuncture schools in candidacy status or accredited by American College of Acupuncture and Oriental Medicine (ACAOM);
- (2) National Certification Commission for Acupuncture and Oriental Medicine;
- (3) The Society for Acupuncture Research;
- (4) National Acupuncture Detoxification Association;
- (5) American Academy of Medical Acupuncture (AAMA); or
- (6) North Carolina Acupuncture Licensing Board.]

~~(e)~~ ~~(k)~~ (h) CEUs from any given course may be used to satisfy the requirements of only one ~~biennium.~~ renewal period.

~~(f)~~ ~~(l)~~ (i) At the time of license renewal, each licensee shall sign a statement under penalty of perjury indicating the licensee has complied [swearing compliance] with the continuing education requirements. [requirements pursuant to G.S. 90-457.1(d).]

~~(g)~~ ~~(m)~~ (i) Each licensee shall retain for four years records of all continuing education programs attended, indicating:

- (1) [The] the title of the course or program;
- (2) sponsoring organization or individual; [The] the name of the participant;
- (3) accrediting organization; and [The] the name of all instructors;
- (4) course hours in attendance. [The] the name of the provider;
- (5) [The] the date and location of the course; and
- (6) [The] the number of CEUs completed.

~~(h)~~ ~~(n)~~ (j) The Pursuant to G.S. 90-457.1(b), the Board may audit the records of any licensee. licensee to ensure compliance with the continuing education requirements of this Rule. No licensee shall be subject to audit more than once every two years. Those licensees selected for audit shall be required to document their compliance with the continuing education requirements of this article.

~~(n)~~ ~~(o)~~ (k) Failure to comply with the continuing education requirements shall prohibit license renewal and result in the license reverting to an expired status at the end of the renewal period.

~~(j)~~ ~~(p)~~ (l) It shall constitute unprofessional conduct for a licensee to misrepresent completion of required CEUs. In the event of misrepresentation, disciplinary proceedings may [shall] be initiated by the Board.

~~(k)~~ (m) A maximum of 20 CEUs may be obtained for correspondence or on-line courses.

~~(l)~~ ~~(k)~~ (n) All applications for pre-approval for CEU courses must be submitted 60 days prior to the date of the course.

1 ~~(m)~~ ~~(g)~~ (l) A licensee may apply to the Board for an extension of time to complete continuing education  
2 requirements in accordance with G.S. 90-457.1(f). as set out in G.S. 90-457.1. [All applications for extensions of  
3 time must be submitted at least 30 days prior to the renewal deadline.]

4 *History Note:* Authority G.S. 90-451; ~~G.S.~~ 90-454; ~~G.S.~~ 90-455(b)(3); 90-457.1;  
5 *Eff. July 1, 1995;*  
6 *Temporary Amendment Eff. January 26, 1996;*  
7 *Temporary Amendment Expired November 11, 1996;*  
8 *Amended Eff. August 1, 2007; August 1, 2002.*  
9 *Readopted eff. April 1, 2018.*

1 21 NCAC 01.0402 is adopted as published in 31:24 NCR 2482 as follows:

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3 **21 NCAC 01 .0402 ACUPUNCTURE PROCEDURES**

4 The following procedures shall be followed within the practice of acupuncture:

5 (1) Practice Setting:

6 (a) Treatments shall be given in surroundings that provide privacy and confidentiality.

7 ~~(b)~~ Community acupuncture practices that perform acupuncture treatment in a group setting  
8 shall obtain and retain a signed consent waiving the right to a private treatment setting  
9 from every patient prior to his or her first treatment.

10 ~~(b)~~ ~~(c)~~ Every acupuncture office shall be maintained in a clean and sanitary condition at all  
11 times, and shall have a ~~ready~~ an accessible bathroom facility.

12 ~~(e)~~ ~~(d)~~ All applicable OSHA Standards Standards, as amended or replaced, shall be met  
13 including those pertaining to ~~for Blood Borne Pathogens~~ blood borne pathogens, shall be  
14 met, which can be found at [https://www.gpo.gov/fdsys/pkg/CFR-2017-title29-](https://www.gpo.gov/fdsys/pkg/CFR-2017-title29-vol6/pdf/CFR-2017-title29-vol6-sec1910-1030.pdf)  
15 [vol6/pdf/CFR-2017-title29-vol6-sec1910-1030.pdf](https://www.gpo.gov/fdsys/pkg/CFR-2017-title29-vol6-sec1910-1030.pdf) at no cost.

16 ~~(d)~~ ~~(e)~~ All acupuncture practice and recordkeeping shall be compliant with all State and federal  
17 laws and regulations pertaining to the confidentiality of medical records including  
18 security and privacy regulations enacted under HIPAA, as amended or replaced,  
19 including 45 C.F.R Part ~~[160]~~ 160, which can be found at  
20 [https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part160.pdf)  
21 [part160.pdf](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part160.pdf) at no cost, and subparts A and E of Part 164, ~~[as amended or replaced ]~~  
22 which can be found at [https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164-subpartA.pdf)  
23 [2017-title45-vol1-part164-subpartA.pdf](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1-part164-subpartA.pdf) and [https://www.gpo.gov/fdsys/pkg/CFR-2017-](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164-subpartE.pdf)  
24 [title45-vol1/pdf/CFR-2017-title45-vol1-part164-subpartE.pdf](https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1-part164-subpartE.pdf) respectively and at no cost.

25 (2) New Patient Intake Prior to treatment, a licensee shall obtain a written or oral medical history that  
26 includes the following information: :

27 (a) Prior to treatment, a written or oral medical history shall be obtained from the patient.  
28 Oral statements shall be reflected ~~[written]~~ in the practitioner's notes. Information shall  
29 include ~~current~~ Current and past ~~conditions,~~ illnesses, treatments, hospitalizations, and  
30 current ~~medications~~ medications, and allergies to ~~medications; medications.~~ A

31 ~~(b)~~ A social history that shall include the use of tobacco, alcohol, caffeine caffeine, and  
32 recreational drugs; drugs

33 ~~(b)~~ ~~(c)~~ The names of current health practitioners; practitioners shall be listed.

34 ~~(e)~~ ~~(d)~~ The current presenting complaints, complaints shall be outlined along with remedies and  
35 treatments tried and in progress; progress.

- 1           ~~(d)~~(e) Whether the patient is pregnant and whether the patient has any ~~The licensee shall inquire~~  
2           ~~about the possibility of patient pregnancy or and the presence of~~ biomedical devices,  
3           such as artificial joints or cardiac ~~pacemaker shall be ascertained.~~ pacemaker.
- 4           (3) Fees. Information concerning treatment fees shall be made available to the patient prior to  
5           treatment.
- 6           (4) Guarantees. No ~~guarantee express~~ or implied guarantee about the success of treatment shall be  
7           ~~given.~~ given to the patient. Reasonable indication of the length of treatment and usual outcome  
8           shall be ~~given.~~ given to the patient.
- 9           (5) Diagnosis:
- 10          (a) ~~Diagnosis Licensees shall diagnose each patient be made utilizing employing methods~~  
11          ~~connected with used by the traditions represented in Oriental Asian medicine as listed in~~  
12          ~~reflected in Rule .0104(2) of this Chapter. Examples of diagnostic measures include the~~  
13          ~~Eight Principles, Five Elements, Pulse diagnosis, and Tongue diagnosis. Chapter and~~  
14          ~~within the context of [American College of] Accreditation Commission for~~ Acupuncture  
15          and Oriental Medicine (ACAOM) educational programs.
- 16          (b) ~~The All acupuncture diagnostic techniques utilized procedures~~ shall be recorded at each  
17          visit.
- 18          (6) Treatment. The specifics of ~~the all~~ treatment shall be recorded at each visit. Treatments shall be  
19          [aligned and consistent] in accordance with Asian and biomedical knowledge obtained in  
20          acupuncture training programs.
- 21          (7) Medical Records. Dated notes of each patient visit and communication shall be ~~kept.~~ kept seven  
22          years. ~~These records may only be made available to other parties with the patient's written~~  
23          ~~authorization. Authorization for release of medical records shall be obtained prior to sharing of~~  
24          ~~any patient information. Medical records shall be released to patient upon receipt of the~~  
25          ~~authorization. G.S. 90-411 sets forth the amounts healthcare providers can charge for copies of~~  
26          ~~patient medical records. In charging patients for their records, licensees shall follow G.S. 90-411~~  
27          ~~as written, or as subsequently amended.~~
- 28          (8) Failure to Progress:
- 29          (a) If a patient fails to respond to treatments, the licensee shall initiate a discussion with the  
30          patient about other forms of treatment available or make a referral to another health care  
31          ~~professional shall be made.~~ professional.
- 32          (b) In the case of ~~persistent,~~ persistent or unexplained pain, or the unexplained worsening of  
33          any condition ~~in the face of ongoing treatment,~~ while receiving treatment, the licensee  
34          shall initiate a referral or seek a consultation ~~[shall be made.]~~ with other health care  
35          providers. In choosing a referral source, the licensee shall give priority ~~[shall be given]~~ to  
36          ~~[previously seen practitioners.]~~ practitioners who have previously seen or treated the  
37          patient.

1 (c) Licensees shall honor and consider all requests [Requests] by [the] a patient for  
2 information about other forms of treatment available or for referral [shall always be  
3 honored.] to another health care practitioner.

4 *History Note:* Authority *G.S. 90-411; G.S. 90-454*  
5 *Eff. August 1, 1995;*  
6 *Readopted Eff.: April 1, 2018.*  
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8