

ACUPUNCTURE LICENSURE RULES AND REGULATIONS

Basis

These rules are promulgated and adopted by the Director of Registrations pursuant to § 12-29.5-110(1)(a), C.R.S.

Purpose

These rules are adopted to implement the Director's authority to license persons as acupuncturists and to set forth the requirements for being so licensed.

Rule 1 – Requirement for Licensure

The purpose of this rule is to establish the qualifications for an acupuncturist license as required in § 12-29.5-104(3), C.R.S.

- A. In order to qualify for licensure, section 12-29.5-104(3) requires an applicant to either successfully complete an education program that conforms to the standards approved by the Director of Registrations or provide documentation of qualifications that are substantially similar to an approved education program.
- B. To satisfy the licensure requirement in section 12-29.5-104(3), the Director of Registrations requires an applicant to have a ~~current~~ certification by the National Certification Commission for Acupuncture and Oriental Medicine ("NCCAOM"). Verification of the certification must be provided directly from NCCAOM to the Colorado Office of Acupuncture Licensure.

Rule 2 – Licensure by Endorsement

The purpose of this rule is to establish the qualifications that are "substantially equivalent" for an acupuncturist license by endorsement pursuant to § 12-29.5-104.5(2), C.R.S.

- A. For an applicant to establish "substantially equivalent credentials and qualifications" under § 12-29.5-104.5(1), the Director of Registrations requires the applicant to submit a ~~current~~ certification by the National Certification Commission for Acupuncture and Oriental Medicine ("NCCAOM"). Verification of the certification must be provided directly from NCCAOM to the Colorado Office of Acupuncturists Licensure.
- B. In addition, verification of licensing in another state must be provided directly from the state agency to the Colorado Office of Acupuncture Licensure. [License verification by e-screen prints is acceptable.](#)

Rule 3 – Requirement for Reinstatement

The purpose of this rule is to state the requirements for reinstatement of a license or registration that lapsed due to nonpayment of the annual renewal fee under § 12-29.5-104(4), C.R.S.

- A. ~~An acupuncturist may reinstate a license or registration that has lapsed due to nonpayment of the annual fee within 2 years provided that the acupuncturist has met the following requirements:~~ [An applicant seeking reinstatement of an expired license shall complete a reinstatement application, pay a reinstatement fee, and attest to malpractice insurance in the amount required by statute.](#)
 1. ~~1. — Paid the appropriate renewal fee in effect at the time of reinstatement;~~
 2. ~~2. — Submitted a completed renewal questionnaire; and~~
 3. ~~3. — Provided proof of malpractice insurance in the amount required by statute.~~
- B. [If the license has been expired for more than two years from the date of receipt of the reinstatement application, but less than five years an applicant will have to establish](#)

“competency to practice” under § 24-34-102(8)(d)(II)(A) and (D) C.R.S. and § 24-34-105 C.R.S., as follows by submitting:

1. Verification of licensure in good standing from another state along with proof of active practice in that state for two years of the previous five years from the date of application for reinstatement. OR;
2. For purposes of this rule, an applicant may demonstrate that she/he has otherwise maintained competency as an acupuncturist by completing 30 hours of continuing education courses related to the practice of acupuncture during the two (2) years immediately preceding the application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
3. If licensee can not provide either of these requirements, he/she may retake and achieve a passing score on the NCCAOM national examination within two years immediately preceding submission of an application for reinstatement.
4. An applicant seeking to reinstate a license that has been expired for more than five years will need to demonstrate “competency to practice” as required in § 24-34-102(8)(d)(II)(B) and (F) C.R.S. by:
 - a. Verification of licensure in good standing from another state along with proof of active practice for two years of the previous five years prior to an application for reinstatement. OR
 - b. Supervised practice for a period no less than six (6) months subject to the terms established by the Director. OR
 - c. By any other means approved by the Director.

Rule 4 – Unlicensed Persons in Acupuncture Training Programs

The purpose of this rule is to identify the circumstances and conditions a person in training may practice acupuncture without a valid and current license on file with the Division of Registrations pursuant to § 12-29.5-105(2), C.R.S.

- A. A person in training must be supervised on-site by an acupuncturist licensed in Colorado who holds an active and unrestricted ~~license~~ license, where the supervisor shall be responsible for all such acts and services as though the licensed acupuncturist had personally performed them.
- B. A person in training may engage in the full scope of the “practice of acupuncture” as defined in § 12-29.5-102(3.5), C.R.S.
- C. The person in training is responsible for maintaining documentation of when the bona fide training program began and, if for any reason the training program is terminated, assuring that the supervising acupuncturist shall notify the Director of Registrations, in writing, within 10 days. Bona fide training program is a program with an accredited or recognized school of acupuncture or an apprenticeship program through an accredited or recognized school of acupuncture.

Rule 5 – Use of Title and Restrictions

The purpose of this rule is to clarify the use of title “licensed acupuncturist” or “diplomat of acupuncture”, and use of designation “L.Ac.” or “Dipl. Ac.” under § 12-29.5-105(1.5)(b)(II), C.R.S.

- A. Obtaining an acupuncturist license does not automatically entitle or confer upon the licensee the right to use the title “Dr.” or “Doctor”.

- B. A licensed acupuncturist can use the title “Doctor” or “Dr.” only when such licensee has, in fact, been awarded a doctorate degree from an acupuncture or oriental medicine academic/educational institution.
- C. In such instances where a licensee qualifies to use the title “Doctor” or “Dr.”, an acupuncturist can use the title “Doctor” or “Dr.” only when accompanied by the words “Doctor of Acupuncture” or letters “D.Ac.”, “Oriental Medicine Doctor” or “OMD”, “Doctor of Acupuncture and Oriental Medicine” or “D.Ac.OM”, “Doctor of Traditional Chinese Medicine” or “DTCM”, “Doctor of Acupuncture and Oriental Medicine” or “DAOM”, or any other doctoral degree recognized and approved by the Director of Registrations.

Rule 6 – Declaratory Orders

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that she will not rule upon such a petition, the Director shall promptly notify the petitioner of her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
 - 2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
 - 3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
 - 4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:
 - 1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 29.5.
 - 2. The statute, rule, or order to which the petition relates.
 - 3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- E. If the Director determines that she will rule on the petition, the following procedures shall apply:

1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedures Act at § 24-4-105(8), C.R.S., and may utilize her experience, technical competence, and specialized knowledge in the disposition of the petition.
 2. If the Director rules upon the petition without a hearing, she shall promptly notify the petitioner of her decision.
 3. The Director may, at her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a “petitioner” in this rule also refers to any person who has been granted leave to intervene by the Director.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.

Rule 7 – Reporting Felony Convictions

The purpose of the rule is to clarify the procedures for reporting convictions, judgments and administrative proceedings pursuant to § 12-29.5-106, C.R.S..

A licensee, as defined in § 12-29.5-101, C.R.S., including but not limited to licensed acupuncturists, herein after known as acupuncturist shall inform the Office of Acupuncture Licensure, in a manner set forth by the Director, within forty-five (45) days of the conviction of the licensee of a felony under the laws of any state or of the United States.

- A. The conviction of the licensee of a felony under the laws of any state or of the United States is grounds for discipline pursuant to § 12-29.5-106(1)(n), C.R.S..
- B. For purposes of this rule, a “conviction” includes:
 - 1. A guilty verdict;
 - 2. A plea of guilty accepted by the court; or
 - 3. A plea of nolo contendere (no contest) accepted by the court.
- C. A disciplinary action imposed upon the licensee by another jurisdiction that registers or licenses acupuncturists, which would be a violation of § 12-29.5-106 (1)(n), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing professional education requirements;
- D. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or registration, other than a license or registration for acupuncture as described in § 12-29.5-106, C.R.S.;
- E. Any judgment, award or settlement or a civil action or arbitration in which there was a final judgment or settlement against the licensee for malpractice of acupuncture.
- F. The notice to the Director shall include the following information:
 - 1. The agency or court;
 - 2. The jurisdiction;
 - 3. The case name
 - 4. The case number
 - 5. A description of the matter, copy of the consent decree, order, decision or a copy of the indictment or charges.
- G. The licensee shall inform the Director of the following information within 45 days of each such occurrence:
 - 1. The imposition of sentence for the felony conviction.
 - 2. The completion of all terms of the sentence for the felony conviction.
- H. The licensee notifying the Director may submit a written statement with any notice under this rule to be included in the licensee records.
- I. This rule shall apply to any conviction or plea as described in Paragraph C of this rule that occurs on or after May 1, 2009.

Rule 8 - Exceptions and Director’s Review of Initial Decisions

The purpose of these rules and regulations is to set forth the procedures surrounding the filing of exceptions and review of initial decisions pursuant to Section 24-4-105(14) and (15), C.R.S.

- A. Written Form, Service, Time, and Filing Requirements.
 - 1. All designations of record, requests, motions, exceptions, and any responses thereto (hereinafter “Pleading” or “Pleadings”) must be in written form, mailed with a certificate of service to Acupuncture Licensure Office (Office) and the opposing party.
 - 2. In the event that an electronic filing system is implemented in the Division of Registrations for the receipt of Pleadings, the items listed in this paragraph may be submitted in electronic form with a certificate of filing to the Office and the opposing party.

3. All Pleadings must be received by the Office by 5:00 pm on the date the filing is due and must be served on the opposing party. These rules do not provide any additional time for service by mail.
4. All Pleadings must be filed with the Office; not with the Office of Administrative Courts. Any Pleading filed in error with the Office of Administrative Courts will not be considered.

B. Authority to Review.

1. The Director hereby initiates the review of all initial decisions on her own motion pursuant to Section 24-4-105(14)(a)(II), C.R.S., without requiring a vote in each case.
2. This option to review shall apply regardless of whether a party files exceptions to the initial decision.

C. Designation of Record and Transcripts.

1. Any party seeking to reverse or modify the initial decision of the administrative law judge shall file with the Office a designation of the relevant parts of the record for review (“Designation of Record”). Designations of Record are due and must be received by the Office within twenty days of the date on which the Office mails the initial decision to the parties’ address of record with the Office.
2. In the absence of a Designation of Record, the record for purposes of the Director’s review of the Initial Decision as set forth in Section 24-4-105(14)(a) shall in all cases include the following:
 - a. All Pleadings filed with the Office of Administrative Courts or applicable hearing tribunal;
 - b. All applications presented or considered during the hearing;
 - c. All documentary or other exhibits admitted into evidence at the hearing;
 - d. All documentary or other exhibits presented or considered during the hearing;
 - e. All matters officially noticed during the hearing; and
 - f. Any findings of fact and conclusions of law proposed by any party at the hearing.
3. **Transcripts:** Transcripts shall not be deemed part of a Designation of Record unless specifically identified, ordered and timely filed. To designate a transcript or portion thereof, the following procedures apply:
 - a. The Designation of Record must identify with specificity the transcript or portion thereof to be transcribed. For example, a party may designate the entire transcript, testimony of particular witness(es), a legal ruling or argument, or other information necessary to identify the portion of the transcript to be transcribed.
 - b. Any party who includes a transcript or a portion thereof as part of the Designation of Record must order the transcript or relevant portions by the date on which the Designation of Record is due. As noted above, a Designation of Record is due within twenty days of the date on which the Office mails the initial decision to the parties.
 - c. When ordering the transcript, the ordering party shall request the court reporter to complete and provide the Office the transcript and one copy of

the transcript within thirty days and shall timely pay all fees associated with such a request.

- e. If a party designates a portion of the transcript, the opposing party may file a Supplemental Designation of Record identifying additional portions of the transcript. This Supplemental Designation of Record is due and must be received by the Office within ten days after the date on which the original Designation of Record was due and received by the Office.
- f. A party filing a Supplemental Designation of Record shall request the court reporter to complete and provide the Office the supplemental transcript and one copy of the supplemental transcript within thirty days of the Supplemental Designation of Record and shall timely pay all fees associated with such a request.
- g. Transcripts that are ordered by either party and not provided to the Office in a timely manner by the court reporter due to non-payment, insufficient payment or failure to request as set forth above will not be considered by the Director.

D. Exceptions and Responsive Pleadings

- 1. Any party filing exceptions shall adhere to the following timelines:
 - a. If no transcripts are ordered, exceptions are due within thirty days from the date the Office mails the initial decision to the parties. Both parties' exceptions are due on the same date.
 - b. If transcripts are ordered by either party, the following procedure shall apply:
 - i. Upon timely receipt of all transcripts identified in the Designations of Record, the Office shall mail notification to the parties stating that the transcripts have been received. Exceptions are due within thirty days from the date on which such notification is mailed. Both parties' exceptions are due on the same date.
- 2. Either party may provide a responsive pleading to the other party's exceptions. All responsive pleadings shall be due and received by the Office within 10 days of the date on which the exceptions were due. No other pleadings will be considered except for good cause shown.
- 3. The Director may in her sole discretion, upon a showing of good cause, grant an extension of time to provide a designation of record, exceptions or responsive pleadings, or may delegate the discretion to grant such an extension of time to the Office's Program Director or the Program Director's designee.

E. Request for Oral Argument

- 1. All requests for oral argument must be in writing and filed by the deadline for responsive pleadings. Requests received by the Office after this time will not be considered.
- 2. It is within the sole discretion of the Director to grant or deny a request for oral argument. If oral argument is granted, both parties shall have the opportunity to participate.
- 3. Each side shall be permitted five minutes for oral argument unless such time is extended by the Director or the Program Director.