

1 Indicates Matter Stricken

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4 FREE CONFERENCE COMMITTEE REPORT ADOPTED --

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S. 799

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Introduced by Senator Hayes

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12 S. Printed 4/9/08--H.

13 Read the first time January 30, 2008.

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A BILL

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11 TO AMEND SECTION 40-47-755, CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, RELATING TO SUPERVISORY AND
13 PROTOCOL REQUIREMENTS FOR CONDUCTING
14 AURICULAR DETOXIFICATION THERAPY, SO AS TO
15 DELETE THE REQUIREMENT THAT AURICULAR
16 DETOXIFICATION THERAPISTS MUST BE SUPERVISED
17 DIRECTLY BY A LICENSED ACUPUNCTURIST; TO AMEND
18 SECTION 40-47-710, RELATING TO THE ACUPUNCTURE
19 ADVISORY COMMITTEE, SO AS TO CLARIFY THAT THREE
20 MEMBERS, RATHER THAN FOUR, CONSTITUTE A
21 QUORUM OF THE FIVE MEMBER BOARD; TO AMEND
22 SECTION 40-47-725, RELATING, AMONG OTHER THINGS,
23 TO CONDITIONS UNDER WHICH PERSONS PRACTICING
24 ACUPUNCTURE SINCE 1980 ARE EXEMPT FROM
25 LICENSURE, SO AS TO ALSO APPLY THESE CONDITIONS
26 FOR EXEMPTION FROM LICENSURE TO PERSONS
27 PRACTICING AURICULAR THERAPY SINCE 1997; TO
28 AMEND SECTION 40-47-745, RELATING TO PENALTIES
29 AND SANCTIONS FOR THE UNAUTHORIZED PRACTICE
30 OF ACUPUNCTURE AND FOR THE UNAUTHORIZED USE
31 OF CERTAIN TITLES, SO AS TO SPECIFY TITLES THAT
32 LICENSED ACUPUNCTURISTS MAY USE SUBJECT TO
33 APPROVAL OF THE BOARD OF MEDICAL EXAMINERS;
34 AND TO REPEAL SECTION 40-47-730 RELATING TO
35 AURICULAR THERAPY LICENSURE REQUIREMENTS.

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37 Be it enacted by the General Assembly of the State of South
38 Carolina:

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40 SECTION 1. Section 40-47-755 of the 1976 Code, as added by
41 Act 10 of 2005, is amended to read:

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43 "Section 40-47-755. Auricular detoxification therapy may take
44 place under the direct supervision of a licensed acupuncturist or a

1 person licensed to practice medicine under this chapter. A
2 treatment by an auricular detoxification specialist is strictly limited
3 to the five ear-point treatment protocol for detoxification,
4 substance abuse, or chemical dependency as stipulated by NADA.”
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6 SECTION 2. Section 40-47-710(C) of the 1976 Code, as added
7 by Act 10 of 2005, is amended to read:
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9 “(C) The committee shall meet at least two times yearly and at
10 other times as may be necessary. ~~Four~~ Three members constitute a
11 quorum. At its initial meeting, and at the beginning of each year
12 thereafter, the committee shall elect from its membership a
13 chairman, vice chairman, and secretary to serve for a term of one
14 year.”
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16 SECTION 3. Section 40-47-725(B) of the 1976 Code, as added
17 by Act 10 of 2005, is amended to read:
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19 “(B) An individual who has continuously practiced acupuncture
20 in this State since 1980 or auricular therapy since 1997, who has
21 remained in good standing, must be issued a license and renewal
22 licenses without meeting the requirements of this chapter after
23 submitting:

24 (1) a completed application as prescribed by the board; and
25 (2) fees as provided for in Section 40-47-800.”
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27 SECTION 4. Section 40-47-745(A) of the 1976 Code, as added
28 by Act 10 of 2005, is amended to read:
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30 “(A)(1)(a) It is unlawful for a person ~~not licensed under this~~
31 ~~article to hold himself out as an acupuncturist, auricular therapist,~~
32 ~~or auricular detoxification specialist without being licensed~~
33 ~~pursuant to this article, during a period of suspension, or after his~~
34 ~~or her license has been revoked by the board.~~
35 (b) A person who violates subsection (A)(1)(a) is guilty of
36 a misdemeanor and, upon conviction, must be fined not more than
37 three hundred dollars or imprisoned not more than ninety days, or
38 both.
39 (2) The titles ‘Licensed Acupuncturist’ (L.Ac.); and
40 ‘Acupuncturist’ may only be used by a person licensed to practice
41 acupuncture pursuant to this article. Further, a person licensed to
42 practice auricular therapy or auricular detoxification may not
43 practice acupuncture or hold himself out as an acupuncturist. The
44 title ‘Auricular Detoxification Specialist’ (ADS) may only be used

1 by a person licensed to practice auricular detoxification therapy
2 pursuant to this article. Possession of a license as an auricular
3 therapist or an auricular detoxification specialist does not, by itself,
4 entitle a person to identify himself or herself as an acupuncturist. A
5 person who holds himself out as an acupuncturist, auricular
6 therapist, or auricular detoxification specialist without being
7 licensed pursuant to this article, during a period of suspension, or
8 after his or her license has been revoked by the board is guilty of a
9 misdemeanor and, upon conviction, must be fined not more than
10 three hundred dollars or imprisoned not more than ninety days, or
11 both.

12 (3) Subject to the approval of the Board of Medical
13 Examiners, these titles may be used by a person licensed to
14 practice acupuncture pursuant to this article:

15 (a) a licensee who holds the Diplomate of Acupuncture
16 from the NCCAOM may use the title 'Doctor of Acupuncture'
17 (D.Ac.);

18 (b) a licensee who holds the Diplomate of Oriental
19 Medicine from the NCCAOM may use the title 'Oriental Medicine
20 Doctor' (O.M.D.);

21 (c) 'Certified Acupuncturist' (C.Ac);

22 (d) 'Doctor of Acupuncture' (D.Ac.);

23 (e) 'Oriental Medicine Doctor' (O.M.D.);

24 (f) 'Doctor of Oriental Medicine' (D.O.M.)

25 (g) 'Doctor of Acupuncture and Oriental Medicine'
26 (D.A.O.M.)"

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28 SECTION 5. Section 40-47-730 of the 1976 Code is repealed.

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30 SECTION 6. This act takes effect upon approval by the Governor.

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32 /s/Sen. Robert W. Hayes /s/Rep. Julia A. Parks

33 /s/Sen. Joel Lourie /s/Rep. William G. Herbkersman

34 /s/Sen. Kevin L. Bryant /s/Rep. Lawrence K. Spires

35 On Part of the Senate. On Part of the House.

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