



Province of Alberta

## HEALTH DISCIPLINES ACT

# ACUPUNCTURE REGULATION

### **Alberta Regulation 42/1988**

With amendments up to and including Alberta Regulation 206/2010

### Office Consolidation

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(Consolidated up to 206/2010)

**ALBERTA REGULATION 42/88**  
**Health Disciplines Act**  
**ACUPUNCTURE REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Health Disciplines Act*;
- (b) “acupressure” means the stimulation of an acupuncture point by nominal pressure;
- (c) “acupuncture” means the stimulation of an acupuncture point on or near the surface of the body by the insertion of needles to normalize physiological functions or the flow

- of Chi for the treatment of discomfort of the body and means the techniques of needle acupuncture, electro-acupuncture, acupressure and moxibustion;
- (d) “acupuncturist” means a person who is registered as a member of the designated health discipline of acupuncturist;
  - (e) “Board” means the Health Disciplines Board established under section 3 of the Act;
  - (e.1) “College” means the College and Association of Acupuncturists of Alberta named in an order made under section 19(3)(a) of the Act as the health discipline association to govern acupuncturists;
  - (e.2) “Conduct and Competency Committee” means the conduct and competency committee described in section 17 of the Act and established under section 22 of this Regulation;
  - (e.3) “Council” means the Council referred to in section 20 of this Regulation;
  - (f) “cupping” means the stimulation of acupuncture points by the application of a small jar or cup within which a vacuum has been created;
  - (g) “dentist” means a regulated member of the Alberta Dental Association and College under Schedule 7 to the *Health Professions Act*;
  - (h) “electro-acupuncture” means the electrical stimulation of acupuncture points;
  - (i) “moxibustion” means the application of the heat generated by burning moxa wool to produce warming of the tissues in the vicinity of an acupuncture point;
  - (j) “needle acupuncture” means the stimulation of acupuncture points by the insertion of needles;
  - (k) “Registrar” means the Registrar appointed in accordance with section 15 of the Act;
  - (l) “Registration Committee” means the registration committee described in section 16 of the Act and established under section 21 of this Regulation.

AR 42/88 s1;251/2001;206/2010

**Initial registration**

**2(1)** A person is eligible to be registered as a member of the designated health discipline of acupuncturist if the person

- (a) has satisfactorily completed
  - (i) a program of studies that has been approved by the Board, or
  - (ii) a program of studies that is substantially equivalent to a program referred to in subclause (i),
- (b) has satisfactorily completed an examination approved by the Board,
- (c) has
  - (i) within the 2 years immediately preceding the date of application carried out the practice of acupuncture for at least 500 hours,
  - (ii) within the 1 year immediately preceding the date of application met the requirements of clause (a), or
  - (iii) within the 1 year immediately preceding the date of application satisfactorily completed additional training as required by the Registration Committee,
- (d) has completed and submitted to the Registrar the applicable forms prescribed by the Minister and has paid the applicable fees prescribed by the College's bylaws, and,
- (e) repealed AR 206/2010 s3
- (f) provides evidence satisfactory to the Registrar of sufficient competence in and comprehension of the English language to be able to practice as an acupuncturist in Alberta.

**(2)** Notwithstanding subsection (1)(f), a person may be eligible to be registered as a member of the designated health discipline of acupuncturist if the person meets the requirements of subsection (1)(a) to (d) and the Registration Committee approves that the person may practice acupuncture under the supervision of an acupuncturist who meets the requirements of subsection (1)(f).

AR 42/88 s2;206/2010

**Temporary registration**

**3(1)** A person is eligible to be temporarily registered as a member of the designated health discipline of acupuncturist for a period of 2 years if the person

- (a) completes the requirements of section 2(1)(a) and (f),
- (b) has within the 2 years immediately preceding the date of application practised as an acupuncturist for at least 500 hours but at least 250 of those hours must have been practised in Alberta within 1 year immediately preceding the date of the application, and
- (c) has completed and submitted to the Registrar the applicable forms prescribed by the Minister, and has paid the applicable fees prescribed by the College's bylaws.

**(2)** A temporary registration cannot be renewed.

AR 42/88 s3;276/88;206/2010

**Registration renewal**

**4(1)** For the purposes of section 24 of the Act, the Registrar shall issue an annual certificate to an acupuncturist registered pursuant to section 2 who has submitted a completed renewal of registration form prescribed by the Minister, paid the applicable fees prescribed by the College's bylaws, and

- (a) within the 2 years immediately preceding the date of submission of the application for renewal of registration, completed 50 hours of educational programs approved by the Registration Committee and has, within the 2 years immediately preceding the date of application for renewal of registration, worked as an acupuncturist for at least 1360 hours, or
- (b) if section 24(7) of the Act applies, satisfactorily completed, within the period of time specified by the Registration Committee, the training program or examination, or both, prescribed by the Registration Committee.

**(2)** The training programs and examinations that the Registration Committee may order an applicant for renewal to take or pass pursuant to section 24(7) of the Act are

- (a) a period of practice under the supervision of an acupuncturist for a duration determined by the Registration Committee;
- (b) the examination referred to in section 2(1)(b);

- (c) a period of additional training including all or a part of the program of studies referred to in section 2(1)(a) as determined by the Registration Committee.

AR 42/88 s4;251/2001;206/2010

#### **Renewal date**

**5** The date for submission of an application for renewal of registration for the purposes of section 24 of the Act is January 1st of the year for which the renewed registration will be valid.

AR 42/88 s5;251/2001;206/2010

#### **Register**

**6** The Registrar shall enter in the register the names, places of employment and registration numbers of persons to be registered as acupuncturists and shall issue each registered member a certificate of registration.

AR 42/88 s6

#### **Permitted modes of practice**

**7** An acupuncturist may provide the services of acupuncture but in providing that service the only technical modes of practice that an acupuncturist may use are needle acupuncture, electro-acupuncture, moxibustion, cupping and acupressure.

AR 42/88 s7

#### **Care and treatment**

**8(1)** An acupuncturist shall not undertake the care and treatment of a person unless

- (a) that person has already consulted with a physician or, in the case of dental pathology, a dentist about the condition for which he or she is seeking care and treatment,
- (b) that person has informed the acupuncturist that he or she has consulted a physician or dentist about the condition, and
- (c) the acupuncturist has completed the patient consultation form prescribed by the Minister.

**(2)** An acupuncturist shall retain the form completed under subsection (1)(c) with the record referred to in section 12.

AR 42/88 s8;206/2010

**Advice to patient**

**9(1)** An acupuncturist shall not inform a patient by any form of communication that acupuncture cures diseases.

**(2)** An acupuncturist shall not advise a patient to discontinue any treatment that has been prescribed by a physician or dentist.

AR 42/88 s9

**Condition fails to improve**

**10** If after 6 months of providing the services of acupuncture to a patient the patient's condition for which the services are being provided does not improve, the acupuncturist shall refer the person to a physician or in the case of dental pathology, to a dentist.

AR 42/88 s10

**Instruments**

**11(1)** The instruments that an acupuncturist may use in the examination of a patient are restricted to non-invasive measuring equipment including thermometers, stethoscopes, electrical devices used for locating acupuncture points and measuring skin resistance, blood pressure and pulse rate monitors and flashlights.

**(2)** When providing a needle-acupuncture treatment, an acupuncturist may only use pre-sterilized disposable needles that shall be disposed of by the acupuncturist as soon as they have been used.

AR 42/88 s11

**Patient records**

**12(1)** An acupuncturist shall, in the English language, complete a record of management for each patient.

**(2)** An acupuncturist shall, in records of patient management, use the acupuncture point numbering system that is set out in the Essentials of Chinese Acupuncture, first edition, 1980, compiled by the Beijing College of Traditional Chinese Medicine, the Shanghai College of Traditional Chinese Medicine, the Nanjing College of Traditional Chinese Medicine, and the Acupuncture Institute of the Academy of Traditional Chinese Medicine published by the Foreign Languages Press, Beijing, China and is available from the Registrar.

**(3)** The record of patient management referred to in subsection (1) shall be retained in the acupuncturist's clinic for a period of at least 5 years after the patient receives treatment from or consults with the acupuncturist.

AR 42/88 s12;206/2010

**Practice review**

**13(1)** As a condition to providing services, the place where an acupuncturist conducts his or her practice of acupuncture may be inspected in accordance with subsections (2) and (3) by the Registrar or a person authorized in writing by the Registrar.

**(2)** An inspection may be made during regular business hours to ascertain whether

- (a) the requirements of this Regulation are met, and
- (b) the acupuncturist has maintained adequate skill and knowledge as required by this Regulation.

**(3)** A person authorized pursuant to subsection (1) shall, when carrying out an inspection, on demand show identification and proof of authorization in the form prescribed by the Minister.

AR 42/88 s13;206/2010

**Non-delegated procedures**

**14** Unless authorized in writing by the College, an acupuncturist shall not delegate to any person, other than another acupuncturist, any of the following procedures:

- (a) the taking of medical history from patients;
- (b) the use of diagnostic instruments on patients;
- (c) the insertion of acupuncture needles;
- (d) the use of therapeutic devices on patients;
- (e) the supervision of patients while they are receiving therapy;
- (f) the removal of therapeutic instruments from patients.

AR 42/88 s14;206/2010

**15** Repealed AR 206/2010 s11.

**Standards of conduct**

**16** An acupuncturist shall

- (a) practise acupuncture in a safe and competent manner and shall be guided at all times by the patient's welfare and best interests;
- (b) attend to the health needs of all those seeking acupuncture services without discrimination based on race, religious beliefs, colour, gender, physical disability, mental

- disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation;
- (c) at all times practise acupuncture with all the knowledge and ability of which the acupuncturist is capable;
  - (d) not practise acupuncture under conditions that adversely affect the quality of the acupuncturist's treatment of the patient;
  - (e) improve his or her knowledge and skill by constantly renewing his or her theoretical and clinical education and by adjusting to modern concepts of the practice of acupuncture;
  - (f) not mislead patients with respect to information, procedures, equipment or materials;
  - (g) consult with colleagues or with members of other professions when the consultation, in the acupuncturist's professional judgment, is in the best interests of the patient and shall advise the patient when that consultation is necessary;
  - (h) keep in strict confidence information about a patient of a professional or personal nature that the acupuncturist acquires in the course of providing health services under this Regulation;
  - (i) when examining a patient, respect the honour, dignity and privacy of the patient;
  - (j) not offer any benefit, either direct or indirect, to any person in return for the referral of a patient by that person;
  - (k) not accept any benefit, either direct or indirect, from any person in return for the referral of a patient.

AR 42/88 s16;206/2010

#### **Advertising limitations**

**17(1)** An acupuncturist may advertise only in accordance with this Regulation.

**(2)** Advertising by an acupuncturist shall be in good taste as determined by the College.

**(3)** Advertising shall

- (a) be truthful, accurate and not misleading to the public,
- (b) maintain the dignity of the discipline of acupuncture, and

(c) not claim that the services of one acupuncturist are superior to those of another.

**(4)** An acupuncturist may permit a person, whether directly or indirectly, to advertise on behalf of the acupuncturist with respect to health services that the acupuncturist provides under this Regulation only in accordance with this Regulation.

**(5)** An acupuncturist may send a notice by letter or card of the opening of an office, a change of address or telephone number or the commencement of or change in a partnership or association to the acupuncturist's current patients, other acupuncturists or members of any other health profession.

AR 42/88 s17;206/2010

#### **Advertisement contents**

**18(1)** Only the following information may be included by an acupuncturist in an announcement, business card, letterhead or an advertisement in any regularly published publication or on a sign:

- (a) the name of the acupuncturist and the names of the acupuncturist's partners and associates;
- (b) the acupuncturist's title, degree or graduate status from a university and membership in other professional societies approved by the College;
- (c) the acupuncturist's address, neighbourhood, telephone number and any telex or telecopier number;
- (d) the acupuncturist's office hours;
- (e) languages the acupuncturist speaks;
- (f) employment opportunities in the practice of acupuncture;
- (g) a change in an address or telephone number;
- (h) the opening of the acupuncturist's office;
- (i) the commencement or termination of a partnership or association;
- (j) any change in a partnership or association;
- (k) any other information specifically approved by the College.

**(2)** An announcement referred to in subsection (1) shall not appear more than once a week in any 1 publication.

- (3) An advertisement or announcement in a publication shall not be more than 2 columns in width and 10 cm in depth.
- (4) An acupuncturist may place an advertisement in a telephone directory listing in accordance with the following requirements:
- (a) a listing in the white pages of a telephone directory shall be in bold print with all listings uniform as to type, colour, size and form and may include only the name, address and telephone number of the acupuncturist;
  - (b) a listing in the yellow pages of a telephone directory shall be in the smallest print with all listings identical in type, colour, size and form and may include an alphabetical listing of acupuncturists practising under the same firm name stating only the name, address and telephone number of the acupuncturist;
  - (c) a listing in the yellow pages of a telephone directory shall state that the acupuncturist is registered as an acupuncturist or temporarily registered as an acupuncturist, as the case may be, with the Registrar of Health Disciplines and may state that the acupuncturist is a member of a professional association of acupuncturists;
  - (d) no logo, display or photographic material of any nature shall be included in a telephone directory.
- (5) Notwithstanding subsection (4)(b), a listing in the yellow pages of a telephone directory may have either the name of the acupuncturist or the firm name in bold type.
- (6) An acupuncturist's name may appear on the letterhead or in the publications of a charitable organization along with any special designations.
- (7) An acupuncturist shall not, unless with prior consent of the College, use a sign in respect of the acupuncturist's practice that has letters of more than 20 cm in height, that uses pulsing artificial illumination in any way or that is not affixed to a door, wall or window of the building in which the acupuncturist practises.

AR 42/88 s18;206/2010

#### **Public liaison**

- 19(1)** An acupuncturist may participate in a program of health education offered to the public.
- (2)** An acupuncturist shall not promote the acupuncturist's practice nor that of an associate when the acupuncturist participates in a program described in subsection (1).

(3) Any pamphlet, brochure, booklet, document or handout of any kind used to relay information to the public about the practice of acupuncture shall be approved by the College prior to its distribution by an acupuncturist.

(4) An acupuncturist shall display and distribute to patients the information pamphlets received from the College for display and distribution purposes.

AR 42/88 s19;206/2010

#### **Governing body**

**20** The governing body of the College shall be a Council consisting of

- (a) not fewer than 6 and not more than 9 registered members, and
- (b) 2 persons appointed by the Lieutenant Governor in Council under section 14(1)(b) of the Act.

AR 42/88 s20;276/88;206/2010

#### **Registration Committee**

**21(1)** The Registration Committee is established and shall consist of not fewer than 3 and not more than 9 persons who are registered members and who are appointed by the Council.

(2) Despite subsection (1), if

- (a) before the coming into force of this section, a registered member of the Acupuncture Committee established under section 9(1)(a) of the Act was designated to review a registration matter under section 23 or 24 of the Act, and
- (b) on the coming into force of this section, the review of that registration matter is not concluded,

the registered member is deemed, on the coming into force of this section, to have been appointed under subsection (1) and continues as a member of the Registration Committee for the sole purpose of completing the review, until that review is concluded, or he or she is reappointed, as the case may be.

AR 206/2010 s16

#### **Conduct and Competency Committee**

**22(1)** The Conduct and Competency Committee is established and shall consist of

- (a) not fewer than 3 persons who are registered members and who are appointed by the Council, and

- (b) the person appointed by the Lieutenant Governor in Council under section 17(1)(b) of the Act.

**(2)** Despite subsection (1), if

- (a) before the coming into force of this section, a registered member of the Acupuncture Committee established under section 9(1)(a) of the Act was designated by the chair under section 27.1 of the Act to sit as a member of a panel of the Acupuncture Committee in respect of a complaint matter under Part 4 of the Act, and
- (b) on the coming into force of this section, the complaint matter remains before the panel,

the registered member is deemed, on the coming into force of this section, to have been appointed under subsection (1) and continues as a member of the Conduct and Competency Committee for the sole purpose of completing the complaint matter in respect of which he or she had been designated to sit as a member of a panel, until that complaint matter is concluded, or he or she is reappointed, as the case may be.

AR 206/2010 s16

**Annual report**

**23** The date on or before which the College is to submit the report under section 18 of the Act is March 1 of each year.

AR 206/2010 s16





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