



# Health Care Client Bulletin



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## Bricker & Eckler LLP

100 South Third Street  
Columbus, Ohio 43215-4291

Phone 614 . 227 . 2300  
Fax 614 . 227 . 2390  
info@bricker.com  
www.bricker.com

COLUMBUS | CLEVELAND  
CINCINNATI-DAYTON



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## A Summary of the Acupuncture Provisions of Ohio Senate Bill 245

On May 23, 2008, Governor Ted Strickland signed Senate Bill 245 which will dramatically increase patient accessibility to Acupuncturists in the State of Ohio. The bill takes effect on August 22, 2008 (90 days from signature). Sponsored by Senator Kirk Schuring, S.B. 245 makes significant changes to Ohio's current law governing Acupuncturists. We summarize the key provisions below.

- Lifting of Mandatory Referral Requirement:** Removes the requirement that an Acupuncturist only treat a patient upon referral from a physician or chiropractor, provided the Acupuncturist has been practicing more than one year. Thus, Acupuncturists with more than one year of experience may treat a patient without a written referral from a physician or chiropractor. However, as a safeguard, the bill requires the Acupuncturist to confirm with a patient that he or she has undergone a "diagnostic examination" by a physician or chiropractor within the past six months and that the examination relates to the condition for which the patient is seeing the Acupuncturist. If the patient has not undergone such an examination by a physician or chiropractor, the Acupuncturist may nevertheless treat the patient but must provide a written recommendation to the patient to undergo such a diagnostic examination. O.R.C. 4762.10(D).
- Lifting of Mandatory Supervision Requirement:** Permits Acupuncturists with more than one year of experience to practice without the general supervision of a physician or chiropractor. However, the bill maintains a "supervisory period" for Acupuncturists practicing less than one year. During the first year of practice, Acupuncturists may only treat patients with a written referral from a physician or chiropractor and must work under the general supervision of the referring physician or chiropractor. O.R.C. 4762.10. As in current law, "general supervision" does not require the Acupuncturist and the physician or chiropractor to practice in the same office.
- "Certificate to Practice":** Under the new law, Acupuncturists no longer receive a "certificate of registration," but rather a certificate to practice. This is consistent with other medical professions. O.R.C. 4762.02.
- Supervisory Period for Previously Certified Acupuncturists:** Acupuncturists who began practicing within the last year will receive full credit for this time toward the one-year supervisory period. After the bill takes effect, the supervisory period for these practitioners extends one year from their original certification date. O.R.C. 4762.09(B)(1).
- Practicing without a Certificate:** The new law allows a person to perform acupuncture without a certificate only if they do so as part of certified training program and under the general supervision of an acupuncturist who holds a certificate to practice. O.R.C. 4762.02(B)(2).
- Titles and Abbreviations:** Changes one of the titles used by Acupuncturists with their certificate to practice from "Registered Acupuncturist" or "Certified Acupuncturist" to "Licensed Acupuncturist," ("L. Ac."). O.R.C. 4762.08.
- Supervisory Period Extension:** Mandates that an Acupuncturist receiving a disciplinary action within the first year of

practice must complete an additional one-year supervisory period before practicing without supervision. O.R.C. 4762.09(B)(2).

• **Supervisory Physicians or Chiropractors:** Retains all the supervision requirements placed upon supervisory physicians or chiropractors in current law (O.R.C. 4762.11) but only as they apply to Acupuncturists within the supervisory period. Those requirements include:

- A medical diagnostic examination performed before a referral or prescription for acupuncture is given
- Referrals or prescriptions must be in writing and specify the diagnosis and the intervals at which the acupuncturist must report to the referring physician or chiropractor on patient progress and condition
- Reference to any conditions or restrictions by a referring physician or chiropractor included in the referral
- Making referring physician or chiropractor available for consultation with the Acupuncturist
- Being within 60 minutes normal travel time of the Acupuncturist

• **Revocation of Certificate:** Maintains all the circumstances under which the Medical Board may revoke, refuse to renew, or refuse to grant a

certificate to practice under Ohio Revised Code section 4762.13.

In addition to the existing revocation criteria, S.B. 245 adds a new reason for which the Medical Board may revoke, refuse to renew or refuse to grant a certificate. Specifically, the law provides, “failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code,” as a reason for action by the Medical Board.

• **Professional Liability Insurance:** Requires that all acupuncturists with a certificate to practice have professional liability insurance for no less than \$500,000.00. O.R.C. section 4762.22. Violation may result in the Medical Board’s revoking or refusing to renew an Acupuncturist’s certificate to practice as stated above. O.R.C. section 4762.13 (B)(23).

The new law is expected to increase patient access to the services of Acupuncturists in the State of Ohio. During hearings on the bill, Dr. Michael Joseph, a pediatrician who practices acupuncture as a method of pain management, stated that “the scope of patients that could benefit from this treatment modality dwarfs [his] capacity to deliver services.”

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*For more information, contact Terrence O’Donnell at 614.227.2345 or [todonnell@bricker.com](mailto:todonnell@bricker.com), or Gregory J. Lestini at 614.227.4893 or [glestini@bricker.com](mailto:glestini@bricker.com), Bricker & Eckler LLP.*

<b>Health Care Law Group</b>		Allen R. Killworth 614 . 227 . 2334 <a href="mailto:akillworth@bricker.com">akillworth@bricker.com</a>	Karen D. Smith 614 . 227 . 2313 <a href="mailto:ksmith@bricker.com">ksmith@bricker.com</a>
Michael K. Gire, Chair 614 . 227 . 2318 <a href="mailto:mgire@bricker.com">mgire@bricker.com</a>	John F. Birath, Jr 614 . 227 . 2325 <a href="mailto:jbirath@bricker.com">jbirath@bricker.com</a>	Sean M. McGlone 614 . 227 . 8879 <a href="mailto:smcglone@bricker.com">smcglone@bricker.com</a>	David C. Spialter 614 . 227 . 2342 <a href="mailto:dspialter@bricker.com">dspialter@bricker.com</a>
Catherine M. Ballard 614 . 227 . 8806 <a href="mailto:cballard@bricker.com">cballard@bricker.com</a>	Mark R. Chilson 513 . 870 . 6570 <a href="mailto:mchilson@bricker.com">mchilson@bricker.com</a>	Randall E. Moore 614 . 227 . 2380 <a href="mailto:rmoore@bricker.com">rmoore@bricker.com</a>	Elisabeth A. Squeglia 614 . 227 . 2396 <a href="mailto:esqueglia@bricker.com">esqueglia@bricker.com</a>
Martha Post Baxter 614 . 227 . 2314 <a href="mailto:mbaxter@bricker.com">mbaxter@bricker.com</a>	James F. Flynn 614 . 227 . 8855 <a href="mailto:jfflynn@bricker.com">jfflynn@bricker.com</a>	Jennifer M. Nelson Carney 614 . 227 . 4870 <a href="mailto:jnelsoncarney@bricker.com">jnelsoncarney@bricker.com</a>	Claire Turcotte 513 . 870 . 6573 <a href="mailto:cturcotte@bricker.com">cturcotte@bricker.com</a>
C. Christopher Bennington 513 . 870 . 6572 <a href="mailto:cbennington@bricker.com">cbennington@bricker.com</a>	David M. Johnston 614 . 227 . 8817 <a href="mailto:djohnston@bricker.com">djohnston@bricker.com</a>	Diane M. Signoracci 614 . 227 . 2333 <a href="mailto:dsignoracci@bricker.com">dsignoracci@bricker.com</a>	