

2004

STATE OF NEBRASKA

Regulations Governing the Practice of:

ACUPUNCTURE

Department of Health and Human Services Regulation and Licensure

Credentialing Division

Nebraska State Office Building

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NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 89

TITLE 172 - PROFESSIONAL AND OCCUPATIONAL LICENSES REGULATIONS

CHAPTER 89-REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE

TABLE OF CONTENTS

	<u>PAGE</u>
<u>001 SCOPE AND AUTHORITY</u>	1
<u>002 DEFINITIONS</u>	1
<u>003 REQUIREMENTS FOR ISSUANCE OF LICENSE</u>	2
<u>004 LETTER OF REFERRAL</u>	3
<u>005 INFORMED CONSENT</u>	3
<u>006 PROCEDURES FOR RENEWAL OF LICENSE</u>	3
<u>007 LICENSURE REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS</u>	7
<u>008 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE</u>	8
<u>009 RE-CREDENTIALING</u>	9
<u>010 UNPROFESSIONAL CONDUCT</u>	31
<u>011 SCHEDULE OF FEES</u>	33
<u>012 ADMINISTRATIVE PENALTY</u>	34
<u>013 CONTINUING COMPETENCY</u>	35

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172 NAC 89

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 89 PRACTICE OF ACUPUNCTURE

89-001 SCOPE AND AUTHORITY: These regulations shall apply to licensure of acupuncturists as defined by Neb. Rev. Stat. §§ 71-1,344 to 71-1,350 and the Uniform Licensing Law.

89-002 DEFINITIONS

Act means Neb. Rev. Stat. §§7 1-1,344 to 71-1,350 known as the Practice of Acupuncture.

Acupuncture means the insertion, manipulation, and removal of acupuncture needles and the application of manual, mechanical, thermal, electrical, and electromagnetic treatment to such needles at specific points or meridians on the human body in an effort to promote, maintain, and restore health and for the treatment of disease, based on acupuncture theory. Acupuncture may include the recommendation of therapeutic exercises, dietary guidelines, and nutritional support to promote the effectiveness of the acupuncture treatment. Acupuncture does not include manipulation or mobilization of or adjustment to the spine, extraspinal manipulation, or the practice of medical nutrition therapy.

Approved Acupuncture Examination means the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Acupuncture Comprehensive Written Examination which is a comprehensive written examination including acupuncture theory, diagnosis and treatment technique and the NCCAOM Point Location Examination.

Board Approved School means a formal, full-time acupuncture program at a university, college or school of acupuncture which includes at least 1,725 hours of entry-level acupuncture education consisting of a minimum of 1,000 didactic and 500 clinical hours, and is accredited or a candidate for accreditation by the Accreditation Commission for Acupuncture and Oriental Medicine or is accredited by another accrediting body that is recognized as such by the United States Secretary of Education.

Approved Clean Needle Technique Course means a course in clean needle technique approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or an equivalent course.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Medicine and Surgery.

Completed Application means an application with all of the information requested on the application filled in, the signature of the applicant verified, fees and all required documentation submitted.

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. §81-3201, for performance of the duties set out in that statute.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 89.

Verified means sworn to before a Notary Public.

89-003 REQUIREMENTS FOR ISSUANCE OF LICENSE: Any person, except those listed in Neb. Rev. Stat. §§ 71-1,344 to 71-1,350, who wishes to practice and or represent himself/herself as an acupuncturist must be licensed as an acupuncturist. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

89-003.01 Procedures for Licensure as an Acupuncturist: To obtain a license to practice acupuncture an applicant must:

1. Have graduated from, after having successfully completed the acupuncture curriculum requirements of an approved school;
2. Have successfully passed the NCCAOM Acupuncture Comprehensive Written Examination;
3. Have successfully passed the NCCAOM Point Location Examination;
4. Have successfully completed an approved clean-needle technique course;
5. Have good moral character;
6. Have attained at least the age of 19; and
7. Submit to the Department:
 - a. An application for a license to practice acupuncture on a form provided by the Department, a copy of which is attached hereto as Attachment A and incorporated in these regulations by this reference. Only applications which are complete will be considered.
 - b. Official documentation showing graduation and successful completion of the acupuncture curriculum requirements at an approved school;
 - c. Official documentation of passing score obtained on the NCCAOM Acupuncture Comprehensive Written Examination;
 - d. Official documentation of passing score obtained on the NCCAOM Point Location Examination;
 - e. Official documentation showing successful completion of an approved clean-needle technique course;

- f. Certification from each state where applicant has ever held a license or certification that such license/certification has never been suspended, revoked, limited, or disciplined in any manner. If there are any disciplinary actions, the nature of such actions is to be included;
- g. A copy of a birth certificate, marriage license, driver's license, or other valid verification of age;
- h. The required licensure fee.

89-003.02 When a license will expire within 180 days after its initial issuance date, the Department will collect one-fourth of the initial licensing fee, and the license will be valid until the next subsequent renewal date.

89-003.03 The Department will act within 150 days upon all completed applications for licensure.

89-004 LETTER OF REFERRAL: In order to practice acupuncture on a person, the acupuncturist must have been presented by the patient with a prior letter of referral from or a medical diagnosis and evaluation completed by a practitioner licensed to practice medicine and surgery or osteopathic medicine and surgery within 90 days immediately preceding the date of an initial acupuncture treatment.

89-004.01 A copy of this letter of referral or medical diagnosis and evaluation is to be retained in the patient's file for a period of at least five years after termination of the treatment.

05 89-005 INFORMED CONSENT: The practice of acupuncture must not be performed upon any person except with the voluntary and informed consent of such person.

89-005.01 Information provided in connection with obtaining such informed consent must include, but not be limited to, the following:

1. The distinctions and differences between the practice of acupuncture and the practice of medicine;
2. The disclosure that an acupuncturist is not licensed to practice medicine or to make a medical diagnosis of the person's disease or condition and that a physician should be consulted for such medical diagnosis;
3. The nature and the purpose of the acupuncture treatment; and
4. Any medical or other risks associated with such treatment.

89-005.02 The licensee must present to each patient treated a voluntary informed consent form. Each patient treated must sign and date such form stating that they have read and understood the information on the form and that they agree to acupuncture treatment. The voluntary informed consent form must be retained in the each patient's records for a period of at least five years after termination of the treatment.

89-006 PROCEDURES FOR RENEWAL OF A LICENSE: All licenses issued by the Department under the Act and these regulations expire on May 1 of each odd-numbered year.

89-006.01 Renewal process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements pursuant to 172 NAC 89-013;
2. Pay the renewal fee pursuant to 172 NAC 89-011;
3. Respond to the following questions:
 - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or felony?
These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.
4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. Attestation of completing the continuing competency requirement pursuant to 172 NAC 89-013 within 24 months of the date of expiration or an application for waiver of continuing competency; Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110.
 - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
 - e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

89-006.02 First Notice: At least 30 days before May 1 of each odd-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

89-006.02A The renewal notice must specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;
5. The renewal fee as prescribed in 172 NAC 89-011;
6. The type of continuing competency required for renewal; and

7. The option to place the license on either inactive or lapsed status.

89-006.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's social security number;
4. Attestation of completing the continuing competency requirement as pursuant to 172 NAC 89-013 earned within 24 months of the date of expiration or an application for waiver of continuing competency; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

89-006.02C If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her licensed be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

89-006.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

89-006.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to the requirements of 172 NAC 89-006.01 that specify:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 89-012 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of meeting the continuing competency requirement within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the license will be revoked pursuant to 172 NAC 89-007.

89-006.03A The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The licensee's social security number;
4. Attestation by the licensee:
 - a. That s/he has not practiced in Nebraska since the expiration of her/his license; or
 - b. To the actual number of days practiced in Nebraska since the expiration of her/his license;
5. Attestation of completing the continuing competency requirements pursuant to 172 NAC 89-013 within 24 months of the date of expiration or application for waiver of continuing competency; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

89-006.03B If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

89-006.03C The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

89-006.04 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

89-006.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive or lapsed status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department must be conducted in accordance with Neb. Rev. Stat. §§

84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

89-006.06 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 89-006.04 and 89-006.05 will not apply.

89-006.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

89-006.08 An individual who practices after expiration of his/her credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 89-012, or such other action as provided in the statutes and regulations governing the credential.

89-007 LICENSURE REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS.
The Department will revoke a license within 30 days of its expiration when the licensee fails to meet the renewal requirements.

89-007.01 Revocation for Non-Payment of Renewal Fee: When a licensee fails to pay the required renewal fee or fails to request that his/her license be placed on either inactive or lapsed status within 30 days of its expiration, the Department automatically revokes the license without further notice or a hearing.

89-007.01A The revocation notice specifies that the:

1. Licensee was given first and second notice of renewal requirements and the respective dates for these notices;
2. Licensee failed to renew the license or to request that his/her license be placed on inactive or lapsed status;
3. Department has revoked the license;
4. Licensee has a right to appeal the revocation; and
5. Licensee has a right to reinstatement of the license.

89-007.02 Revocation for Failure to Meet Continuing Competency Requirements: When a licensee fails within 30 days of the expiration of his/her license to meet the continuing competency requirement for license renewal, the Department will revoke his/her license after notice and opportunity for a hearing.

89-007.02A The revocation notice for failure to meet continuing competency requirements specifies that the:

1. Licensee was given first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;
2. Licensee either failed to renew the license or to have his/her license placed on inactive or lapsed status;
3. Department will revoke the license within 30 days of the date of the notice unless the licensee requests in writing a hearing;
4. Licensee has a right to appeal the revocation; and

5. Licensee has a right to reinstatement of the license.

89-008 GROUND ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE.

89-008.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 89-003.

89-008.02 The Department will refuse renewal or reinstatement of a license if the licensee fails to meet the requirements for renewal or reinstatement of a license.

89-008.03 The Department may deny, refuse renewal or reinstatement of, limit, suspend, place on probation, discipline or revoke licenses for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license;
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state;
3. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. §71-172.01;
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's or licensee's fitness or capacity to practice the profession;
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;
7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so;
9. Having had his/her license or permit denied, refused renewal, limited, suspended, or revoked or having had such license or permit disciplined in any other manner in accordance with Neb. Rev. Stat. §71-155 by another state or jurisdiction to practice acupuncture based upon acts by the applicant or licensee similar to acts described 172 NAC 89-008 and 89-010. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, registration or permit or the taking of other disciplinary measures against it by another state or jurisdiction will be conclusive evidence;

10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. §71-148 and such other acts specified as unprofessional conduct by these regulations;
11. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning such licensee's professional excellence or abilities, in advertisements;
12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
13. Distribution of intoxicating liquors, controlled substances or drugs for any other than lawful purposes;
14. Willful or repeated violations of the Uniform Licensing Law or the rules and regulations of the Department relating to the licensee's profession, sanitation, quarantine, or school inspection;
15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law for which the licensee is not licensed to practice.
16. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
17. Failure to file a report required by Neb. Rev. Stat. §71-168;
18. Practicing the profession of acupuncture while his/her license is suspended or in contravention of any limitation placed upon his/her license.
19. Physical or mental illness or physical or mental deterioration or disability which would render the applicant or licensee unqualified to practice his/her profession or occupation.
20. Refusal to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§71-161.12 to 71-161.16 to determine his/her qualifications to practice or continue in the practice of the profession or occupation for which application was made or for which s/he is licensed.

89-009 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

89-009.01 Eligibility

89-009.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements;
4. Suspended or limited for disciplinary reasons; or
5. Voluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.

89-009.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

89-009.01C An individual who practices prior to re-credentialing, is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 89-012, and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

89-009.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have their credential restored from lapsed to active status by the Department upon proof to the Department that they meet the requirements pursuant to 172 NAC 89-003.

89-009.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 89-012;
2. Initiate disciplinary action against the lapsed credential;
3. Deny the request to restore the credential from lapsed to active status; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the lapsed credential;
2. Deny the request to restore the credential from lapsed to active status; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.02C The Department will act within 150 days on all completed applications.

89-009.02D The applicant will be provided with notice and the opportunity for hearing in accord with the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920 before any of the actions pursuant to 172 NAC 89-009.02A and 89-009.02B are final.

89-009.03 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that they meet the following requirements:

1. Meet renewal requirements, including:
 - a. The continuing competency requirements;
 - b. Paying the renewal fee and any other applicable fees;

- c. Meet one of the following within the three years immediately preceding the application for reinstatement:
 - (1) Have been in the active practice of the profession of acupuncture; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

89-009.04 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Date of birth and place of birth;
 - f. Name of professional school and date of graduation;
 - g. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (1) Has any state or territory of the U.S. taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed your license on probation?
 - (4) Have you voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?
 - (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?

- (8) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (9) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
 - (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (13) Have you been convicted of a felony?
 - (14) Have you been convicted of a misdemeanor?
 - (15) Have you been notified of any malpractice claim against you?
- h. Indicate that you meet one of the following within the three years immediately preceding the application for reinstatement:
- (1) Have been in the active practice of the profession of acupuncture; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
- i. List your activities for the time period since your credential was active.
- j. A statement describing all:
- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant.
 - k. Attestation that the continuing competency requirements for renewal have been met;
2. The renewal fee and any other applicable fees.
3. Attestation by applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
4. Official documentation of meeting one of the provisions of 172 NAC 89-009.03 item 1c.

89-009.04A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 012;
2. Initiate disciplinary action against the credential;
3. Deny the request to move the credential from inactive to active status; or
4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request to move the credential from inactive to active status; or
3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.04C In either event pursuant to 172 NAC 89-009.04A or 89-009.04B, a notice and the opportunity for hearing will be given to the applicant.

89-009.04D The Department will act within 150 days on all completed applications.

89-009.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

1. Meet the renewal requirements, including:
 - a. The continuing competency requirements;
 - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees;
 - c. Meet one of the following within the three years immediately preceding the application for reinstatement:
 - (1) Have been in the active practice of the profession of acupuncture; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential, or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

89-009.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Date of birth and place of birth;
 - f. Name of professional school and date of graduation;
 - g. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (1) Has any state or territory of the U.S. taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed your license on probation?
 - (4) Have you voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?

- (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (8) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (9) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
 - (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (13) Have you been convicted of a felony?
 - (14) Have you been convicted of a misdemeanor?
 - (15) Have you been notified of any malpractice claim against you?
- h. Indicate that you meet one of the following within the three years immediately preceding the application for reinstatement:
- (1) Have been in the active practice of the profession of acupuncture; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
- i. List your activities for the time period since your credential was active.
- j. A statement describing all:
- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and

- current status, if the applicant is currently on probation.
- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
- k. Attestation that the continuing competency requirements for renewal have been met;
2. The renewal fee, the late fee of \$35 and any other applicable fees.
 3. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
 - (1) If an applicant has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 89-012 in which case a notice and opportunity for hearing will be sent to the applicant.
 - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 89-009.06B.
 4. Official documentation of meeting one of the provisions of 172 NAC 009.05 item 1.c.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

89-009.06A The Board's recommendation to the Department may be to:

1. Reinstate the credential;
2. Reinstate the credential with terms, conditions or restrictions; or
3. Deny reinstatement.

89-009.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstate the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 89-012 if warranted;
2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:

- a. Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to to 172 NAC 89-012 if warranted; or
- b. Deny reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement as prescribed in Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
 - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
2. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees;
 - c. Meet one of the following within the three years immediately preceding the application for reinstatement:
 - (1) Have been in the active practice of the profession of acupuncture ; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

89-009.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social security number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) Date of birth and place of birth;
 - (6) Name of professional school and date of graduation;
 - (7) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your license was active.
 - (a) Has any state or territory of the U.S. taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your license on probation?
 - (d) Have you voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (e) Have you voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (f) Have you been requested to appear before any licensing agency?
 - (g) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (i) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?

- (j) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (k) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (l) Have you been diagnosed with or treated for bipolar disorder; schizophrenia, or any psychotic disorder?
 - (m) Have you been convicted of a felony?
 - (n) Have you been convicted of a misdemeanor?
 - (o) Have you been notified of any malpractice claim against you?
- d. Indicate that you meet one of the following within the three years immediately preceding the application for reinstatement:
- (1) Have been in the active practice of the profession of acupuncture; or
 - (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
- e. List your activities for the time period since your credential was active.
- f. A statement describing all:
- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the petitioner explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.

- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
 - (a) If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the petitioner.
- g. Attestation that the continuing competency requirements for renewal have been met.
2. The renewal fee, the late fee of \$75 and any other applicable fees.
3. Attestation by the petitioner:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 89-012 in which case a notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 89-009.08F.
4. Official documentation of meeting one of the provisions of 172 NAC 89-009.07 item 2.c.

89-009.08A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

89-009.08B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

89-009.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

89-009.08D Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

89-009.08D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

89-009.08E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30

days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

89-009.08F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

89-009.08F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential.
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the department may not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential, or
 - b. Grant reinstatement with terms, conditions, or restrictions.

89-009.08F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.08F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential; or
 - b. Grant reinstatement of the credential.

89-009.08F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

89-009.08F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement;
 - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by law;
3. Meet one of the following within the three years immediately preceding the application for reinstatement:
 - a. Have been in the active practice of the profession of acupuncture ; or
 - b. Pass the approved acupuncture examination; or
 - c. Demonstrate other proof of professional competency as approved by the Board.
4. If the credential was revoked or suspended, attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

89-009.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social security number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) Date of birth and place of birth;

- (6) Name of professional school and date of graduation;
- (7) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (a) Has any state or territory of the U.S. taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your license on probation?
 - (d) Have you voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (e) Have you voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (f) Have you been requested to appear before any licensing agency?
 - (g) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (i) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
 - (j) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (k) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (l) Have you been diagnosed with or treated for bipolar disorder; schizophrenia, or any psychotic disorder?
 - (m) Have you been convicted of a felony?
 - (n) Have you been convicted of a misdemeanor?
 - (o) Have you been notified of any malpractice claim against you?

d. Indicate that you meet one of the following within the three years immediately preceding the application for reinstatement:

- (1) Have been in the active practice of the profession of acupuncture; or

- (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
 - e. List your activities for the time period since your credential was active.
 - f. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
 - (a) If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the petitioner explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
 - (a) If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the petitioner;
 - g. Any continuing competency activities.
- 2. The reinstatement fee of \$75.
- 3. Attestation by the petitioner, if the credential was revoked or suspended:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 89-012 in which case a separate notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other

action may be taken as provided in 172 NAC 89-009.10G below.

4. Official documentation of meeting one of the provisions of 172 NAC 89-009.09 item 3.

89-009.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148.
2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

89-009.10B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

89-009.10C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

89-009.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

89-009.10E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

89-009.10E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

89-009.10E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

89-009.10F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by

certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

89-009.10G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

89-009.10G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial

evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or

modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

89-009.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time.

89-009.11A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

89-009.11A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Date of birth and place of birth;
 - f. Name of professional school and date of graduation;
 - g. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.

- (1) Has any state or territory of the U.S. taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed your license on probation?
 - (4) Have you voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?
 - (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (8) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (9) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
 - (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (13) Have you been diagnosed with or treated for bipolar disorder; schizophrenia, or any psychotic disorder?
 - (14) Have you been convicted of a felony?
 - (15) Have you been convicted of a misdemeanor?
 - (16) Have you been notified of any malpractice claim against you?
- h. Indicate that you meet one of the following within the three years immediately preceding the application for reinstatement:
- (1) Have been in the active practice of the profession of acupuncture; or

- (2) Pass the approved acupuncture examination; or
 - (3) Demonstrate other proof of professional competency as approved by the Board.
- i. List your activities for the time period since your credential was active.
- j. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
- k. Any continuing competency activities.
- l. Attest:
 - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of her/his credential; or
 - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of her/his credential.
- m. Official documentation of meeting one of the following within the three years immediately preceding the petition for reinstatement:
 - (1) Have been in the active practice of the profession of acupuncture; or

- (2) Pass the approved acupuncture examination; or
- (3) Demonstrate other proof of professional competency as approved by the Board.

89-009.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 89-012;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.11A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

89-009.11A4 In either event pursuant to 172 NAC 89-009.11A2 or 89-009.11A3, a notice and the opportunity for hearing will be given to the applicant.

89-009.11A5 The Department will act within 150 days on all completed applications.

89-009.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time.

89-009.12A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11, will be automatically restored at the expiration of that period of time.

89-009.12B If an individual has practiced while her/his credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 89-012.

89-009.13 Credentials Voluntarily Surrendered or Limited Permanently.

89-009.13A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

89-010 UNPROFESSIONAL CONDUCT. In addition to the unlawful or unprofessional acts listed in Neb. Rev. Stat. §§ 71-147 through 71-148, the following conduct will be considered unprofessional acts as defined by the Board [71-147(10)]:

1. Misrepresentation of material facts in applying for or procuring renewal of a license or permit;

2. Misrepresenting one's credentials in an application submitted to a healthcare facility, insurance company, or prospective employer;
3. The use of any false or deceptive statement in any advertisement;
4. The refusal to cooperate or the failure to furnish requested information during a licensing or discipline investigation by the Department;
5. Disruptive behavior as manifested by an acupuncturist's aberrant behavior which interferes with patient care or could reasonably be expected to interfere with patient care, including, but not limited to, the following:
 - a. Outbursts of rage or violent behavior;
 - b. Repeated failure to respond to calls;
 - c. Throwing instruments, charts, or objects;
 - d. Insulting comments to a patient, patient's family, acupuncturist, or healthcare staff;
 - e. Striking or assaulting a patient, patient's family, acupuncturist, or healthcare staff;
 - f. Poor hygiene.
6. Willfully or negligently violating the confidentiality between acupuncturist and patient except as required by law;
7. Practicing acupuncture under a false or assumed name;
8. Allowing another person or organization to use his or her license to practice acupuncture;
9. Failure to transfer pertinent and necessary medical records to another health care provider in a timely fashion when requested to do so by the patient or by a designated representative of the patient;
10. Use of any therapy, drug or device in a manner inconsistent with the federal Food, Drug and Cosmetic Act;
11. Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, appliances, or drugs;
12. Refusing to provide professional service to a person because of such person's race, creed, color, or national origin;
13. Prescribing, selling, administering, or distributing, any drug legally classified as a prescription drug;
14. Any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public;

15. Charging a fee for services not rendered or dividing a professional fee for patient referrals among health care providers or health care institutions or between these providers and institutions or a contractual arrangement which has the same effect;
16. Commission of any act of sexual misconduct, or exploitation related to the person's practice of acupuncture. Sexual misconduct in the practice of acupuncture means violation of acupuncturist-patient relationship through which the acupuncturist uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both;
17. Failure to keep and maintain adequate records of treatment or service; adequate records means legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment; and, when investigative or unproven therapies are utilized, the records must include written informed patient consent;
18. Failure to obtain a prior letter of referral from or a medical diagnosis and evaluation completed by a practitioner licensed to practice medicine and surgery or osteopathic medicine and surgery within ninety days immediately preceding the date of an initial acupuncture treatment;
19. Failure to maintain in the patient's records for at least five years after termination of the treatment, a copy of the letter of referral from or a medical diagnosis and evaluation completed by a practitioner licensed to practice medicine and surgery or osteopathic medicine and surgery as stated in these regulations;
20. Failure to obtain a voluntary informed consent form as listed in Section 89-005 of these regulations;
21. Failure to provide the same standard of care to patients as that provided by a person licensed under the Uniform Licensing Law to practice medicine and surgery, or osteopathic medicine and surgery.

89-011 SCHEDULE OF FEES. The following fees have been set by the Department:

89-011.01 Initial License Fee: By an applicant for a license to practice acupuncture, the fee of \$200 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

89-011.01A Proration of Initial License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$50 and the Licensee Assistance Program fee of \$1.

89-011.02 License Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice acupuncture, the fee of \$75 and the Licensee Assistance Program fee of \$2.

89-011.03 Inactive license Status Fee: By an applicant to have his/her license placed on inactive status, the fee of \$25.

89-011.04 Renewal Late Fee: By an applicant for renewal on a biennial basis of a license, who fails to pay the renewal fee on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.

89-011.05 Certification of License Fee: For issuance of a certification of a license, the fee of \$25. The certification includes information regarding:

1. The basis on which a license was issued;
2. The date of issuance;
3. Whether disciplinary action has been taken against the license; and
4. The current status of the license.

89-011.06 Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.

89-011.07 Duplicate License Fee: For a duplicate of original license document or reissued license, the fee of \$10.

89-011.08 Administrative Fee: For a denied license, or a withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the licensing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.

89-011.09 Reinstatement Late Fee: For reinstatement of a license: for failure to meet renewal requirements:

1. Within one year, the fee of \$35 in addition to the renewal fee.
2. After one year of revocation, the fee of \$75 in addition to the renewal fee.

89-011.10 Reinstatement Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.

89-012 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

89-012.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;

2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice;
6. Other government records indicate that the person was engaged in practice; and
7. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

89-012.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

89-012.04 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

89-013 CONTINUING COMPETENCY

89-013.01 Continuing Competency Requirement: On or before May 1, 2005, and on or before May 1 of each odd-numbered year thereafter, each acupuncturist who is licensed in the State of Nebraska must, as a condition for renewal of his/her license, earn one of the following in order to meet the continuing competency requirement:

1. 50 hours of continuing education approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);
 - a. Hours are to be earned within the 24 months immediately preceding the date of expiration, except that a licensee who has earned more than the 50 hours required for license renewal for one 24 month renewal period, is allowed to carry over up to 25 hours to the next 24 month renewal period.or
2. 50 hours of Category 1 continuing education approved by the Accreditation Council for Continuing Medical Education (ACCME) or the American Osteopathic Association (AOA);
 - a. Hours are to be earned within the 24 months immediately preceding the date of expiration, except that a licensee who has earned more than the 50 hours required for license renewal for one 24 month renewal period, is allowed to carry over up to 25 hours to the next 24 month renewal period.or
3. Active certification or active recertification of diplomate status with the NCCAOM earned within the 24 months immediately preceding the date of expiration.

89-013.01A Each licensee must submit to the Department an attestation that s/he has met the continuing competency requirement for the 24 months immediately preceding the expiration date; and

89-013.01B Each licensee is responsible for maintaining their records verifying attendance at continuing education programs or otherwise meeting the continuing competency requirement.

89-013.02 Waiver of Continuing Competency: The Department, on the recommendation of the Board, may waive the continuing competency requirement, in whole or in part, when a licensee submits documentation that circumstances beyond his/her control prevented the completion of such requirements. Such circumstances will include situations in which the licensee:

1. Holds a Nebraska license but is not practicing his/her profession in Nebraska;
2. Has served in the regular armed forces of the United States during part of the renewal period immediately preceding the license renewal date;
3. Has suffered from a serious or disabling illness or physical disability during the renewal period immediately preceding the license renewal date which prevented completion of the continuing competency requirements;
4. Was first licensed within the renewal period immediately preceding the license renewal date.

89-013.02A The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing competency

requirements, upon proof that circumstances beyond the licensee's control prevented completion of such requirements.

89-013.02A1 When the Department determines to deny an application for waiver of continuing competency requirements, it sends to the licensee by certified mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.

1. The licensee has 30 days from the date of the denial notice to make a written request to the Department for an appeal. The appeal will be conducted in accordance with the Administrative Procedures Act and 184 NAC 1, Rules of Practice and Procedure of the Department.
2. The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.

89-013.02A2 When the Department determines to grant a waiver of continuing competency, the licensee will be notified within 30 days of receipt of the application.

89-013.03 Audit of Continuing Competency: The Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each licensee selected for audit will be required to produce documentation of the continuing competency activities s/he has completed in order to meet the requirements for the 24 months immediately preceding the expiration date.

89-013.03A The Department will send to each licensee selected a notice of audit.

89-013.03B When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in approved continuing competency activities to meet the requirements for the 24 months immediately preceding the expiration date.

89-013.03C Failure to comply with the audit may be grounds for non-renewal or revocation of the license.

Approved by the Attorney General on October 21, 2004
Approved by the Governor on November 30, 2004
Filed with the Secretary of State on November 30, 2004
Effective Date: December 5, 2004

Licensure Fee \$200.00
PLUS the LAP Fee:
\$2.00 – First Year
\$1.00 – Second Year
**Make check or money order
payable to:
Health and Human Services**

Nebraska Department of Health and Human Services
Regulation and Licensure
Credentialing Division
P O Box 94986
301 Centennial Mall South
Lincoln, NE 68509-4986
(402) 471-2118

Attachment A

APPLICATION FOR LICENSE TO PRACTICE ACUPUNCTURE

IDENTIFYING INFORMATION

Legal Name: _____
(Last) (First) (Middle) (Maiden)

Date of Birth: _____ Place of Birth: _____
MO/DAY/YR (City, State Or Country if other than US)

Social Security Number: _____ - _____ - _____

Telephone (Optional): (_____) _____ FAX (Optional): (_____) _____

E-Mail Address (Optional): _____

Address: _____
(Street/ P O Box/Route)

(City) (State) (Zip Code)

Have you ever sought or been granted a health professions license under another name? () YES () NO
If yes, indicate other name(s) used: _____

Have you ever been licensed in any health profession in the State of Nebraska? () YES () NO
If yes, please explain: _____

ACUPUNCTURE EDUCATION I have spent _____ years in the study of acupuncture in the institution(s) listed below.

(Name of Institution) (City/State/Country)

Attended From: _____ to _____ Degree Conferred: _____
(M/D/Y) (M/D/Y)

(Name of Institution) (City/State/Country)

Attended From: _____ to _____ Degree Conferred: _____
(M/D/Y) (M/D/Y)

You must request that official documentation be sent directly to the Department from the institution, showing graduation from, after having successfully completed the acupuncture curriculum requirements of, a formal, full-time acupuncture program at a board-approved university, college, or school of acupuncture which includes at least 1,725 hours of entry-level acupuncture education consisting of a minimum of 1,000 didactic and 500 clinical hours. Please use the attached Certificate of Acupuncture Education to document your education. Documents not written in English must be accompanied by an official English translation.

I have completed the Clean Needle Technique Course approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and have requested documentation of such to be sent to your office from the NCCAOM.

() YES () NO

EXAMINATION

I have successfully passed the Acupuncture Comprehensive Written Examination and the Point Location Examination administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and have requested documentation of such to be sent to your office from the NCCAOM.

() YES () NO

LICENSURE IN OTHER STATES

Have you ever been granted an acupuncture license/certificate/registration by any State or Territory?

() YES () NO

If yes, list all current and non-current licenses below:

State or Territory	License Number	Effective Date	Expiration Date

You must request a Verification of Licensure or Letter of Good Standing from each State Board from each location where you hold or have held a license/certificate or registration to practice acupuncture, including any temporary permits. This document must be sent directly to our office.

REGULATORY INFORMATION

Answer the following questions yes or no. If you answer YES to any of the following questions, explain the circumstances and outcomes. Use an additional sheet if necessary.

1. Has any state or territory of the United States ever taken any of the following actions against your license/certificate/registration?

- YES NO Denied (Circle One)
- YES NO Revoked (Circle One)
- YES NO Suspended (Circle One)
- YES NO Limited (Circle One)

If yes, please explain: _____

2. Has any licensing or disciplinary authority ever taken any of the following actions against your license/certificate/registration?

- YES NO Restricted (Circle One)
- YES NO Revoked (Circle One)
- YES NO Suspended (Circle One)
- YES NO Limited (Circle One)

If yes, please explain: _____

3. Has any licensing or disciplinary authority placed your license/certificate/registration on probation?
YES NO (Circle One)

If yes, please explain: _____

4. Have you ever voluntarily surrendered a license/certificate/registration issued to you by a licensing or disciplinary authority?
YES NO (Circle One)

If yes, please explain: _____

5. Have you ever voluntarily limited in any way a license/certificate/registration issued to you by a licensing or disciplinary authority?
YES NO (Circle One)

If yes, please explain: _____

6. Have you ever been requested to appear before any licensing agency?
YES NO (Circle One)

If yes, please explain: _____

7. Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
YES NO (Circle One)

If yes, please explain: _____

8. Are you aware of any pending disciplinary actions against your license/certificate/registration in any jurisdiction?
YES NO (Circle One)

If yes, please explain: _____

9. Are you aware of any on-going investigations of a disciplinary complaint against your license/certificate/registration in any jurisdiction?
YES NO (Circle One)

If yes, please explain: _____

10. Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
YES NO (Circle One)

If yes, please explain: _____

11. During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
YES NO (Circle One)

If yes, please explain: _____

12. During the last ten years have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
YES NO (Circle One)

If yes, please explain: _____

13. Have you ever been convicted of a felony*?
YES NO (Circle One)

If yes, please explain: _____

14. Have you ever been convicted of a misdemeanor*?
YES NO (Circle One)

If yes, please explain: _____

15. Have you ever been notified of any malpractice claim against you **?
YES NO (Circle One)

If yes, please explain: _____

* Required Misdemeanor/Felony Conviction Information

If you have had any misdemeanor or felony convictions you must submit:

- A. A detailed description of each conviction including the circumstances surrounding each conviction;
- B. An official record or other documentation verifying the type and nature of each conviction. This should include the charges, conviction and further outcome of the case. If there was probation, include documentation regarding whether or not the probation was successfully completed. This documentation can usually be obtained by contacting the court in which your conviction was decided.

** Required Malpractice Information

Regarding your malpractice, claim(s), please include the following information. Sign and date your explanation.

- A. State the total number of claims ever filed against you; and
- B. Submit a detailed explanation (see below) of each claim ever filed against you. Do not send copies of forms completed for insurance companies or other entities.
- C. For any malpractice claims that are currently pending, submit copies of the court documents that outline the statement of charges (often called the "Complaint") and a letter from the attorney stating the current status of the claim.

Include the following information regarding each claim:

- 1. Name, sex and age of patient;
- 2. Date of occurrence;
- 3. Initial event (procedure/diagnosis);
- 4. Subsequent event that precipitated the claim – include the time sequence in relation to the initial event;

5. Damages – a description of damages or alleged damages resulting from the initial and subsequent events;
6. Date of filing of malpractice claim in court (if applicable);
7. Outcome of claim – include the court disposition, whether or not the case was settled, and the amount of any monetary settlement or judgement made on your behalf. If no money was paid on your behalf, you must indicate this.
8. Date of final outcome of claim.

AFFIDAVIT All applications must be signed and notarized.

I, _____, depose and say that I am the person referred to in the foregoing application and supporting documents and that I am of good moral character. I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein and all supporting documents are true and correct to the best of my knowledge. I further solemnly swear upon my honor that if granted a license to practice Acupuncture within the State of Nebraska, that I shall abide by the laws of Nebraska.

Signature of Applicant _____ Date _____
(M/D/Y)

State of _____)
)
County of _____)

In _____ (city) in said county on this day of _____, 20____,

_____ personally appeared before me, and being duly sworn, deposes and says that he/she has carefully and truthfully completed this application.

(SEAL)

Notary Public

State of Nebraska Department of Health and Human Services
Regulation and Licensure Credentialing Division
PO Box 94986, Lincoln NE 68509-4986 (402) 471-2118

CERTIFICATE OF ACUPUNCTURE EDUCATION

Name of University/School or College

Street City State Zip

I, _____, have applied for a license to practice acupuncture in the State of
(Print full name of license applicant)

Nebraska. As part of the application process, the State of Nebraska requires a verification of my acupuncture education.

I hereby authorize _____, its staff or representative to provide the State of
(Name of School or College)

Nebraska any and all information requested below, whether such information is favorable or unfavorable, and I hereby release from any and all liability the above named society and/or person for any and all acts performed in fulfilling this request, provided that such acts are performed in good faith and without malice. Further, I request that this completed form be sent directly to the State of Nebraska. I understand that completed forms returned to me will not be accepted for verification purposes.

Sincerely, _____ Date of Birth _____/_____/_____
(Signature of Applicant) MO DAY YEAR

Social Security Number _____ Date of Graduation _____/_____/_____
MO DAY YEAR

The following section must be completed by the dean or registrar of the acupuncture school and returned directly to the State of Nebraska. Certificates returned directly to the applicant will not be accepted. Any substitutions must contain all required information or it will not be accepted for verification purposes. Please complete all sections and provide exact dates.

This certifies that _____
(full name of applicant)

Enrolled in _____
(Name of Acupuncture School or College)

on ____/____/____ graduated on ____/____/____ with the degree of _____
MO DAY YEAR MO DAY YEAR

Further, I certify that the records of this institution indicate that this applicant successfully completed the acupuncture curriculum requirements of the formal, full-time acupuncture program of this university, college or school of acupuncture.
()YES ()NO

I certify that the acupuncture program completed by this applicant met or exceeded the following specific requirements:

1,725 hours of entry-level acupuncture education ()YES ()NO
1,000 didactic hours ()YES ()NO
500 clinical hours ()YES ()NO

By _____
Signature of the dean or registrar

SEAL

Signed and the college Seal affixed on ____/____/____
MO Day Year