

Acupuncture Jurisprudence Examination

The examination you take will be composed of 50 questions, randomly selected from the questions listed below. You will have 90 minutes to take the exam.

For purposes of the Acupuncture Jurisprudence Examination:

- * The Acupuncture Act is contained in Title 3, Chapter 205, Texas Occupations Code;
- * "Board Rule" refers to the Rules of the Texas Medical Board, 22 Tex. Admin. Code Part 9;
- * "Acupuncture Board" or "Board" means the Texas State Board of Acupuncture Examiners;
- * "§" is an abbreviation for section, "§§" is the plural form;
- * "acupuncturist" means a person holding a Texas acupuncture license.

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- Question:** To qualify for licensure, an applicant must present satisfactory proof to the Acupuncture Board that the applicant has met certain requirements. Which of the following is NOT a requirement to qualify for licensure:
- A the applicant has an associate degree from an accredited community college or a four-year college or university;
 - B the applicant is a graduate of an acceptable approved acupuncture school or received and completed training which, in the opinion of the Acupuncture Board, was substantially equivalent to training provided by such a school;
 - C the applicant has taken and passed the CCAOM (Council of Colleges of Acupuncture and Oriental Medicine) Clean Needle Technique (CNT) course and practical examination;
 - D the applicant has successfully completed 60 semester hours of general academic college level courses, other than in acupuncture school.
 - E None of the above.

Answer: It is not a requirement that an applicant have an associate degree from an accredited community college or a four-year college or university.

References: 205.203, Occ. Code; Board Rule 183.4(a)

Question: To qualify for licensure, an applicant must present satisfactory proof to the Acupuncture Board that the applicant has met certain requirements. Which of the following are requirements to qualify for licensure? That the applicant:

- (1) is at least 21 years of age;
- (2) has taken and passed, within three attempts, each component of the full National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination;
- (3) is able to communicate in English;
- (4) has successfully completed 90 semester hours of general academic college level courses, other than in acupuncture school.

- A 1, and 2;
- B 1 and 3;
- C 1, 2, and 3;
- D 1, 2, and 4;
- E All of the above.

Answer: To qualify for licensure, an applicant must present satisfactory proof to the Acupuncture Board that the applicant is at least 21 years of age; has taken and passed, within three attempts, each component of the full National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination; and is able to communicate in English.

References: 205.203, Occ. Code; Board Rule 183.4(a)

Question: Which of the following is NOT sufficient to demonstrate ability to communicate in English?

- A Graduation from an acceptable approved school of acupuncture located in the United States or Canada;
- B An associates degree from an accredited community college or four-year college or university;
- C Passage of one of the four English language tests specified in the rules of the Medical Board;
- D At the discretion of the Acupuncture Board, passage of any other similar (to the four tests specified in the rules), validated examination testing English competency given by a testing service with results reported directly to the Acupuncture Board;
- E None of the above.

Answer: An associates degree from an accredited community college or four-year college is not sufficient to demonstrate ability to communicate in English.

References: Board Rule 183.4(a)(8)

Question: The jurisprudence examination is to cover which of the following subjects?

(1) Policies of the Texas Acupuncture Board and the Texas Medical Board applicable to the professional practice of acupuncture in this state and, in special circumstances, neighboring states;

(2) Texas licensing requirements and other laws, rules, or regulations applicable to the professional practice of acupuncture in this state.

A (1);

B (2);

C (2) and the licensing requirements for states bordering Texas;

D (1) and (2);

E None of the above.

Answer: The jurisprudence examination is to cover Texas licensing requirements and other laws, rules, or regulations applicable to the professional practice of acupuncture in this state.

References: 205.203(c-1), Occ. Code; Board Rule 183.4(a)(7)

Question: What is outside the scope of practice of a person licensed to practice acupuncture in Texas?

(1) moxibustion;

(2) insertion of acupuncture needle;

(3) the administration of thermal or electrical treatments;

(4) prescribe dangerous drugs or controlled substances.

A (1);

B (2);

C (3);

D (4);

E Recommendation of dietary guidelines, energy flow exercise, or dietary or herbal supplements in conjunction with (1),(2) or (3).

Answer: An acupuncturist may not prescribe dangerous drugs or controlled substances under an acupuncture license.

References: 205.001(2), Occ. Code; Board Rule 183.2(4)

- Question:** Which of the following are grounds for license denial or disciplinary action by the Board? The acupuncturist:
- (1) drinks moderately in the evening and is not impaired the following morning when the acupuncturists sees patients;
 - (2) has a one-time arrest for driving while intoxicated;
 - (3) intemperately uses drugs or intoxicating liquors to an extent that, in the opinion of the Board, could endanger the lives of patients;
 - (4) is unable to practice acupuncture with reasonable skill and with safety to patients because of illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or any other type of material or because of any mental or physical condition.
- A (1) and (2);
 - B (2) and (3);
 - C (2) and (4);
 - D (3) and (4);
 - E None of the above.

Answer: The Board has grounds for license denial or disciplinary action against an acupuncturist who intemperately uses drugs or intoxicating liquors to an extent that, in the opinion of the Board, could endanger the lives of patients; or is unable to practice acupuncture with reasonable skill and with safety to patients because of illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or any other type of material or because of any mental or physical condition.

References: 205.351, Occ. Code

- Question:** Which of the following are grounds for license denial or disciplinary action by the Board? The acupuncturist:
- (1) fails to practice acupuncture in an acceptable manner consistent with public health and welfare;
 - (2) violates the Acupuncture Act or a rule adopted under the Acupuncture Act;
 - (3) engages in unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure a member of the public.
- A (1);
 - B (2);
 - C (3);
 - D (1) and (2);
 - E (1), (2) and (3).

Answer: The Board has grounds for license denial or disciplinary action against an acupuncturist who fails to practice acupuncture in an acceptable manner consistent with public health and welfare; violates the Acupuncture Act or a rule adopted under the Acupuncture Act; or engages in unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure a member of the public.

References: 205.351, Occ. Code

Question: Which of the following are grounds for license denial or disciplinary action by the Board? If the acupuncturist:
(1) has been convicted of a crime involving moral turpitude or a felony or is the subject of deferred adjudication or pretrial diversion for such an offense;
(2) commits an act in violation of state law if the act is connected with the person's practice as an acupuncturist;
(3) commits an act in violation of any state or federal law;
(4) fraudulently or deceptively uses a license.

- A (1);
- B (1) and (2);
- C (1), (2), and (4);
- D (1), (3), and (4);
- E None of the above.

Answer: The Board has grounds for license denial or disciplinary action against an acupuncturist who has been convicted of a crime involving moral turpitude or a felony or is the subject of deferred adjudication or pretrial diversion for such an offense; commits an act in violation of state law if the act is connected with the person's practice as an acupuncturist; or fraudulently or deceptively uses a license.

References: 205.351, Occ. Code

Question: Which of the following constitutes unprofessional and dishonorable conduct likely to deceive, defraud, or injure the public within the meaning of the Acupuncture Act?

- (1) becoming financially or personally involved with a patient in an inappropriate manner;
- (2) failing to comply with a Board subpoena or request for information or action;
- (3) failing to maintain the confidentiality of a patient;
- (4) providing to a patient copies of his or her records without charging an appropriate fee.

- A (1);
- B (2);
- C (3);
- D (4);
- E (1), (2), and (3).

Answer: Becoming financially or personally involved with a patient in an inappropriate manner; failing to comply with a Board subpoena or request for information or action; and failing to maintain the confidentiality of a patient constitute unprofessional and dishonorable conduct likely to deceive, defraud, or injure the public within the meaning of the Acupuncture Act.

References: Board Rule 183.6(d); 190.8(2)

Question: On finding that grounds exist to deny a license or take disciplinary action against an acupuncturist, the Board may choose the following action:

- A Require the person to submit to the care, counseling, or treatment of a health care practitioner;
- B Require the person to participate in a program of education or counseling prescribed by the Board;
- C Require the person to practice under the direction of an acupuncturist designated by the Board for a specified period of time;
- D Suspend, limit, or restrict the person's license, including limiting the practice of the person to, or excluding from the practice, one or more specified activities of acupuncture or stipulating periodic review by the Acupuncture Board;
- E Any of the above.

Answer: The Board may: require the person to submit to the care, counseling, or treatment of a health care practitioner; require the person to participate in a program of education or counseling prescribed by the Board; require the person to practice under the direction of an acupuncturist designated by the acupuncture board for a specified period of time; or suspend, limit, or restrict the person's license, including limiting the practice of the person to, or excluding from the practice, one or more specified activities of acupuncture or stipulating periodic review by the acupuncture board.

References: 205.352, Occ. Code

Question: An acupuncturist may perform acupuncture on a person if the person:

- A Received a referral from a physician or dentist, as appropriate, for the condition being treated within twelve months before the date acupuncture was performed;
- B Was referred by a chiropractor and acupuncture treatment is provided within 30 days of the referral;
- C Is seeking treatment for smoking addiction or weight loss without the need for prior referral;
- D Is seeking treatment for substance abuse or alcoholism without the need for prior referral;
- E All of the above.

Answer: An acupuncturist may perform acupuncture on a person if the person was evaluated by a physician or dentist, as appropriate, for the condition being treated within twelve months before the date acupuncture was performed.

References: 205.301, 205.302, Occ. Code; Board Rule 183.7

Question: An acupuncturist treating a person referred by a chiropractor shall refer that person to a physician after performing acupuncture:

- A 10 times or for 30 days, whichever occurs first, if substantial improvement does not occur in the person's condition for which the referral was made;
- B 20 times or for 60 days, whichever occurs first, if substantial improvement does not occur in the person's condition for which the referral was made;
- C 30 times or for 60 days, whichever occurs first, if substantial improvement does not occur in the person's condition for which the referral was made;
- D None of the above.
- E

Answer: The statute provides that an acupuncturist treating a person referred by a chiropractor shall refer that person to a physician after performing acupuncture 20 times or for 30 days, whichever occurs first, if substantial improvement does not occur in the person's condition for which the referral was made. The Board rules provides 20 times in two months. A statute takes precedence over a Board rule.

References: 205.301(c), Occ. Code; Board Rule 183.7(d)

Question: An acupuncturist may treat a patient for the following conditions without a referral or evaluation by a physician:

- A Smoking addiction, alcoholism, weight loss, substance abuse, stress;
- B Smoking addiction, weight loss, alcoholism, chronic pain, substance abuse;
- C Smoking addiction, alcoholism, substance abuse, chronic pain, stress;
- D Smoking addiction, weight loss, substance abuse, stress, chronic pain;
- E None of the above.

Answer: An acupuncturist may treat a patient for smoking addiction, weight loss, alcoholism, chronic pain and substance abuse without a referral or evaluation by a physician.

References: 205.302(a), Occ. Code; Board Rule 183.7(c)

Question: An acupuncturist treating a person for chronic pain must:

- A Refer the person to a chiropractor after two months of treatment;
- B Recommend an evaluation by a licensed Texas physician or dentist, if after performing acupuncture 40 times or for four months, whichever occurs first, there is no substantial improvement of the patient's chronic pain;
- C Recommend an evaluation by a licensed Texas physician or dentist, as appropriate, if after performing acupuncture 20 times or for two months, whichever occurs first, there is no substantial improvement of the patient's chronic pain;
- D An acupuncturist may not treat a person for chronic pain;
- E None of the above.

Answer: An acupuncturist treating a person for chronic pain must recommend an evaluation by a licensed Texas physician or dentist, as appropriate, if after performing acupuncture 20 times or for two months, whichever occurs first, there is no substantial improvement of the patient's chronic pain.

References: 205.301(d), Occ. Code; Board Rule 183.7(d)

Question: An acupuncturist treating a person for alcoholism or substance abuse must:

- A Recommend an evaluation by a licensed Texas physician or dentist, as appropriate, if after performing acupuncture 10 times or for one month, whichever occurs first, there is no substantial improvement of the patient's alcoholism or substance abuse;
- B Recommend an evaluation by a licensed Texas physician or dentist, as appropriate, if after performing acupuncture 20 times or for two months, whichever occurs first, there is no substantial improvement of the patient's alcoholism or substance abuse;
- C Refer the patient immediately to a Texas chiropractor, if after performing acupuncture 10 times or for one month, whichever occurs first, there is no substantial improvement of the patient's alcoholism or substance abuse;
- D Refer the patient immediately to a Texas physician or dentist, as appropriate, if after performing acupuncture 20 times or for two months, whichever occurs first, there is no substantial improvement of the patient's alcoholism or substance abuse;
- E None of the above.

Answer: An acupuncturist treating a person for alcoholism or substance abuse must recommend an evaluation by a licensed Texas physician or dentist, as appropriate, if after performing acupuncture 20 times or for two months, whichever occurs first, there is no substantial improvement of the patient's alcoholism or substance abuse.

References: 305.301(d), Occ. Code; Board Rule 183.7(e)

Question: If a patient has not been evaluated by a physician or dentist, as appropriate, for the condition being treated within six months before the date acupuncture is performed, the acupuncturist is subject to:

- A A warning from the Board;
- B A warning from the Board and an administrative penalty;
- C Suspension of his or her license;
- D Revocation of his or her license after notice and a hearing;
- E None of the above.

Answer: [In general, if an acupuncturist does not verify that an evaluation has been performed by a physician before providing acupuncture services] [take out - obtain the required evaluation or referral from a physician], the acupuncturist is subject to revocation of his or her license after notice and a hearing.

References: 205.301(a)(1) and 205.355, Occ. Code

Question: The board may require a licensee or applicant to submit to a mental and/or physical examination by a physician or physicians designated by the board, if the board has probable cause to believe that the licensee or applicant is impaired, based on:

- (1) Sworn statements from two people that the licensee or applicant is impaired;
- (2) A sworn statement from an official representative of the Texas Association of Acupuncturists or the Texas Association of Acupuncture and Oriental Medicine that the licensee or applicant is impaired;
- (3) Evidence of a single arrest of licensee or applicant for intoxication.

- A (1);
- B (2);
- C (3);
- D (1) or (2);
- E (1) or (3).

Answer: The board may require a licensee or applicant to submit to a mental and/or physical examination by a physician or physicians designated by the board if the board has probable cause to believe that the licensee or applicant is impaired based on either sworn statements from two people, willing to testify before the Board, or a sworn statement of an official representative of the Texas Association of Acupuncturists or the Texas Association of Acupuncture and Oriental Medicine stating that the representative is willing to testify before the board the Board that a certain licensee or applicant is impaired.

References: 205.3523, Occ. Code; Board Rule 183.9

Question: When is an acupuncturist's license subject to renewal?

- A Every three years;
- B Biennially;
- C Semi-annually;
- D Annually;
- E None of the above.

Answer: An acupuncturist's license is subject to renewal annually.

References: 205.251, Occ. Code

Question: For an acupuncturist whose license has expired, which of the following is true? The acupuncturist:

- A May continue practicing for up to 30 days after the expiration date of the license;
- B May not practice after the expiration date of the license until the license has been renewed;
- C May continue practicing if the acupuncturist notifies the Board of his or her intention to renew the license within 30 days;
- D May not practice after a 15 day grace period for renewal;
- E None of the above.

Answer: An acupuncturist whose license has expired may not practice after the expiration date of the license until the license has been renewed.

References: 205.253(a), Occ. Code

- Question:** Practicing after the expiration date of a license:
(1) may subject the acupuncturist to a written warning;
(2) may subject the acupuncturist to disciplinary action by the Board;
(3) may subject the acupuncturist to criminal penalties for practicing without a license.
- A (1) and (2);
 - B (2) and (3);
 - C (1) and (3);
 - D (1), (2), and (3);
 - E None are correct.

Answer: Practicing after the expiration date of a license and any grace period may subject the acupuncturist to disciplinary action by the Board and to criminal penalties for practicing without a license.

References: 205.351(a)(11); 205.401, Occ. Code

- Question:** Which of the following are true for an acupuncturist who is otherwise eligible to renew a license? The acupuncturist may:
- (1) renew an unexpired license by paying the required renewal fee before the expiration date of the license;
 - (2) if the person's license has been expired for 90 days or less, renew the license by paying a fee in an amount equal to one and one-half times the required renewal fee;
 - (3) if the person's license has been expired for longer than 90 days but less than one year, the person may renew the license by paying to the medical board a fee in an amount equal to two times the required renewal fee;
 - (4) if the person's license has been expired for one year or longer, the person may not renew the license and it is automatically cancelled (unless an investigation is pending).
- A (1);
 - B (1) and (2);
 - C (3);
 - D (1), (2), and (4);
 - E All of the above.

Answer: The acupuncturist may renew an unexpired license by paying the required renewal fee before the expiration date of the license; if the person's license has been expired for 90 days or less, renew the license by paying a fee in an amount equal to one and one-half times the required renewal fee; if the person's license has been expired for longer than 90 days but less than one year, the person may renew the license by paying to the medical board a fee in an amount equal to two times the required renewal fee; and if the person's license has been expired for one year or longer, the person may not renew the license and it is automatically cancelled (unless an investigation is pending). Note, however, that the acupuncturist must also submit an application for renewal of the license.

References: 205.253, Occ. Code

Question: As a prerequisite to the annual registration of the license of an acupuncturist, how many hours of continuing acupuncture education must an acupuncturist complete each year?

- A 25 hours of continuing acupuncture education each year;
- B 17 hours of continuing acupuncture education each year;
- C 5 hours of continuing acupuncture education each quarter;
- D 4 hours of continuing acupuncture education each quarter;
- E None of the above.

Answer: As a prerequisite to the annual registration of the license of an acupuncturist, the acupuncturist must complete 17 hours of continuing acupuncture education each year.

References: Board Rule 183.20(b)

Question: The hours of continuing acupuncture education (CAE) that an acupuncturist is required to complete each year must be from courses that meet which of the following requirements?

- (1) are designated or otherwise approved for credit by the Texas State Board of Acupuncture Examiners at the time the courses were taken;
- (2) are offered by approved providers;
- (3) have been approved for CAE credit for a minimum of three years by another state acupuncture board having first gone through a formal approval process.

- A (1);
- B (1) or (2);
- C (1) or (3);
- D (2) or (3);
- E (1), (2) or (3).

Answer: The required hours for CAE shall be from courses that: (a) are designated or otherwise approved for credit by the Texas State Board of Acupuncture Examiners at the time the courses were taken based on a review and recommendation of the course content by the Education Committee of the board; (b) are offered by approved providers; or (c) have been approved for CAE credit for a minimum of three years by another state acupuncture board having first gone through a formal approval process.

References: Board Rule 183.20(b)

Question: With respect to the continuing acupuncture education hours that an acupuncturist is required to complete each year, which of the following is true?

- (1) at least eight hours shall be in general acupuncture;
- (2) at least one hour shall be from a course in ethics;
- (3) at least two hours shall be in herbology.

- A (1) and (2);
- B (2) and (3);
- C (3);
- D (1) and (3);
- E (1), (2) and (3).

Answer: An acupuncturist must complete at least eight hours in general acupuncture; at least one hour in ethics; and at least two hours in herbology.

References: Board Rule 183.20(b)

Question: With respect to the continuing acupuncture education hours that an acupuncturist is required to complete each year, which of the following is true?

- (1) no more than two of the required hours may be from courses that primarily relate to practice enhancement or business or office administration;
- (2) courses may be taught only through live lecture, and not via distance learning or the Internet;
- (3) at least two of the required hours must be in medical record keeping.

- A (1);
- B (2);
- C (3);
- D (1) and (3);
- E None of the above.

Answer: Of the continuing acupuncture education hours that an acupuncturist is required to complete each year, no more than two of the required hours may be from courses that primarily relate to practice enhancement or business or office administration.

References: Board Rule 183.20(b)

Question: Regarding continuing acupuncture education, which of the following is true?

- (1) An acupuncturist must report on the licensee's annual registration form each CAE course that the licensee has attended during the registration period;
- (2) An acupuncturist must report on the licensee's annual registration form whether the licensee has completed the required acupuncture education during the previous year;
- (3) The Board may require written verification of continuing acupuncture education hours from any licensee and the licensee must provide the requested verification within 30 calendar days of the date of the request;
- (4) Failure of an acupuncturist to obtain and timely report the required number of continuing education hours will result in non-renewal of the license until such time as the acupuncturist obtains and reports the required hours.

- A (1), (3), and (4);
- B (1) and (3);
- C (2), (3), and (4);
- D (3) and (4);
- E All are true.

Answer: An acupuncturist must report whether the licensee has completed the required acupuncture education during the previous year. The Board may require written verification of continuing acupuncture education hours from any licensee and the licensee must provide the requested verification within 30 calendar days of the date of the request. Failure of an acupuncturist to obtain and timely report the required number of continuing education hours will result in non-renewal of the license until such time as the acupuncturist obtains and reports the required hours.

References: Board Rule 183.20(c), (g) and (h)

Question: Which of the following are reasons for which an acupuncturist may request an exemption from the annual minimum continuing acupuncture education requirements?

- (1) catastrophic illness;
- (2) military service of longer than six months outside of the United States;
- (3) acupuncture practice and residence of longer than one year outside of Texas;
- (4) for any reason showing a hardship on the acupuncturist.

- A (1);
- B (1) and (2);
- C (1), (2), and (3);
- D (1), (2), and (4);
- E (1), (2), (3) and (4).

Answer: An acupuncturist may be exempt under the Board's rules, subject to approval by the executive director, from the annual minimum continuing acupuncture education requirements in cases of catastrophic illness, military service of longer than one year, acupuncture practice and residence of longer than one year outside of the United States, or for good cause showing that the acupuncturist is unable to comply with the requirements.

References: Board Rule 183.20(d) and (e)

Question: For the purpose of directing complaints to the Board, an acupuncturist must provide, in English and Spanish, notification to the public of the name, mailing address, and telephone number of the Board. Which of the following are authorized methods of providing the required notification?

- (1) on a sign prominently displayed in the place of business of the acupuncturist;
- (2) in each bill for service provided;
- (3) on each registration form, application, or written contract for services;
- (4) on the back of business cards readily available at the place of check-in for patients.

- A (1);
- B (1) and (2);
- C (1), (2), and (3);
- D (1), (2), (3), and (4);
- E (2), (3), and (4).

Answer: For the purpose of directing complaints to the Board, an acupuncturist must provide, in English and Spanish, notification to the public of the name, mailing address, and telephone number of the Board by placing the Board-approved notification language on a sign prominently displayed in the place of business of the acupuncturist, in each bill for service provided or on each registration form, application, or written contract for services.

References: 205.152, Occ. Code; Board Rule 183.11; 178.3

Question: Which of the following is true regarding the Board-approved notification language that is to be used for the purpose of directing complaints to the Board? The language:

- A May be modified to more accurately reflect the acupuncturist's practice;
- B Must be in English and Spanish;
- C Must be in English, Spanish and Chinese;
- D May be in the language of the majority of the acupuncturist's patients;
- E None of the above.

Answer: The language must be in English and Spanish.

References: 205.152, Occ. Code; Board Rule 183.11; 178.3

Question: If an acupuncturist receives a request from the Board or Board representatives for patient records, such records must be furnished to the Board within how many days?

- A 14 days of the request;
- B 31 days of the request;
- C 60 days of the request;
- D One year of the request;
- E None of the above.

Answer: Records requested by the Board or a Board representative must be furnished to the Board with 14 days of the request.

References: Board Rule 183.8(b)(1)

Question: At a minimum, patient records must be maintained in which language?

- A English and the patient's native language;
- B English and the practitioner's native language;
- C English and Spanish;
- D English;
- E None of the above.

Answer: Patient records must be maintained, at a minimum, in English.

References: Board Rule 183.10(a)

Question: Patient records must include which of the following items?

- (1) patient's name and address, vital signs, chief complaint, patient history, treatment plan;
- (2) in the case of referrals to the acupuncturist of a patient by a chiropractor, the acupuncturist shall record the date of the referral and the most recent date of chiropractic treatment prior to acupuncture treatment;
- (3) the most recent date of treatment if the patient has been treated by a mental health professional;
- (4) a system of billing records which accurately reflect patient names, services rendered, the date of the services rendered, and the amount charged or billed for each service rendered;
- (5) a notation of any herbal medications, including amounts and forms, and other modalities used in the course of treatment with corresponding dates for such treatment.

- A (1) and (5);
- B (1) and (3);
- C (2), (4), and (5);
- D (1), (2), (4), and (5);
- E (1), (2), (3), (4), and (5).

Answer: Patient records must include:

- (a) the patient's name and address;
- (b) vital signs;
- (c) the chief complaint of the patient;
- (d) a patient history;
- (e) a treatment plan for each patient visit or consultation;
- (f) a notation of any herbal medications, including amounts and forms, and other modalities used in the course of treatment with corresponding dates for such treatment;
- (g) a system of billing records which accurately reflect patient names, services rendered, the date of the services rendered, and the amount charged or billed for each service rendered;
- (h) a written record regarding whether or not a patient was evaluated by a physician or dentist, as appropriate, for the condition being treated within 12 months before the date acupuncture was performed as required by §183.7(a);
- (i) a written record regarding whether or not a patient was referred to a physician after the acupuncturist performed acupuncture 20 times or for two months whichever occurs first, as required by §183.7(b) in regard to treatment of patients upon referral by a chiropractor ;
- (j) in the case of referrals to the acupuncturist of a patient by a chiropractor, the acupuncturist shall record the date of the referral and the most recent date of chiropractic treatment prior to acupuncture treatment; and,
- (k) reasonable documentation that the evaluation required by §183.7 was performed or, in the event that the licensee is unable to determine that the evaluation took place, a written statement signed by the patient stating that the patient has been evaluated by a physician within the required time frame on a form required by the Board.

References: Board Rule 183.10(a)

Question: What title is a licensee required to use in advertising and other materials visible to the public which pertain to the practice of acupuncture?

- A Texas Licensed Acupuncturist, Tx. Lic.Ac., or Tx. L.Ac.;
- B Licensed Acupuncturist, Lic.Ac., or L.Ac.;
- C Doctor of Oriental Medicine, or D.O.M.;
- D Doctor of Acupuncture, or D.O.A..
- E Any of the above.

Answer: A licensee shall use the title "Licensed Acupuncturist," "Lic. Ac.," or "L. Ac.," immediately following his/her name on any advertising or other materials visible to the public which pertain to the licensee's practice of acupuncture.

References: Board Rule 183.15

Question: Which of the following types of claims or events must an acupuncturist report (if not reported by his or her insurance carrier) to the Board?

- A Any Product liability claims, if the acupuncturist invented a device that may have injured a patient;
- B Any cause of action against the acupuncturist for treatment, lack of treatment, or other claimed departure from accepted standards of health care or safety which proximately results in injury to or death of the patient;
- C Any Allegation involving improper peer review activities;
- D Any allegation of liability for injuries occurring on the acupuncturist's property;
- E Allegations regarding violations of HIPAA.

Answer: An acupuncturist must report to the Board, if not reported by his or her professional liability insurance carrier or if he or she does not have insurance, any cause of action against the acupuncturist for treatment, lack of treatment, or other claimed departure from accepted standards of health care or safety which proximately results in injury to or death of the patient.

References: Board Rule 183.8(f)(6) and (7)

Question: A licensee's acupuncture license number must appear on which of the following?

- A All printed material that may be delivered to patients;
- B All advertising;
- C All written advertising except for billboards, business cards, office, clinic, or facility signs on the premises and single-line telephone number listings;
- D All consent for treatment forms;
- E None of the above.

Answer: A licensee's acupuncture license number must appear on all written advertising except for billboards, business cards, office, clinic, or facility signs on the premises and single-line telephone number listings.

References: Board Rule 183.19

Question: What is an acudetox specialist?

- A An acupuncturist who is certified to treat alcoholism, substance abuse, and chemical dependency;
- B A person who is certified to practice auricular acupuncture for the limited purpose of treating alcoholism, substance abuse, and chemical dependency;
- C An acupuncturist who specializes in treating alcoholism, substance abuse, and chemical dependency;
- D An acupuncturist who is specially certified to practice auricular acupuncture to treat alcoholism, substance abuse, and chemical dependency;
- E None of the above.

Answer: An acudetox specialist is a person who is certified to practice auricular acupuncture for the limited purpose of treating alcoholism, substance abuse, and chemical dependency.

References: 205.303 Occ.Code; Board Rule 183.14(a)

Question: In order to qualify to be certified as an acudetox specialist, a person must:

- (1) be a licensed acupuncturist;
- (2) be a licensed social worker, licensed professional counselor, licensed psychologist, licensed chemical dependency counselor, licensed vocational nurse, or licensed registered nurse;
- (3) successfully complete a training program in acupuncture detoxification that meets guidelines approved by the medical board;
- (4) have passed an examination sponsored by the Board;
- (5) pay a certification fee.

- A (1), (3), (4) and (5);
- B (2), (3), (4) and (5);
- C (2), (3) and (5);
- D (1), (4) and (5);
- E All of the above.

Answer: In order to qualify to be certified as an acudetox specialist a person must be a licensed social worker, licensed professional counselor, licensed psychologist, licensed chemical dependency counselor, licensed vocational nurse, or licensed registered nurse; must successfully complete a training program in acupuncture detoxification that meets guidelines approved by the medical board; and must pay a certification fee.

References: 205.303, Occ. Code; Board Rule 183.14

Question: Which of the following is true with respect to an acudetox specialist? The acudetox specialist:

- A May practice unsupervised if a physician, physician assistant, or acupuncturist is available by telephone for consultation during the office hours of the acudetox specialist;
- B May practice acupuncture only under the supervision of a licensed acupuncturist or physician;
- C May practice only under the supervision of a licensed acupuncturist;
- D May practice only under the supervision of a physician;
- E None of the above.

Answer: An acudetox specialist may practice acupuncture only under the supervision of a licensed acupuncturist or physician.

References: 205.303, Occ. Code

Question: Which of the following are true for advertisements of any form? An acupuncturist:

- (1) may use the term "board certified" if the advertising discloses the complete name of the board which conferred the referenced certification;
- (2) may use the term "board certified" if the acupuncturist is licensed by the Acupuncture Board;
- (3) may not use the term "board certified" if the advertised board certification has expired and has not been renewed at the time the advertising is published.

- A (1);
- B (1) and (2);
- C (1) and (3);
- D (1), (2) and (3);
- E None of the above.

Answer: An acupuncturist may use the term "board certified" if the advertising also discloses the complete name of the board which conferred the referenced certification and may not use the term "board certified" if the advertised board certification has expired and has not been renewed at the time the advertising is published.

References: Board Rule 183.19(c)

Question: Which of the following are true for an acupuncturist who is not licensed by the Texas Medical Board, the Texas Optometry Board or the Texas Boards of Dental Examiners, Chiropractic Examiners, or Podiatric Medical Examiners? The acupuncturist:

- (1) May never use the title "doctor;"
- (2) May not use the title "doctor" if its use implies that the acupuncturist holds an M.D. or D.O. degree;
- (3) May use the title "doctor" as a professional identification, only if the authority under which the title is used or the college or honorary degree that gives rise to the use of the title is also designated;
- (4) May use the title "doctor" as a professional identification without further designation, only if the acupuncturist has actually been granted a doctoral degree.

- A (1);
- B (2);
- C (3);
- D (4);
- E (2) and (3).

Answer: An acupuncturist may not use the title "doctor" if its use implies the acupuncturist is a physician or medical doctor, but may use the title "doctor" as any manner of professional identification, including a sign, pamphlet or letterhead, but only if the authority under which the title is used or the college or honorary degree that gives rise to the use of the title is also designated.

References: 104.003; 104.004, Occ. Code

Question: Which one of the following types of claims or events is an acupuncturist required to report to the Board?

- A Product liability claims (i.e. where an acupuncturist invented a device which may have injured a patient, but the acupuncturist has had no personal acupuncturist-patient relationship with the specific patient claiming injury by the device);
- B Antitrust allegations;
- C Allegations involving improper peer review activities;
- D Allegations of liability for injuries occurring on an acupuncturist's property, but not involving a breach of duty to the patient (i.e. slip and fall accidents);
- E Professional liability claims (i.e., any lawsuit against an acupuncturist for treatment, lack of treatment, or other claimed departure from accepted standards of health care or safety that results in injury to or death of the patient).

Answer: An acupuncturist is required to report to the Board professional liability claims (i.e., any lawsuit against an acupuncturist for treatment, lack of treatment, or other claimed departure from accepted standards of health care or safety that results in injury to or death of the patient).

References: Board Rule 183.8(f)

Question: If a person has cause to believe that a person 65 years of age or older or a disabled person is in a state of abuse, neglect, or exploitation, under what circumstances does that person have a duty to report the abuse?

- A Only if the person is a physician is there a duty to report to the Texas Department of Family and Protective Services;
- B Only if the person is a physician assistant or an advanced practice nurse is there a duty to report to the Texas Department of Family and Protective Services;
- C A person, without regard to any professional or medical training, has a duty to report to the Texas Department of Family and Protective Services;
- D A person has no duty to report to any state agency, but may report to the Texas Department of Family and Protective Services;
- E None of the above.

Answer: If a person has cause to believe that a person 65 years of age or older or a disabled person is in a state of abuse, neglect, or exploitation, the person, without regard to any professional or medical training, has a duty to report to the Texas Department of Family and Protective Services.

References: 48.051, Human Resources Code

Question: "Neglect" of an elderly person (age 65 and older) or a disabled person, as defined by law, includes which of the following?

- (1) failure of a caretaker to provide to the elderly or disabled person the goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain;
- (2) failure of the elderly or disabled person to provide for himself or herself the goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain;
- (3) failure of a caretaker to provide to the elderly or disabled person the goods or services, excluding medical services, that are necessary to avoid physical or emotional harm or pain.

- A (1);
- B (1) and (2);
- C (2) and (3);
- D (3);
- E None of the above.

Answer: "Neglect" of an elderly person (age 65 and older) or a disabled person, as defined by law, includes the failure of a caretaker to provide to the elderly or disabled person the goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain; and the failure of the elderly or disabled person to provide for himself or herself the goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain.

References: 48.002(a)(4), Human Resources Code

Question: "Exploitation" of a person age 65 and older or a disabled person, as defined by law, includes using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain, but only in which of the following circumstances?

- (1) the person using the resources of the elderly or disabled person is the caretaker of the elderly or disabled person, even though the elderly or disabled person gave their informed consent;
- (2) the person using the resources of the elderly or disabled person is not a caretaker, family member or other individual who has an ongoing relationship with the elderly or disabled person, but received benefits, profits or gains that are more than "insignificant" as determined by a court of law;
- (3) the person using the resources of the elderly or disabled person is a caretaker, family member or other individual who has an ongoing relationship with the elderly or disabled person and only if that person did not obtain the informed consent of the elderly or disabled person.

- A (1);
- B (2);
- C (3);
- D (1) and (2);
- E (1), (2), and (3).

Answer: "Exploitation" of an elderly person (age 65 and older) or a disabled person, as defined by law, includes using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain if the person using the resources of the elderly or disabled person is a caretaker, family member or other individual who has an ongoing relationship with the elderly or disabled person and only if that person did not obtain the informed consent of the elderly or disabled person.

References: 48.002(a)(3), Human Resources Code

Question: Under the Medical Practice Act, certain persons are required to report relevant information to the Medical Board relating to the acts of a physician if, in the opinion of the person, the physician poses a continuing threat to the public welfare through the practice of medicine. Who of the following are persons who come within this requirement?

- (1) a nurse;
- (2) a physician assistant;
- (3) an acupuncturist;
- (4) an acupuncturist student;
- (5) a chiropractor.

- A (1), (2), (3), and (4);
- B (2), (3), and (4);
- C (1), (2), (4), and (5);
- D (2), (3), and (5);
- E (1), (2), (3), (4), and (5);

Answer: The following are required to report relevant information to the board relating to the acts of a physician in this state if, in the opinion of the person or committee, that physician poses a continuing threat to the public welfare through the practice of medicine:

- (1)..a medical peer review committee in this state;
- ...(2)..a physician licensed in this state or otherwise lawfully practicing medicine in this state;
- ...(3) a physician engaged in graduate medical education or training;
- ...(4)..a medical student;
- ...(5)..a physician assistant or acupuncturist licensed in this state or otherwise lawfully practicing in this state; and
- ...(6)..a physician assistant student or acupuncturist student.

References: 160.003, Occ. Code

Question: Who has a duty to report to the Texas Department of Family and Protective Services if they have cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person?

- A Physicians, physician assistants and registered nurses;
- B Health care professionals, including acupuncturists;
- C Health care professionals and school administrators and teachers;
- D All professionals who are granted licensure or certification through the state and in the normal course of their official duties, has direct contact with children;
- E No one has a duty, but any person may report.

Answer: All persons regardless of occupation have a duty to report in this situation.and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.

References: 261.101, Family Code

Question: Abuse of a child, as defined by law, includes which of the following acts or omissions:

- (1) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (2) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child;
- (3) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (4) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (5) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child.

- A (1);
- B (2), (3), (4) and (5);
- C (3), (4) and (5);
- D (1), (3), (4), and (5);
- E (1), (2), (3), (4) and (5).

Answer: "Abuse" includes the following acts or omissions by a person:

- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;
- (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; or
- (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

References: 261.001(1), Family Code

Question: Neglect of a child, as defined by law, includes which of the following acts or omissions:

(1) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(2) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(3) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(4) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child;

(5) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions, committed against another child, that constitute abuse, such as: sexual conduct harmful to a child's mental, emotional, or physical welfare; failure to make a reasonable effort to prevent sexual conduct harmful to a child; compelling or encouraging the child to engage in sexual conduct; causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic; or causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.

A (1);

B (2), (3), (4) and (5);

C (3), (4) and (5);

D (1), (3), (4) and (5);

E (1), (2), (3), (4) and (5).

Answer: "Neglect" includes:

(A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(B) the following acts or omissions by a person:

(i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or

(C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

References: 261.001(4) , Family Code

Question: With respect to the neglect or abuse of a child, what is the legal definition of a child?

- A A person under the age of 15 years;
- B A person under 15 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes;
- C A person under 18 years of age;
- D A person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes;
- E A person 12 years of age or younger.

Answer: With respect to the neglect or abuse of a child, a child means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

References: 101.003, Family Code

Question: How often is the acupuncture board authorized to meet each year?

- A Monthly;
- B Six times;
- C Four times;
- D Three times;
- E None of the above.

Answer: The acupuncture board may meet up to four times a year to carry out the mandates of the Act.

References: Board Rule 183.3(a)

Question: The Acupuncture Board's general powers and duties, subject to advice and approval of the Medical Board, do not include which of the following:

- A Prescribe the application form for a license to practice acupuncture;
- B Establish minimum education and training requirements necessary for the acupuncture board to recommend that the medical board issue a license to practice acupuncture;
- C Establish standards of the practice of acupuncture by physicians and chiropractors;
- D Establish qualifications for an acupuncturist to practice in this state;
- E Recommend rules to establish licensing and other fees.

Answer: Subject to the advice and approval of the medical board, the acupuncture board shall:

- (1) establish qualifications for an acupuncturist to practice in this state;
- (2) establish minimum education and training requirements necessary for the acupuncture board to recommend that the medical board issue a license to practice acupuncture;
- (3) administer an examination that is validated by independent testing professionals for a license to practice acupuncture;
- (4) develop requirements for licensure by endorsement of other states;
- (5) prescribe the application form for a license to practice acupuncture;
- (6) recommend rules to establish licensing and other fees;
- (7) establish the requirements for a tutorial program for acupuncture students who have completed at least 48 semester hours of college; and
- (8) recommend additional rules as are necessary to administer and enforce this chapter.

References: 205.101(a), Occ. Code

Question: Members of the public are allowed to speak to the Acupuncture Board:

- A If permitted in advance by the Acupuncture Board;
- B Under Board policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the Board's jurisdiction;
- C For a maximum of 5 minutes;
- D All of the above;
- E None of the above.

Answer: Subject to the advice and approval of the medical board, the acupuncture board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the acupuncture board and to speak on any issue under the acupuncture board's jurisdiction.

References: 205.153(a), Occ. Code

- Question:** A license holder shall notify the board of a change of address:
- A Within 10 days after the date the address change occurs;
 - B Within 30 days after the date the address change occurs;
 - C Within 60 days after the date the address change occurs;
 - D At the time of the next renewal of the acupuncturist's license;
 - E None of the above.

Answer: A license holder shall notify the acupuncture board of a change of the license holder's residence or business address; and provide the acupuncture board with the license holder's new address not later than the 30th day after the date the address change occurs.

References: 205.305(b), Occ. Code

- Question:** Unless good cause is shown, an informal meeting to resolve a complaint against a licensee, in compliance with Section 2001.054, Gov't Code, must be scheduled not later than:
- A 180 days after a complaint is received by the Acupuncture Board;
 - B 180 days after a complaint is filed with the Acupuncture Board;
 - C 180 days after an investigation is opened by the Acupuncture Board;
 - D 180 days after an investigation is completed by the Acupuncture Board;
 - E None of the above.

Answer: An informal meeting in compliance with Section 2001.054, Government Code, be scheduled not later than the 180th day after the date the complaint is filed with the acupuncture board, unless good cause is shown by the acupuncture board for scheduling the informal meeting after that date.

References: 205.3541(b)(1), Occ. Code

Question: In an informal proceeding to resolve a complaint against a licensee under Section 205.3541, at least how many panelists shall be appointed to determine whether an informal disposition is appropriate?

- A One;
- B Two;
- C Two, including one acupuncturist and one public member of the Board;
- D Three, including at least two acupuncturist members of the Board;
- E None of the above.

Answer: In an informal proceeding under Section 205.3541, at least two panelists shall be appointed to determine whether an informal disposition is appropriate.

References: 205.3542(a), Occ. Code

Question: Regarding a panel's recommendations in an informal meeting to resolve a complaint against a licensee under Section 205.3543, which of the following are true?

- (1) The panel's recommendations must be made in a written order and presented to the affected acupuncturist and the acupuncturist's authorized representative;
- (2) The panel's recommendations may be explained thoroughly to the accupuncturist at the informal proceeding and is final when the accupuncturist agrees to the terms recommended;
- (3) The acupuncturist may accept the proposed settlement within the time established by the panel at the informal meeting.

- A (1);
- B (2);
- C (3);
- D (1) and (3);
- E (2) and (3).

Answer: The panel's recommendations must be made in a written order and presented to the affected acupuncturist and the acupuncturist's authorized representative. The acupuncturist may accept the proposed settlement within the time established by the panel at the informal meeting.

References: 205.3543(g), Occ. Code

Question: If, after an informal meeting to resolve a complaint against a licensee under Section 205.3541, an acupuncturist rejects a proposed settlement or does not accept a written order within the required time:

- A The acupuncturist may appeal the written order to the acupuncture board;
- B The acupuncturist may appeal the written order in the District Court of Travis County;
- C The acupuncture board may proceed with the filing of a formal complaint with the State Office of Administrative Hearings;
- D The acupuncture board may impose the terms of the written order at the next meeting of the acupuncture board;
- E None of the above are true.

Answer: The acupuncturist may accept the proposed settlement within the time established by the panel at the informal meeting. If the acupuncturist rejects the proposed settlement or does not act within the required time, the acupuncture board may proceed with the filing of a formal complaint with the State Office of Administrative Hearings.

References: 205.3543(g), Occ. Code

Question: A license may be suspended without notice or hearing if:

- (1) Proceedings for a hearing before the acupuncture board are initiated simultaneously with the temporary suspension;
- (2) A hearing is held under Chapter 2001, Government Code, and this chapter within 10 days;
- (3) A hearing is held under Chapter 2001, Government Code, and Chapter 205, Occupations Code;

- A (1);
- B (2);
- C (3);
- D (1) and (2);
- E (1) and (3).

Answer: A license may be suspended without notice or hearing on the complaint if proceedings for a hearing before the acupuncture board are initiated simultaneously with the temporary suspension and a hearing is held under Chapter 2001, Government Code, and Chapter 205, Occupations Code.

References: 205.361(c), Occ. Code

Question: If a person is practicing acupuncture without a license, after notice and opportunity for a hearing, the acupuncture board may:

- (1) Issue a cease and desist order prohibiting the person from engaging in the unauthorized practice of acupuncture;
- (2) Impose an administrative penalty;
- (3) Impose a criminal penalty.

- A (1);
- B (2);
- C (3);
- D (1) and (2);
- E All of the above.

Answer: If it appears to the acupuncture board that a person who is not licensed under the Acupuncture Act is violating the Act, a rule adopted under the Act, or another state statute or rule relating to the practice of acupuncture, the board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in this activity.

References: 205.362, Occ. Code

Question: The acupuncture board may order a license holder to pay a refund to a consumer:

- A Instead of imposing an administrative penalty;
- B In addition to imposing an administrative penalty;
- C In the amount the consumer paid to the license holder for a service regulated by the Acupuncture Act;
- D But, other damages or estimate harm may not be included;
- E All of the above.

Answer: The acupuncture board may order a license holder to pay a refund to a consumer, instead of or in addition to imposing an administrative penalty. The refund shall be in the amount the consumer paid to the license holder for a service regulated by the Acupuncture Act, but other damages or estimate harm may not be included.

References: 205.363, Occ. Code

Question: The amount of an administrative penalty may not exceed:

- A \$1,000 for each violation;
- B \$2,500 for each violation;
- C \$5,000 for each violation;
- D \$10,000 for each violation;
- E None of the above.

Answer: The amount of an administrative penalty may not exceed \$5,000 for each violation.

References: 205.453(a), Occ. Code

Question: For purposes of imposing an administrative penalty:

- A The Board may not impose more than the maximum amount stated in the statute against a licensee;
- B The Board may not impose more than the maximum amount stated in the statute at any informal proceeding against a licensee;
- C The Board may impose up to the maximum for each day a violation continues or occurs;
- D The Board may impose up to the maximum for each day that has elapsed since the violation;
- E None of the above.

Answer: Each day a violation continues or occurs is a separate violation for purposes of imposing an administrative penalty.

References: 205.453(a), Occ. Code

Question: The amount of an administrative penalty shall be based on:

- A The history of previous violations;
- B The seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act; and the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- C The amount necessary to deter a future violation;
- D Efforts to correct the violation;
- E Any of the above.

Answer: The amount of the penalty shall be based on:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act; and the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (2) the economic harm to property or the environment caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts to correct the violation; and
- (6) any other matter that justice may require.

References: 205.453(b), Occ. Code

Question: The notification to the public for the purpose of directing complaints to the board:

- (1) Must conform to the exact language prescribed in board rule;
 - (2) May use all of the language prescribed in board rule and provide additional information;
 - (3) Must be translated into the native language of each patient;
 - (4) May contain the same overall content as in board rule, but be altered slightly to make it more understandable to patients;
- A (1);
 - B (2);
 - C (3);
 - D (4);
 - E Either (2) or (4).

Answer: For the purpose of directing complaints to the board, the board and its licensees shall provide notification to the public of the name, mailing address, and telephone number of the board with the board-approved notification statement printed alone and in its entirety in black on white background in type no smaller than standard 24-point Times Roman print with no alterations, deletions, or additions.

References: 205.152, Occ. Code; Board Rule 183.11 and 178.3

Question: Which of the following is true, regarding notification to the public for the purpose of directing complaints to the board:

- A When using a sign at the licensee's place of business, there are no restrictions as to size;
- B When placed on bills for services, the statement must be printed on the patient's first visit, but is not required on subsequent visits;
- C When placed on each registration form, application, or written contract for services of a licensee, must be no smaller than standard 10-point, 12-pitch typewriter print;
- D Color may be added to emphasize certain points of the notification on a bill for services, a registration form, an application, or written contract for services of a licensee;
- E None of the above.

Answer: For the purpose of directing complaints to the board, the board and its licensees shall provide notification to the public of the name, mailing address, and telephone number of the board by one or more of the following methods:

(1) displaying in a prominent location at a licensee's place of business, signs in English and Spanish of no less than 8 1/2 inches by 11 inches in size with the board-approved notification statement printed alone and in its entirety in black on white background in type no smaller than standard 24-point Times Roman print with no alterations, deletions, or additions to the language of the board-approved statement; or

(2) placing the board-approved notification statement printed in English and Spanish in black type no smaller than standard 10-point 12-pitch typewriter print on each bill for services by a licensee with no alterations, deletions, or additions to the language of the board-approved statement; or

(3) placing the board-approved notification statement printed in English and Spanish in black type no smaller than standard 10-point, 12-pitch typewriter print on each registration form, application, or written contract for services of a licensee with no alterations, deletions, or additions to the language of the board-approved statement.

References: Board Rule 178.3(a)

Question: Misdemeanors involving moral turpitude are defined by board rule to include:

- A An offense committed with knowing disregard for justice or honesty;
- B Sexual offense;
- C Substance diversion or substance abuse;
- D An offense involving baseness, vileness, or depravity in the private social duties one owes to others or to society in general;
- E All of the above.

Answer: Misdemeanors involving moral turpitude include any misdemeanor of which fraud, dishonesty, or deceit is an essential element; burglary; robbery; sexual offense; theft; child molesting; substance diversion or substance abuse; an offense involving baseness, vileness, or depravity in the private social duties one owes to others or to society in general; or an offense committed with knowing disregard for justice or honesty.

References: Board Rule 183.2 (25)

Question: A licensee shall furnish a written explanation of his or her answer to any question asked on the application for license renewal, if requested by the medical board or acupuncture board. This explanation shall:

- (1) Include all details as that may be requested;
- (2) Include all details that may be requested, except confidential patient records;
- (3) Be furnished within 14 days of the request;
- (4) Be furnished within a reasonable time after the request.

- A (1);
- B (2);
- C (3);
- D (4);
- E (1) and (3).

Answer: A licensee shall furnish a written explanation of his or her answer to any question asked on the application for license renewal, if requested by the medical board or acupuncture board. This explanation shall include all details as the medical board or acupuncture board may request and shall be furnished within 14 days of the date of the medical or acupuncture board's request.

References: Board Rule 183.8(b)(2)

Question: Rules of the Acupuncture Board set procedural rules for applications for licensure. Which of the following are requirements of the Board for licensure applications:

- (1) applicants who falsify the application may be required to appear before the board and approval of the license application will be at the discretion of the board;
- (2) an application must be completed in every detail 60 days prior to the board meeting in which the application will be considered;
- (3) applicants may be required to sit for additional oral, written, or practical examinations or demonstrations that the board deems necessary.

- A (1) and (2);
- B (1) and (3);
- C (2) and (3);
- D All of the above;
- E None of the above.

Answer: Applicants for licensure:

(A) whose documentation indicates any name other than the name under which the applicant has applied must furnish proof of the name change;

(B) whose application for licensure which has been filed with the board office and which is in excess of one year old from the date of receipt shall be considered inactive. Any fee previously submitted with that application shall be forfeited. Any further application procedure for licensure will require submission of a new application and inclusion of the current licensure fee.

(C) who in any way falsify the application may be required to appear before the acupuncture board. It will be at the discretion of the acupuncture board whether or not the applicant will be issued a Texas acupuncture license;

(D) on whom adverse information is received by the acupuncture board may be required to appear before the acupuncture board. It will be at the discretion of the acupuncture board whether or not the applicant will be issued a Texas license;

(E) shall be required to comply with the acupuncture board's rules and regulations which are in effect at the time the completed application form and fee are filed with the board;

(F) may be required to sit for additional oral, written, or practical examinations or demonstrations that, in the opinion of the acupuncture board, are necessary to determine competency of the applicant;

(G) must have the application for licensure completed and legible in every detail 60 days prior to the acupuncture board meeting in which they are to be considered for licensure unless otherwise determined by the acupuncture board based on good cause.

References: Board Rule 183.4(b)(1)(A-G)

Question: An applicant for licensure to practice acupuncture may not be required to appear before the Acupuncture Board or any of its committees unless the application raises certain questions about the applicant. Which of the following may be cause for requiring the applicant to appear before the board or one of its committees:
(1) physical or mental impairment;
(2) criminal conviction;
(3) revocation of a professional license.

A (1) and (2);

B (1) and (3);

C (2) and (3);

D All of the above;

E None of the above.

Answer: An applicant for a license to practice acupuncture may not be required to appear before the Acupuncture Board or any of its committees unless the application raises questions about the applicant's:
(A) physical or mental impairment;
(B) criminal conviction; or
(C) revocation of a professional license.

References: Board Rule 183.4(b)(4)(A-C)

Question: If an acupuncturist's license has been expired for one year, it is considered to have been canceled and the acupuncturist may obtain an active license by which of the following means:

A The acupuncturist may pay the full licensure fee for each year since the expiration and request reinstatement;

B The acupuncturist may appear before the disciplinary committee of the board and the committee may determine a fine to be paid in addition to the current registration fee;

C The acupuncturist may obtain a new license by complying with the requirements and procedures for obtaining an original license;

D The acupuncturist may request reinstatement and obtain a new license by paying the registration fee;

E None of the above.

Answer: If an acupuncturist's license has been expired for one year, it is considered to have been canceled, and the acupuncturist may not renew the license. The acupuncturist may obtain a new license by complying with the requirements and procedures for obtaining an original license.

References: Board Rule 183.4(f)

Question: What are the requirements for acupuncturists to keep copies of patient treatment records and billing records according to Board Rules?

- A Patient treatment records and billing records indefinitely;
- B Patient treatment records indefinitely and billing records for five years;
- C Patient treatment records and billing records for five years;
- D Patient treatment records and billing records for 7 years;
- E None of the above.

Answer: Acupuncturists licensed under the Act shall keep copies of patient treatment records indefinitely and billing records for a period of five years from the time of the last treatment rendered to the patient by the acupuncturist.

References: Board Rule 183.10 (c)

Question: A patient's consent for release of confidential information must be in writing and signed by the patient or other person legally qualified. Which of the following information must be specified in the written consent:

- (1) the information or records to be covered by the release;
 - (2) the reason or purpose for the release;
 - (3) the person to whom the information is to be released;
 - (4) the credit card account to which the cost is to be billed.
- A (1), (3), and (4);
 - B (1), (2) and (3);
 - C (1), (2), (3) and (4);
 - D (1) and (3);
 - E None of the above.

Answer: Consent for the release of confidential information must be in writing and signed by the patient, or a parent or legal guardian if the patient is a minor, or a legal guardian if the patient has been adjudicated incompetent to manage his or her personal affairs, or an attorney ad litem appointed for the patient, as authorized by the Texas Mental Health Code Subtitle C, Title 7, Health and Safety Code; the Persons with Mental Retardation Act, Subtitle D, Title 7, Health and Safety Code; Chapter 452, Health and Safety Code, (relating to Treatment of Chemically Dependent Persons); Chapter 5, Texas Probate Code; and Chapter 11, Family Code; or a personal representative if the patient is deceased, provided that the written consent specifies the following:

- (1) the information or records to be covered by the release;
- (2) the reason or purposes for the release; and
- (3) the person to whom the information is to be released.

References: Board Rule 183.10(d)

Question: Which of the following are correct requirements for the release of patient records?
(1) records must be provided at no cost to the patient;
(2) copies must be legible copies of the actual record or a summary or narrative in English;
(3) the information requested must be provided within 30 days;
(4) if the request is denied, in whole or in part, the acupuncturist must provide the patient a written statement of the reason for denial.

- A (1),(2), (3) and (4);
- B (1), (2), and (3);
- C (3) and (4);
- D (2), (3) and (4);
- E None of the above.

Answer: An acupuncturist shall furnish legible copies of patient records requested, or a summary or narrative of the records in English, pursuant to a written consent for release of the information, except if the acupuncturist determines that access to the information would be harmful to the physical, mental, or emotional health of the patient. The acupuncturist may delete confidential information about another person who has not consented to the release. The information shall be furnished by the acupuncturist within 30 days after the date of receipt of the request. Reasonable fees for furnishing the information shall be paid by the patient or someone on his or her behalf. If the acupuncturist denies the request, in whole or in part, the acupuncturist shall furnish the patient a written statement, signed and dated, stating the reason for denial. A copy of the statement denying the request shall be placed in the patient's records. In this subsection, "patient records" means any records pertaining to the history, diagnosis, treatment, or prognosis of the patient.

References: Board Rule 183.10(g)

Question: Board rules establish Grounds for Exemption from Continuing Acupuncture Education. Which of the following is required for obtaining an exemption:

- A Exemption requests must be submitted in writing and approved by the Education Committee of the Acupuncture Board;
- B Exemption requests must be made in person by appearing before the Acupuncture Board;
- C Exemption requests must be approved by the Executive Director and must be submitted in writing 30 days prior to the expiration of the license;
- D Exemption requests must be submitted in writing no later than 60 days after the expiration date of the license;
- E None of the above.

Answer: Exemption requests shall be subject to the approval of the executive director of the board, and shall be submitted in writing at least 30 days prior to the expiration of the license.

References: Board Rule 183.20(e)

Question: Once the annual requirements for Continuing Acupuncture Education have been met, any additional hours may be carried forward to meet requirements for future years under which of the following limits?

- A Up to 10 years may be applied to requirements for the next year;
- B Up to 17 hours may be applied to requirements for the next year;
- C Up to 24 hours may be applied to requirements for the next two years;
- D Up to 34 hours may be applied to requirements for the next two years;
- E None of the above.

Answer: Continuing acupuncture education hours that are obtained to comply with the requirements for the preceding year as a prerequisite for licensure renewal, shall first be credited to meet the requirements for that previous year. Once the requirements of the previous year are satisfied, any additional hours obtained shall be credited to meet the continuing acupuncture education requirements of the current year. A licensee may carry forward CAE hours earned prior to an annual registration report which are in excess of the 17-hour annual requirement and such excess hours may be applied to the following years' requirements. A maximum of 34 total excess hours may be carried forward. Excess CAE hours may not be carried forward or applied to an annual report of CAE more than two years beyond the date of the annual registration following the period during which the hours were earned.

References: Board Rule 183.20(j)