

7634--A

I N   S E N A T E

May 21, 2014

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law and the education law, in relation to the care and treatment of injured employees by licensed or certified acupuncturists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The workers' compensation law is amended by adding a new  
2     section 13-p to read as follows:  
3     S 13-P. CARE AND TREATMENT OF INJURED EMPLOYEES BY LICENSED OR CERTI-  
4     FIED ACUPUNCTURISTS. 1. FOR PURPOSES OF THIS SECTION, THE TERM "ACUPUNC-  
5     TURIST" SHALL MEAN A PERSON WHO IS DULY LICENSED AND REGISTERED AS A  
6     LICENSED ACUPUNCTURIST PURSUANT TO ARTICLE ONE HUNDRED SIXTY OF THE  
7     EDUCATION LAW, OR WHO IS A CERTIFIED ACUPUNCTURIST PURSUANT TO SUBDIVI-  
8     SION THREE OF SECTION EIGHTY-TWO HUNDRED SIXTEEN OF THE EDUCATION LAW;  
9     AND  
10    2. (A) AN INJURED EMPLOYEE, INJURED UNDER CIRCUMSTANCES WHICH MAKE  
11    SUCH AN INJURY COMPENSABLE UNDER THIS ARTICLE, MAY LAWFULLY BE TREATED  
12    BY AN ACUPUNCTURIST AUTHORIZED BY THE CHAIR TO RENDER ACUPUNCTURE CARE  
13    PURSUANT TO THIS SECTION. SUCH SERVICES SHALL BE WITHIN THE SCOPE OF THE  
14    PROFESSION OF ACUPUNCTURE AS DEFINED IN SUBDIVISION ONE OF SECTION  
15    EIGHTY-TWO HUNDRED ELEVEN OF THE EDUCATION LAW.  
16    (B) MEDICAL BUREAUS, MEDICAL CENTERS JOINTLY OPERATED BY LABOR AND  
17    MANAGEMENT REPRESENTATIVES, HOSPITALS AND HEALTH MAINTENANCE ORGANIZA-  
18    TIONS, AUTHORIZED TO PROVIDE MEDICAL CARE, MAY PROVIDE ACUPUNCTURE  
19    SERVICES WHEN REQUIRED, PROVIDED SUCH CARE IS RENDERED BY AN ACUPUNCTU-  
20    RIST AS REQUIRED BY THIS SECTION.  
21    (C) AN ACUPUNCTURIST RENDERING SERVICE PURSUANT TO THIS SECTION SHALL  
22    MAINTAIN RECORDS OF THE PATIENT'S CONDITION AND ACUPUNCTURE TREATMENT,  
23    AND SUCH RECORDS OR REPORTS SHALL BE SUBMITTED TO THE CHAIR ON SUCH  
24    FORMS AND AT SUCH TIMES AS THE CHAIR MAY REQUIRE.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15289-03-4

1 3. (A) AN ACUPUNCTURIST WHO IS DESIROUS OF BEING AUTHORIZED TO RENDER  
2 ACUPUNCTURE SERVICES UNDER THIS SECTION SHALL FILE AN APPLICATION FOR  
3 AUTHORIZATION UNDER THIS SECTION WITH THE ACUPUNCTURE PRACTICE COMMIT-  
4 TEE. THE APPLICANT SHALL AGREE TO REFRAIN FROM SUBSEQUENTLY TREATING FOR  
5 REMUNERATION, AS A PRIVATE PATIENT, ANY PERSON SEEKING ACUPUNCTURE  
6 SERVICES, IN CONNECTION WITH, OR AS A RESULT OF, ANY INJURY COMPENSABLE  
7 UNDER THIS CHAPTER, IF HE OR SHE HAS BEEN REMOVED FROM THE LIST OF  
8 ACUPUNCTURISTS AUTHORIZED TO RENDER SERVICES UNDER THIS CHAPTER. THIS  
9 AGREEMENT SHALL RUN TO THE BENEFIT OF THE INJURED PERSON SO TREATED, AND  
10 SHALL BE AVAILABLE AS A DEFENSE IN ANY ACTION BY SUCH ACUPUNCTURIST FOR  
11 PAYMENT FOR TREATMENT RENDERED BY SUCH ACUPUNCTURIST AFTER BEING REMOVED  
12 FROM THE LIST OF ACUPUNCTURISTS AUTHORIZED TO RENDER ACUPUNCTURE  
13 SERVICES UNDER THIS SECTION. THE ACUPUNCTURE PRACTICE COMMITTEE IF IT  
14 DEEMS SUCH ACUPUNCTURIST DULY QUALIFIED SHALL RECOMMEND TO THE CHAIR  
15 THAT SUCH PERSON BE AUTHORIZED TO RENDER ACUPUNCTURE SERVICES UNDER THIS  
16 SECTION. SUCH RECOMMENDATIONS SHALL BE ONLY ADVISORY TO THE CHAIR AND  
17 SHALL NOT BE BINDING OR CONCLUSIVE.

18 (B) THE CHAIR SHALL PREPARE AND ESTABLISH A SCHEDULE FOR THE STATE OR  
19 SCHEDULES LIMITED TO DEFINED LOCALITIES OF CHARGES AND FEES FOR ACUPUNC-  
20 TURE TREATMENT AND CARE, TO BE DETERMINED IN ACCORDANCE WITH AND BE  
21 SUBJECT TO CHANGE PURSUANT TO RULES PROMULGATED BY THE CHAIR. BEFORE  
22 PREPARING SUCH SCHEDULE FOR THE STATE OR SCHEDULES FOR LIMITED LOCALI-  
23 TIES THE CHAIR SHALL REQUEST THE ACUPUNCTURE PRACTICE COMMITTEE TO  
24 SUBMIT TO SUCH CHAIR A REPORT ON THE AMOUNT OF REMUNERATION DEEMED BY  
25 SUCH COMMITTEE TO BE FAIR AND ADEQUATE FOR THE TYPES OF ACUPUNCTURE  
26 SERVICES TO BE RENDERED UNDER THIS CHAPTER, BUT CONSIDERATION SHALL BE  
27 GIVEN TO THE VIEW OF OTHER INTERESTED PARTIES. THE AMOUNTS PAYABLE BY  
28 THE EMPLOYER FOR SUCH TREATMENT AND SERVICES SHALL BE THE FEES AND  
29 CHARGES ESTABLISHED BY SUCH SCHEDULE.

30 (C) IN DETERMINING THE SCHEDULE OR SCHEDULES AS PROVIDED IN PARAGRAPH  
31 (B) OF THIS SUBDIVISION, THE CHAIR SHALL MAKE A DISTINCTION BETWEEN  
32 TREATMENT RENDERED BY A DULY LICENSED AND REGISTERED ACUPUNCTURIST  
33 SUBJECT TO THE PROVISIONS OF ARTICLE ONE HUNDRED SIXTY OF THE EDUCATION  
34 LAW AND A CERTIFIED ACUPUNCTURIST SUBJECT TO THE PROVISIONS OF SECTION  
35 EIGHTY-TWO HUNDRED SIXTEEN OF THE EDUCATION LAW, AND THE CHAIR SHALL  
36 PREPARE AND ESTABLISH A SCHEDULE OR SCHEDULES REFLECTING FEES AND CHARG-  
37 ES APPROPRIATE TO THE NATURE AND SCOPE OF THE TREATMENT RENDERED BY EACH  
38 TYPE OF PRACTITIONER, GIVING DUE CONSIDERATION TO ALL RELEVANT FACTORS  
39 INCLUDING, BUT NOT LIMITED TO, THE LEVEL OF ACUPUNCTURE EDUCATION OF THE  
40 PRACTITIONER, THE TYPE OF TREATMENT RENDERED, WHETHER THE ACUPUNCTURE  
41 TREATMENT IS BEING PROVIDED AS THE PRINCIPAL TREATMENT OR AS AN ADJUNCT  
42 TREATMENT, AND THE BILLING PRACTICES ENTAILED, INCLUDING WHETHER THE  
43 PRACTITIONER SUBMITS ONE COMPREHENSIVE BILL OR BILLS SEPARATELY FOR THE  
44 ACUPUNCTURE TREATMENT, OFFICE VISITS AND OTHER ITEMS.

45 4. NO CLAIM FOR ACUPUNCTURE SERVICES SHALL BE VALID AND ENFORCEABLE AS  
46 AGAINST THE EMPLOYER OR EMPLOYEES UNLESS WITHIN FORTY-EIGHT HOURS  
47 FOLLOWING THE FIRST TREATMENT THE ACUPUNCTURIST GIVING SUCH CARE OR  
48 TREATMENT FURNISHES TO THE EMPLOYER AND DIRECTLY TO THE CHAIR A PRELIMI-  
49 NARY NOTICE OF SUCH INJURY AND TREATMENT, AND WITHIN FIFTEEN DAYS THERE-  
50 AFTER A MORE COMPLETE REPORT AND SUBSEQUENT THERETO PROGRESS REPORTS AS  
51 REQUESTED IN WRITING BY THE CHAIR, BOARD, EMPLOYER OR INSURANCE CARRIER,  
52 AT INTERVALS OF NOT LESS THAN THREE WEEKS APART OR AT LESS FREQUENT  
53 INTERVALS IF REQUESTED ON FORMS PRESCRIBED BY THE CHAIR. THE BOARD MAY  
54 EXCUSE THE FAILURE TO GIVE SUCH NOTICES WITHIN THE DESIGNATED PERIODS  
55 WHEN IT FINDS IT TO BE IN THE INTEREST OF JUSTICE TO DO SO.

1 5. FEES FOR ACUPUNCTURE SERVICES SHALL BE PAYABLE ONLY TO A DULY  
2 LICENSED OR CERTIFIED ACUPUNCTURIST PURSUANT TO ARTICLE ONE HUNDRED  
3 SIXTY OF THE EDUCATION LAW, OR TO THE AGENT, EXECUTOR OR ADMINISTRATOR  
4 OF THE ESTATE OF SUCH ACUPUNCTURIST. NO ACUPUNCTURIST RENDERING TREAT-  
5 MENT TO A COMPENSATION CLAIMANT SHALL COLLECT OR RECEIVE A FEE FROM SUCH  
6 CLAIMANT WITHIN THIS STATE, BUT SHALL HAVE RECOURSE FOR PAYMENT OF  
7 SERVICES RENDERED ONLY TO THE EMPLOYER UNDER THE PROVISIONS OF THIS  
8 SECTION.

9 6. WHENEVER HIS OR HER ATTENDANCE AT A HEARING IS REQUIRED, THE  
10 ACUPUNCTURIST OF THE INJURED EMPLOYEE SHALL BE ENTITLED TO RECEIVE A FEE  
11 FROM THE EMPLOYER IN AN AMOUNT TO BE FIXED BY THE BOARD, IN ADDITION TO  
12 ANY FEE PAYABLE UNDER SECTION EIGHT THOUSAND ONE OF THE CIVIL PRACTICE  
13 LAW AND RULES.

14 7. (A) UNLESS WITHIN THIRTY DAYS AFTER A BILL HAS BEEN RENDERED TO THE  
15 EMPLOYER BY THE ACUPUNCTURIST WHO HAS TREATED AN INJURED EMPLOYEE, SUCH  
16 EMPLOYER SHALL HAVE NOTIFIED THE CHAIR AND SUCH ACUPUNCTURIST IN WRITING  
17 THAT SUCH EMPLOYER DEMANDS AN IMPARTIAL EXAMINATION OF THE FAIRNESS OF  
18 THE AMOUNT CLAIMED BY SUCH ACUPUNCTURIST FOR HIS OR HER SERVICES, THE  
19 RIGHT TO SUCH AN IMPARTIAL EXAMINATION SHALL BE DEEMED TO BE WAIVED AND  
20 THE AMOUNT CLAIMED BY SUCH ACUPUNCTURIST SHALL BE DEEMED TO BE THE FAIR  
21 VALUE OF THE SERVICES RENDERED. IF THE PARTIES FAIL TO AGREE AS TO THE  
22 ACUPUNCTURE CARE RENDERED UNDER THIS CHAPTER TO A CLAIMANT, SUCH VALUE  
23 SHALL BE DECIDED BY THE ACUPUNCTURE PRACTICE COMMITTEE AND THE MAJORITY  
24 DECISION OF SUCH COMMITTEE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO  
25 THE VALUE OF THE SERVICES RENDERED. THE BOARD MAY MAKE AN AWARD FOR ANY  
26 SUCH BILL OR PART THEREOF WHICH REMAINS UNPAID IN THE SAME MANNER AS AN  
27 AWARD FOR BILLS RENDERED UNDER SUBDIVISIONS ONE AND THREE OF SECTION  
28 THIRTEEN-G OF THIS ARTICLE, AND SUCH AWARD MAY BE COLLECTED IN LIKE  
29 MANNER AS AN AWARD OF COMPENSATION. THE CHAIR SHALL ASSESS THE SUM OF  
30 FIFTY DOLLARS AGAINST THE EMPLOYER FOR EACH SUCH AWARD MADE BY THE  
31 BOARD, WHICH SUM SHALL BE PAID INTO THE STATE TREASURY.

32 (B) WHERE AN ACUPUNCTURIST'S BILL HAS BEEN DETERMINED TO BE DUE AND  
33 OWING IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE BOARD MAY  
34 IMPOSE A PENALTY OF NOT MORE THAN ONE AND ONE-HALF PERCENT INTEREST PER  
35 MONTH PAYABLE TO THE ACUPUNCTURIST IN ACCORDANCE WITH THE RULES AND  
36 REGULATIONS PROMULGATED BY THE BOARD.

37 (C) THE PARTIES TO SUCH PROCEEDING SHALL EACH PAY TO THE CHAIR A SUM  
38 EQUAL TO FIVE PER CENTUM OF THE AMOUNT PAYABLE UNDER THE DECISION OF  
39 SUCH COMMITTEE OR A MINIMUM OF FIVE DOLLARS, WHICHEVER IS GREATER. THE  
40 SUMS SO COLLECTED SHALL BE TRANSFERRED TO THE STATE TREASURY TO REIM-  
41 BURSE IT ON ACCOUNT OF THE EXPENSE OF ADMINISTERING THIS SECTION.

42 8. WITHIN THE LIMITS PRESCRIBED BY THE EDUCATION LAW FOR ACUPUNCTURE  
43 SERVICES, THE REPORT OR TESTIMONY OF AN AUTHORIZED ACUPUNCTURIST  
44 CONCERNING THE CONDITION OF AN INJURED EMPLOYEE AND TREATMENT THEREOF  
45 SHALL BE DEEMED COMPETENT EVIDENCE AND THE PROFESSIONAL OPINION OF THE  
46 ACUPUNCTURIST AS TO CAUSAL RELATION AND AS TO REQUIRED TREATMENT SHALL  
47 BE DEEMED COMPETENT BUT SHALL NOT BE CONTROLLING. NOTHING IN THIS  
48 SECTION SHALL BE DEEMED TO DEPRIVE ANY EMPLOYER OR INSURANCE CARRIER OF  
49 ANY RIGHT TO A MEDICAL EXAMINATION OR PRESENTATION OF MEDICAL TESTIMONY  
50 NOW CONFERRED BY LAW.

51 9. THE CHAIR SHALL PROMULGATE RULES GOVERNING THE PROCEDURE TO BE  
52 FOLLOWED BY THOSE RENDERING ACUPUNCTURE SERVICES UNDER THIS SECTION,  
53 WHICH RULES SO FAR AS PRACTICABLE SHALL CONFORM TO THE RULES PRESENTLY  
54 IN EFFECT WITH REFERENCE TO MEDICAL CARE FURNISHED TO CLAIMANTS IN WORK-  
55 ERS' COMPENSATION. IN CONNECTION WITH THE PROMULGATION OF SUCH RULES THE

1 CHAIR MAY CONSULT THE ACUPUNCTURE PRACTICE COMMITTEE AND MAY TAKE INTO  
2 CONSIDERATION THE VIEW OF OTHER INTERESTED PARTIES.

3 10. THE CHAIR SHALL APPOINT FOR AND WITH JURISDICTION IN THE ENTIRE  
4 STATE OF NEW YORK A SINGLE ACUPUNCTURE PRACTICE COMMITTEE COMPOSED OF  
5 TWO LICENSED ACUPUNCTURISTS, AND ONE DULY LICENSED PHYSICIAN OF THE  
6 STATE OF NEW YORK. EACH MEMBER OF SUCH COMMITTEE SHALL RECEIVE COMPEN-  
7 SATION EITHER ON AN ANNUAL BASIS OR ON A PER DIEM BASIS TO BE FIXED BY  
8 THE CHAIR WITHIN AMOUNTS APPROPRIATED THEREFOR. ONE OF SUCH LICENSED  
9 ACUPUNCTURISTS SHALL BE DESIGNATED BY THE CHAIR AS A CHAIR OF SUCH  
10 ACUPUNCTURE PRACTICE COMMITTEE. NO MEMBER OF SUCH COMMITTEE SHALL RENDER  
11 ACUPUNCTURE SERVICES UNDER THIS SECTION NOR BE AN EMPLOYER OR ACCEPT OR  
12 PARTICIPATE IN ANY FEE FROM ANY INSURANCE COMPANY AUTHORIZED TO WRITE  
13 WORKERS' COMPENSATION INSURANCE IN THIS STATE OR FROM ANY SELF-INSURER,  
14 WHETHER SUCH EMPLOYMENT OR FEE RELATES TO A WORKERS' COMPENSATION CLAIM  
15 OR OTHERWISE. THE ATTORNEY GENERAL, UPON REQUEST, SHALL ADVISE AND  
16 ASSIST SUCH COMMITTEE.

17 11. THE ACUPUNCTURE PRACTICE COMMITTEE SHALL INVESTIGATE, HEAR AND  
18 MAKE FINDINGS WITH RESPECT TO ALL CHARGES AS TO PROFESSIONAL OR OTHER  
19 MISCONDUCT OF ANY AUTHORIZED ACUPUNCTURISTS AS PROVIDED IN THIS SECTION  
20 UNDER RULES AND PROCEDURES TO BE PRESCRIBED BY THE CHAIR AND SHALL  
21 REPORT EVIDENCE OF SUCH MISCONDUCT, WITH THEIR FINDINGS AND RECOMMENDA-  
22 TIONS WITH RESPECT THERETO, TO THE CHAIR. THE FINDINGS, DECISION AND  
23 RECOMMENDATION OF SUCH ACUPUNCTURE PRACTICE COMMITTEE SHALL BE ADVISORY  
24 TO THE CHAIR ONLY, AND SHALL NOT BE BINDING OR CONCLUSIVE UPON HIM OR  
25 HER. THE CHAIR SHALL REMOVE FROM THE LIST OF ACUPUNCTURISTS AUTHORIZED  
26 TO RENDER ACUPUNCTURE SERVICES UNDER THIS CHAPTER THE NAME OF ANY  
27 ACUPUNCTURIST WHO HE OR SHE SHALL FIND AFTER REASONABLE INVESTIGATION IS  
28 DISQUALIFIED BECAUSE SUCH ACUPUNCTURIST:

29 (A) HAS BEEN GUILTY OF PROFESSIONAL OR OTHER MISCONDUCT OR INCOMPETEN-  
30 CY IN CONNECTION WITH THE RENDERING OF ACUPUNCTURE SERVICES,

31 (B) HAS EXCEEDED THE LIMITS OF HIS OR HER PROFESSIONAL COMPETENCE IN  
32 RENDERING ACUPUNCTURE SERVICES UNDER THE LAW, OR HAS MADE FALSE STATE-  
33 MENTS REGARDING QUALIFICATIONS IN THE APPLICATION FOR AUTHORIZATION,

34 (C) HAS FAILED TO SUBMIT TIMELY, FULL AND TRUTHFUL ACUPUNCTURE EVALU-  
35 ATION AND TREATMENT REPORTS OF ALL FINDINGS TO THE EMPLOYER AND DIRECTLY  
36 TO THE CHAIR OF THE BOARD WITHIN THE TIME LIMITS PROVIDED IN THIS  
37 SECTION,

38 (D) HAS RENDERED ACUPUNCTURE SERVICES UNDER THIS CHAPTER FOR A FEE  
39 LESS THAN THAT FIXED IN THE FEE SCHEDULE,

40 (E) HAS SOLICITED OR HAS EMPLOYED ANOTHER TO SOLICIT FOR HIMSELF OR  
41 HERSELF OR FOR ANOTHER PROFESSIONAL TREATMENT, EXAMINATION OR CARE OF AN  
42 INJURED EMPLOYEE WITH ANY CLAIM UNDER THIS CHAPTER,

43 (F) HAS REFUSED TO APPEAR BEFORE OR ANSWER UPON REQUEST OF THE CHAIR,  
44 BOARD, ACUPUNCTURE PRACTICE COMMITTEE OR ANY DULY AUTHORIZED OFFICER OF  
45 THE STATE, ANY LEGAL QUESTION OR PRODUCE ANY RELEVANT BOOK OR PAPER  
46 CONCERNING CONDUCT UNDER AN AUTHORIZATION GRANTED UNDER LAW, OR

47 (G) HAS DIRECTLY OR INDIRECTLY REQUESTED, RECEIVED OR PARTICIPATED IN  
48 THE DIVISION, TRANSFERENCE, ASSIGNMENT, REBATING, SPLITTING OR REFUNDING  
49 OF A FEE FOR, OR HAS DIRECTLY OR INDIRECTLY REQUESTED, RECEIVED OR PROF-  
50 ITED BY MEANS OF A CREDIT OR OTHERWISE VALUABLE CONSIDERATION AS A  
51 COMMISSION, DISCOUNT OR GRATUITY IN CONNECTION WITH THE TREATMENT OF A  
52 WORKERS' COMPENSATION CLAIMANT.

53 12. ANY PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE, AND ANY PERSON WHO  
54 AIDS ANOTHER TO VIOLATE OR ATTEMPTS TO INDUCE HIM OR HER TO VIOLATE THE  
55 PROVISIONS OF PARAGRAPH (G) OF SUBDIVISION ELEVEN OF THIS SECTION SHALL  
56 BE GUILTY OF A MISDEMEANOR.

13. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING IN ANY RESPECT THE POWER OR DUTY OF THE CHAIR TO INVESTIGATE INSTANCES OF MISCONDUCT, EITHER BEFORE OR AFTER INVESTIGATION BY THE ACUPUNCTURE PRACTICE COMMITTEE, OR TO TEMPORARILY SUSPEND THE AUTHORIZATION OF ANY ACUPUNCTURIST BELIEVED TO BE GUILTY OF SUCH MISCONDUCT. THE PROVISIONS OF SUBDIVISION ONE OF SECTION THIRTEEN-D OF THIS ARTICLE WHICH ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE AS IF FULLY SET FORTH IN THIS SECTION.

14. NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT ACUPUNCTURISTS WHO PRACTICE AS PARTNERS, IN GROUPS OR AS A PROFESSIONAL CORPORATION FROM POOLING FEES AND MONEYS RECEIVED, EITHER BY THE PARTNERSHIP, PROFESSIONAL CORPORATION OR GROUP OR BY THE INDIVIDUAL MEMBERS THEREOF, FOR PROFESSIONAL SERVICES FURNISHED BY ANY INDIVIDUAL PROFESSIONAL MEMBER, OR EMPLOYEE OF SUCH PARTNERSHIP, CORPORATION OR GROUP, NOR SHALL THE PROFESSIONALS CONSTITUTING THE PARTNERSHIPS, CORPORATIONS, OR GROUPS BE PROHIBITED FROM SHARING, DIVIDING OR APPORTIONING THE FEES AND MONEYS RECEIVED BY THEM OR BY THE PARTNERSHIP, CORPORATION OR GROUP IN ACCORDANCE WITH A PARTNERSHIP OR OTHER AGREEMENT.

S 2. Subdivision 1 of section 8213 of the education law, as added by chapter 772 of the laws of 1990, is amended to read as follows:

(1) There is hereby established within the department a state board for acupuncture. The board shall consist of not less than eleven members to be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this [chapter] TITLE, four of whom shall be licensed acupuncturists, four of whom shall be licensed physicians certified to use acupuncture and three of whom shall be public members representing the consumer and community. Of the acupuncturists first appointed to the board, one may be a registered specialist's assistant-acupuncture provided that the term of such registered specialist's assistant-acupuncture shall not be more than four years. Of the members first appointed, three shall be appointed for a one year term, three shall be appointed for a two year term and three shall be appointed for a three year term, and two shall be appointed for a four year term. Thereafter all members shall serve for five year terms. In the event that more than eleven members are appointed, a majority of the additional members shall be licensed acupuncturists. The members of the board shall select one of themselves as [chairman] CHAIRPERSON to serve for a one year term.

S 3. The second undesignated paragraph of subdivision 2 of section 2 of the workers' compensation law, as amended by chapter 113 of the laws of 1946, is amended to read as follows:

"Chairman" OR "CHAIR" means the [chairman] CHAIRPERSON of the [workmen's] WORKERS' compensation board of the state of New York;

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided, that effective immediately, the addition, amendment and/or repeal of any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.