

Acupuncture physician using DOM designation

Number: INFORMAL

Date: August 29, 2000

The Honorable Walter "Skip" Campbell
Senator, District 33
10094 McNab Road
Tamarac, Florida 33321

RE: ACUPUNCTURE--DOCTOR OF ORIENTAL MEDICINE--acupuncture physicians using professional designation of DOM.

Dear Senator Campbell:

Thank you for your letter requesting assistance in determining whether it is lawful for practitioners of oriental medicine to use the term "D.O.M." to identify themselves.

Chapter 457, Florida Statutes, represents the Legislature's determination that "the interests of the public health require the regulation of the practice of acupuncture in this state for the purpose of protecting the health, safety, and welfare of [Florida] citizens while making this healing art available to those who seek it." [1] For purposes of this chapter, "[a]cupuncture" is defined as

"a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body and the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies, as defined by board rule." [2]

Section 457.116, Florida Statutes, describes a number of prohibited acts. Among these is the

"[u]se, in connection with his or her name or place of business, [of] any title or description of services which incorporates the words 'acupuncture,' 'acupuncturist,' 'certified acupuncturist,' 'licensed acupuncturist,' 'oriental medical practitioner'; the letters 'L.Ac.,' 'R.Ac.,' 'A.P.,' or 'D.O.M.'; or any other words, letters, abbreviations, or insignia indicating or implying that he or she practices acupuncture unless he or she is a holder of a valid license issued pursuant to ss. 457.101-457.118[.]" [3]

The term "D.O.M." is not defined in the statute.

Section 817.567, Florida Statutes, makes it a crime for a person to claim to possess an academic degree title associated with such a degree, unless the person has, in fact, been awarded that degree from an institution that meets the criteria specified in the statute. The statutes contain no definition of the term "D.O.M.," nor are criteria specified for what constitutes

a "D.O.M."

Thus, in the absence of any statutory definition of the term "D.O.M.," a practitioner of oriental medicine may be in violation of section 817.567, Florida Statutes, if he or she uses the designation "D.O.M." unless the person has an earned degree for which the initials "D.O.M." are appropriate and the criteria in Chapter 817, Florida Statutes, are met.

Based on my review of the information you have submitted and on information received from our administrative law section, which acts as counsel for the Board of Acupuncture, it is this office's position that the current statutory scheme does not authorize licensed Florida acupuncture physicians to use the title "D.O.M." unless they satisfy the statutory criteria discussed above.

If this issue continues to cause confusion, it may be advisable for the Legislature to revisit the provisions of Chapter 457, Florida Statutes, in order to amend or clarify its intent in this regard. This office will be happy to provide you with assistance should you determine that amendatory legislation is necessary.

I trust that these informal comments may be of assistance to you.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgh

[1] Section 457.101, Fla. Stat.

[2] Section 457.102(1), Fla. Stat., as amended by s. 62, Ch. 2000-318, Laws of Florida.

[3] Section 457.116(1)(b), Fla. Stat.