HLS 16RS-234 REENGROSSED

AN ACT

2016 Regular Session

1

20

HOUSE BILL NO. 557

BY REPRESENTATIVE JAY MORRIS

ACUPUNCTURISTS: Provides for the licensing of acupuncturists

2 To amend and reenact R.S. 37:1356(introductory paragraph), (1), (4), and (5), 3 1357(introductory paragraph) and (1), 1357.1(A)(introductory paragraph), 4 1358(A)(introductory paragraph) and (1) and (B), 1359, and 1360 and to repeal R.S. 5 37:1358(A)(2), relative to the practice of acupuncture; to provide for definitions; to 6 provide for the certification of physician acupuncturists; to provide for the 7 certification of acupuncture detoxification specialists; to provide for the certification 8 of licensed acupuncturists; to repeal provisions for the certification of persons 9 performing acupuncture for research purposes; and to provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. R.S. 37:1356(introductory paragraph), (1), (4), and (5), 1357(introductory 12 paragraph) and (1), 1357.1(A)(introductory paragraph), 1358(A)(introductory paragraph) 13 and (1) and (B), 1359, and 1360 are hereby amended and reenacted to read as follows: 14 §1356. Definitions 15 As used in this Part the following definitions shall apply: 16 (1) "Acupuncture" means treatment by means of mechanical, thermal or 17 electrical stimulation effected by the insertion of needles at a point or combination 18 of points on the surface of the body predetermined on the basis of the theory of the 19 physiological interrelationship of body organs with an associated point or

Page 1 of 5

combination of points, or the application of heat or electrical stimulation to such

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	point or points, for the purpose of inducing anesthesia, relieving pain, or healing
2	diseases, disorders and dysfunctions of the body, or achieving a therapeutic or
3	prophylactic effect with respect thereto.
4	The practice of acupuncture shall be construed to be the practice of medicine
5	as defined by R.S. 37:1261.
6	* * *
7	(4) "Acupuncturist Physician acupuncturist" means an individual a physician
8	certified by the board to practice acupuncture pursuant to the provisions of R.S.
9	37:1357.
10	(5) "Acupuncturist's assistant Licensed acupuncturist" means an individual
11	other than a physician who is certified by the Board of Medical Examiners board to
12	practice acupuncture pursuant to the provisions of R.S. 37:1358.
13	* * *
14	§1357. Practice of traditional Chinese acupuncture; certification Physician
15	acupuncturists
16	The board shall certify as an a physician acupuncturist of traditional Chinese
17	acupuncture a physician licensed to practice medicine in Louisiana who has
18	successfully completed either of the following:
19	(1) Six months' training in traditional Chinese acupuncture in a school or
20	clinic approved by the board.
21	* * *
22	§1357.1. Practice of acupuncture detoxification; certification; promulgation of rules;
23	public health emergency
24	A. The board shall certify as an acupuncture detoxification specialist an
25	individual who works under the general supervision of a physician licensed by the
26	board to practice in the state, or under the general supervision of an acupuncturist's
27	assistant a licensed acupuncturist certified by the board to practice in the state and
28	has successfully completed the following:
29	* * *

1	§1358. Acupuncturists' assistants Licensed acupuncturists; relationship with
2	<u>physician</u>
3	A. The board shall certify as an acupuncturist's assistant a licensed
4	acupuncturist any of the following:
5	(1) An individual to practice in Louisiana who has successfully completed
6	thirty-six months' training in a school or clinic of traditional Chinese acupuncture
7	approved by the board graduated from an acupuncture school or college accredited
8	by the Accreditation Commission for Acupuncture and Oriental Medicine.
9	* * *
10	B. The acupuncturist's assistant licensed acupuncturist shall work under the
11	direction, control, and supervision of a physician and shall perform such duties,
12	services, and functions pertaining to acupuncture as assigned by the supervising
13	physician.
14	§1359. Annual report by board to legislature; administrative data
15	The board shall establish procedures and systems for the compilation,
16	transmission, correlation, storage, and analysis of data relative to the administration
17	of acupuncture in this state and shall report annually to the legislature concerning the
18	status of acupuncture practice in the state beginning February 1, 1976.
19	§1360. Guidelines for certification and practice Powers and duties of the Louisiana
20	State Board of Medical Examiners
21	Pursuant to the provisions established by this Part, the board shall formulate
22	rules and regulations that it deems necessary to regulate the certification of
23	acupuncturists and acupuncturists' assistants and the practice of traditional Chinese
24	acupuncture in Louisiana.
25	In addition to the powers and duties established in R.S. 37:1270, the
26	Louisiana State Board of Medical Examiners may do any of the following:
27	(1) Adopt, revise, and enforce rules and regulations that it deems necessary
28	to ensure the competency of applicants, the protection of the public, and the proper
29	administration of this Part in accordance with the Administrative Procedure Act.

1	(2) Approve the license of duly qualified applicants and deny, suspend,
2	revoke, or place on probation any licensee who acts beyond the scope of practice or
3	engages in unprofessional conduct.
4	(3) Conduct hearings on charges calling for the denial, suspension, or
5	revocation of or the refusal to renew a license.
6	(4) Adopt fees under its authority pursuant to R.S. 37:1281, for the purpose
7	of administering the provisions of this Part.
8	(5) Establish an advisory committee on acupuncture to provide such
9	assistance as the board may deem necessary or request in the administration of this
10	Part.
11	Section 2. R.S. 37:1358(A)(2) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 557 Reengrossed

2016 Regular Session

Jay Morris

Provides for the certification of physician acupuncturists, acupuncture Abstract: detoxification specialists, and licensed acupuncturists.

Present law requires the La. State Board of Medical Examiners (LSBME) to certify, as an acupuncturist of traditional Chinese acupuncture, a physician licensed to practice medicine in Louisiana who has successfully completed either of the following:

- (1) Six months' training in traditional Chinese acupuncture in a school or clinic approved by the board.
- (2) 300 credit hours of continuing medical education in acupuncture designated as category one continuing medical education hours by the American Medical Association.

Proposed law deletes the reference to traditional Chinese acupuncture and changes the certification title from acupuncturist to physician acupuncturist.

Present law provides that the board shall certify, as an acupuncture detoxification specialist, an individual who works under the general supervision of a physician licensed by the board to practice in the state or under the general supervision of an acupuncturist's assistant certified by the board to practice in the state and has successfully completed the required training.

<u>Proposed law</u> changes the required supervision by an acupuncturist's assistant to supervision by a licensed acupuncturist.

Page 4 of 5

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

Present law requires the board to certify as an acupuncturist's assistant any of the following:

- (1) An individual who has successfully completed 36 months of training in a school or clinic of traditional Chinese acupuncture approved by the board.
- (2) An individual who has been appointed or employed at a licensed or accredited La. hospital, medical school, or clinic to perform acupuncture for research purposes.
- (3) An individual who has successfully passed the certification examination given by the National Certification Commission for Acupuncture and Oriental Medicine.

<u>Proposed law</u> changes the certification title <u>from</u> acupuncturist's assistant <u>to</u> licensed acupuncturist. Further changes the education requirement of 36 months of training in a school or clinic of traditional Chinese acupuncture <u>to</u> a requirement to graduate from an acupuncture school or college accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.

<u>Present law</u> requires the LSBME to formulate rules and regulations that it deems necessary to regulate the certification of acupuncturists and acupuncturists' assistants and the practice of traditional Chinese acupuncture in La.

<u>Proposed law</u> repeals <u>present law</u> and further authorizes the LSBME to do any of the following:

- (1) Adopt, revise, and enforce rules and regulations that it deems necessary to ensure the competency of applicants, the protection of the public, and the proper administration of this proposed law.
- (2) Approve the license of duly qualified applicants and deny, suspend, revoke, or place on probation any licensee who acts beyond the scope of practice or engages in unprofessional conduct.
- (3) Conduct hearings on charges calling for the denial, suspension, or revocation of or the refusal to renew a license.
- (4) Adopt fees under its authority pursuant to <u>present law</u>, for the purpose of administering the provisions of <u>proposed law</u>.
- (5) Establish an advisory committee on acupuncture to provide such assistance as the board may deem necessary or request in the administration of <u>proposed law</u>.

<u>Present law</u> authorizes the LSBME to certify as an acupuncturist's assistant an individual who has been appointed or employed at a licensed or accredited La. hospital, medical school, or clinic to perform acupuncture for research purposes.

<u>Proposed law</u> repeals <u>present law</u>.

(Amends R.S. 37:1356(intro. para.), (1), (4), and (5), 1357(intro. para.) and (1), 1357.1(A)(intro. para.), 1358(A)(intro. para.) and (1) and (B), 1359, and 1360; Repeals R.S. 37:1358(A)(2))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.