

ACT No. 550

2016 Regular Session

HOUSE BILL NO. 557

BY REPRESENTATIVE JAY MORRIS

1 AN ACT

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), 1358,
4 1359, and 1360 and to repeal R.S. 37:1356(9), relative to the practice of acupuncture;
5 to provide for definitions; to provide for the certification of physician acupuncturists;
6 to provide for the certification of acupuncture detoxification specialists; to provide
7 for the certification of licensed acupuncturists; to repeal provisions for the
8 certification of persons performing acupuncture for research purposes; and to provide
9 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, 1359, and 1360 are hereby
13 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
20 combination of points, or the application of heat or electrical stimulation to such
21 point or points, for the purpose of inducing anesthesia, relieving pain, or healing
22 diseases, disorders and dysfunctions of the body, or achieving a therapeutic or
23 prophylactic effect with respect thereto.

1 The practice of acupuncture shall be construed to be the practice of medicine
2 as defined by R.S. 37:1261.

3 * * *

4 (4) "~~Acupuncturist~~ Physician acupuncturist" means ~~an individual~~ a physician
5 certified by the board to practice acupuncture pursuant to the provisions of R.S.
6 37:1357.

7 (5) "~~Acupuncturist's assistant~~ Licensed acupuncturist" means an individual
8 other than a physician who is certified by the Board of Medical Examiners ~~board to~~
9 practice acupuncture pursuant to the provisions of R.S. 37:1358.

10 * * *

11 §1357. ~~Practice of traditional Chinese acupuncture; certification~~ Physician
12 acupuncturists

13 The board shall certify as ~~an~~ a physician ~~acupuncturist of traditional Chinese~~
14 ~~acupuncture~~ a physician licensed to practice medicine in Louisiana who has
15 successfully completed either of the following:

16 (1) Six months' training in ~~traditional Chinese~~ acupuncture in a school or
17 clinic approved by the board.

18 * * *

19 §1357.1. Practice of acupuncture detoxification; certification; promulgation of rules;
20 public health emergency

21 A. The board shall certify as an acupuncture detoxification specialist an
22 individual who works under the general supervision of a physician licensed by the
23 board to practice in the state; ~~or under the general supervision of an acupuncturist's~~
24 ~~assistant~~ a licensed acupuncturist certified by the board to practice in the state and
25 has successfully completed the following:

26 * * *

27 §1358. ~~Acupuncturist's assistants~~ Licensed acupuncturists; relationship with
28 physician

29 A. The board shall certify as ~~an acupuncturist's assistant~~ a licensed
30 acupuncturist any of the following:

1 (1) An individual ~~to practice in Louisiana who has successfully completed~~
 2 ~~thirty-six months' training in a school or clinic of traditional Chinese acupuncture~~
 3 ~~approved by the board.~~ graduated from an acupuncture school or college accredited
 4 by the Accreditation Commission for Acupuncture and Oriental Medicine.

5 ~~(2) An individual who has been appointed or employed at a licensed or~~
 6 ~~accredited Louisiana hospital, medical school, or clinic to perform acupuncture for~~
 7 ~~research purposes.~~

8 ~~(3)~~ (2) An individual who has successfully passed the certification
 9 examination given by the National Certification Commission for Acupuncture and
 10 Oriental Medicine.

11 B. The ~~acupuncturist's assistant~~ licensed acupuncturist shall ~~work under the~~
 12 ~~direction, control, and supervision of a physician and shall perform such duties,~~
 13 ~~services, and functions pertaining to acupuncture as assigned by the supervising~~
 14 ~~physician.~~ establish and maintain, in accordance with rules and regulations
 15 promulgated by the board, a relationship with a physician who operates a physical
 16 practice location in Louisiana to provide for referrals and follow-up care which may
 17 be necessary.

18 §1359. Annual report by board to legislature; ~~administrative data~~

19 The board shall ~~establish procedures and systems for the compilation,~~
 20 ~~transmission, correlation, storage, and analysis of data relative to the administration~~
 21 ~~of acupuncture in this state and shall report annually to the legislature concerning the~~
 22 ~~status of acupuncture practice in the state beginning February 1, 1976.~~

23 §1360. ~~Guidelines for certification and practice~~ Powers and duties of the Louisiana
 24 State Board of Medical Examiners

25 Pursuant to the provisions established by this Part, the board shall formulate
 26 ~~rules and regulations that it deems necessary to regulate the certification of~~
 27 ~~acupuncturists and acupuncturists' assistants and the practice of traditional Chinese~~
 28 ~~acupuncture in Louisiana.~~

29 In addition to the powers and duties established in R.S. 37:1270, the
 30 Louisiana State Board of Medical Examiners may do any of the following:

1 (1) Adopt, revise, and enforce rules and regulations that it deems necessary
2 to ensure the competency of applicants, the protection of the public, and the proper
3 administration of this Part in accordance with the Administrative Procedure Act.

4 (2) Approve the license of duly qualified applicants and deny, suspend,
5 revoke, or place on probation any licensee who acts beyond the scope of practice or
6 engages in unprofessional conduct.

7 (3) Conduct hearings on charges calling for the denial, suspension, or
8 revocation of or the refusal to renew a license.

9 (4) Adopt fees under its authority pursuant to R.S. 37:1281, for the purpose
10 of administering the provisions of this Part.

11 (5) Establish an advisory committee on acupuncture to provide such
12 assistance as the board may deem necessary or request in the administration of this
13 Part.

14 Section 2. R.S. 37:1356(9) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____