

2016 Regular Session

HOUSE BILL NO. 557

BY REPRESENTATIVE JAY MORRIS

ACUPUNCTURISTS: Provides for the licensing of acupuncturists

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), and

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), and 1358(A)(introductory

13 paragraph) and (1) and (B), 1359, and 1360 are hereby amended and reenacted to read as

14 follows:

15 §1356. Definitions

16 As used in this Part the following definitions ~~shall~~ apply:

17 (1) "Acupuncture" means treatment by means of mechanical, thermal or

18 electrical stimulation effected by the insertion of needles at a point or combination

19 of points on the surface of the body predetermined on the basis of the theory of the

1 physiological interrelationship of body organs with an associated point or
2 combination of points, or the application of heat or electrical stimulation to such
3 point or points, for the purpose of inducing anesthesia, relieving pain, or healing
4 diseases, disorders and dysfunctions of the body, or achieving a therapeutic or
5 prophylactic effect with respect thereto.

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

8 * * *

9 (4) "~~Acupuncturist~~ Physician acupuncturist" means ~~an individual~~ a physician
10 certified by the board to practice acupuncture pursuant to the provisions of R.S.
11 37:1357.

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

15 * * *

16 §1357. ~~Practice of traditional Chinese acupuncture; certification~~ Physician
17 acupuncturists

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

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

23 * * *

24 §1357.1. Practice of acupuncture detoxification; certification; promulgation of rules;
25 public health emergency

26 A. The board shall certify as an acupuncture detoxification specialist an
27 individual who works under the general supervision of a physician licensed by the
28 board to practice in the state; ~~or under the general supervision of an acupuncturist's~~

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. 37:1358(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 Original

2016 Regular Session

Jay Morris

Abstract: Provides for the certification of physician acupuncturists, acupuncture 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.

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

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.

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

Present law 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.

Proposed law repeals present law 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 present law, for the purpose of administering the provisions of proposed law.
- (5) Establish an advisory committee on acupuncture to provide such assistance as the board may deem necessary or request in the administration of proposed law.

Present law 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.

Proposed law repeals present law.

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