

Expanding Acupuncture in Nebraska

PROPOSED LAW WOULD GIVE PATIENTS MORE TREATMENT OPTIONS

Editorial Staff

In Nebraska, acupuncture is considered to be part of the practice of medicine. The only choice for such treatment in the state is a medical doctor or chiropractor, who may have as little as 200 hours of clinical training. As a result, Nebraskans who prefer to be treated by more experienced licensed nonphysician acupuncturists have to travel out of state for their care.

A new bill being introduced in the state legislature could help rectify that situation. Known as the Acupuncture Practice Act, the bill (LB 981) would create a licensing system for acupuncturists who meet the National Certification Commission for Acupuncture and Oriental Medicine's requirements. While it appears unlikely that the bill will be passed during this legislative session, it nevertheless represents an important step toward giving acupuncturists in Nebraska more equal footing with their medical and chiropractic counterparts and giving patients more options for the care they receive.

"LB 981's only goal is occupational fairness and professional parity," said state senator Carol Hudkins of Malcolm, the bill's author. "If physicians and chiropractors may administer acupuncture with 200 hours of related schooling, then it makes sense that trained acupuncturists with ten times that amount of formal instruction should be permitted to practice it as well."

Analysis of LB 981

The Acupuncture Practice Act does not prohibit health care professionals already allowed to administer acupuncture within the scope of their practice (such as medical doctors and chiropractors) from doing so. Rather, it sets up a series of credentialing procedures and regulatory standards under which licensed acupuncturists may practice in Nebraska.

In order to acquire a license to practice, the bill requires an applicant to show proof that they have "current active status as a diplomate" with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). They must have also successfully completed a commission-approved clean needle technique course.

Only persons licensed under the act would be allowed to use the titles "acupuncturist" and "licensed acupuncturist." However, possessing a license would not entitle a person to be identified as a doctor or physician.

The act also contains a grandfather clause for acupuncturists already practicing in Nebraska. To qualify, an applicant would have to show proof, by no later than December 31, 2000, that they have had four years of acupuncture practice "at a minimum level of 500 patient visits on no less than 100 patients within each of the four 12-month periods." Applicants would also have to show proof of passing the NCCAOM's acupuncture proficiency exam.

Because there has been some concern that acupuncturists may attempt to treat conditions beyond their scope of practice, the act contains a provision requiring licensees to advise each patient about

the importance of consulting with a licensed physician and that "acupuncture is not considered to be western medicine for the purposes of treating illness, injury, and disease." Patients would sign a written confirmation form that they received such advice, with a copy of that form kept on file by the licensee.

The state's Department of Health and Human Services would be responsible for the licensing and regulation of acupuncturists. In addition to issuing licenses, the department would be authorized to "deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand" for applicants or licensees who commit negligence, engage in fraud or participate in other improper activities.

Finally, LB 981 would create the Acupuncture License Fund. All money collected from the fees established by the Acupuncture Practice Act would be placed in the fund and used to help carry out and enforce the act. Any leftover funding would be invested by the state for future use.

"What this bill really boils down to is a matter of health care consumer choice," added Senator Hudkins. "It seeks to give patients desiring acupuncture treatment a choice of receiving it from a medical doctor, a chiropractor, or someone whose professional expertise is in that specific field. Such decisions should not be mandated by law - as they are now - but left to the discretion of those most immediately affected by them: the patients themselves."

Legislative Status

As we go to press, the fate of LB 981 has yet to be determined. The bill was introduced by Senator Hudkins on January 5th and was referred to the state's health and human services committee on January 10th. The committee heard testimony from a number of sources on January 28th, including several acupuncture patients and doctors of chiropractic who had no objections to the bill's passage, but it has yet to be brought to the floor of the legislature for full debate.

Unfortunately, the chances of the bill's passage in its current form appear quite slim. Lobbyists from both the medical and chiropractic professions have proposed amendments that would water down the strength of LB 981. This year also happens to be the Nebraska legislature's 60-day or "short" session. With nearly 600 bills being introduced, it would be nearly impossible for Senator Hudkins' bill to be filed, debated, approved and signed into law before session's end.

While it appears unlikely that the Acupuncture Practice Act will be passed at this time, it still represents an important step toward professional equality for acupuncturists in Nebraska. Even if it isn't reviewed during this session, Senator Hudkins can always reintroduce the bill next year, which will give legislators additional time to discuss its merits. Acupuncture Today will continue to monitor LB 981's progress through the legislative process and inform its readers of the bill's outcome in an upcoming issue.

MARCH 2000