



NEWS / PROFESSION

How Florida Saved the "Acupuncture Physician" Title

FSOMA SPEARHEADS ADVOCACY CAMPAIGN, LEADING TO GOV. DESANTIS VETO

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WHAT YOU NEED TO KNOW

- The Florida Senate and House versions of SB 230 essentially would have banned anyone but medical doctors and osteopathic physicians from using the word *physician* in their advertisements and daily interactions with patients. Exceptions were made for chiropractic physicians, dentists and podiatrists.
- FSOMA's leadership, lobbyists and attorneys developed a strategy that was driven by clear messaging directed at three identified audiences (licensees, students and legislators).
- On June 2, FSOMA received word that the governor had vetoed SB 230.

Editor's Note: David Bibbey is the president emeritus of the Florida State Oriental Medical Association (FSOMA) and chair of the association's Legislative Committee.

When previous bills intended to restrict use of the words *physician* or *doctor* in professional titles were introduced in Florida, they gained little traction or support. What made Senate Bill 230 different was not its language or timing, but instead the legislative leadership backing the bill.

Unlike previous efforts, in 2023, Florida's state Senate leadership shared that SB 230 was a cornerstone in their health care reform agenda. Sponsorship of SB 230 was entrusted to the Health Policy Committee chairperson in the Senate and a medical doctor elected to the leadership of the state House of Representatives. This gave gravitas and political life to an issue that had previously

been floundering.

The Senate and House versions of SB 230 essentially would have banned anyone but medical doctors and osteopathic physicians from using the word *physician* in their advertisements and daily interactions with patients. Exceptions were made for chiropractic physicians, who are authorized in their practices to identify themselves as chiropractic physicians; and dentists and podiatrists, whose specialty recognitions and licenses can include the terms *doctor*, *physician*, and *surgeon*.¹

The Florida State Oriental Medical Association lobbyist, Corinne Mixon, had forewarned FSOMA in mid-February that the absence of support for an acupuncture amendment in the Senate meant that FSOMA needed to mobilize a full-scale education and advocacy campaign directed at the Florida House of Representatives and, if needed, the governor's office.

Fortunately, the House version of this bill was delayed until April 3, giving FSOMA extra time to refine its strategy and talking points. The priorities were to:

1. Educate the profession about the issue, threat and implications of SB 230
2. Educate House legislators about the bill's harmful effects
3. Secure a House sponsor for an acupuncture amendment
4. Develop a concurrent strategy seeking support to defeat the bill in committee if no amendment sponsor came forward
5. Seek a veto from Governor DeSantis should a final bill make it to his desk for signature

Crisis mode at FSOMA is an all-hands-on-deck effort that requires the board and management team to execute an urgent, intensive campaign that will educate, motivate and activate a large-scale response from the Florida profession directed toward legislators. FSOMA has been here before and history has taught its leadership the value of being prepared.

FSOMA has a very experienced executive director, Ellen Teeter, AP, and a dedicated and talented director of communications, Natalia Morrison, LAc, AP. They coordinate and deliver all messaging from the Board of Directors to the association's membership, to the Florida profession at-large, and to the schools, students, and vendors. The association supports and invests in its management team because Ellen and Natalia are the face of the organization, and they have the greatest impact on how the association collaborates with and supports the Florida profession.

FSOMA's board and executive committee have both seasoned and new volunteer directors who work together to help keep all efforts focused. With input from various committees, FSOMA's leadership, lobbyists and attorneys developed a strategy that was driven by clear messaging directed at three identified audiences (licensees, students and legislators).

This is the how FSOMA and Florida handle protecting and promoting the practice and profession. It requires infrastructure: The management team is salaried to manage the data and systems needed for FSOMA to operate and communicate with the profession. It requires professional services: FSOMA maintains a least one full-time lobbyist and two law firms. Without passionate and experienced health care lobbyists and attorneys, it is nearly impossible to represent the interests of this profession. Finally, it requires "individual commitment to a group effort." - *Vince Lombardi*.

Between March 15 and June 2, FSOMA partnered with the Florida Acupuncture Association (FAA), led by Dr. Tang, who provided additional input and resources needed to hire a second lobbyist for the remainder of the 2023 legislative session. FSOMA provided all members, licensees and students contact lists with the name, email and telephone info for every legislator seated on a committee of concern that would hear and vote on this bill. The barrage of communication was organized, on-message and relentless.

This had a wildly positive effect and profound influence on legislators and their staff. Acupuncturists and their supporters scratched and clawed their way forward until everyone in Tallahassee knew there was a major defect with SB 230: it needed an amendment or exception for acupuncture physicians.

Part 1 of the strategy, “sounding the alarm” – getting the profession and students to hear the call to action – was achieved with a combination of email and social media notices. Part 2 was progressing effectively, and no legislator or staffer handling SB 230 could claim ignorance about not knowing acupuncturists’ position, concerns and requests. Part 3 was achieved when Rep. Maria Woodson (D) sponsored an amendment to protect acupuncture physicians’ title in the final committee of concern: House Health & Human Services.

Anaya Palay, DAOM, and Mina Larson, CEO of the NCCAOM, were present and responded to questions from the committee. The record positively reflected that Florida’s efforts to educate legislators had been successful. The committee was well-informed about our issues and concerns.

Despite best efforts, the amendment failed on a tie vote (9-9) in the committee, but notably, it achieved bipartisan support, including support from HHS Committee Chair Rep. Randy Fine (R), who spoke out against the bill, citing that it was a “solution in search of a problem.” Legislators from across the aisle shared personal stories of positive interactions and successful treatment outcomes with acupuncturists.

Although the amendment was not adopted, it had become clear that the bill itself was not popular among all key legislators; and some had serious reservations about allowing the Senate leadership to put forth a bill that infringed on how certain non-MD professions could legally advertise and promote themselves and their private businesses.

When the House version of SB 230 finally came before the full Florida House of Representatives for a floor vote, there was a buzz in the air because a last-minute amendment filed by House sponsor Rep. Dr. Massullo (R) to include doctors of optometry had been rejected by the Senate, forcing the House to strip an exception for optometric physicians’ titles out of the final version of the bill.

This only added to the drama and unpopularity of SB 230 in the House, but the bill still passed 78/34 and was headed to Gov. DeSantis’ desk – with acupuncturist and optometrist supporters fully advancing on the governor, asking for his veto.

So, FSOMA unleashed part 5 of the strategy, with the same intensity and more. The association went on an offensive campaign using email and social media again, ramping up engagement with the membership, students and patients to contact Gov. DeSantis’ office daily with information about the negative impact of this legislation and to request his veto. This is when FSOMA’s greatest asset and strength came into full view.

It wasn’t the seasoned leadership; and it wasn’t the experienced management. FSOMA’s greatest asset is the dedication and resilience of its individual members who collectively represent that percentage of the profession who want to understand and respond to challenges facing their profession in Florida. FSOMA is defined by its individual members who are committed to a group effort.

When FSOMA called on its membership to generate 5,000 personal contacts with the governor’s office and staff weekly between May 5 and June 30, they responded. Ultimately, on June 2, FSOMA received word from Corinne Mixon that the governor had just vetoed SB 230.

It’s a rare and precious moment when hard work is rewarded and prayers are answered. Lessons

from Florida's recent experience apply to every state's professional society / association, all licensed practitioners, college programs, students, patients, stakeholders and supporters of acupuncture and Eastern medicine.

These lessons are things that we already know to be true and constant, but somehow are not fully embraced by the profession. We know that no one leads alone. We know that many hands make light work. We know that although might is usually right, acupuncturists can triumph when they are united, working together, and pooling their talents and resources.

This profession and Eastern medicine are a force for good in the world, but to compete and survive shoulder-to-shoulder among other health care professions, we need all hands on deck - all the time.

To be successful in life and at work, first you have to show-up and contribute ... until it hurts. That's when you know you have done all you can to protect and promote your interests and those of your patients and colleagues. Please join and support your state's professional association. Every single acupuncture physician is important to the present and the future of this profession.

This achievement not only protects our standing in the medical community but also strengthens our ability to serve our patients with the utmost confidence and respect. Let us not forget the hard-fought battles that brought us here and recommit ourselves to remaining vigilant in protecting our professional identity. By working together, we can shape the future of acupuncture practice and ensure its relevance in the rapidly evolving health care landscape.

Reference

1. Sexton CJ. "Kathleen Passidomo Knew 'Eyeball War' Veto Was Coming." FloridaPolitics.com, June 2, 2023.

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