

Acupuncture Law Passes in Nebraska

Editorial Staff

On Wednesday, March 15, Nebraska Governor Mike Johanns signed into law Legislative Bill 270, making Nebraska the 40th state in the U.S. to allow the legal practice of acupuncture. Introduced by Senator Carol Hudkins of Malcolm, who represents the state's 21st legislative district, LB 270 is the result of two years of hard work by her office and by members of the Omaha-based Nebraska Oriental Medicine Association.

Senator Hudkins originally attempted to have acupuncture legislation passed by introducing a similar act, Legislative Bill 981, last year. Although LB 981 was advanced by the legislature's Health & Human Services Committee, it was never formally debated due to time constraints. Encouraged by her initial success, Hudkins decided to reintroduce the bill this year, during the legislature's 90-day "long" session.

"From the start, I emphasized that my bill is about choice, about permitting patients to choose the type of care that they want, from whomever they decide is best qualified to offer it," she enthused upon hearing of the bill's passage.

The regulatory and licensing provisions contained in LB 270 apply only to trained acupuncturists wishing to practice in Nebraska, not to medical doctors, chiropractors or other health care practitioners already permitted to use acupuncture within their profession's scope of practice. The state's Board of Medicine and Surgery will be responsible for acupuncturist regulation.

To obtain a license to practice in Nebraska under LB 270, an acupuncturist must show that he or she:

1. Is at least 19 years old and of good moral character;
2. Has graduated from a full-time acupuncture program at a board-approved university, the curriculum of which must include at least 1,725 hours of entry-level acupuncture education, consisting of a minimum of 1,000 didactic and 500 clinical hours;
3. Has passed a written examination in acupuncture theory, diagnosis and treatment technique, and point location; and
4. Has successfully completed an approved clean-needle technique course.

Acupuncturists may practice on patients only after obtaining their voluntary informed consent. In addition, prior to providing treatment, a licensed acupuncturist must obtain from the patient either a prior letter of referral, or a medical diagnosis completed by a medical doctor within 90 days immediately preceding the date of the initial procedure.

LB 270 also creates an Acupuncturist Fund. All moneys collected by passage of the bill will be placed in the fund, which will be used to carry out the bill's statutory and regulatory duties. Any excess funds will be invested by the state for future use as needed.

Both the Nebraska Medical Association and the Nebraska Chiropractic Physicians Association endorsed LB 270. Senator Hudkins credited both organizations with helping the bill get passed, and also extended her thanks to several individuals, including state senator Ernie Chambers, who offered a number of amendments to the original legislation.

"I was fortunate to have a tremendous amount of support and assistance with this bill," she remarked. "From Senator Chambers' opposing contributions to the advice and guidance of the Nebraska Oriental Medicine Association and the suggestions of former senator Loran Schmit, who represents this state's chiropractors, the final version of LB 270 has really been a team effort."

Credit was also given to Dr. Ni-Hai-sha, a licensed acupuncturist who serves on the Florida Board of Acupuncture. While LB 270 was being drafted, Dr. Ni and members of his staff participated in a conference call with Mr. Schmit to address the chiropractic profession's concerns about the bill. As a result of that call, chiropractors and acupuncturists were able to work together to create legislation amenable to both professions and support the bill. Without Dr. Ni's call, it is believed LB 270 would have had little chance of getting passed.

Legislative Bill 270 officially goes into effect September 1. Interested parties may view the full text of LB 270 online at the Nebraska state website (www.state.ne.us).

AUGUST 2001