

State AOM Bills Move Forward

Editorial Staff

While the future of acupuncture legislation at a federal level under the new Obama administration is still unknown, several states are taking the initiative and moving forward with bills. These bills range from establishing an acupuncture quality assurance commission to regulation of Asian-bodywork practitioners to establishing licensure. Here is a quick roundup of the current status of acupuncture legislation in several states.

Mississippi

According to the [Mississippi Oriental Medicine Association](#), "According to Mississippi Code Annotated Section 97-23-43, acupuncture can only be performed by a physician licensed to practice medicine or surgery, or a dentist licensed to practice dentistry in the state. Mississippi is one of only seven states left in the country with such restrictive regulations regarding acupuncture."

In an effort to rectify this situation, the association is supporting HB 458, the Oriental Medicine Practice Act. This would, among other things, establish a state acupuncture board and spell out the necessary licensure qualifications.

In terms of rules that govern AOM practice, [the bill states, in part](#): "All of the following shall apply to an Oriental medicine practitioner who is licensed to practice in Mississippi:

- (a) The practitioner shall perform acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician. As specified in the referral or prescription, the acupuncturist shall provide reports to the physician on the patient's condition or progress in treatment and comply with the conditions or restrictions on the acupuncturist's course of treatment.
- (b) The practitioner shall perform acupuncture under the general supervision of the patient's referring or prescribing physician. General supervision does not require that the acupuncturist and physician practice in the same office.
- (c) Before treating a patient, the practitioner shall advise the patient that acupuncture is not a substitute for conventional medical diagnosis and treatment and shall obtain the informed consent of the patient.
- (d) On initially meeting a patient in person, the practitioner shall provide in writing the practitioner's name, business address, and business telephone number, and information on acupuncture, including the techniques that are used.
- (e) While treating a patient, the practitioner shall not make a diagnosis. If a patient's condition is not improving or a patient requires emergency medical treatment, the practitioner shall consult promptly

with a physician."

The bill, sponsored by Representative [D. Stephen Holland \(D - District 16\)](#), passed the House Public Health and Human Services Committee on Feb. 12 and was referred to the Senate Public Health and Welfare Committee on Feb. 17. Holland is chairman of the House Public Health and Human Services Committee. The current bill status may be found at <http://billstatus.ls.state.ms.us/2009/pdf/history/HB/HB0458.xml>.

New Hampshire

A bill working its way through the New Hampshire legislature establishes regulation for Asian-bodywork therapists, reflexologists and structural integrators. The bill, [84-FN](#), states, "The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for licensure of reflexologists, structural integrators, and Asian bodywork therapists. The general court recognizes that there are different and specific bodywork professions, and this chapter provides for licensure to differentiate those professions that have attained maturity through established history and the creation of credible professional associations and training."

The bill [was referred](#) to the House Executive Departments and Administration Committee on Jan. 7, 2009. A public hearing was then held on Feb. 19, 2009. The bill was expected to leave the committee on March 19, 2009.

According to the [American Organization for the Bodywork Therapies of Asia \(AOBTA\)](#), there are several [recognized forms](#) of Asian bodywork therapy. These include, but are not limited to acupressure, *shiatsu*, *tuina* and medical *qi gong*.

Washington

There are currently two bills under consideration in Washington state. The first, [SB 5535](#) would provide for the establishment of an acupuncture quality assurance commission. The bill states, in part: "The Washington state acupuncture quality assurance commission is established, consisting of nine members appointed by the governor to four-year terms, and including seven practicing acupuncturists and two public members. No member may serve more than two consecutive full terms. Members of the commission hold office until their successors are appointed. The governor may appoint the initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. The governor may consider persons who are recommended for acupuncturist associations of this state."

On Jan. 26, 2009 the bill was first [read aloud](#) and then referred to the [Senate Health & Long-Term Care Committee](#). Following that, there was a Feb. 16, 2009, public hearing on the bill.

The second bill, [SB 5320](#), aims to change the title acupuncturists use. The bill states its intent as: "The legislature intends this act to recognize that acupuncturists licensed by the state of Washington are practicing a system of medicine, and that changing the name of their title to 'Oriental medicine practitioners' more appropriately captures the nature and scope of their work. It is further the intent that references in federal law to 'acupuncturists' apply to persons licensed under this act as Oriental medicine practitioners."

On Feb. 19, 2009, the bill passed out of the Health & Long-Term Care Committee and was passed on to the Rules Committee for a second reading. The [Washington Acupuncture and Oriental Medicine Association \(WAOMA\)](#) has been very active in supporting this bill. There is a [political ticker page](#) on the WAOMA Web site where you can follow the progress the bill is making.

We will continue to follow each of these bills as they move along. Please check the online version of this article, available at www.acupuncturetoday.com, in order to follow links that track each bill's progress.

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