

SENATE No. 562

By Mr. Backman, a petition (accompanied by bill, Senate, No. 562) of Jack H. Backman and Eleanor Myerson for legislation to license the practice of acupuncture. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT TO LICENSE THE PRACTICE OF ACUPUNCTURE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby amend-
2 ed by inserting after section 84, the following two sections: —

3 Section 85. There shall be a board of registration of acu-
4 puncture and oriental medicine, hereinafter called the board,
5 consisting of seven members appointed by the Governor. Three
6 members shall be acupuncturists. One member shall be a phy-
7 sician licensed to practice in Massachusetts by the board of
8 registration in medicine. Three members shall be from the
9 general public and shall not be engaged in or have a financial
10 interest in the delivery of health services. At least one mem-
11 ber shall be from a minority group as defined by the federal
12 Department of Health and Human Services and at least one
13 member shall be a woman.

14 The term of office of each member of the board shall be
15 three years, except that of the members of the first board,
16 two shall be appointed for terms of one year, two members
17 for terms of two years, and three members for terms of three
18 years.

19 Those members appointed to the initial board as acupunctur-
20 ists need not be licensed. Members so appointed after the
21 initial board is appointed shall be licensed under the provisions
22 of Section 138 through 146 of chapter 112 of the General
23 Laws prior to such appointment.

24 Section 86. The board shall set forth standards for the prac-

25 tice of acupuncture. The board shall adopt such rules and reg-
26 ulations as are necessary for the conduct of its business and
27 shall administer examinations, issue licenses and set the fees
28 for examinations, certificates and fines.

29 The board shall meet not less than four times per calendar
30 year. At the first meeting of each year, the board shall elect a
31 chairperson, vice-chairperson and a secretary.

32 All fees received by the board and not returned to appli-
33 cants shall be paid monthly to the state treasurer. Members
34 of the board shall serve without compensation, but shall be
35 reimbursed for necessary expenses incurred in the discharge
36 of their official duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by inserting after section 137 the following nine sec-
3 tions: —

4 *Section 138.* As used in sections 138 through 146 inclusive,
5 the following words shall have the following meaning unless
6 the context requires otherwise: —

7 “Acupuncture,” the insertion of needles through the skin,
8 with or without the addition of an electric current, the appli-
9 cation of laser or heat to the skin, or both, at certain points
10 on the body in an attempt to improve body function, relieve
11 pain, or both, and associated therapeutic procedures.

12 “Licensed acupuncturist,” a person licensed under the pro-
13 visions of sections 138-146 of this chapter to practice acu-
14 puncture.

15 *Section 139.* No person shall engage in the practice of acu-
16 puncture unless issued a valid license for that practice by the
17 board pursuant to the provisions of this chapter.

18 To obtain a license to practice acupuncture, a person shall
19 apply to the board in such manner and under such terms as
20 the board may establish and shall satisfy the requirements
21 specified in section 140 of this chapter.

22 *Section 140.* A. The board shall issue a license to practice
23 acupuncture if the applicant has:

24 (1) either (a) satisfactorily completed: academic courses
25 of study, as approved by the board, which include courses in
26 acupuncture, anatomy, physiology and pharmacology; one year
27 of internship; and, one year of residency training; or,

28 (b) obtained a license or certificate of registration to prac-
29 tice acupuncture in a foreign country in which the licensing
30 or certification procedure meets the standards as established
31 by the board; and

32 (2) passed an examination, administered by the board, that
33 tests the applicant's competency in and knowledge of the prac-
34 tice, theory, ethics and all other phases of acupuncture; and

35 (3) paid the initial registration fee set by the board.

36 B. The requirements as listed in subsection A. (1) above
37 shall be considered satisfied and the board shall issue a license
38 to practice acupuncture if the applicant has:

39 (1) practiced acupuncture as a full-time activity for the
40 five years immediately preceding the effective date of this act;
41 and

42 (2) been a resident of the commonwealth for the calendar
43 year immediately preceding the date of application; and

44 (3) filed said application and paid the required registration
45 fee no later than sixty days after the board first accepts such
46 applications.

47 *Section 141.* Notwithstanding the provisions of section 140
48 of this chapter, the board may grant, without examination, a
49 license to practice as an acupuncturist, if the applicant holds
50 a valid license to practice as such from another state in the
51 United States and if, at the time said license was issued or
52 most recently renewed, the licensing requirements of that state
53 were substantially equivalent to those set forth in this chapter
54 as determined by the board. The applicant shall pay the initial
55 registration fee set by the board.

56 *Section 142.* Any applicant who fails to pass an examination
57 may take subsequent examinations, providing that the appli-
58 cation fee is paid for each subsequent examination.

59 *Section 143.* The board shall issue a license for one year. An
60 application for renewal may be made within sixty days of the
61 expiration of the license.

62 *Section 144.* The board shall maintain a list of all persons
63 licensed by the board. Said list shall include the licensee's
64 name, business and residential addresses, date of birth, and
65 date of issuance of the original and renewed licenses.

66 *Section 145.* The board may refuse to issue or renew and

67 may suspend or revoke any license issued, if the board finds
68 the applicant has:

69 a) committed fraud, intentional misrepresentation, or de-
70 ception in applying for a license or renewal of a license or in
71 taking the examination; or,

72 b) acted unprofessionally, as defined by the board; or,

73 c) been convicted of a felony or of the illegal use, possession
74 or distribution of any controlled substance; or,

75 d) been convicted of any offense involving moral turpitude;
76 or,

77 e) committed gross malpractice or deceptive advertising,
78 or is addicted to alcohol or a controlled substance; or,

79 f) a physical or mental disability which renders his or her
80 practice of acupuncture dangerous to a patient; or,

81 g) been found in violation of any of the provisions of this
82 section or of any rule or regulation of the board.

83 The board shall not suspend, revoke, or refuse to issue or
84 renew any license except in accordance with the provisions of
85 chapter 30A of the General Laws.

86 *Section 146.* Whoever, not being licensed by the board to
87 practice as an acupuncturist or oriental medicine practitioner
88 holds himself or herself out to be an acupuncturist or engages
89 in the practice of acupuncture shall be subject to a fine of not
90 less than one hundred and not more than five hundred dollars,
91 by imprisonment for three months, or both for the first offense,
92 and for a subsequent offense by a fine of not less than five
93 hundred dollars and not more than one thousand dollars, by
94 imprisonment for not less than six months, or both.

1 SECTION 3. Chapter 175 of the General Laws is hereby
2 amended by inserting after section 47C the following section:

3 *Section 47D.* Any blanket or general policy of insurance de-
4 scribed in subdivision (A), (C) or (D) of section one hun-
5 dred and ten which provides hospital expense and surgical
6 expense insurance and which is issued or subsequently re-
7 newed by agreement between the insurer and the policyholder,
8 within or without the commonwealth, during the period that
9 this provision is effective, or any policy of accident and sick-
10 ness insurance as described in section one hundred and eight
11 which provides hospital expense and surgical expense insur-

12 ance and which is delivered or issued or delivery or subse-
13 quently renewed by agreement between the insurer and the
14 policyholder in this commonwealth during the period that this
15 provision is effective, or any employees' health and welfare
16 fund which provides hospital expense and surgical expense
17 benefits and which is promulgated or renewed to any person
18 or group of persons in this commonwealth while this provision
19 is effective shall provide at least the following benefits for
20 expense of residents of the commonwealth for acupuncture
21 services by persons licensed to practice acupuncture:

22 a) In the case of benefits based upon confinement as an
23 inpatient in a hospital under the direction and supervision of
24 the department of public health or in a licensed or accredited
25 general hospital, the period of confinement for which benefits
26 shall be payable shall be at least sixty days in any calendar
27 year.

28 b) In the case of outpatient benefits given in a licensed or
29 accredited hospital, a clinic approved by the department of
30 public health, the office of a licensed acupuncturist, or in the
31 residence of the patient, such benefits shall be payable at least
32 up to five hundred dollars in any calendar year.

The first part of the document is a letter from the Secretary of the State to the Governor, dated the 10th of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

The second part of the document is a report from the Secretary of the State to the Governor, dated the 15th of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

The third part of the document is a report from the Secretary of the State to the Governor, dated the 20th of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

The fourth part of the document is a report from the Secretary of the State to the Governor, dated the 25th of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

The fifth part of the document is a report from the Secretary of the State to the Governor, dated the 30th of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

The sixth part of the document is a report from the Secretary of the State to the Governor, dated the 1st of the month. It contains a report on the state of the treasury and the public debt, and also on the progress of the various departments of the government.

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