2016 Regular Session

ACT No. 550

HOUSE BILL NO. 557

1

BY REPRESENTATIVE JAY MORRIS

2	To amend and reenact R.S. 37:1356(introductory paragraph), (1), (4), and (5),
3	1357(introductory paragraph) and (1), 1357.1(A)(introductory paragraph), 1358,
4	1359, and 1360 and to repeal R.S. 37:1356(9), relative to the practice of acupuncture;
5	to provide for definitions; to provide for the certification of physician acupuncturists;
6	to provide for the certification of acupuncture detoxification specialists; to provide
7	for the certification of licensed acupuncturists; to repeal provisions for the
8	certification of persons performing acupuncture for research purposes; and to provide
9	for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 37:1356(introductory paragraph), (1), (4), and (5), 1357(introductory
12	paragraph) and (1), 1357.1(A)(introductory paragraph), 1358, 1359, and 1360 are hereby
13	amended and reenacted to read as follows:
14	§1356. Definitions
15	As used in this Part the following definitions shall apply:
16	(1) "Acupuncture" means treatment by means of mechanical, thermal or
17	electrical stimulation effected by the insertion of needles at a point or combination
18	of points on the surface of the body predetermined on the basis of the theory of the
19	physiological interrelationship of body organs with an associated point or
20	combination of points, or the application of heat or electrical stimulation to such
21	point or points, for the purpose of inducing anesthesia, relieving pain, or healing
22	diseases, disorders and dysfunctions of the body, or achieving a therapeutic or
23	prophylactic effect with respect thereto.

AN ACT

ENROLLED

1	The practice of acupuncture shall be construed to be the practice of medicine
2	as defined by R.S. 37:1261.
3	* * *
4	(4) "Acupuncturist Physician acupuncturist" means an individual a physician
5	certified by the board to practice acupuncture pursuant to the provisions of R.S.
6	37:1357.
7	(5) "Acupuncturist's assistant Licensed acupuncturist" means an individual
8	other than a physician who is certified by the Board of Medical Examiners board to
9	practice acupuncture pursuant to the provisions of R.S. 37:1358.
10	* * *
1	§1357. Practice of traditional Chinese acupuncture; certification Physician
12	acupuncturists
13	The board shall certify as an a physician acupuncturist of traditional Chinese
14	acupuncture a physician licensed to practice medicine in Louisiana who has
15	successfully completed either of the following:
16	(1) Six months' training in traditional Chinese acupuncture in a school or
17	clinic approved by the board.
18	* * *
19	§1357.1. Practice of acupuncture detoxification; certification; promulgation of rules;
20	public health emergency
21	A. The board shall certify as an acupuncture detoxification specialist an
22	individual who works under the general supervision of a physician licensed by the
23	board to practice in the state, or under the general supervision of an acupuncturist's
24	assistant a licensed acupuncturist certified by the board to practice in the state and
25	has successfully completed the following:
26	* * *
27	§1358. Acupuncturist's assistants Licensed acupuncturists; relationship with
28	physician
29	A. The board shall certify as an acupuncturist's assistant a licensed
30	acupuncturist any of the following:

HB NO. 557 ENROLLED

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	thirty-six months' training in a school or clinic of traditional Chinese acupuncture approved by the board. graduated from an acupuncture school or college accredited by the Accreditation Commission for Acupuncture and Oriental Medicine. (2) An individual who has been appointed or employed at a licensed or accredited Louisiana hospital, medical school, or clinic to perform acupuncture for research purposes. (3) (2) An individual who has successfully passed the certification examination given by the National Certification Commission for Acupuncture and
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	by the Accreditation Commission for Acupuncture and Oriental Medicine. (2) An individual who has been appointed or employed at a licensed or accredited Louisiana hospital, medical school, or clinic to perform acupuncture for research purposes. (3) (2) An individual who has successfully passed the certification
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	(2) An individual who has been appointed or employed at a licensed or accredited Louisiana hospital, medical school, or clinic to perform acupuncture for research purposes. (3) (2) An individual who has successfully passed the certification
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	accredited Louisiana hospital, medical school, or clinic to perform acupuncture for research purposes. (3) (2) An individual who has successfully passed the certification
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	research purposes. (3) (2) An individual who has successfully passed the certification
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	(3) (2) An individual who has successfully passed the certification
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	examination given by the National Certification Commission for Acupuncture and
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
12 13 14 15 16 17 18 19 20 21 22 23 24 25	Oriental Medicine.
13 14 15 16 17 18 19 20 21 22 23 24 25	B. The acupuncturist's assistant licensed acupuncturist shall work under the
14 15 16 17 18 19 20 21 22 23 24 25	direction, control, and supervision of a physician and shall perform such duties,
15 16 17 18 19 20 21 22 23 24 25	services, and functions pertaining to acupuncture as assigned by the supervising
16 17 18 19 20 21 22 23 24 25	physician. establish and maintain, in accordance with rules and regulations
17 18 19 20 21 22 23 24 25	promulgated by the board, a relationship with a physician who operates a physical
18 19 20 21 22 23 24 25	practice location in Louisiana to provide for referrals and follow-up care which may
19 20 21 22 23 24 25	be necessary.
202122232425	§1359. Annual report by board to legislature; administrative data
2122232425	The board shall establish procedures and systems for the compilation,
22232425	transmission, correlation, storage, and analysis of data relative to the administration
232425	of acupuncture in this state and shall report annually to the legislature concerning the
2425	status of acupuncture practice in the state beginning February 1, 1976.
25	§1360. Guidelines for certification and practice Powers and duties of the Louisiana
	State Board of Medical Examiners
26	Pursuant to the provisions established by this Part, the board shall formulate
	rules and regulations that it deems necessary to regulate the certification of
27	
28	acupuncturists and acupuncturists' assistants and the practice of traditional Chinese
29	acupuncturists and acupuncturists' assistants and the practice of traditional Chinese acupuncture in Louisiana.
30	

HB NO. 557 **ENROLLED** 1 (1) Adopt, revise, and enforce rules and regulations that it deems necessary 2 to ensure the competency of applicants, the protection of the public, and the proper administration of this Part in accordance with the Administrative Procedure Act. 3 4 (2) Approve the license of duly qualified applicants and deny, suspend, revoke, or place on probation any licensee who acts beyond the scope of practice or 5 6 engages in unprofessional conduct. 7 (3) Conduct hearings on charges calling for the denial, suspension, or 8 revocation of or the refusal to renew a license. 9 (4) Adopt fees under its authority pursuant to R.S. 37:1281, for the purpose 10 of administering the provisions of this Part. 11 (5) Establish an advisory committee on acupuncture to provide such 12 assistance as the board may deem necessary or request in the administration of this 13 Part. 14 Section 2. R.S. 37:1356(9) is hereby repealed in its entirety. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____