

SENATE No. 1283

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the practice of acupuncture.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|-------------------------------------|------------------|
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i> | <i>1/30/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/30/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>2/4/2019</i> |

SENATE No. 1283

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1283) of Eric P. Lesser, Donald F. Humason, Jr., José F. Tosado, Sean Garballey and others for legislation relative to the practice of acupuncture. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to 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 111 of the general laws, as amended by chapter 47 of the acts of
2 2017, is hereby amended by adding the following section:-

3 Section 238. There shall be a commission on acupuncture and wellness within the
4 department. The commission shall consist of: the commissioner of public health or the
5 commissioner’s designee, who shall chair the commission; the commissioner of insurance or the
6 commissioner’s designee; the director of MassHealth or the director’s designee; the director of
7 the board of registration in medicine or the director’s designee; the senate chair of the joint
8 committee on public health; the house chair of the joint committee on public health; a member
9 representing a statewide organization of licensed acupuncturists; a member representing a
10 statewide organization of medical acupuncturists; a member representing the Massachusetts
11 Public Health Association; and 5 members to be selected by the Governor including: no fewer
12 than 2 acupuncturists, licensed and practicing in the state of Massachusetts; a member

13 representing one of the top five health insurance companies in Massachusetts according to
14 market share, a member representing a health care consumer organization, and a member
15 currently practicing as a licensed physician in Massachusetts.

16 The commission on acupuncture and wellness shall make an investigation and
17 comprehensive study of the potential for better integrated use of acupuncture services to expand
18 access, reduce health care costs, and provide improved quality of care to Massachusetts
19 residents. The commission shall:

20 (1) Consider strategies to evaluate and implement effective integration of acupuncture
21 services in health care delivery in Massachusetts with specific focus on interventions in pain
22 management, substance abuse treatment, and wellness promotion.

23 (2) Consider strategies to effectively integrate acupuncture treatment modalities into
24 alternative payment models, including, but not limited to, accountable care organizations,
25 workplace wellness programs and provider organizations established under chapter 224 of the
26 acts of 2012.

27 (3) Consider strategies regarding reimbursement of licensed acupuncturists via third party
28 payors or otherwise to facilitate a stable and sustainable integration of acupuncture services into
29 the broader system of health care delivery.

30 The commission on acupuncture and wellness shall submit to the secretary of health and
31 human services and the joint committee public health, six months after the effective date of this
32 act and annually thereafter, a report that includes findings from the commission's review along
33 with recommendations and any suggested legislation to implement those recommendations.

34 SECTION 2. Chapter 175 of the general laws, as so appearing in the 2016 official
35 edition, is hereby amended by inserting after section 47II, the following section:-

36 Section 47JJ. (a) All individual or group accident and health insurance policies and health
37 service contracts delivered, issued or renewed by an insurer or nonprofit health service
38 corporation which provide benefits to individual subscribers and members within the
39 commonwealth or to all group members having a principal place of employment within the
40 commonwealth shall provide benefits for acupuncture and oriental medicine based diagnosis and
41 treatment in the areas of pain management, post-traumatic stress disorder, substance abuse
42 treatment, and nausea.

43 SECTION 3. Said chapter 175 is hereby further amended by inserting after section 205
44 the following section:-

45 Section 205A. (a) The commissioner shall not approve a policy under section 205 that
46 does not provide benefits for acupuncture and oriental medicine based diagnosis and treatment in
47 the areas of pain management, post-traumatic stress disorder, substance abuse treatment, and
48 nausea.

49 SECTION 4. Chapter 176A of the general laws, as so appearing in the 2016 official
50 edition, is hereby amended by inserting after section 8KK, the following section:-

51 Section 8LL. (a) Any contract between a subscriber and the corporation under an
52 individual or group hospital service plan delivered, issued or renewed in the commonwealth shall
53 provide as benefits to all individual subscribers and members within the commonwealth and to
54 all group members having a principal place of employment within the commonwealth

55 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain
56 management, post-traumatic stress disorder, substance abuse treatment, and nausea.

57 SECTION 5. Chapter 176B of the general laws, as so appearing in the 2016 official
58 edition, is hereby amended by inserting after section 4KK, the following section:-

59 Section 4LL. (a) Any subscription certificate under an individual or group medical
60 service agreement delivered, issued or renewed in the commonwealth shall provide benefits to all
61 individual subscribers and members within the commonwealth and to all group members having
62 a principal place of employment within the commonwealth for acupuncture and oriental
63 medicine based diagnosis and treatment in the areas of pain management, post-traumatic stress
64 disorder, substance abuse treatment, and nausea.

65 SECTION 6. Chapter 176G of the general laws, as so appearing in the 2016 official
66 edition, is hereby amended by inserting after section 4CC, the following section:-

67 Section 4DD. (a) Any group health maintenance contract shall provide coverage for
68 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain
69 management, post-traumatic stress disorder, substance abuse treatment, and nausea.

70 SECTION 7. Chapter 32A of the general laws, as so appearing in the 2016 official
71 edition, is hereby amended by inserting after Section 17O, the following section:-

72 Section 17P. The commission shall provide to an active or retired employee of the
73 commonwealth who is insured under the group insurance commission coverage for acupuncture
74 and oriental medicine based diagnosis and treatment in the areas of pain management, post-
75 traumatic stress disorder, substance abuse treatment, and nausea.

76 SECTION 8. Notwithstanding any general or special law to the contrary, no third party
77 payer of health care services shall differentiate reimbursement rates for acupuncture services by
78 provider type. Only licensed acupuncturists or medical doctors shall be reimbursed for
79 acupuncture services.