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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3041

02/26/2018 Authored by Maye Quade and Lee
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health occupations; modifying terms used to describe certain practices
1.3 of acupuncture practitioners and complementary and alternative health care
1.4 practitioners; amending Minnesota Statutes 2016, sections 146A.01, subdivision
1.5 4; 147B.01, subdivisions 3, 9, by adding a subdivision; 147B.03, subdivisions 2,
1.6 3; 147B.06, subdivision 4.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2016, section 146A.01, subdivision 4, is amended to read:

1.9 Subd. 4. Complementary and alternative health care practices. (a) "Complementary
1.10 and alternative health care practices" means the broad domain of complementary and
1.11 alternative healing methods and treatments, including but not limited to: (1) acupressure;
1.12 (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally
1.13 traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing;
1.14 (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food
1.15 supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12)
1.16 Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism;
1.17 (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage
1.18 therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21)
1.19 noninvasive instrumentalities; and (22) traditional ~~Oriental~~ East Asian practices, such as
1.20 Qi Gong energy healing.

1.21 (b) Complementary and alternative health care practices do not include surgery, x-ray
1.22 radiation, administering or dispensing legend drugs and controlled substances, practices
1.23 that invade the human body by puncture of the skin, setting fractures, the use of medical
1.24 devices as defined in section 147A.01, any practice included in the practice of dentistry as

2.1 defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations
2.2 of joints or the spine as described in section 146.23 or 148.01.

2.3 (c) Complementary and alternative health care practices do not include practices that
2.4 are permitted under section 147.09, clause (11), or 148.271, clause (5).

2.5 (d) This chapter does not apply to, control, prevent, or restrict the practice, service, or
2.6 activity of lawfully marketing or distributing food products, including dietary supplements
2.7 as defined in the federal Dietary Supplement Health and Education Act, educating customers
2.8 about such products, or explaining the uses of such products. Under Minnesota law, an
2.9 unlicensed complementary and alternative health care practitioner may not provide a medical
2.10 diagnosis or recommend discontinuance of medically prescribed treatments.

2.11 Sec. 2. Minnesota Statutes 2016, section 147B.01, subdivision 3, is amended to read:

2.12 Subd. 3. **Acupuncture practice.** "Acupuncture practice" means a comprehensive system
2.13 of health care using ~~Oriental~~ East Asian medical theory and its unique methods of diagnosis
2.14 and treatment. Its treatment techniques include the insertion of acupuncture needles through
2.15 the skin and the use of other biophysical methods of acupuncture point stimulation, including
2.16 the use of heat, ~~Oriental~~ East Asian massage techniques, electrical stimulation, herbal
2.17 supplemental therapies, dietary guidelines, breathing techniques, and exercise based on
2.18 ~~Oriental~~ East Asian medical principles.

2.19 Sec. 3. Minnesota Statutes 2016, section 147B.01, subdivision 9, is amended to read:

2.20 Subd. 9. **Breathing techniques.** "Breathing techniques" means ~~Oriental~~ East Asian
2.21 breathing exercises taught to a patient as part of a treatment plan.

2.22 Sec. 4. Minnesota Statutes 2016, section 147B.01, is amended by adding a subdivision to
2.23 read:

2.24 Subd. 12a. **East Asian medicine.** "East Asian medicine" has the meaning given to
2.25 Oriental medicine in subdivision 18.

2.26 Sec. 5. Minnesota Statutes 2016, section 147B.03, subdivision 2, is amended to read:

2.27 Subd. 2. **Board approval.** The board shall approve a continuing education program if
2.28 the program meets the following requirements:

2.29 (1) it directly relates to the practice of acupuncture;

3.1 (2) each member of the faculty shows expertise in the subject matter by holding a degree
 3.2 or certificate from an educational institution, has verifiable experience in traditional ~~Oriental~~
 3.3 East Asian medicine, or has special training in the subject area;

3.4 (3) the program lasts at least one contact hour;

3.5 (4) there are specific written objectives describing the goals of the program for the
 3.6 participants; and

3.7 (5) the program sponsor maintains attendance records for four years.

3.8 Sec. 6. Minnesota Statutes 2016, section 147B.03, subdivision 3, is amended to read:

3.9 Subd. 3. **Continuing education topics.** (a) Continuing education program topics may
 3.10 include, but are not limited to, ~~Oriental~~ East Asian medical theory and techniques including
 3.11 ~~Oriental~~ East Asian massage; ~~Oriental~~ East Asian nutrition; ~~Oriental~~ East Asian herbology
 3.12 and diet therapy; ~~Oriental~~ East Asian exercise; western sciences such as anatomy, physiology,
 3.13 biochemistry, microbiology, psychology, nutrition, history of medicine; and medical
 3.14 terminology or coding.

3.15 (b) Practice management courses are excluded under this section.

3.16 Sec. 7. Minnesota Statutes 2016, section 147B.06, subdivision 4, is amended to read:

3.17 Subd. 4. **Scope of practice.** The scope of practice of acupuncture includes, but is not
 3.18 limited to, the following:

3.19 (1) using ~~Oriental~~ East Asian medical theory to assess and diagnose a patient;

3.20 (2) using ~~Oriental~~ East Asian medical theory to develop a plan to treat a patient. The
 3.21 treatment techniques that may be chosen include:

3.22 (i) insertion of sterile acupuncture needles through the skin;

3.23 (ii) acupuncture stimulation including, but not limited to, electrical stimulation or the
 3.24 application of heat;

3.25 (iii) cupping;

3.26 (iv) dermal friction;

3.27 (v) acupressure;

3.28 (vi) herbal therapies;

3.29 (vii) dietary counseling based on traditional Chinese medical principles;

- 4.1 (viii) breathing techniques;
- 4.2 (ix) exercise according to ~~Oriental~~ East Asian medical principles; or
- 4.3 (x) ~~Oriental~~ East Asian massage.