

115TH CONGRESS  
1ST SESSION

# H. R. 2838

To amend title 38, United States Code, to ensure access to acupuncturist services through the Department of Veterans Affairs.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Ms. JUDY CHU of California introduced the following bill; which was referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to ensure access to acupuncturist services through the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Acupuncture for Our  
5 Heroes Act”.

6 **SEC. 2. INCLUSION OF ACUPUNCTURIST SERVICES AT VET-**  
7 **ERANS HEALTH FACILITIES.**

8 (a) ACUPUNCTURIST SERVICES.—

1           (1) IN GENERAL.—Subchapter II of chapter 17  
2           of title 38, United States Code, is amended by add-  
3           ing at the end the following new section:

4   **“§ 1720I. Provision of acupuncturist services**

5           “(a) IN GENERAL.—The Secretary shall carry out a  
6           program to provide acupuncturist services to veterans en-  
7           rolled in the health care system established under section  
8           1705(a) of this title (without the requirement of a refer-  
9           ral).

10          “(b) LOCATIONS.—The program under subsection (a)  
11          shall be carried out at in at least one facility of the De-  
12          partment in each Veterans Integrated Service Network. In  
13          selecting such facilities, the Secretary shall ensure that the  
14          program is carried out in both urban and rural areas.

15          “(c) SERVICES AVAILABLE.—The Secretary shall en-  
16          sure that the acupuncturist services available under the  
17          program are able to address, at a minimum, the following:

18                 “(1) Chronic and acute pain.

19                 “(2) Cancer pain.

20                 “(3) Postoperative nausea and vomiting.

21                 “(4) Postsurgical gastroparesis syndrome.

22                 “(5) Opioid-induced constipation.

23                 “(6) Opioid-induced pruritus.

24                 “(7) Chemotherapy-induced neuropathy.

25                 “(8) Aromatase inhibitor-associated joint pain.

1           “(9) Neck dissection-related pain and dysfunc-  
2           tion.

3           “(10) Stress management.

4           “(11) Mental health conditions.

5           “(12) Substance abuse.

6           “(13) Symptoms relating to traumatic brain in-  
7           jury and post-traumatic stress.

8           “(d) ADMINISTRATION.—(1) The Secretary shall  
9           carry out the program through—

10           “(A) qualified acupuncturists appointed as em-  
11           ployees of the Department located at medical centers  
12           and clinics of the Department; and

13           “(B) through contract qualified acupuncturists  
14           if—

15           “(i) the Secretary is unable to make ap-  
16           pointments described in subparagraph (A);

17           “(ii) a patient requires specialty care that  
18           an employee under such subparagraph is not  
19           able to provide to the patient; or

20           “(iii) there is an emergency that requires  
21           the use of such a contract acupuncturist.

22           “(2) The Secretary shall provide training and mate-  
23           rials to health care providers of the Department who pro-  
24           vide primary care to veterans to explain the benefits of  
25           acupuncturist services.

1       “(3) In this section, the term ‘qualified  
2 acupuncturist’ means, with respect to the furnishing of  
3 services in a State, an individual who licensed or certified  
4 in the State in which the services are furnished, or, in  
5 the case of services furnished in a State that does not pro-  
6 vide for such licensure or certification, meets such criteria  
7 (such as accreditation through an appropriate nationally  
8 recognized certification authority for acupuncturists) as  
9 the Secretary may specify. In specifying such require-  
10 ments, the Secretary may use the same requirements as  
11 those established by such a certification authority.

12       “(e) REGULATIONS.—The Secretary shall prescribe  
13 regulations to carry out this section.”.

14               (2) CLERICAL AMENDMENT.—The table of sec-  
15 tions at the beginning of such chapter is amended  
16 by inserting after the item relating to section 1720H  
17 the following new section:

“1720I. Provision of acupuncturist services.”.

18               (3) CONFORMING AMENDMENT.—Section  
19 1701(6) of such title is amended by adding at the  
20 end the following new subparagraph:

21                       “(H) Acupuncturist services in accordance  
22 with section 1720I of this title.”.

23               (b) ADVISORY COMMITTEE.—

1           (1) IN GENERAL.—Subchapter III of chapter 5  
2           of such title is amended by adding at the end the  
3           following new section:

4   **“§ 547. Advisory committee on acupuncturist services**

5           “(a) ACUPUNCTURE ADVISORY COMMITTEE.—(1)  
6           The Secretary shall establish an advisory committee to be  
7           known as the ‘Advisory Committee on Acupuncturist Serv-  
8           ices’ (in this section referred to as the ‘Committee’) to  
9           provide the Secretary with assistance and advice in the  
10          development and implementation of the program estab-  
11          lished by section 1720I of this title.

12          “(2) The Committee shall consist of members ap-  
13          pointed by the Secretary from the general public, includ-  
14          ing—

15                  “(A) not fewer than five practicing  
16                  acupuncturists, of which at least four shall be State  
17                  licensed acupuncturists;

18                  “(B) one veteran from each of the Armed  
19                  Forces; and

20                  “(C) not fewer than two representatives from  
21                  veterans service organizations.

22          “(b) DUTIES.—The Committee shall—

23                  “(1) review and evaluate the ability of a veteran  
24                  to access an acupuncturist at facilities of the De-  
25                  partment;

1 “(2) advise the Secretary with respect to—

2 “(A) protocols governing direct access to  
3 acupuncture care;

4 “(B) protocols governing the scope of prac-  
5 tice of acupuncture practitioners;

6 “(C) the definitions of services to be pro-  
7 vided by acupuncturists; and

8 “(D) such other matters the Secretary de-  
9 termines appropriate; and

10 “(3) upon the determination of the Secretary  
11 that the program of acupuncturist services under  
12 section 1720I of this title has been fully imple-  
13 mented, submit to the Secretary a report containing  
14 the evaluation of the Committee of the implementa-  
15 tion of such program.

16 “(c) CHAIRMAN.—The Secretary shall designate one  
17 member of the Committee to serve as the chairman of the  
18 Committee.

19 “(d) MEETINGS.—The Committee shall meet at the  
20 call of the Chairman, but not fewer than three times dur-  
21 ing each fiscal year, beginning in the fiscal year following  
22 the fiscal year in which this section is enacted.

23 “(e) REPORT.—Following the date on which the  
24 Committee submits to the Secretary the report under sub-  
25 section (b)(4), the Secretary shall submit to the Commit-

tees on Veterans' Affairs of the Senate and the House of Representatives a report containing the following:

“(1) A copy of the Committee report, together with the comments of the Secretary on the report.

“(2) An explanation of the criteria and rationale that the Secretary used to determine that the program of acupuncturist services under section 1720I of this title was fully implemented, as described in such subsection (b)(4).

“(3) The views of the Secretary regarding the future implementation of such program.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 546 the following new item:

“547. Advisory committee on acupuncturist services.”.

(c) CONFORMING AMENDMENTS.—

(1) AUTHORITY FOR APPOINTMENTS.—Section 7401(1) of title 38, United States Code, is amended by inserting “acupuncturists,” after “chiropractors,”.

(2) PERIOD OF APPOINTMENTS.—Section 7403 of such title is amended by adding at the end the following new subparagraph:

“(I) Acupuncturists.”.

1           (3) PAY.—Section 7404 of such title is amend-  
2           ed by adding at the end the following new sub-  
3           section:

4           “(f) The position of acupuncturist specified in section  
5 7401(1) of this title shall be the grade of GS–12 or higher  
6 under the General Schedule under section 5332 of title  
7 5.”.

8           (4) MALPRACTICE AND NEGLIGENCE SUITS.—  
9           Section 7316(a)(2) of such title is amended by in-  
10          serting “acupuncturist,” after “chiropractor,”.

11          (5) HOURS AND CONDITIONS.—Section 7421(b)  
12          of such title is amended by adding at the end the  
13          following new paragraph:

14          “(9) Acupuncturists.”.

15          (6) EFFECTIVE DATE.—The amendments made  
16          by paragraph (4) apply with respect to services pro-  
17          vided on or after the date that is 270 days after the  
18          date of enactment of this Act.

○