

CONFIDENTIAL
LEGISLATIVE BILL REVIEW

Bill Number: H.690 Name of Bill: An act relating to the practice of acupuncture by physicians, osteopaths, and physician assistants

Agency/ Dept: AHS/VDH Author of Bill Review: David Herlihy, Board of Medical Practice

Date of Bill Review: May 6, 2016 Status of Bill: (check one):

☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies ☐ Fiscal

Recommended Position: (Only with regard to Part I – the Board does not have a position on Part II)

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill amends the acupuncture law, 26 V.S.A. § 3402, to allow a health care professional who is not licensed as an acupuncturist to practice acupuncture so long as he or she is acting within the scope of practice of the profession for which he or she is licensed. This bill was requested by a number of physicians who have been trained in acupuncture and would like to try using it as an adjunctive therapy in their treatment of patients. The bill was necessary because the acupuncture statute did not include language would allow other health care professionals, acting within the scope of a profession, to engage in acts that might otherwise violate the statute. When this bill was first introduced, it was worded to authorize physicians to practice acupuncture, then PAs were added. In the end, it was amended to provide a general exception for other healthcare professions, which is the appropriate way to handle the issue.

2. Is there a need for this bill? *Please explain why or why not.*

Yes. At present, physicians (or other otherwise qualified healthcare professionals) need to get a second license as an acupuncturist to use the treatment. That is inconsistent with the general rule that physician licenses are not limited; a physician can perform any legal therapy that he or she is qualified to do by training and/or experience. Also, not including an exemption in the acupuncture law for practice by any other health professions is inconsistent with most, if not all, other health professions.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

No costs.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

Negligible at most. If this change makes acupuncture by physicians more widely available, Departments that pay for healthcare (e.g., State Employee Medical Benefit Plan, Medicaid) might be billed for acupuncture services by physicians that might not have been billed. At the same time, there might be a reduction in other costs if acupuncture is found to replace or reduce the need for other therapies.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

Acupuncture may be more widely available to patients. For entities that pay for health care, the impact would probably be limited and along the lines of #4, above. They might have to pay for more acupuncture, but could see savings on other treatments.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The Vermont Medical Society, and the Vermont Acupuncture Association (which licenses acupuncturists) supports H.690 supports it.

6.2 Who else is likely to oppose the proposal and why? No one.

7. Rationale for recommendation: *Justify recommendation stated above.*

Physicians are interested in trying this therapy for their patients. There is interest in the medical community in exploring the benefits of acupuncture, especially for the control of pain. By allowing physicians who are qualified to do acupuncture to do so without a separate license, it will be more widely available. Also, there is interest in the potential for using adjunctive therapies such as acupuncture to help reduce reliance on opioid medications for pain relief.

Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None.

Secretary/Commissioner has reviewed this document: _____ **Date:** _____