SENATE DOCKET, NO. 867 FILED ON: 1/17/2013

SENATE . . . . . No. 1107

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

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 passage of the accompanying:

An Act relative to the practice of acupuncture.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel A. Wolf	*Cape and Islands*
Sarah K. Peake	*4th Barnstable*
Cleon H. Turner	*1st Barnstable*
Karen E. Spilka	*Second Middlesex and Norfolk*
Kay Khan	*11th Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Colleen M. Garry	*36th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Denise Andrews	*2nd Franklin*
Bruce J. Ayers	*1st Norfolk*

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By Mr. Wolf, a petition (accompanied by bill, Senate, No. 1107) of Daniel A. Wolf, Sarah K. Peake, Cleon H. Turner, Karen E. Spilka and other members of the General Court for legislation relative to the practice of acupuncture. Public Health.

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 224 the following section:

Section 225.

(a) There shall be a commission on acupuncture and wellness within the department. The commission shall consist of: the commissioner of public health or the commissioner's designee, who shall chair the commission; the commissioner of insurance or the commissioner's designee; the director of MassHealth or the director's designee; the director of the board of registration in medicine or the director's designee; the senate chair of the joint committee on public health; the house chair of the joint committee on public health; a member representing a statewide organization of licensed acupuncturists; a member representing a statewide organization of medical acupuncturists; a member representing the Massachusetts Public Health Association; and 5 members to be selected by the Governor including: no fewer than 2 acupuncturists, licensed and practicing in the state of Massachusetts; a member representing one of the top five health insurance companies in Massachusetts according to market share, a member representing a health care consumer organization, and a member currently practicing as a licensed physician in Massachusetts.

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

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

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

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

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

36 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
37 section 47AA the following section:

38 Section 47BB.

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

45 SECTION 3. Said chapter 175 is hereby amended by inserting after the section 205 the

46 following section:

47 Section 205A.

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

51 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
52 section

53 8DD the following section:

54 Section 8EE.

55 (a) Any contract between a subscriber and the corporation under an individual or group
56 hospital service plan delivered, issued or renewed in the commonwealth shall provide as benefits
57 to all individual subscribers and members within the commonwealth and to all group members
58 having a principal place of employment within the commonwealth acupuncture and oriental
59 medicine based diagnosis and treatment in the areas of pain management, post-traumatic stress
60 disorder, substance abuse treatment, and nausea.

61 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after
62 section 4DD the following section:

63 Section 4EE.

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

70 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
71 section 4V the following section:

72 Section 4W.

73 (a) Any group health maintenance contract shall provide coverage for acupuncture and
74 oriental medicine based diagnosis and treatment in the areas of pain management, post-traumatic
75 stress disorder, substance abuse treatment, and nausea.

76 SECTION 7. Section 148 of Chapter 112 of the General Laws shall be amended by
77 adding in the second paragraph after the word "function.", the following language:

78 "The use of needles on trigger points, motor points, Ashi points, and/or for intramuscular
79 needling for the treatment of myofascial pain will be considered the practice of acupuncture."

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