HOUSE DOCKET, NO. 393 FILED ON: 1/10/2013

HOUSE . . . . . No. 2051

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

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:
William Smitty Pignatelli	*4th Berkshire*
Jonathan Hecht	*29th Middlesex*
Kate Hogan	*3rd Middlesex*
Donald H. Wong	*9th Essex*
Denise Andrews	*2nd Franklin*
Kay Khan	*11th Middlesex*
John W. Scibak	*2nd Hampshire*
Peter V. Kocot	*1st Hampshire*
Sarah K. Peake	*4th Barnstable*
Elizabeth A. Poirier	*14th Bristol*
Frank I. Smizik	*15th Norfolk*
Paul McMurtry	*11th Norfolk*
Ruth B. Balser	*12th Middlesex*
Tricia Farley-Bouvier	*3rd Berkshire*
Ellen Story	*3rd Hampshire*
John J. Lawn, Jr.	*10th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*

Bruce J. Ayers	*1st Norfolk*
Harold P. Naughton, Jr.	*12th Worcester*
Danielle W. Gregoire	*4th Middlesex*
Paul R. Heroux	*2nd Bristol*
Carl M. Sciortino, Jr.	*34th Middlesex*
Thomas M. Stanley	*9th Middlesex*
Martin J. Walsh	*13th Suffolk*

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HOUSE . . . . . No. 2051

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 2051) of William Smitty Pignatelli and others relative to 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. 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.

The commission 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
29 party payors or otherwise to facilitate a stable and sustainable integration of acupuncture services
30 into the broader system of health care delivery.

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

35

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

38 47AA the following section:

39 Section 47BB. (a) All individual or group accident and health insurance policies and
40 health service contracts delivered, issued or renewed by an insurer or nonprofit health service
41 corporation which provide benefits to individual subscribers and members within the
42 commonwealth or to all group members having a principal place of employment within the

43 commonwealth shall provide benefits for acupuncture and oriental medicine based
44 diagnosis and treatment in the areas of pain management, post-traumatic stress disorder,
45 substance abuse treatment, and nausea.

46

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

48 following section:

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

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

55 8DD the following section:

56 Section 8EE. (a) Any contract between a subscriber and the corporation under an
57 individual or group hospital service plan delivered, issued or renewed in the commonwealth shall
58 provide as benefits to all individual subscribers and members within the commonwealth and to
59 all group members having a principal place of employment within the commonwealth
60 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain
61 management, post-traumatic stress disorder, substance abuse treatment, and nausea.

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

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

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

72 4V the following section:

73 Section 4W. (a) Any group health maintenance contract shall provide coverage for
74 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain
75 management, post-traumatic 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, Ashi points, and/or for intramuscular needling for
79 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.