HOUSE DOCKET, NO. 1593 FILED ON: 2/18/2011

HOUSE . . . . . No. 3519

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 insurance coverage for acupuncture.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William Smitty Pignatelli	*4th Berkshire*
Jonathan Hecht	*29th Middlesex*
Stephen Kulik	*1st Franklin*
Martha M. Walz	*8th Suffolk*
George T. Ross	*2nd Bristol*
John D. Keenan	*7th Essex*
James B. Eldridge	☐ *[District]* ☐
Kate Hogan	*3rd Middlesex*
Christopher N. Speranzo	*3rd Berkshire*
Donald H. Wong	*9th Essex*
Michael R. Knapik	☐ *[District]* ☐
James Arciero	*2nd Middlesex*
Denise Andrews	*2nd Franklin*
Frank I. Smizik	*15th Norfolk*

Kay Khan	*11th Middlesex*
John W. Scibak	*2nd Hampshire*
Peter V. Kocot	*1st Hampshire*
Alice K. Wolf	*25th Middlesex*
Walter F. Timilty	*7th Norfolk*

HOUSE DOCKET, NO. 1593 FILED ON: 2/18/2011

HOUSE . . . . . No. 3519

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 3519) of William Smitty Pignatelli and others relative to insurance coverage for acupuncture. Financial Services.

The Commonwealth of Massachusetts

An act relative to insurance coverage for 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 112 of the General Laws is hereby amended by inserting after section 160 the following section:-

Section 160A. The needles used in acupuncture shall be sterile, one-use, disposable, solid filiform instruments which shall include but not be limited to: dermal needles, plum blossom needles, press needles, prismatic needles and disposal lancets. The use of staples in the practice of acupuncture shall be prohibited.

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

Section 47BB. (a) All individual or group accident and health insurance policies and health service contracts delivered, issued or renewed by an insurer or nonprofit health service corporation which provide benefits to individual subscribers and members within the commonwealth or to all group members having a principal place of employment within the commonwealth shall provide benefits for the acupuncture diagnostic techniques in subsection (b), the acupuncture services in subsection (c), and the adjunctive therapies in subsection (d); provided those techniques, services and adjunctive therapies are provided by an acupuncturist licensed under sections 148 to 162, inclusive, of chapter 112.

(b) Acupuncture diagnostic techniques shall include, but not be limited to, the use of observation, listening, smelling, inquiring, palpation, pulses, tongue, physiognomy, 5 element correspondences, ryodoraku, German electro-acupuncture, and thermography.

(c) Acupuncture services shall include, but not be limited to: (i) auricular, hand, nose, face, foot and/or scalp acupuncture therapy; (ii) stimulation to acupuncture points and channels by use of any of the following: needles, moxibustion, cupping, thermal methods, magnets, scraping techniques, ion cord linking acupuncture devices with wires, hot and cold packs,

24 electromagnetic wave therapy and lasers; manual stimulation, including stimulation by an
25 instrument or mechanical device that does not pierce the skin, massage, acupressure, reflexology,
26 shiatsu and tui na; and electrical stimulation including electro-acupuncture, percutaneous and
27 transcutaneous electrical nerve stimulation.

28 (d) Adjunctive therapies shall include, but not be limited to: (i) oriental nutritional
29 counseling, and the recommendation of nonprescription substances that meet the federal Food
30 and Drug Administration labeling requirements as dietary supplements to promote health; (ii)
31 instruction and training of meditation, breathing techniques and therapeutic movement exercises,
32 including, but not limited to, tai chi, Qi Gong, Sotai; and (iii) lifestyle, behavioral, supportive,
33 educational and stress counseling.

34 (e) If an insurer or nonprofit health service corporation denies benefits relative to
35 acupuncture diagnostic techniques, acupuncture services or adjunctive therapies, the denial must
36 be by, under the direction of, or subject to the review of an acupuncturist licensed under said
37 sections 148 to 162, inclusive, of said chapter 112.

38 SECTION 3. Said chapter 175 is hereby amended by inserting after the section 205 the
39 following section:-

40 Section 205A. (a) The commissioner shall not approve a policy under section 205 that
41 does not provide benefits for the acupuncture diagnostic techniques in subsection (b), the
42 acupuncture services in subsection (c), and the adjunctive therapies in subsection (d); provided
43 those techniques, services and adjunctive therapies are provided by an acupuncturist licensed
44 under sections 148 to 162, inclusive, of chapter 112.

45 (b) Acupuncture diagnostic techniques shall include, but not be limited to, the use of
46 observation, listening, smelling, inquiring, palpation, pulses, tongue, physiognomy, 5 element
47 correspondences, ryodoraku, German electro-acupuncture, and thermography.

48 (c) Acupuncture services shall include, but not be limited to: (i) auricular, hand, nose,
49 face, foot and/or scalp acupuncture therapy; (ii) stimulation to acupuncture points and channels
50 by use of any of the following: needles, moxibustion, cupping, thermal methods, magnets,
51 scraping techniques, ion cord linking acupuncture devices with wires, hot and cold packs,
52 electromagnetic wave therapy and lasers; manual stimulation, including stimulation by an
53 instrument or mechanical device that does not pierce the skin, massage, acupressure, reflexology,
54 shiatsu and tui na; and electrical stimulation including electro-acupuncture, percutaneous and
55 transcutaneous electrical nerve stimulation.

56 (d) Adjunctive therapies shall include, but not be limited to: (i) oriental nutritional
57 counseling, and the recommendation of nonprescription substances that meet the federal Food
58 and Drug Administration labeling requirements as dietary supplements to promote health; (ii)
59 instruction and training of meditation, breathing techniques and therapeutic movement exercises,

60 including, but not limited to, tai chi, Qi Gong, Sotai; and (iii) lifestyle, behavioral, supportive,
61 educational and stress counseling.

62 (e) If benefits relative to acupuncture diagnostic techniques, acupuncture services or
63 adjunctive therapies are denied under a policy under said section 205, the denial must be by,
64 under the direction of, or subject to the review of an acupuncturist licensed under said sections
65 148 to 162, inclusive, of said chapter 112.

66 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
67 section 8DD the following section:-

68 Section 8EE. (a) Any contract between a subscriber and the corporation under an
69 individual or group hospital service plan delivered, issued or renewed in the commonwealth shall
70 provide as benefits to all individual subscribers and members within the commonwealth and to
71 all group members having a principal place of employment within the commonwealth for the
72 acupuncture diagnostic techniques in subsection (b), the acupuncture services in subsection (c),
73 and the adjunctive therapies in subsection (d); provided those techniques, services and adjunctive
74 therapies are provided by an acupuncturist licensed under sections 148 to 162, inclusive, of
75 chapter 112.

76 (b) Acupuncture diagnostic techniques shall include, but not be limited to, the use of
77 observation, listening, smelling, inquiring, palpation, pulses, tongue, physiognomy, 5 element
78 correspondences, ryodoraku, German electro-acupuncture, and thermography.

79 (c) Acupuncture services shall include, but not be limited to: (i) auricular, hand, nose,
80 face, foot and/or scalp acupuncture therapy; (ii) stimulation to acupuncture points and channels
81 by use of any of the following: needles, moxibustion, cupping, thermal methods, magnets,
82 scraping techniques, ion cord linking acupuncture devices with wires, hot and cold packs,
83 electromagnetic wave therapy and lasers; manual stimulation, including stimulation by an
84 instrument or mechanical device that does not pierce the skin, massage, acupressure, reflexology,
85 shiatsu and tui na; and electrical stimulation including electro-acupuncture, percutaneous and
86 transcutaneous electrical nerve stimulation.

87 (d) Adjunctive therapies shall include, but not be limited to: (i) oriental nutritional
88 counseling, and the recommendation of nonprescription substances that meet the federal Food
89 and Drug Administration labeling requirements as dietary supplements to promote health; (ii)
90 instruction and training of meditation, breathing techniques and therapeutic movement exercises,
91 including, but not limited to, tai chi, Qi Gong, Sotai; and (iii) lifestyle, behavioral, supportive,
92 educational and stress counseling.

93 (e) If a non-profit hospital service corporation denies benefits relative to acupuncture
94 diagnostic techniques, acupuncture services or adjunctive therapies, the denial must be by, under

95 the direction of, or subject to the review of an acupuncturist licensed under said sections 148 to
96 162, inclusive, of said chapter 112.

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

99 Section 4EE. (a) Any subscription certificate under an individual or group medical
100 service agreement delivered, issued or renewed in the commonwealth shall provide a benefits to
101 all individual subscribers and members within the commonwealth and to all group members
102 having a principal place of employment within the commonwealth for the acupuncture diagnostic
103 techniques in subsection (b), the acupuncture services in subsection (c), and the adjunctive
104 therapies in subsection (d); provided those techniques, services and adjunctive therapies are
105 provided by an acupuncturist licensed under sections 148 to 162, inclusive, of chapter 112.

106 (b) Acupuncture diagnostic techniques shall include, but not be limited to, the use of
107 observation, listening, smelling, inquiring, palpation, pulses, tongue, physiognomy, 5 element
108 correspondences, ryodoraku, German electro-acupuncture, and thermography.

109 (c) Acupuncture services shall include, but not be limited to: (i) auricular, hand, nose,
110 face, foot and/or scalp acupuncture therapy; (ii) stimulation to acupuncture points and channels
111 by use of any of the following: needles, moxibustion, cupping, thermal methods, magnets,
112 scraping techniques, ion cord linking acupuncture devices with wires, hot and cold packs,
113 electromagnetic wave therapy and lasers; manual stimulation, including stimulation by an
114 instrument or mechanical device that does not pierce the skin, massage, acupressure, reflexology,
115 shiatsu and tui na; and electrical stimulation including electro-acupuncture, percutaneous and
116 transcutaneous electrical nerve stimulation.

117 (d) Adjunctive therapies shall include, but not be limited to: (i) oriental nutritional
118 counseling, and the recommendation of nonprescription substances that meet the federal Food
119 and Drug Administration labeling requirements as dietary supplements to promote health; (ii)
120 instruction and training of meditation, breathing techniques and therapeutic movement exercises,
121 including, but not limited to, tai chi, Qi Gong, Sotai; and (iii) lifestyle, behavioral, supportive,
122 educational and stress counseling.

123 (e) If a medical service corporation denies benefits relative to acupuncture diagnostic
124 techniques, acupuncture services or adjunctive therapies, the denial must be by, under the
125 direction of, or subject to the review of an acupuncturist licensed under said sections 148 to 162,
126 inclusive, of said chapter 112.

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

129 Section 4W. (a) Any group health maintenance contract shall provide coverage for the
130 acupuncture diagnostic techniques in subsection (b), the acupuncture services in subsection (c),
131 and the adjunctive therapies in subsection (d); provided those techniques, services and adjunctive
132 therapies are provided by an acupuncturist licensed under sections 148 to 162, inclusive, of
133 chapter 112.

134 (b) Acupuncture diagnostic techniques shall include, but not be limited to, the use of
135 observation, listening, smelling, inquiring, palpation, pulses, tongue, physiognomy, 5 element
136 correspondences, ryodoraku, German electro-acupuncture, and thermography.

137 (c) Acupuncture services shall include, but not be limited to: (i) auricular, hand, nose,
138 face, foot and/or scalp acupuncture therapy; (ii) stimulation to acupuncture points and channels
139 by use of any of the following: needles, moxibustion, cupping, thermal methods, magnets,
140 scraping techniques, ion cord linking acupuncture devices with wires, hot and cold packs,
141 electromagnetic wave therapy and lasers; manual stimulation, including stimulation by an
142 instrument or mechanical device that does not pierce the skin, massage, acupressure, reflexology,
143 shiatsu and tui na; and electrical stimulation including electro-acupuncture, percutaneous and
144 transcutaneous electrical nerve stimulation.

145 (d) Adjunctive therapies shall include, but not be limited to: (i) oriental nutritional
146 counseling, and the recommendation of nonprescription substances that meet the federal Food
147 and Drug Administration labeling requirements as dietary supplements to promote health; (ii)
148 instruction and training of meditation, breathing techniques and therapeutic movement exercises,
149 including, but not limited to, tai chi, Qi Gong, Sotai; and (iii) lifestyle, behavioral, supportive,
150 educational and stress counseling.

151 (e) If a health maintenance organization denies benefits relative to acupuncture diagnostic
152 techniques, acupuncture services or adjunctive therapies, the denial must be by, under the
153 direction of, or subject to the review of an acupuncturist licensed under said sections 148 to 162,
154 inclusive, of said chapter 112.