

SENATE No. 2352

The Commonwealth of Massachusetts

—
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
—

SENATE, Monday, June 20, 2016

The committee on Public Health, to whom was referred the petitions (accompanied by bill, Senate, No. 1231) of Daniel A. Wolf, Timothy R. Madden, Mary S. Keefe, Barbara L'Italien and other members of the General Court for legislation relative to the practice of acupuncture and (accompanied by bill, House, No. 2006) of John J. Lawn, Jr., and others relative to the practice of acupuncture for the treatment of certain pain, - reports the accompanying bill (Senate, No. 2352).

For the committee,
Jason M. Lewis

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

1 SECTION 1. (a) There shall be a commission on acupuncture and wellness within the
2 department. The commission shall consist of: the commissioner of public health or the
3 commissioner’s designee, who shall chair the commission; the commissioner of insurance or the
4 commissioner’s designee; the director of MassHealth or the director’s designee; the director of
5 the board of registration in medicine or the director’s designee; the senate chair of the joint
6 committee on public health; the house chair of the joint committee on public health; a member
7 representing a statewide organization of licensed acupuncturists; a member representing a
8 statewide organization of medical acupuncturists; a member representing the Massachusetts
9 Public Health Association; and 5 members to be selected by the Governor including: no fewer
10 than 2 acupuncturists, licensed and practicing in the state of Massachusetts; a member
11 representing one of the top five health insurance companies in Massachusetts according to
12 market share, a member representing a health care consumer organization, and a member
13 currently practicing as a licensed physician in Massachusetts.

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

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

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

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

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

33 SECTION 2. Chapter 175 of the General Laws, as appearing in the 2014 Official Edition,
34 is hereby amended by inserting after section 47GG the following section:-

35 Section 47HH. Any policy, contract, agreement, plan or certificate of insurance issued,
36 delivered or renewed within the commonwealth, which is considered creditable coverage under
37 section 1 of chapter 118M, shall provide coverage for acupuncture and oriental medicine based
38 diagnosis and treatment in the areas of pain management, post-traumatic stress disorder,
39 substance abuse treatment, and nausea.

40 SECTION 3. Said chapter 175 is hereby further amended by inserting after section 205
41 the following section:-

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

45 SECTION 4. Chapter 176A of the General Laws, as so appearing, is hereby amended by
46 inserting after section 8II the following section:-

47 Section 8JJ. Any contract between a subscriber and the corporation under an individual or
48 group hospital service plan delivered, issued or renewed in the commonwealth shall provide
49 coverage to all individual subscribers and members within the commonwealth and to all group
50 members having a principal place of employment within the commonwealth acupuncture and
51 oriental medicine based diagnosis and treatment in the areas of pain management, post-traumatic
52 stress disorder, substance abuse treatment, and nausea.

53 SECTION 5. Chapter 176B of the General Laws, as so appearing, is hereby amended by
54 inserting after section 4II the following section:-

55 Section 4JJ. Any subscription certificate under an individual or group medical service
56 agreement delivered, issued or renewed in the commonwealth shall provide coverage to all
57 individual subscribers and members within the commonwealth and to all group members having
58 a principal place of employment within the commonwealth for 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 6. Chapter 176G of the General Laws, as so appearing, is hereby amended by
62 inserting after section 4AA the following section:-

63 Section 4BB. An individual or group health maintenance contract that is issued or
64 renewed shall provide coverage for acupuncture and oriental medicine based diagnosis and
65 treatment in the areas of pain management, post-traumatic stress disorder, substance abuse
66 treatment, and nausea.