

**SENATE . . . . . No. 1198**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jennifer L. Flanagan***

*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 adoption of the accompanying bill:

An Act relative to the practice of acupuncture.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/2/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/3/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1198) of Jennifer L. Flanagan, Carolyn C. Dykema, Elizabeth A. Malia, Anne M. Gobi and other members of the General Court for legislation relative to the practice of acupuncture. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2352 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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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. Chapter 111 of the General Laws is hereby amended by adding the  
2 following section:-

3           Section 233. There shall be a commission on acupuncture and wellness within the  
4 department. The commission shall consist of: the commissioner of public health or the  
5 commissioner’s designee, who shall chair the commission; the commissioner of insurance or the  
6 commissioner’s designee; the director of MassHealth or the director’s designee; the director of  
7 the board of registration in medicine or the director’s designee; the senate chair of the joint  
8 committee on public health; the house chair of the joint committee on public health; a member  
9 representing a statewide organization of licensed acupuncturists; a member representing a  
10 statewide organization of medical acupuncturists; a member representing the Massachusetts

11 Public Health Association; and 5 members to be selected by the Governor including: no fewer  
12 than 2 acupuncturists, licensed and practicing in the state of Massachusetts; a member  
13 representing one of the top five health insurance companies in Massachusetts according to  
14 market share, a member representing a health care consumer organization, and a member  
15 currently practicing as a licensed physician in Massachusetts.

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

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

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

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

30 The commission on acupuncture and wellness shall submit to the secretary of health and  
31 human services and the joint committee public health, six months after the effective date of this

32 act and annually thereafter, a report that includes findings from the commission's review along  
33 with recommendations and any suggested legislation to implement those recommendations.

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

36 Section 47II. (a) All individual or group accident and health insurance policies and health  
37 service contracts delivered, issued or renewed by an insurer or nonprofit health service  
38 corporation which provide benefits to individual subscribers and members within the  
39 commonwealth or to all group members having a principal place of employment within the  
40 commonwealth shall provide benefits for acupuncture and oriental medicine based diagnosis and  
41 treatment in the areas of pain management, post-traumatic stress disorder, substance abuse  
42 treatment, and nausea.

43 SECTION 3. Said chapter 175 is hereby further amended by inserting after section 205,  
44 as appearing in the 2012 Official Edition, the following section:-

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

49 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
50 section 8KK, the following section:-

51 Section 8LL. (a) Any contract between a subscriber and the corporation under an  
52 individual or group hospital service plan delivered, issued or renewed in the commonwealth shall

53 provide as benefits to all individual subscribers and members within the commonwealth and to  
54 all group members having a principal place of employment within the commonwealth  
55 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain  
56 management, post-traumatic stress disorder, substance abuse treatment, and nausea.

57 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
58 section 4KK, the following section:-

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

65 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
66 section 4CC, the following section:-

67 Section 4DD. (a) Any group health maintenance contract shall provide coverage for  
68 acupuncture and oriental medicine based diagnosis and treatment in the areas of pain  
69 management, post-traumatic stress disorder, substance abuse treatment, and nausea.

70 SECTION 7. Chapter 32A of the General Laws is hereby amended by inserting after  
71 Section 17O, the following section:

72 Section 17P. The commission shall provide to an active or retired employee of the  
73 commonwealth who is insured under the group insurance commission coverage for acupuncture

74 and oriental medicine based diagnosis and treatment in the areas of pain management, post-  
75 traumatic stress disorder, substance abuse treatment, and nausea.

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