

SUBJECT: Licensing and education of acupuncturists

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — Gray, Capelo, Delisi, Glaze, Hilderbran, Maxey, McClendon, Uresti
0 nays
1 absent — Coleman

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 19 — 30-0

WITNESSES: For — James Willmann, Texas Nurses Association
Against — None

BACKGROUND: Acupuncture is originally the Chinese practice of puncturing the body with needles to cure a disease or relieve pain. In Texas law, acupuncture means the nonsurgical, nonincisive insertion of an acupuncture needle to specific areas of the human body as a primary mode of therapy to treat and mitigate a human condition.

An acupuncture detoxification (acudetox) specialist practices acupuncture for the limited treatment of alcoholism, substance abuse, and chemical dependency under the supervision of a licensed acupuncturist or physician. These specialists must complete a training program successfully and provide proof of completion to the State Board of Acupuncture Examiners. Under current law, a certified social worker, a licensed professional counselor, a licensed psychologist, a licensed chemical dependency counselor, and a licensed registered nurse may be certified as an acudetox specialist.

DIGEST: SB 1223 would amend the Medical Practice Act to allow a licensed vocational nurse to be certified as an acudetox specialist, prohibit certain individuals from serving on the State Board of Acupuncture Examiners, and grant the board rulemaking authority regarding continuing education requirements.

The bill would prohibit a person who owned, operated, or had a financial interest in a school of acupuncture from serving on the board or being eligible for appointment as a public member. It would add board members of Texas trade associations in the field of health care and their spouses to the list of those who could not serve on the acupuncture board nor be an employee of the Texas State Board of Medical Examiners who was exempt from the state salary classification plan.

SB 1223 would specify that an applicant for an acupuncture license would have to be a graduate of a “reputable” acupuncture school rather than an “acceptable” school, as in current law. This would not apply to an applicant enrolled in a Texas acupuncture school on or before January 1, 1996, who had completed at least 1,350 hours of didactic or clinical instruction in acupuncture or the number of similar hours required by the National Certification Commission for Acupuncture and Oriental Medicine.

A license applicant could not be required to appear before the acupuncture board or its committees unless the application raised questions about the applicant’s physical or mental impairment, criminal conviction, or revocation of a professional license.

The bill would allow the acupuncture board to require a license holder to complete a certain number of hours of approved continuing education courses to renew a license. The board would have to consider approving a course conducted by any knowledgeable health-care provider or reputable school, state, or professional organization.

SB 1223 would prohibit the acupuncture board from adopting a rule before January 1, 2004, that would require an acupuncture school operating in Texas on or before September 1, 1993, to obtain accreditation from or be a candidate for accreditation by the Accreditation Commission for Acupuncture and Oriental Medicine.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

SB 1223 would allow licensed vocational nurses to become certified as acudetox specialists. Addition of this professional group would ensure that

more people who wanted to get treatment for drug or alcohol dependency through acudetox could get that help.

The bill would tighten restrictions on who could serve on the acupuncture board to guard against conflicts of interest and would streamline the license application process. It also would allow the board to require continuing education for renewal of an acupuncture license, which would be in line with the requirements for medical professionals in other fields.

**OPPONENTS
SAY:**

No apparent opposition.