

## **BILL ANALYSIS**

Senate Research Center  
77R5779 PB-D

S.B. 643  
By: Madla  
Health & Human Services  
3/1/2001  
As Filed

### **DIGEST AND PURPOSE**

S.B. 643 expands the definition of “acupuncture” to include evaluation and assessment of the condition. This bill also adds alcoholism and chronic pain to the list of conditions for which an acupuncturist can provide services without a physician evaluation, and it also establishes a 12 month outer limit for a referral evaluation of an acupuncture patient before services. Finally this bill adds an acupuncturist to the Texas Workers Compensation Commission Medical Advisory Committee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

Rulemaking authority is expressly granted to the Texas State Board of Acupuncture Examiners in SECTION 2 (Section 205.101, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 205.001 (2) and (4), Occupations Code to redefine “acupuncture” and “acupuncturist.”

SECTION 2. Amends Section 205.101, Occupations Code, as follows:

(a) Deletes language requiring the Texas State Board of Acupuncture Examiners (board) to establish minimum education and training requirements necessary for the board to recommend that the Texas State Board of Medical Examiners (medical board) issue a license to practice acupuncture and requiring the acupuncture board to establish the requirements for a tutorial program for acupuncture students who have completed at least 48 semester hours of college.

(b) Requires the board, by rule and without the advice or approval of the medical board, to establish minimum educational and training requirements as necessary to enable the board to recommend that the medical board issue a license to practice acupuncture. Authorizes the board, in establishing the requirements, to consider the minimum educational and training requirements established by the Accreditation Commission for Acupuncture and Oriental Medicine. Deletes language prohibiting the board from having independent rulemaking authority.

SECTION 3. Amends Section 205.103, Occupations Code, to change reference from “medical board” to “acupuncture board.”

SECTION 4. Amends Sections 205.253 (a), (b), and (c), to make conforming changes.

SECTION 5. Amends Section 205.254 (b), to make a conforming change.

SECTION 6. Amends Section 205.301 (a), to change the length of time between an evaluation by a physician or dentist and the date of acupuncture from six months to 12 months.

SECTION 7. Amends Section 205.302, Occupations Code, as follows:

Sec. 205.302. New heading: AUTHORIZES PRACTICE WITHOUT EVALUATION OR REFERRAL. Authorizes a license holder, without an evaluation or referral from a physician, dentist, or chiropractor, to perform acupuncture on a person for smoking addiction, weight loss, substance abuse, alcoholism, or chronic pain.

SECTION 8. Amends Section 413.005 (b), Labor Code, to add “acupuncturist” to the list of members that comprise the medical advisory committee.

SECTION 9. Amends Section 2(t), Texas Health Maintenance Organization Act (Article 20A.02, V.T.I.C.), to redefine “provider.”

SECTION 10. (a) Effective date: September 1, 2001, except as provided by Subsection (c) of this section.

(b) Requires the Texas State Board of Medical Examiners and the Texas State Board of Acupuncture Examiners to adopt rules as required by this Act not later than December 1, 2001.

(c) Provides that Section 205.302, Occupations Code, as amended by this Act, takes effect January 1, 2002.