

House Bill 2996

Sponsored by COMMITTEE ON HEALTH CARE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "acupuncture" to include insertion of solid metal needle into body to promote health or treat disorder.

Limits ability of certain other health care practitioners to practice other therapy that involves insertion of solid metal needle into body.

Directs Oregon Medical Board to establish fee of at least \$50 for license to practice acupuncture.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to acupuncture; creating new provisions; amending ORS 677.757, 677.759, 677.761 and
3 677.770; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

DEFINITION OF "ACUPUNCTURE"

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8 **SECTION 1.** ORS 677.757 is amended to read:

9 677.757. As used in ORS 677.757 to 677.770:

10 (1)(a) "Acupuncture" means [*an Oriental*] a health care practice used to promote health and to
11 treat neurological, organic or functional disorders by the stimulation of [*specific*] points **in and** on
12 [*the surface of*] the body by the insertion of **solid metal** needles. [*"Acupuncture" includes the treat-*
13 *ment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices,*
14 *with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce*
15 *acupuncture anesthesia or analgesia.*]

16 [(b) *The practice of acupuncture also includes the following modalities as authorized by the Oregon*
17 *Medical Board:*]

18 [(A) *Traditional and modern techniques of diagnosis and evaluation;*]

19 [(B) *Oriental massage, exercise and related therapeutic methods; and*]

20 [(C) *The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice.*]

21 [(2) *"Oriental pharmacopoeia" means a list of herbs described in traditional Oriental texts com-*
22 *monly used in accredited schools of Oriental medicine if the texts are approved by the Oregon Medical*
23 *Board.*]

24 **(b) "Acupuncture" includes the following modalities, as authorized by the Oregon Medical**
25 **Board:**

26 **(A) Asian bodywork and massage, exercise therapy and related therapeutic methods and**
27 **manual therapy.**

28 **(B) The use of herbal pharmacopoeia, nutritional supplements and dietary advice.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(C) The use of electrical, thermal, mechanical or magnetic devices, without needles, on**
 2 **the body.**

3 **(D) The treatment method of moxibustion.**

4 **(2) “Herbal pharmacopoeia” means nonprescription herbal medicine described in texts**
 5 **used in accredited schools of Chinese or Asian medicine.**

6 **SECTION 2.** ORS 677.759 is amended to read:

7 677.759. (1) *[No person shall]* **A person may not** practice acupuncture, **regardless of the ter-**
 8 **minology used to describe the person’s practices**, without first obtaining a license to practice
 9 medicine and surgery or a license to practice acupuncture from the Oregon Medical Board *[except*
 10 *as provided in subsection (2) of this section].*

11 (2) Notwithstanding subsection (1) of this section, the board may issue a license to practice
 12 acupuncture to an individual licensed to practice acupuncture in another state or territory of the
 13 United States if the individual is licensed to practice medicine and surgery or acupuncture in the
 14 other state or territory. The board *[shall]* **may** not issue such a license unless the requirements of
 15 the other state or territory are similar to the requirements of this state.

16 (3) The board shall examine the qualifications of an applicant and determine who shall be au-
 17 thorized to practice acupuncture.

18 (4) Using the term “acupuncture,” “acupuncturist,” “Oriental medicine” or any other term, title,
 19 name or abbreviation indicating that an individual is qualified or licensed to practice acupuncture
 20 is prima facie evidence of practicing acupuncture.

21 (5) In addition to the powers and duties of the board described in this chapter, the board shall
 22 adopt rules consistent with ORS 677.757 to 677.770 governing the issuance of a license to practice
 23 acupuncture.

24 **SECTION 3.** ORS 677.761 is amended to read:

25 677.761. Nothing in ORS 677.757 to 677.770 is intended to:

26 (1) Prevent, limit or interfere with an individual licensed or certified by the Oregon Medical
 27 Board from practicing health care other than acupuncture within the scope of the license or certif-
 28 ication of the individual.

29 (2) Limit any other licensed or certified health care practitioner from practicing acupressure
 30 *[or other therapy]* within the scope of the license or certification of the individual.

31 *[(3) Limit the activities of any person who engages in the business of providing Oriental massage,*
 32 *exercise and related therapeutic methods or who provides substances listed in an Oriental*
 33 *pharmacopoeia, or vitamins or minerals or dietary advice, so long as the activities of the person are*
 34 *not otherwise prohibited by law.]*

35 **(3) Limit the activities of a person who engages in the following businesses, if the activ-**
 36 **ities of the person are not otherwise prohibited by law:**

37 **(a) Providing Asian bodywork or massage, exercise therapy and related therapeutic**
 38 **methods or manual therapy.**

39 **(b) Providing substances listed in an herbal pharmacopoeia, nutritional supplements or**
 40 **dietary advice.**

41 **(c) Using electrical, thermal, mechanical or magnetic devices, without needles, on the**
 42 **body.**

43 **(d) Using the treatment method of moxibustion.**

44 (4) Limit the ability of practitioners from outside Oregon to demonstrate the practice of
 45 acupuncture as part of a recognized and limited duration educational program, lecture or event

1 within this state under rules adopted by the board.

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3 **FEES**

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5 **SECTION 4.** ORS 677.770 is amended to read:

6 677.770. (1) Every physician or surgeon or other person licensed as an acupuncturist shall pay
7 to the Oregon Medical Board nonrefundable fees as determined by the board pursuant to ORS
8 677.265.

9 **(2) The fee for a license to practice acupuncture must be at least \$50.**

10 **SECTION 5.** (1) **The amendments to ORS 677.770 by section 4 of this 2013 Act become**
11 **operative January 1, 2014.**

12 **(2) The Oregon Medical Board may take any action before the operative date specified in**
13 **subsection (1) of this section to enable the board to exercise, on and after the operative date**
14 **specified in subsection (1) of this section, all the duties, functions and powers conferred on**
15 **the board by the amendments to ORS 677.770 by section 4 of this 2013 Act.**

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17 **CAPTIONS**

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19 **SECTION 6.** **The unit captions used in this 2013 Act are provided only for the convenience**
20 **of the reader and do not become part of the statutory law of this state or express any leg-**
21 **islative intent in the enactment of this 2013 Act.**

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23 **EMERGENCY CLAUSE**

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25 **SECTION 7.** **This 2013 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
27 **on its passage.**