



CALIFORNIA
S T A T E
O R I E N T A L
M E D I C A L
A S S O C I A T I O N

April 3, 2006

Re: CSOMA Position on AB 2152 (Chan)

Dear Colleagues:

In late February 2006, Assemblywoman Wilma Chan (District 16—Oakland) introduced AB 2152, a bill that would amend the Acupuncture Licensing Act to prohibit MDs, dentists, and podiatrists from performing acupuncture in California. Current law exempts physicians and surgeons (who have unrestricted licenses), dentists, and podiatrists (both of whom must fulfill certification requirements to practice acupuncture within the scopes of their practice). Instead, it would require any healthcare provider wishing to practice acupuncture to fulfill the same educational and examination requirements as licensed acupuncturists.

After careful consideration of this bill and the ramifications it may have on our profession, the California State Oriental Medical Association (CSOMA) acknowledges that much work needs to be done to strengthen our political voice in Sacramento, to preserve the quality and integrity of Oriental medical practice, and to reach parity with other medical professionals in terms of patient access and insurance reimbursements. These are all important and necessary goals that will require long-term strategies and careful planning in order to ensure that Oriental medicine and licensed acupuncturists will thrive in California.

While CSOMA supports realistic and attainable goals to move our profession in the directions outlined above, we are compelled to take a “do not support” position on AB 2152 for the following reasons:

Our profession will benefit more from fostering allies than creating adversaries.

AB 2152 carries the very real possibility of alienating those individual medical professionals who are most receptive to acupuncture as a modality, if not Oriental medicine as a whole.

With the possible exception of surgeons, medical doctors tend to make their money from the procedures required for diagnosis rather than the modalities of treatment. While a handful of MDs have devoted a large portion of their practice to acupuncture, the vast majority find it too time and space intensive to be economically feasible in their practices.

CSOMA believes that we can produce more immediate benefits to our practices by networking with allopathic acupuncture and physical medicine organizations rather than attacking their scope of practice. Medical doctors are trained to refer outside their specialty. They will refer for acupuncture when they believe that it will offer benefit to their patients and when they

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trust the practitioner. Inter-professional networking between associations will foster trust and credibility that ultimately flows to the individual practitioners in each profession.

AB 2152 has no chance of becoming law.

It is that simple. Our profession will look foolish to state legislators for even introducing this bill. The present reality is that the acupuncture profession wields very little political clout in Sacramento while the California Medical Association (CMA) and the California Dental Association (CDA) are two of the strongest and most organized lobbies in California. *AB 2152 does not promote us; it restricts them.* The CMA and CDA will not allow that to happen. Given this inevitable conclusion, supporting AB 2152 would only be a symbolic gesture, and CSOMA does not believe in expending energy on purely symbolic gestures that will not have any positive impact on individual acupuncture practices.

Our resources are better spent on attaining realistic goals that will positively impact our profession and our practices.

CSOMA is committed to becoming the Oriental medical profession's practice partner. Rather than expend time and resources pursuing poorly conceived legislation like AB 2152, CSOMA will dedicate itself to an advocacy program over the next year and a half that includes the following agenda:

Building Bridges. CSOMA will work to establish collaborative relationships among state and national professional associations, educational institutions, allied health care professions, and the vendors who serve the profession. Our goal is to achieve the highest possible degree of consensus behind a unified legislative and regulatory agenda so that we can work together on agreed legislation rather than looking fractured as a profession. By speaking with one voice in public and political forums, we will dramatically increase our ability to positively advance this agenda.

Expanding and Strengthening Our Scope and Diagnostic Authority. Statutory diagnostic authority is among the most important goals for the California acupuncture and Oriental medical profession. The inclusion of diagnostic authority in our scope of practice would ensure our status as primary care physicians and guarantee more equitable insurance policies regarding treatable conditions. Diagnostic authority for licensed acupuncturists is not explicitly stated in statute; this leaves us vulnerable to restrictive or unfavorable interpretations of the law. There is already precedent in the laws of other states for including broad diagnostic authority for acupuncturists that recognizes the full breadth and range of Oriental medicine. As for scope of practice, we have many opportunities to expand, strengthen, and clarify our scope. Therapeutic cold laser, point injection, and non-acupuncture electrical stimulation are among the areas where the scopes of other states are broader and more explicit than California. These are tough but winnable fights, given a strong organization and sound political strategies.

Promoting Greater Insurance Parity. CSOMA will work for greater inclusion of acupuncture benefits in the insurance system, fairer

reimbursement rates, and the dismantling of unnecessary restrictions on patient access to care. Important items include establishing acupuncture in the Medicare system; adopting acupuncture evidence-based treatment guidelines for workers' compensation; broadening the range of reimbursable diagnosis codes beyond only pain conditions; and greater compliance of out-of-state and self-insured insurance plans with reimbursement standards that are required of in-state plans. These goals can be accomplished legislatively or via regulatory bodies such as the California Department of Insurance but only if we are organized and have a sound plan of action.

In order to pursue this advocacy agenda, CSOMA will develop and nurture a strong grassroots network of informed and active acupuncturists. Our goal is to reach every California legislator through the face and voice of an acupuncturist. This grassroots network of local acupuncturists will be charged with the responsibility of maintaining contact with their legislators in order to lobby and influence policy.

A Key Contact Program that connects acupuncturists to our legislators can have a huge impact on how our profession is perceived and treated by the policymakers who affect our livelihoods. However, it requires your active involvement, and the involvement of your colleagues who share a common vision where acupuncture and Oriental medicine is readily accepted and available to all Californians.

CSOMA is committed to building viable inter-professional referral networks; to sponsoring legislation that strengthens our scope and diagnostic authority; and to lobbying for insurance parity with other medical professions in workers' compensation, general insurance, and Medicare. We welcome the participation of all acupuncturists, professional associations, educational institutions and friends of the acupuncture community who wish to see Oriental medicine flourish in California and be accessible to all its citizens.

On Behalf of the CSOMA Board of Directors,

A handwritten signature in black ink, appearing to be 'Jeannie Kang', enclosed within a hand-drawn oval. The signature is stylized and somewhat abstract.

Jeannie Kang, LAc
President, CSOMA