

Assembly

HEALTH & WELFARE COMMITTEE MINUTES

February 12, 1973

MEMBERS PRESENT: BENNETT, CRADDOCK, HICKEY, McNEEL, GETTO,
FRY AND WITTENBERG

MEMBERS ABSENT: NONE

GUESTS: Daniel R. Walsh, Counsel for Nevada Chiropractic Assn.
Dr. Gene Scrivner, Chiropractor
Dr. Richard D. Grundy, Nevada State Medical Assn.
Bryce Rhodes, Nevada Bd. of Medical Examiners
Dr. Robert Broadbent, Nevada State Medical Assn.
Hank H. Pesner, Chiropractic Assn. Nev.
Richard L. Morgan, NSEA
Carol Raizin
Nelson B. Neff, Nev. State Medical Assn.
Dr. Leonard H. Raizin, Nev. State Medical Assn.
Dorothy Button, Nev. Nurses Assn.
Lee Adler, Press

Chairman Bennett called meeting to order at 8:00 a.m. for the purpose of discussing AB-128.

Dr. Robert Broadbent, a practicing physician in Reno, appeared as a witness in support of the bill. He felt that if acupuncture were to be practiced in Nevada it should be under the control of the licensed physicians and screened carefully.

Dr. Leonard Raizen, a practicing physician in Las Vegas, also appeared in support of the bill. He became interested in acupuncture because of the claims that have been made, and feels that there is value to it, but it must be controlled within the framework of modern day medicine, and proper diagnostic work must accompany it. He feels that if the medical profession ignores acupuncture a large underground practice will arise which could endanger health and cheat patients. He stated that acupuncture is a treatment of symptoms and not disease and that the major danger is that they do not diagnose.

Dr. Richard D. Grundy, a practicing physician of Carson City appeared in opposition to the bill. He took the same position as that of the two preceding witnesses in that he didn't know how or if acupuncture works, and that only under scientific scrutiny could this be ascertained. He referred to past instances when medical claims have been made regarding drugs or cures, and these have later been disproved. He felt that acupuncture should be done only after close medical scrutiny and much research in a setting which had been investigated and approved by the Nevada State Medical Board.

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Mr. Dan Walsh, Attorney for the Nevada Chiropractic Assn. appeared and stated that the bill was highly discriminatory to thousands of Nevada citizens who preferred to be treated by chiropractors, and there was no basis for such discrimination. Chiropractory goes back to ancient times as does acupuncture, and the requirements for practice of acupuncture can be related to chiropractors office. There should be standars set up, with a commission composed of medical doctors, osteopaths, dentists, podiatrists, chiropractors - all the healing arts.

Dr. Gene Scrivner, a licensed chiropractor, also stated that the bill was discriminatory. Acupuncture relates to chiropractory in that there is no surgery or medicine. They have an interest in health of people of Nevada and they should also have a right to participate in control of acupuncture as well as all the healing arts.

Hank H. Pesner, representative of Chiropractors Assn. of Nevada, feels this bill infers if you are not an M.D. you are a charlatan. Chiropractors are controlled by Nevada State Board of Chiropractor Examiners, and no person can practice without qualifying. They are required to have two years of college plus four years of Chiropractic college, and before yearly renewal of license must attend a three day seminar approved by State Board of Examiners. He felt that people who prefer chiropractors should be considered.

Mr. Bryce Rhodes, counsel for Nevada Board of Medical Examiners, stated he could not recommend that AB 128 should become a law in its present form. The Board is interested in public health and safety and there is need for research, further information and more knowledge on acupuncture. The Board has been trying to find more information and what other states are doing. He referred to acts passed by the states of California and Washington, and a copy of these acts is attached to these minutes. New York Board of Medicine and Oregon Board of Medical Examiners have adopted positions on acupuncture, and their statements are attached hereto. He also read a Statement of Position of the Nevada State Board of Medical Examiners, a copy of which is attached.

In conclusion, Mr. Rhodes stated that at this time acupuncture is not sufficiently well understood to be accepted for use in Nevada and further study is needed, and the study should be conducted in hospitals or special schools.

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Dr. Broadbent said he would be agreeable to more stringent type of research, and would consider modifications to the bill.

Chairman Bennett requested that all parties put their suggestions in writing and submit them to the Committee for consideration. He further stated there would be no further public hearing.

Meeting was adjourned at 9:45 a.m.

Respectfully submitted,

Jane Dunne
Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH & WELFARE

Date Feb. 12, 1973 Time 8:00 a.m. Room 240

| <u>Bills or Resolutions to be considered</u> | <u>Subject</u> | <u>Counsel requested*</u> |
|--|--|---------------------------|
| AB 128 | Regulates acupuncture as element of practicing medicine. | |
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*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date Feb. 12, 1973 Time 8:00 a.m. Room 240
Subject AB 128

Date _____ Time _____ Room _____
Subject _____

December 5, 1972

STATEMENT OF POSITION
OF THE NEVADA STATE BOARD
OF MEDICAL EXAMINERS
ON ACUPUNCTURE

The practice of acupuncture constitutes the practice of medicine, as defined by the statutes of the State of Nevada.

Although acupuncture has been an important part of the theory and practice of Oriental medicine for several centuries, its concepts and uses are not understood by Western medicine; only recently has it been considered in the United States for its potential value. Very little scientific literature on this topic has been published in Western nations, or even in China. Because of the lack of understanding by Western medical scientists, and because of potential harm which acupuncture might produce in patients for whom the treatment of symptoms would mask a serious or perhaps fatal condition otherwise amenable to treatment aimed at the cause, the Nevada State Board of Medical Examiners has concluded that at this time acupuncture is not sufficiently well understood to be an acceptable method for use in the practice of medicine in this State.

ACUPUNCTURE

Board of Medical Examiners
State of Oregon
Adopts Position on Acupuncture

October 14, 1972

"Acupuncture is not an accepted medical procedure in the State of Oregon at the present time. The Board of Medical Examiners of the State of Oregon regards acupuncture involving the human body as an experimental procedure which falls within the practice of medicine, and hence, can be performed lawfully in Oregon only by or under the direct supervision of a physician license by this Board.

The Board recognizes the need for, and desires to encourage, further research in the techniques, mechanisms of action, and uses of acupuncture. However, because acupuncture is considered at this time strictly as an investigational procedure, it should be performed only in medical centers and teaching hospitals having committees on research."

STATEMENT OF THE NEW YORK BOARD FOR MEDICINE
ON ACUPUNCTURE

NOVEMBER 18, 1972

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The State Board for Medicine wishes to amplify its earlier position on acupuncture with the following statement:

Although acupuncture has been an important part of the theory and practice of Oriental medicine for several centuries, its concepts and uses are not understood by Western medicine; only recently has it been considered in the United States for its potential value. Very little scientific literature on this topic has been published in Western nations or even in China. Because of the lack of understanding by Western medical scientists, and because of potential harm which acupuncture might produce in patients for whom the treatment of symptoms would mask a serious or perhaps fatal condition otherwise amenable to treatment aimed at the cause, the State Board for Medicine has concluded that at this time, acupuncture is not sufficiently well understood to be accepted for use in the practice of medicine in this State. The New York State Board's position has been confirmed and supported by the Deans of the Association of Medical Schools of New York and New Jersey. Similar positions have been taken by the Legislature of the State of California, the Federal Food and Drug Administration, and the National Institutes of Health.

Acupuncture has been used for three primary purposes: (1) for anesthesia for certain surgical procedures in medicine and dentistry, (2) for the relief of chronic pain, and (3) for the modification of organ function. Some information already is being accumulated on the first two of these uses, but very little is known of the effects, either intended or unintended (side effects), of acupuncture on modification of organ function.

For these reasons the Board announced in its statement of July 26, 1972, and now reiterates, that administration of acupuncture in this state is presently an experimental procedure. Such research may be conducted only in an institution having a committee on human research, such as a medical school or its affiliated hospitals, by qualified investigators under the usual limitations imposed on human experimentation. The investigational status of acupuncture would require, for example, the signing of informed consent forms by a patient prior to the administration of acupuncture, and the review of research by a peer committee.

It should be emphasized that, within the requirements of both the present law and the position of the State Board for Medicine, patients for whom acupuncture may be indicated may receive it in a research setting. Patients who have been properly examined and referred by a physician for acupuncture treatment, when such treatment is of possible value, should have access to acupuncture treatment administered by a qualified acupuncturist. The State Board for Medicine believes that properly documented treatment of such patients will constitute important research evidence of the usefulness of acupuncture in a variety of clinical conditions.

(More)

The National Institutes of Health have announced that money is available to support acupuncture research. The New York State Board for Medicine recently has met with the Deans of the Association of Medical Schools of the States of New York and New Jersey to encourage them and their institutions to undertake the study of acupuncture and its application to appropriately selected patients. The State Board for Medicine has asked that each of the medical schools in the State of New York report at least annually to the Board concerning its progress in the field of acupuncture research, and to inform the Board of the names of all individuals involved in such research.

As the Board indicated in its statement of July 26, acupuncture, being investigational at this time, may be practiced legally in New York State only by or under the direct supervision of a physician licensed in this State and in a medical research institution. The Board adheres to this position and will initiate no action against acupuncturists who have been deemed qualified by the medical schools with whom they become associated for research purposes. All other persons practicing acupuncture, who are unlicensed to practice medicine in the State of New York, or who are practicing acupuncture outside of a recognized research facility are doing so illegally.

CHAPTER 826

An act to add Section 2145.1 to the Business and Professions Code, relating to acupuncture, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1500, Duffy. Acupuncture.

Permits performance of acupuncture and other forms of traditional Chinese medicine by unlicensed person in approved medical school for primary purpose of scientific investigation of acupuncture under specified circumstances.

Requires medical school conducting such research to make specified annual report to Legislature.

To take effect immediately, urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 2145.1 is added to the Business and Professions Code, to read:

2145.1. The performance of acupuncture by an unlicensed person, alone or in conjunction with other forms of traditional Chinese medicine, when carried on in an approved medical school for the primary purpose of scientific investigation of acupuncture, shall not be in violation of this chapter, but such procedures shall be carried on only under the supervision of a licensed physician and surgeon.

Any medical school conducting research into acupuncture under the provisions of this section shall report to the Legislature annually on the fifth legislative day of the regular session of the Legislature concerning the results of such research, the suitability of acupuncture as a therapeutic technique, and performance standards for persons who perform acupuncture.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent rising interest in acupuncture and other forms of traditional Chinese medicine has stimulated a desire on the part of practitioners of modern western medicine to explore these forms of medicine in order to determine whether such forms of medicine may be of benefit to the people of this state. In view of the promising possibilities of acupuncture and other forms of traditional Chinese medicine, it is necessary that this act take effect immediately so that the investigation and selection process with respect to these forms of

medicine may proceed as soon as possible

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1 AN ACT Relating to the practice of medicine and surgery; and adding a H -0
2 new section to chapter 18.71 RCW. 4136;

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: 001

4 NEW SECTION. Section 1. There is added to chapter 18.71 RCW PARTA
5 a new section to read as follows: ;002

6 The performance of acupuncture by an unlicensed person, alone 7
7 or in conjunction with other forms of traditional Chinese medicine, 8
8 when carried on in a hospital offering courses of instruction in the 9
9 field of medicine, shall not be in violation of this chapter, but 10
10 such procedures shall be carried on only under the supervision of a 10
11 licensed physician and surgeon. 11