

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 643
By: Madla
Health & Human Services
3/16/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 643 expands the definition of “acupuncture” to include evaluation and assessment of the condition. This bill adds an acupuncturist to the Texas Workers Compensation Commission Medical Advisory Committee and redefines “provider” to include acupuncturists.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 2 (Section 205.302, 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 205.302, Occupations Code, as follows:

Sec. 205.302. AUTHORIZED PRACTICE WITHOUT REFERRAL. (a) Requires the Texas State Board of Medical Examiners (medical board), after notice and public hearing, to determine by rule whether an acupuncturist may treat a patient for alcoholism or chronic pain without a referral from a physician, dentist, or chiropractor. Requires the medical board to make the determination based on clinical evidence and what the medical board determines to be in the best interest of affected patients.

(b) Authorizes a license holder, without referral from a physician, dentist, or chiropractor, to perform acupuncture on a person for smoking addiction, weight loss, or substance abuse.

SECTION 3. Amends Section 413.005 (b), Labor Code, to add “acupuncturist” to the list of members that comprise the medical advisory committee.

SECTION 4. Amends Section 2(t), Texas Health Maintenance Organization Act (Article 20A.02, V.T.I.C.), to redefine “provider.”

SECTION 5. (a) Effective date: September 1, 2001.

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

SUMMARY OF COMMITTEE CHANGES

Differs from original as follows:

- SECTION 1 has no changes.

- Original SECTION 7 is SECTION 2 of the substitute, and the substitute adds Section 205.302(a) to require the Texas State Board of Medical Examiners (medical board), after notice and public hearing, to determine by rule whether an acupuncturist may treat a patient for alcoholism or chronic pain without a referral from a physician, dentist, or chiropractor. Requires the medical board to make the determination based on clinical evidence and what the medical board determines to be in the best interest of affected patients. Subsection (b) no longer includes alcoholism or chronic pain in the list of ailments for which a person may be treated for with acupuncture. The substitute retains the current section heading which the original proposed to change.
- Original SECTION 8 is SECTION 3 of the substitute with no additional changes.
- Original SECTION 9 is SECTION 4 of the substitute with no additional changes.
- Renumbers SECTION 10 to SECTION 5, the effective date, but changes Subsection (a) to remove the exception relating to Subsection (c) of the section and removes Subsection (c).
- Original SECTIONS 2, 3, 4, 5 and 6, which amended Sections 205.101, 205.103, 205.253, 205.254, and 205.301, Occupations Code, are not included in the substitute.