This Document can be made available in alternative formats upon request

1.1

1.2

13

State of Minnesota

HOUSE OF REPRESENTATIVES H. F. No. 3041

A bill for an act

relating to health occupations; modifying terms used to describe certain practices

of acupuncture practitioners and complementary and alternative health care

NINETIETH SESSION

Authored by Maye Quade, Lee and Kunesh-Podein 02/26/2018 The bill was read for the first time and referred to the Committee on Health and Human Services Reform

practitioners; amending Minnesota Statutes 2016, sections 146A.01, subdivision 1.4 4; 147B.01, subdivisions 3, 9, by adding a subdivision; 147B.03, subdivisions 2, 1.5 3; 147B.06, subdivision 4. 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: 1.7 Section 1. Minnesota Statutes 2016, section 146A.01, subdivision 4, is amended to read: 1.8 Subd. 4. Complementary and alternative health care practices. (a) "Complementary 1.9 and alternative health care practices" means the broad domain of complementary and 1.10 alternative healing methods and treatments, including but not limited to: (1) acupressure; 1.11 (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally 1.12 traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; 1.13 (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food 1.14 supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) 1.15 Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; 1.16 (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage 1.17 therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) 1.18 noninvasive instrumentalities; and (22) traditional Oriental or modern evidence based East 1.19 Asian practices, such as Qi Gong energy healing. 1.20 (b) Complementary and alternative health care practices do not include surgery, x-ray 1.21 radiation, administering or dispensing legend drugs and controlled substances, practices 1.22 that invade the human body by puncture of the skin, setting fractures, the use of medical 1.23 devices as defined in section 147A.01, any practice included in the practice of dentistry as 1.24

Section 1. 1

02/06/18	REVISOR	LCB/SA	18-5690

defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations of joints or the spine as described in section 146.23 or 148.01.

2.3

2.4

2.5

2.6

2.7

2.8

2.9

2.10

2.12

2.13

2.14

2.15

2.16

2.17

2.18

- (c) Complementary and alternative health care practices do not include practices that are permitted under section 147.09, clause (11), or 148.271, clause (5).
- (d) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal Dietary Supplement Health and Education Act, educating customers about such products, or explaining the uses of such products. Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.
- Sec. 2. Minnesota Statutes 2016, section 147B.01, subdivision 3, is amended to read:
 - Subd. 3. **Acupuncture practice.** "Acupuncture practice" means a comprehensive system of health care using Oriental traditional or modern evidence based East Asian medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin and the use of other biophysical methods of acupuncture point stimulation, including the use of heat, Oriental East Asian massage techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing techniques, and exercise based on Oriental East Asian medical principles.
- Sec. 3. Minnesota Statutes 2016, section 147B.01, subdivision 9, is amended to read:
- Subd. 9. **Breathing techniques.** "Breathing techniques" means Oriental East Asian breathing exercises taught to a patient as part of a treatment plan.
- Sec. 4. Minnesota Statutes 2016, section 147B.01, is amended by adding a subdivision to read:
- 2.24 <u>Subd. 12a.</u> East Asian medicine. "East Asian medicine" has the meaning given to
 2.25 Oriental medicine in subdivision 18.
- Sec. 5. Minnesota Statutes 2016, section 147B.03, subdivision 2, is amended to read:
- Subd. 2. **Board approval.** The board shall approve a continuing education program if the program meets the following requirements:
- 2.29 (1) it directly relates to the practice of acupuncture;

Sec. 5. 2

02/06/18 REVISOR LCB/SA 18-569

(2) each member of the faculty shows expertise in the subject matter by holding a degree 3.1 or certificate from an educational institution, has verifiable experience in traditional Oriental 3.2 East Asian medicine, or has special training in the subject area; 3.3 (3) the program lasts at least one contact hour; 3.4 (4) there are specific written objectives describing the goals of the program for the 3.5 participants; and 3.6 3.7 (5) the program sponsor maintains attendance records for four years. Sec. 6. Minnesota Statutes 2016, section 147B.03, subdivision 3, is amended to read: 3.8 Subd. 3. Continuing education topics. (a) Continuing education program topics may 3.9 include, but are not limited to, Oriental East Asian medical theory and techniques including 3.10 Oriental East Asian massage; Oriental East Asian nutrition; Oriental East Asian herbology 3.11 and diet therapy; Oriental East Asian exercise; western sciences such as anatomy, physiology, 3.12 3.13 biochemistry, microbiology, psychology, nutrition, history of medicine; and medical terminology or coding. 3.14 3.15 (b) Practice management courses are excluded under this section. Sec. 7. Minnesota Statutes 2016, section 147B.06, subdivision 4, is amended to read: 3.16 Subd. 4. Scope of practice. The scope of practice of acupuncture includes, but is not 3.17 limited to, the following: 3.18 (1) using Oriental East Asian medical theory to assess and diagnose a patient; 3.19 (2) using Oriental East Asian medical theory to develop a plan to treat a patient. The 3.20 treatment techniques that may be chosen include: 3.21 (i) insertion of sterile acupuncture needles through the skin; 3.22 (ii) acupuncture stimulation including, but not limited to, electrical stimulation or the 3.23 application of heat; 3.24 (iii) cupping; 3.25 (iv) dermal friction; 3.26 (v) acupressure; 3.27 (vi) herbal therapies; 3.28

(vii) dietary counseling based on traditional Chinese medical principles;

Sec. 7. 3

3.29

02/06/18 REVISOR LCB/SA 18-5690

- 4.1 (viii) breathing techniques;
- 4.2 (ix) exercise according to Oriental East Asian medical principles; or

4.3 (x) Oriental East Asian massage.

Sec. 7. 4