

Testimony for H. 690 to the Senate Health and Welfare Committee, March 9, 2016

My name is Laura Cooley, and I am the Chair of the Vermont Acupuncture Association (VTAA) Legislature Committee and I also represent the Vermont Public Health Acupuncture Network, which includes full body acupuncture and ear acupuncture practitioners.

To address Senator's Ayers' question as to whether I represent both branches of the "2 branches of acupuncturists": there are 2 acupuncturists who have formed a non-profit organization, called People for Acupuncture, and hired the Necrason Group to lobby for insurance coverage of acupuncture. I represent the Vermont Acupuncture Association, which has 54 members, which represents 35-40% of licensed acupuncturists in VT, and is among the highest percentages of any state membership in the country.

The history of the intended protection offered MDs, Osteopaths, Naturopaths and Chiropractors can be found in this quote from Glynn Pellagrino, a Licensed Acupuncturist involved first with the certification of LAc's, and the transition into licensing: "at the end of our law there is a clause that states that nothing in this law shall be construed to prevent other professions from practicing within the scope of their license, which is standard language, we were told, by the legislative counsel when we wrote our first certification bill. This language was put in specifically to prevent any interpretation of the law from effecting doctors practicing in their scope. Second, our law was essentially a title act which prohibits people other than a licensed acupuncturist from calling themselves an acupuncturist, this leaves it open for Naturopaths, Chiropractors and MD's to do acupuncture if they have training. "

Glynn related that the certification could not have happened without that clause being included and furthermore it was only meant to define who could call themselves a "Licensed Acupuncturist", there was never an intention to restrict practice by MDs. We believe that clause was dropped when we transitioned from certification into licensure, possibly longer than 15 years ago, as it no longer appears in our law.

This issue arose recently in relation to what's called "Dry Needling", a practice that is currently being taught and utilized in Vermont and in other states, that has caused a firestorm in our field. Physical Therapists are taking weekend courses and putting acupuncture needles into the trunk of the body, which from our point of view is risky, knowing that death can result by improper insertion of an acupuncture needle into the trunk of the body. So we are concerned.

OPR's stance on Dry Needling was that if there was not a safety issue, they would not restrict the Physical Therapists from practicing, and a notion to the effect of "if there was a flood of complaints" they might take some sort of action. This caused some VTAA members to believe that filing complaints with OPR might bring action. That is the origin of this exemption issue and it has exposed some gaps in our agencies' approach, and for which redress is partially sought through H 690.

As acupuncturists, we are rarely included in the western medical system, and as such are unfamiliar with the educational standards and practices of western medical disciplines. This creates a void of information, which we are attempting to remedy, in acupuncturists without a previous work history in healthcare. I see that Masters of Acupuncture programs are now addressing this by teaching about our health care system. As our Association began to

understand the culture and expectations of MD education, practice and regulation, we came to the position of supporting MDs practicing acupuncture, with the training that they normally would receive through the MD training programs available throughout the US and Canada. The Vermont Acupuncture Association supports H. 690.

My query and recommendation to the VT Acupuncture Association in support of PA exemption was answered with, "We would like the physicians to work with us". The integration of acupuncture into western medical settings is already happening. UVM's Integrative Medicine program has already hired an acupuncturist to work in the hospital.

Based on the experience of the NP who provides Primary Care at the New Orleans Musicians Clinic, the Helms Course in CA for physicians will not train a NP if they do not have legal authority in their state.

Chiropractors have the authority to practice acupuncture with 200-300 hour trainings, and they are not trained in invasive procedures, like injections, as are nurses, PAs or MDs. It would make no sense not to give MDs clear authority while Chiropractors have legal authority with less training.