

By: Raymond

H.B. No. 2869

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of acupuncture services by a chiropractor
3 under a certificate issued by the Texas Board of Chiropractic
4 Examiners.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 201.002(a)(3), Occupations Code, is
7 amended to read as follows:

8 (3) "Incisive or surgical procedure" includes making
9 an incision into any tissue, cavity, or organ by any person or
10 implement. The term does not include the use of:

11 (A) a needle for the purpose of drawing blood for
12 diagnostic testing; or

13 (B) an acupuncture needle for the purpose of
14 treating a condition within the scope of practice of chiropractic.

15 SECTION 2. Section 201.356, Occupations Code, is amended by
16 adding Subsection (a-1) to read as follows:

17 (a-1) As part of the minimum number of hours of continuing
18 education required to renew a license, the board shall require a
19 license holder who is authorized to provide acupuncture services
20 under Section 201.454 to complete not less than eight hours of
21 continuing education relating to acupuncture.

22 SECTION 3. Subchapter J, Chapter 201, Occupations Code, is
23 amended by adding Section 201.454 to read as follows:

24 Sec. 201.454. ACUPUNCTURE SERVICES CERTIFICATE. The board

1 shall issue a certificate authorizing a chiropractor to provide
2 acupuncture services for a condition within the scope of practice
3 of chiropractic if the chiropractor submits proof to the board that
4 the chiropractor has completed not less than 100 hours of didactic
5 and practical training in the use and administration of
6 acupuncture, as determined by board rule, as part of a bona fide
7 reputable doctor of chiropractic degree program or at an
8 acupuncture school approved by the Texas State Board of Acupuncture
9 Examiners.

10 SECTION 4. Section 201.502, Occupations Code, is amended by
11 amending Subsection (a) and adding Subsection (b-1) to read as
12 follows:

13 (a) The board may refuse to admit a person to examinations
14 and may revoke or suspend a license or place a license holder on
15 probation for a period determined by the board for:

16 (1) violating this chapter or a rule adopted under
17 this chapter, including committing an act prohibited under Section
18 201.5025;

19 (2) engaging in deception or fraud in the practice of
20 chiropractic;

21 (3) presenting to the board or using a license,
22 certificate, or diploma or a transcript of a license, certificate,
23 or diploma that was illegally or fraudulently obtained,
24 counterfeited, or materially altered;

25 (4) presenting to the board an untrue statement or a
26 document or testimony that was illegally used to pass the
27 examination;

1 (5) being convicted of a crime involving moral
2 turpitude or a felony;

3 (6) procuring or assisting in the procuring of an
4 abortion;

5 (7) engaging in grossly unprofessional conduct or
6 dishonorable conduct of a character likely to deceive or defraud
7 the public;

8 (8) having a habit of intemperance or drug addiction
9 or another habit that, in the opinion of the board, endangers the
10 life of a patient;

11 (9) using an advertising statement that is false or
12 that tends to mislead or deceive the public;

13 (10) directly or indirectly employing or associating
14 with a person who, in the course of the person's employment, commits
15 an act constituting the practice of chiropractic when the person is
16 not licensed to practice chiropractic;

17 (11) advertising professional superiority, or
18 advertising the performance of professional services in a superior
19 manner, if that advertising is not readily subject to verification;

20 (12) purchasing, selling, bartering, using, or
21 offering to purchase, sell, barter, or use a chiropractic degree,
22 license, certificate, or diploma or transcript of a license,
23 certificate, or diploma in or relating to an application to the
24 board for a license to practice chiropractic;

25 (13) altering with fraudulent intent a chiropractic
26 license, certificate, or diploma or transcript of a chiropractic
27 license, certificate, or diploma;

- 1 (14) impersonating or acting as proxy for another in
2 an examination required by this chapter for a chiropractic license;
- 3 (15) impersonating a licensed chiropractor;
- 4 (16) allowing one's chiropractic license to be used by
5 another person to practice chiropractic;
- 6 (17) being proved insane by a person having authority
7 to make that determination;
- 8 (18) failing to use proper diligence in the practice
9 of chiropractic or using gross inefficiency in the practice of
10 chiropractic;
- 11 (19) failing to clearly differentiate a chiropractic
12 office or clinic from another business or enterprise;
- 13 (20) personally soliciting a patient or causing a
14 patient to be solicited by the use of a case history of another
15 patient of another chiropractor;
- 16 (21) using for the purpose of soliciting patients an
17 accident report prepared by a peace officer in a manner prohibited
18 by Section 38.12, Penal Code;
- 19 (22) advertising using the term "physician" or
20 "chiropractic physician" or any combination or derivation of the
21 term "physician"; ~~or~~
- 22 (23) advertising in a manner that implies the license
23 holder is authorized to offer the full range of acupuncture
24 treatments or services as a person licensed under Chapter 205,
25 including advertising using the terms or phrases "acupuncturist,"
26 "licensed acupuncturist," "L.Ac.," "traditional Chinese medicine,"
27 "degreed in acupuncture," or "Board Certified in Acupuncture"; or

1 (24) failing to submit fingerprints to the board or
2 Department of Public Safety to enable the board to obtain criminal
3 history record information as required by Section 201.313.

4 (b-1) Notwithstanding Subsection (a)(23), a license holder
5 may use the phrase "Board Certified in Chiropractic Acupuncture" if
6 the license holder is certified to provide acupuncture services
7 under Section 201.454.

8 SECTION 5. The Texas Board of Chiropractic Examiners shall
9 issue a certificate under Section 201.454, Occupations Code, as
10 added by this Act, to a chiropractor who:

11 (1) applies to the board for the issuance of the
12 certificate on or before September 1, 2020;

13 (2) as of August 31, 2019, was authorized to provide
14 acupuncture services under board rules in existence on that date;
15 and

16 (3) submits to the board proof of completion of the
17 training required by board rules described by Subdivision (2) of
18 this section.

19 SECTION 6. This Act takes effect September 1, 2019.