

By: Senator(s) Burton, Jackson (11th)

To: Public Health and Welfare

SENATE BILL NO. 2214
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 73-71-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AN ACUPUNCTURE PRACTITIONER MAY PERFORM ACUPUNCTURE
3 ON A PATIENT ONLY IF THE PATIENT WAS EVALUATED BY A PHYSICIAN, AS
4 APPROPRIATE, FOR THE CONDITION BEING TREATED WITHIN SIX MONTHS
5 BEFORE THE DATE THAT ACUPUNCTURE IS PERFORMED; TO REQUIRE THE
6 PRACTITIONER TO OBTAIN A WRITTEN STATEMENT SIGNED BY THE PATIENT
7 ON A FORM PRESCRIBED BY THE STATE BOARD OF MEDICAL LICENSURE
8 STATING THAT THE PATIENT HAS BEEN EVALUATED BY A PHYSICIAN WITHIN
9 THE PRESCRIBED TIME; TO AUTHORIZE A PRACTITIONER TO PERFORM
10 ACUPUNCTURE ON A PATIENT FOR CERTAIN CONDITIONS WITHOUT AN
11 EVALUATION FROM A PHYSICIAN; TO REPEAL SECTION 73-71-9,
12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR PHYSICIAN REFERRAL TO
13 AND SUPERVISION OF ACUPUNCTURE PRACTITIONERS; TO REPEAL SECTION
14 73-71-53, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE REPEAL
15 OF THE ACUPUNCTURE PRACTICE ACT; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** Section 73-71-7, Mississippi Code of 1972, is
18 amended as follows:

19 73-71-7. All of the following shall apply to an acupuncture
20 practitioner who is licensed to practice in Mississippi:

21 (a) * * * Except as otherwise provided in paragraph
22 (c), the practitioner may perform acupuncture on a patient only if
23 the patient was evaluated by a physician, as appropriate, for the
24 condition being treated within six (6) months before the date that



25 acupuncture is performed. The State Board of Medical Licensure,
26 with advice from the Mississippi Council of Advisors in
27 Acupuncture, may by rule modify the scope of the evaluation under
28 this paragraph or the period during which treatment must begin
29 under this paragraph.

30 (b) * * * The practitioner must obtain a written
31 statement signed by the patient on a form prescribed by the State
32 Board of Medical Licensure stating that the patient has been
33 evaluated by a physician within the prescribed time. The form
34 must contain a clear statement that the patient should be
35 evaluated by a physician for the condition being treated by the
36 practitioner.

37 (c) Notwithstanding the provisions of paragraph (a), a
38 practitioner may, without an evaluation from a physician, perform
39 acupuncture on a patient for:

40 (i) Smoking addiction;

41 (ii) Weight loss; or

42 (iii) Substance abuse, to the extent permitted by
43 regulations adopted by the State Board of Medical Licensure, with
44 advice from the Mississippi Council of Advisors in Acupuncture.

45 (* * *d) Before treating a patient, the practitioner
46 shall advise the patient that acupuncture is not a substitute for
47 conventional medical diagnosis and treatment and shall obtain the
48 informed consent of the patient.



49 (* * *e) On initially meeting a patient in person, the
50 practitioner shall provide in writing the practitioner's name,
51 business address, and business telephone number, and information
52 on acupuncture, including the techniques that are used.

53 (* * *f) While treating a patient, the practitioner
54 shall not make a diagnosis. If a patient's condition is not
55 improving or a patient requires emergency medical treatment, the
56 practitioner shall consult promptly with a physician.

57 **SECTION 2.** Section 73-71-9, Mississippi Code of 1972, which
58 provides for physician referral to and supervision of acupuncture
59 practitioners, is repealed.

60 **SECTION 3.** Section 73-71-53, Mississippi Code of 1972, which
61 provides for the repeal of the Acupuncture Practice Act, is
62 repealed.

63 **SECTION 4.** This act shall take effect and be in force from
64 and after July 1, 2017.

