

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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February 17, 2006

Ext: _____

John A MacDonald, J.D.
Acupuncturists Without Borders
c/o 40 Alder Lane
Levittown, PA 19055

**RE: Request for Rulemaking;
—Acupuncture Permit**

Dear Mr. MacDonald:

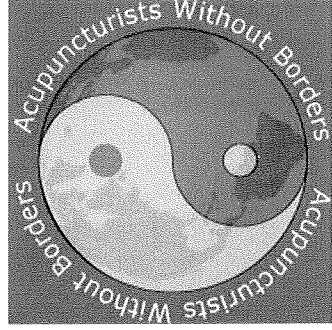
At its last meeting the Louisiana State Board of Medical Examiners (the "Board") considered Acupuncturists Without Borders' ("AWB") request to enact an emergency regulation similar to Governor Blanco's Executive Order (the "Order"), that expired on December 31, 2005, allowing out-of-state volunteer acupuncturists' assistants to *continue*¹ to provide treatments to Louisiana citizens affected by Hurricanes Katrina and Rita. The Board asked that I acknowledge and thank you for your letter of December 28, 2005, and advise you that in the absence of a demonstrated need that current demands for acupuncture care are not being adequately addressed by Louisiana acupuncturists and acupuncturists' assistants, that it is disinclined to initiate a rulemaking project that would eliminate the patient safety measures embodied in Louisiana law and the Board's rules respecting the administration of acupuncture by acupuncturists' assistants.² Were the Louisiana Department of Health and Hospitals to advise the Board that such a need exists and, if so, whether and the extent to which AWB had arrangements for the provision of supervising physicians, the Board may reconsider your request.

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By: 
Rita Arceneaux
Confidential Executive Assistant

- ¹ We note that under the Governor's Executive Order (KBB-2005-33) all out-of-state medical professionals were required to submit a copy of their professional license and photo identification to DHH, for verification that such individuals held an unrestricted license to practice their profession in another state. As the credentialing arm for DHH under the Order, the Board was unaware that any acupuncturists' assistants submitted their license and photo identification for purposes of verification.
- ² Louisiana law and regulations prohibit an acupuncturist's assistant from exercising independent judgment with respect to implementation or effectuation of medical determinations, without the informed concurrence of a Louisiana licensed physician; such also limit acupuncturist assistant practice to offices of their supervising physician, except when such procedures are performed in the physical presence of the supervising physician. La. Rev. Stat. §§37:1356-1360; LAC 46XLV.2101-2129; 5101-5115.

ORIGINAL LETTER TO BOARD



John A. MacDonald, J.D.
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December 28, 2005

Kim Edward LeBlanc MD, PhD
State Board of Medical Examiners
630 Camp Street
New Orleans, LA 70130

VIA TELEFACSIMILE – 504-568-5754 TIME SENSITIVE

Re: Licensing of Out-of-State Volunteer Acupuncturists

Dear Dr. LeBlanc:

I am writing you on behalf of Acupuncturists Without Borders (“AWB”) a non-profit charitable organization. AWB’s mission is to provide trauma relief to communities suffering from the effects of catastrophes such as Hurricane Katrina. AWB has learned that the Secretary of Health and Hospitals has decided not to recommend an extension of Governor Blanco’s Executive Order concerning the licensing of health professionals, which Order is set to expire on December 31, 2005. The purpose of this letter is to request that the Board consider and enact an emergency regulation that will provide an effective mechanism to allow out-of-state volunteer acupuncturists to continue to provide free trauma treatment to affected Louisiana citizens, including First Responders.

By way of background, AWB volunteer licensed acupuncturists from around the country have provided over 2500 free treatments at such venues as: New Orleans Emergency Operations Center at the Hyatt Hotel; FEMA/Small Business Administration Site, St. Bernard Parish; Tent City; Voluntary Agencies Tent, Lower Ninth Ward; U.S. Health Services and Staff of School for Visually Handicapped,

Baton Rouge, Cajun Dome Red Cross Shelter, Lafayette; Covenant House; Odyssey House; various churches; and to many firefighters, National Guard, police officers, medical personnel, nurses, medical doctors.

AWB's trauma relief work in Louisiana has been acclaimed by numerous recipients. Illustratively, Dr. Sandra W. Ortega, consultant to the Federal Substance Abuse and Mental Health Services Administration, and developer of the emergency wellness center at the New Orleans Emergency Operations Center at the Hyatt Hotel, has written that AWB's treatments provide a "perfect therapeutic medical bridge around which first responders could begin the work of establishing a personal health or wellness plan."

"I attest to the efficacy of AWB's services and I welcome our continued relationship in the name of the First Responders of New Orleans and the citizens for whom they labored."

*Sandra W. Ortega, PH.D. Consultant
Substance Abuse Mental Health Services (SAMHSA)
Health and Human Services Administration*

"After receiving an acupuncture treatment myself, I felt an amazing release of tension. At this time in our lives that is one of the best things we can ask for."

*Parochial Vicar
Reverend, Mary Queen of Vietnam
Luke Nguyen Hungdung*

I am the manager of a fairly busy FEMA Recovery Center in New Orleans, LA. – post Katrina. The acupuncturists have visited our center and provided treatment for several employees. "... [T]his is among the highest rated in the feedback I receive from those who participate – thank you so much!"

*Mary Moren-Corneilius
DRC Manager #54 FEMA
New Orleans, LA*

"My only wish is that you were at the clinic full time. Every day people come in looking for acupuncture."

*Baruch Zeichner
Licensed Clinical Mental Health Counselor*

AWB acupuncturists are providing community-style acupuncture, which allows many clients to be treated at once. The clients are treated fully-clothed and sitting in a chair. The acupuncturists use various ear points similar to the protocol approved by the National Acupuncture Detoxification Association Protocol. The treatments given are for general stress relief and health, not for specific medical diagnoses.

We believe that Hurricane Katrina victims and First Responders continue to need for our trauma-relief services in the wake of Hurricane Katrina. Large numbers of health professionals have not returned to the New Orleans area. We would like to continue offering community-style acupuncture to Hurricane Katrina victims.

The non-extension of Governor Blanco's Order poses significant barrier to our humanitarian efforts and we are seeking relief from the Board. Louisiana law requires acupuncturists who are not also medical doctors to operate at the location of and under direct supervision of a medical doctor. The problem areas that we have identified are:

1. Our treatments are given at numerous locations on any one given day. It would be impossible in the current environment to find Louisiana medical doctors willing and able to travel around with AWB's acupuncturists on a daily basis. It is worthwhile noting that a recent USA Today article documents that only two out of nine MD's have returned to New Orleans and that most of the hospitals remain closed.
2. Our volunteer acupuncturists become available on very short notice, usually a matter of days. This does not allow sufficient time for volunteer acupuncturists to submit their application and be timely licensed, even if a supervising physician could be obtained.

I am sure that, by virtue of your training and position, you are more aware than most of the immense human tragedy and trauma that continues to unfold in the wake of Hurricane Katrina. AWB requests that the Board enact an emergency regulation or grant AWB volunteers a time-limited exemption from current licensing requirements in order to allow us to continue to help alleviate this suffering.

We hope that the Board would enact something akin to the effect of the current Executive Order. The outlines of what we envision would be to allow licensed out-of-state acupuncturists to provide community-style acupuncture, free of charge, without the direct supervision of a physician, at various locations in Louisiana. The acupuncturists would be required to submit to the Board a copy of a current, valid license to practice acupuncture and a Louisiana contact number twenty-four hours prior to commencing volunteer treatments. If necessary, this grant could be limited to acupuncturists working under the auspices and supervision of AWB, although we are not requesting this specific limitation.

I thank you for the Board's timely consideration of this request, which is made in the best interests of the citizens of Louisiana.

Sincerely yours,

John A. MacDonald, J.D.
Director for Policy, Planning and Budget
Acupuncturists Without Borders