

116TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to ensure access to acupuncturist services through the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to ensure access to acupuncturist services through the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Acupuncture for Our
5 Heroes Act of 2019”.

6 **SEC. 2. INCLUSION OF ACUPUNCTURIST SERVICES AT VET-**
7 **ERANS HEALTH FACILITIES.**

8 (a) ACUPUNCTURIST SERVICES.—

1 (1) IN GENERAL.—Subchapter II of chapter 17
2 of title 38, United States Code, is amended by add-
3 ing at the end the following new section:

4 **“§ 1720J. Provision of acupuncturist services**

5 “(a) IN GENERAL.—The Secretary shall carry out a
6 program to provide acupuncturist services to veterans en-
7 rolled in the patient enrollment system of the Department
8 under section 1705(a) of this title (without the require-
9 ment of a referral).

10 “(b) LOCATIONS.—(1) The program under subsection
11 (a) shall be carried out in at least one facility of the De-
12 partment in each Veterans Integrated Service Network.

13 “(2) In selecting facilities under paragraph (1), the
14 Secretary shall ensure that the program is carried out in
15 both urban and rural areas.

16 “(3) If a Veterans Integrated Service Network in-
17 cludes a State without a full-service medical center, the
18 Secretary shall carry out the program at a facility within
19 that State.

20 “(c) SERVICES AVAILABLE.—The Secretary shall en-
21 sure that the acupuncturist services available under the
22 program under subsection (a) are able to address, at a
23 minimum, the following:

24 “(1) Chronic and acute pain.

25 “(2) Cancer pain.

1 “(3) Postoperative nausea and vomiting.

2 “(4) Postsurgical gastroparesis syndrome.

3 “(5) Opioid-induced constipation.

4 “(6) Opioid-induced pruritus.

5 “(7) Chemotherapy-induced neuropathy.

6 “(8) Aromatase inhibitor-associated joint pain.

7 “(9) Neck dissection-related pain and dysfunction.
8

9 “(10) Stress management.

10 “(11) Mental health conditions.

11 “(12) Substance abuse.

12 “(13) Symptoms relating to traumatic brain injury and post-traumatic stress.
13

14 “(d) ADMINISTRATION.—(1) The Secretary shall
15 carry out the program under subsection (a) through—

16 “(A) qualified acupuncturists appointed as employees of the Department located at medical centers
17 and clinics of the Department; and
18

19 “(B) qualified acupuncturists under contracts
20 if—

21 “(i) the Secretary is unable to make appointments described in subparagraph (A);
22

23 “(ii) a patient requires specialty care that
24 an employee under such subparagraph is not
25 able to provide to the patient; or

1 “(iii) there is an emergency that requires
2 the use of such a contract acupuncturist.

3 “(2) The Secretary shall provide training and mate-
4 rials to health care providers of the Department who pro-
5 vide primary care to veterans to explain the benefits of
6 acupuncturist services.

7 “(3) In this subsection, the term ‘qualified
8 acupuncturist’ means, with respect to the furnishing of
9 services in a State, an individual who is licensed or cer-
10 tified in the State in which the services are furnished, or,
11 in the case of services furnished in a State that does not
12 provide for such licensure or certification, meets such cri-
13 teria (such as accreditation through an appropriate na-
14 tionally recognized certification authority for
15 acupuncturists) as the Secretary may specify. In speci-
16 fying such requirements, the Secretary may use the same
17 requirements as those established by such a certification
18 authority.

19 “(e) REGULATIONS.—The Secretary shall prescribe
20 regulations to carry out this section.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such subchapter is amend-
23 ed by inserting after the item relating to section
24 1720I the following new item:

“1720J. Provision of acupuncturist services.”.

1 (3) CONFORMING AMENDMENT.—Section
2 1701(6) of such title is amended by adding at the
3 end the following new subparagraph:

4 “(I) Acupuncturist services in accordance
5 with section 1720J of this title.”.

6 (b) ADVISORY COMMITTEE.—

7 (1) IN GENERAL.—Subchapter III of chapter 5
8 of such title is amended by adding at the end the
9 following new section:

10 **“§ 547. Advisory Committee on Acupuncturist Serv-**
11 **ices**

12 “(a) ACUPUNCTURE ADVISORY COMMITTEE.—(1)(A)
13 The Secretary shall establish an advisory committee to
14 provide the Secretary with assistance and advice in the
15 development and implementation of the program under
16 section 1720J of this title.

17 “(B) The advisory committee established under sub-
18 paragraph (A) shall be known as the ‘Advisory Committee
19 on Acupuncturist Services’ (in this section referred to as
20 the ‘Committee’).

21 “(2) The Committee shall consist of members ap-
22 pointed by the Secretary from the general public, includ-
23 ing—

1 “(A) not fewer than five practicing
2 acupuncturists, of which not fewer than four shall be
3 State licensed acupuncturists;

4 “(B) one veteran from each of the Armed
5 Forces; and

6 “(C) not fewer than two representatives from
7 veterans service organizations.

8 “(b) DUTIES.—The Committee shall—

9 “(1) review and evaluate the ability of a veteran
10 to access an acupuncturist at facilities of the De-
11 partment;

12 “(2) advise the Secretary with respect to—

13 “(A) protocols governing direct access to
14 acupuncture care;

15 “(B) protocols governing the scope of prac-
16 tice of acupuncture practitioners;

17 “(C) the definitions of services to be pro-
18 vided by acupuncturists; and

19 “(D) such other matters as the Secretary
20 determines appropriate; and

21 “(3) upon the determination of the Secretary
22 that the program of acupuncturist services under
23 section 1720J of this title has been fully imple-
24 mented, submit to the Secretary a report containing

1 the evaluation of the Committee on the implementa-
2 tion of such program.

3 “(c) CHAIRMAN.—The Secretary shall designate one
4 member of the Committee to serve as the Chairman of
5 the Committee.

6 “(d) MEETINGS.—The Committee shall meet at the
7 call of the Chairman, but not fewer than three times dur-
8 ing each fiscal year, beginning in the fiscal year following
9 the fiscal year in which this section is enacted.

10 “(e) REPORT.—After the Committee submits to the
11 Secretary the report under subsection (b)(3), the Sec-
12 retary shall submit to the Committee on Veterans’ Affairs
13 of the Senate and the Committee on Veterans’ Affairs of
14 the House of Representatives a report containing the fol-
15 lowing:

16 “(1) A copy of the Committee report, together
17 with the comments of the Secretary on the report.

18 “(2) An explanation of the criteria and ration-
19 ale that the Secretary used to determine that the
20 program of acupuncturist services under section
21 1720J of this title was fully implemented, as de-
22 scribed in subsection (b)(3).

23 “(3) The views of the Secretary regarding the
24 future implementation of such program.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such subchapter is amend-
3 ed by inserting after the item relating to section 546
4 the following new item:

“547. Advisory Committee on Acupuncturist Services.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) AUTHORITY FOR APPOINTMENTS.—Section
7 7401(1) of title 38, United States Code, is amended
8 by inserting “acupuncturists,” after “chiroprac-
9 tors,”.

10 (2) PERIOD OF APPOINTMENTS.—Section
11 7403(a)(2) of such title is amended by adding at the
12 end the following new subparagraph:

13 “(I) Acupuncturists.”.

14 (3) PAY.—Section 7404 of such title is amend-
15 ed by adding at the end the following new sub-
16 section:

17 “(f) The position of acupuncturist specified in section
18 7401(1) of this title shall be at the grade of GS–12 or
19 higher under the General Schedule under section 5332 of
20 title 5.”.

21 (4) MALPRACTICE AND NEGLIGENCE SUITS.—

22 (A) IN GENERAL.—Section 7316(a)(2) of
23 such title is amended by inserting
24 “acupuncturist,” after “chiropractor,”.

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) shall apply with re-
3 spect to services provided on or after the date
4 that is 270 days after the date of the enact-
5 ment of this Act.

6 (5) HOURS AND CONDITIONS.—Section 7421(b)
7 of such title is amended by adding at the end the
8 following new paragraph:

9 “(9) Acupuncturists.”.