

Workers Compensation: Acupuncture's Parallel Medical Universe

The isolation of acupuncture outside mainstream medicine is the result of a 30 year long effort by “leadership organizations”, i.e., the AAAOM, ACAOM and CCAOM that are supposed to represent the interests of the public by ensuring graduates of acupuncture training programs are qualified to deliver care. The Acupuncture Licensure Act of 1980 opened wide the door for acupuncturists to develop their own role as a primary care profession working within mainstream medicine. Instead of preparing students to fulfill this destiny the profession was overtaken by advocates of a peculiar American form of Traditional Chinese Medicine (TCM) that produces practitioners unprepared to work within mainstream medicine.

We believe many licensed acupuncturists (LAc) aspire to deliver Chinese medicine to a larger population by integrating fully (as opposed to “collaborating”) into the US health care system. We are certain integration can be accomplished if current training programs adhered to existing California Education Standards for acupuncture. We are certain because this already occurs in a parallel medical universe, Workers' Compensation.

The acupuncturist's role in Workers' Compensation: Acupuncturists are given the same responsibilities to provide a medical history, conduct a complete exam, make a diagnosis and provide clinical case management (i.e., treat, co-treat or refer) as would a physician, osteopath or chiropractor in Workers' Compensation. Within this parallel medical universe the term "physician" includes physicians and surgeons holding an MD or DO degree, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed by California state law to function within the scope of their practice^{1,2}.

LAc benefit tremendously from occupying a conventional role within Workers' Compensation, working alongside other medical providers and sharing many “normal” privileges expected of providers working in primary care³. In this parallel medical universe acupuncturists' guidelines are mediated by multiple organizations that oversee acupuncturists activities same as they oversee the activities of other providers.

However, in the parallel medical universe of Workers Compensation acupuncturists do not have *carte blanche*. For example, in 2006 the Division of Workers' Compensation determined that while an Acupuncturist can function as a Qualified Medical Evaluator Licensed Acupuncturists are the only primary care providers excluded by statute from determining Permanent Disability^{4,5}. A Sub-Specialty Board of the Guild, the **National Board of Chinese Medicine Orthopedics (NBCMO)** will address this and other issues as a Recognized Board and Specialty within the California QME Regulations⁶.

How the National Guild helped make integrative medicine work in Workers'

Compensation: The NGAOM worked to make a place for acupuncture on the Committee that creates medical guidelines within the Department of Workers Compensation. One NGAOM board member was invited to join this Committee because the Guild is a **professional society** that advocates for **evidence-based standards** representing LAc, and because NGAOM stands firmly in favor of what are considered standard approaches to evaluating, diagnosing and treating work-related injuries. This effort by NGAOM on behalf of all acupuncturists created significant

work opportunities within Workers Compensation. How did it happen? Guild leadership understood that Labor Code Sections 3201.5 and 3201.7 allow for Professional Guilds to negotiate with employers regarding any aspect of benefit delivery if employees are eligible for group health benefits and nonoccupational disability benefits through the employer. The Guild leveraged these entitlements to gain a seat at the table.

The Guild created networks of acupuncturist providers. Title 8, California Code of Regulations, sections 9767.1 through 9768.15 describes a medical provider network (MPN) as an entity or group of health care providers set up by an insurer or self-insured employer and approved by the DWC administrative director to treat workers injured on the job. Under state regulations, each MPN must include a mix of doctors specializing in work-related injuries and doctors with expertise in general areas of medicine. MPNs are required to meet access to care standards for common occupational injuries and work related illnesses. Injured employees covered by the contract are entitled to receive medical services from a personal physician, personal chiropractor, or personal acupuncturist.

By standing firm on adoption of standards universal in mainstream medicine for evaluating, diagnosing and treating work-related injuries the Guild earned favorable recognition for all acupuncturists. The proof is in the pudding. In the parallel medical universe of Worker's Compensation, LAcS do not have limits on the number of treatments they can provide. This number is determined by the acupuncturist. By comparison, chiropractors and physical therapists are limited to 24 treatments.

What NGAOM has accomplished in Workers Compensation can be replicated within mainstream medicine. This would result in the creation of heretofore unavailable work opportunities for LAcS.

References

1. Chapter 12 Section 4926 of the California Acupuncture Act. LABOR CODE SECTION 3209.3
2. California Code of Regulations Title 22, Division 3. Subdivision 1, Chapter 3. Article 2, 22 CCR 51170.5)
3. Knight DL, Chang D. Legal Op. No. 93-11, Acupuncture scope of practice. State of California Department of Consumer Affairs Legal Office Memorandum, August 1993
4. California Office of Administrative Law, 300 Capitol Mall, Suite 1250 Sacramento, CA 95814-4339
5. Business and Professions Code Article 3 (commencing with Section 4650) of Chapter 2 of Part 6. Section 2708 of the Unemployment Insurance Code. Section (e)
6. DIVISION OF WORKERS' COMPENSATION QUALIFIED MEDICAL EVALUATOR REGULATIONS LC 3209.3 Licensed Acupuncturists TITLE 8, under § 13. Physician's Specialty and TITLE 8, and under § 12. Recognition of Specialty Boards.

If you would like to learn more about NGAOM initiatives please visit our website at www.ngaom.org