

Mandatory Coverage under the Patient Protection and Affordable Care Act:

42 USC 300gg-5(a) Providers.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.

COLORADO ACUPUNCTURE LICENSURE

Policies of the Director

POLICY NUMBER: 30-1
Title: Injection Therapy
Date Issued: July 1, 1999
Date(s) Revised: December 1, 2005
Reference:
Purpose: To clarify the use of injection therapy and permissible substances for injection in the practice of acupuncture

POLICY: In July 1999, the Director of Registrations for the Acupuncture Licensure determined injection therapy to be within the scope of acupuncture practice.

As defined in section 12-29.5-102(3.5), C.R.S., acupuncture is a profession based on traditional oriental medical concepts, but does not include the utilization of western medical diagnostic tests and procedures. The practice of acupuncture includes the insertion and removal of acupuncture needles, heat therapies, and traditional oriental adjunctive therapies. The realm of traditional oriental adjunctive therapies is broad and includes manual, mechanical, thermal, electrical, and electromagnetic treatment; the recommendation of oriental therapeutic exercises; and the recommendation of herbs and dietary guidelines.

Injection therapy is the injection of sterile herbs, vitamins, minerals, homeopathics, or other similar-type substances into acupuncture points by means of hypodermic needles. The therapy is used primarily to treat chronic musculoskeletal pain. Although injection therapy is not considered an entry-level skill, the Director finds that acupuncturists receive substantial needle training and have proficient knowledge in the areas of trigger points. The Director notes that four states (Arkansas, Florida, New Mexico, and South Carolina) have found injection therapy to be within the scope of acupuncture. These factors provide the basis for the Director's determination that injection therapy falls within the scope of acupuncture.

Permissible substances for injection include all vitamins, minerals, homeopathics and herbals specifically manufactured for non-intravenous injection such as saline, glucose, Lidocaine, Procaine, oriental herbs, Vitamin B-12, Traumeel, Sarapin, and similar homeopathic-type substances. The Director notes that there is always the risk of allergic reaction when using injection substances. As such, the Director finds that the use of Epinephrine and oxygen are necessary for patient care and safety anytime Colorado acupuncturists administer injections.

Similar to other advanced procedures practiced within the scope of acupuncture, but not necessarily taught in an entry-level educational program, the Director expects acupuncturists to obtain the necessary training prior to performing injection therapy. Training programs should include information about anatomy and physiology, pharmacology, risk management, injection techniques, and actual application.

Therefore, the Director determines that injection therapy falls within the scope of acupuncture as defined in section 12-29.5-102(3.5), C.R.S., and may be independently practiced by Colorado-licensed acupuncturists.

POLICY NUMBER: 30-1
TITLE: Injection Therapy
DATE ISSUED: July 1, 1999
DATE(S) REVISED: December 1, 2005, December 19, 2014
REFERENCE:

PURPOSE: To clarify that permissible substances for injection in the practice of acupuncture are no longer permitted by Colorado Pharmacy statute to be furnished to acupuncturists licensed in Colorado.

POLICY: In July 1999 and December 2005, the Director determined injection therapy to be within the scope of acupuncture practice and defined permissible substances for injection in the practice of acupuncture.

As defined in section 12-29.5-102(3.5), C.R.S., acupuncture is a profession based on traditional oriental medical concepts, but does not include the utilization of western medical diagnostic tests and procedures. The practice of acupuncture includes the insertion and removal of acupuncture needles, heat therapies, and traditional oriental adjunctive therapies. The realm of traditional oriental adjunctive therapies is broad and includes manual, mechanical, thermal, electrical, and electromagnetic treatment; the recommendation of oriental therapeutic exercises; and the recommendation of herbs and dietary guidelines.

Injection therapy is the injection of sterile herbs, vitamins, minerals, homeopathics, or other similar-type substances into acupuncture points by means of hypodermic needles. The therapy is used primarily to treat chronic musculoskeletal pain. Although injection therapy is not considered an entry-level skill, the Director finds that acupuncturists receive substantial needle training and have proficient knowledge in the areas of trigger points. The Director notes that four states (Arkansas, Florida, New Mexico, and South Carolina) have found injection therapy to be within the scope of acupuncture. These factors provide the basis for the Director's determination that injection therapy falls within the scope of acupuncture.

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Similar to other advanced procedures practiced within the scope of acupuncture, but not necessarily taught in an entry-level educational program, the Director expects acupuncturists to obtain the necessary training prior to performing injection therapy. Training programs should include information about anatomy and physiology, pharmacology, risk management, injection techniques, and actual application.

Therefore, the Director determines that injection therapy falls within the scope of acupuncture as defined in section 12-29.5-102(3.5), C.R.S., and may be independently practiced by Colorado-licensed acupuncturists.

Nonetheless, recently the Director has conducted an extensive review determining that changes enacted by the General Assembly to the Pharmacy Practice Act in 2006 (12-22-804(2)) and 2012 (12-42.5-305(2)) established that acupuncturists may no longer be furnished with the permissible substances for injection, as they are not registered outlets with the Pharmacy Board, nor are they specifically authorized by law to prescribe or obtain the permissible substances identified in this policy in their injectable form. Any acupuncturist practicing in Colorado should be aware of these restrictions when considering Policy 30-1.

Pharmacy Practice Act 2006
12-22-804 (2)

(2) A manufacturer or wholesaler shall furnish prescription drugs only to a board-registered outlet or practitioner authorized by law to prescribe the drugs. Before furnishing prescription drugs to a person or entity not known to the manufacturer or wholesaler, the manufacturer or wholesaler shall affirmatively verify that the person or entity is legally authorized to receive the prescription drugs by contacting the board.

Pharmacy Practice Act 2012
12-42.5-305(2)

(2) A manufacturer or wholesaler shall furnish prescription drugs only to a board-registered outlet or practitioner authorized by law to prescribe the drugs. Before furnishing prescription drugs to a person or entity not known to the manufacturer or wholesaler, the manufacturer or wholesaler shall affirmatively verify that the person or entity is legally authorized to receive the prescription drugs by contacting the board.