



Texas Association of Acupuncturists

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Patricia Gilbert
Executive Director
Texas Board of Chiropractic Examiners
333 Guadalupe Street
Austin, Texas 78701

Dear Ms. Gilbert:

I am writing to you on behalf of the Texas Association of Acupuncturists (TAOA) regarding various issues between the practitioners of acupuncture and chiropractic. We are aware of the legal action brought by the Texas Association of Acupuncture and Oriental Medicine (TAAOM), a similar but separate organization. We are also aware of efforts to compromise and settle this litigation. While we applaud the legal and policy actions of the TAAOM to restrain the Texas Board of Chiropractic Examiners (TBCE), we want to make clear to you and other state leaders that we are opposed to the idea of compromise on fundamental issues that separate our professions and threaten public health and safety.

As you may know, the Texas State Board of Acupuncture Examiners was established in 1993. Before that, in 1979 a federal court ruled that the practice of acupuncture is the practice of medicine. We understand that some people still debate whether or not chiropractic is the practice of medicine. Twenty-four years later, in 2017, our profession has, through experience, become well established in Texas, and thousands of citizens have received safe and effective treatments from our licensed acupuncturists.

Why then do chiropractors continually exceed their scope of practice by stepping on our boundaries and treating our patients?

It is the firm position of the TAOA that TBCE should never have intruded upon the quite separate and distinct field of acupuncture in the first place. Acupuncturists are extensively trained in the insertion of needles for medical treatment in a way that cannot possibly be replicated in the abbreviated instruction espoused by TBCE.

The TAOA also believes the legal basis upon which the TBCE has proceeded in promulgating rules and policy related to the practice of acupuncture by

chiropractors is infirm and does not support TBCE's expansive rulemaking. The Austin Court of Appeals wrestled with this same issue in 2016 with the case TAAOM vs. TBCE stating in part that "[w]e respectfully request the Legislature solve this problem."

The TAOA also respectfully requests the Legislature solve this problem and not leave such important public health issues to conflicting agency rulemaking that has resulted in litigation between state agencies paid for with taxpayer dollars, and has further endangered the public health with one set of health professionals (chiropractors) utilizing the technical methodologies of another health profession (acupuncture) without the proper knowledge or training.

The TAOA believes the simplest and most effective way to settle the issue is a legislative pronouncement that chiropractors may not practice acupuncture and acupuncturists may not practice chiropractic without the normal training and certification required by each field. This approach would mirror the same common-sense approach used to divide distinct fields of engineering, finance and other health fields. The average citizen should be able to rely that his banker does not recommend stocks unless he is also a licensed broker, or that his petroleum engineer does not recommend the grade of steel for construction unless he is also a structural engineer. Just because chiropractors work in the health field does not make them qualified for acupuncture any more than they can be dentists or psychologists. The root of the problem is intrusion of one profession into the field of another to the detriment of public health and safety.

The TAOA urges the state's legislative and executive leadership to quickly address the problem in a fundamental way and not in way that merely patches and defers the core issues. Thank you for your attention, and the TAOA remains ready to participate in any discussions where we may add value and insight.

Sincerely,



Lisa Ping-Hui Tsao Lin, President
Texas Association of Acupuncturists

CC: Board Members, Texas Board of Chiropractic Examiners
Members, Texas Sunset Commission
The Honorable Greg Abbott, Governor of Texas
The Honorable Dan Patrick, Lt. Governor of Texas
The Honorable Joe Straus, Speaker of the House