

AG's Opinion Gets to the Point

Curran: Licensed Acupuncturists Have Same Right to Pay as Doctors

WHAT THE AG SAID
Opinion: .. <i>Opinions of the Attorney General</i> (1996) [Opinion No 96-024 (Sept. 3, 1996)]
Question: Are licensed acupuncturists entitled to reimbursement from insurance companies to the same extent as acupuncturists with medical degree?
Answer: Insurers cannot decline to reimburse licensed acupuncturists if they reimburse physician acupuncturists.
<i>RecordFax # 9-0908-70 (7 pages)</i>

More ailing Marylanders will likely choose needles over scalpels after the state's attorney general yesterday declared that insurance companies which sanction acupuncture must reimburse licensed acupuncturists who treat policyholders.

Attorney General J. Joseph Curran Jr.'s pronouncement should make life easier for Maryland's licensed acupuncturists, who previously had a hard time getting insurance companies to pay for the treatments, according to the attorney general's opinion.

A law passed in 1994 gave acupuncturists the right to practice without physician oversight. That new status made those "health care providers" entitled to reimbursement under Maryland's insurance code.

Still, some insurance companies did not treat licensed, non-physicians acupuncturists equally.

"What the opinion does, is that if they are having problems getting paid by insurance companies, they are entitled to reimbursement for medically necessary treatments," said Sen. Paula C. Hollinger, D-Balto. Co., who requested the attorney general's opinion.

Hollinger, a registered nurse, was active in winning passage of the 1994 law.

Jim Dowden, executive administrator of the American Academy of Medical Acupuncture, said the opinion signals Maryland's growing acceptance of acupuncture as a legitimate medical procedure.

He said Maryland was one of the last states to permit physicians to practice the ancient healing art.

"Maryland has always had a funny history with acupuncture compared to the rest of the country," Dowden observed.

Dr. Hiroshi Nakazawa, a Baltimore practitioner and member of the Maryland Society of Medical Acupuncture, said health care professionals have also embraced acupuncture in recent years. Still, he observed, many insurers exclude acupuncture from coverage.

The 1994 law and the attorney general's opinion do not prohibit such blanket exclusions.

Instead, the opinion levels the playing field between physicians who practice acupuncture and health care providers licensed solely as acupuncturists.

"Even if it says in an insurance policy that they would only reimburse a physician, the opinion says insurers can't do that," Hollinger said.

Assistant Attorney General Dennis W. Carroll, who wrote the opinion for Curran's legislative history supported his interpretation of the coverage issue.

The House of Delegates Environmental Matters Committee said, "Acupuncture has come to be accepted by physicians and patients alike as an effective treatment method."

"This discipline does not require physician oversight, and will be better served by individuals who have expertise in acupuncture," the committee wrote in a bill summary.

By Gregory c. Baumann. Daily Record (Baltimore). September 5, 1996