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Texas AG Restricts Acupuncturists from "Manipulation"

By Editorial Staff

For the past several years, the Texas Board of Chiropractic Examiners (TBCE) has received complaints, some quite serious, of patients injured by acupuncturists allegedly performing spinal manipulations. The TBCE forwarded the complaints to the appropriate regulatory body, the Texas State Board of Acupuncture Examiners (TSBAE), with the appeal for them to take action.

The TBCE was informed that the acupuncturists in question were performing *tui na* (pronounced 'twee-nah'), a technique that involves a form of manipulation in and around the spine, and that, accordingly, the technique was within the scope of acupuncture. Apparently, the TSBAE was planning to promulgate rules to outline and define more clearly how these "spinal manipulations" should best be performed by its licensees.

This is the TSBAE's definition of *tui na*:

"Tui na methods include the use of hand techniques to massage the soft tissue (muscles and tendons) of the body, acupressure techniques to directly affect the flow of *Qi*, **and manipulation techniques to realign the musculoskeletal and ligamentous relationships (bone-setting).**"¹ (emphasis added)

On November 1, 2000, in response to this situation, TCBE President Cynthia Vaughn, DC, sent a letter to the Texas Attorney General, John Cornyn, asking whether a licensed acupuncturist may perform spinal manipulation. On May 23, 2001, the Texas AG provided Opinion No. JC-0379.²

After reviewing the applicable acupuncture and chiropractic codes, Mr. Cornyn noted that acupuncturists were not exempt from the chiropractic state statutes. He stated: "The statutory definition of the practice of acupuncture, upon which we must rely does not encompass the administration of such exercise (*tui na*), but only its recommendation."

In his summary, Attorney General Cornyn found *tui na* outside the scope of acupuncture:

"While the technique called *Tui Na*, which involves some manipulation of the spinal area, may be an energy flow exercise within the meaning of section 205.001 of the Texas Occupations Code, the administration of such exercise is not within the statutory definition of the practice of acupuncture."

Dr. Vaughn was pleased with the ruling. "I applaud Attorney General John Cornyn for his wisdom in rendering this decision, as I firmly believe that his doing so has succeeded in protecting the citizens of this state." She added, however: "But the board's efforts in this regard are far from over. While some may take the point of view that this defining process is about carving out and maintaining our slice of the 'spinal manipulation' pie, I believe that it is, by far, more of a safety and training issue."

References

1. *Tui Na* - Chinese Bodywork Therapy. <http://acupuncture.com/TuiNa/Tuina.htm>.
2. A complete copy of the opinion can be found at:
<http://www.oag.state.tx.us/opinopen/opinions/op49cornyn/jc-0379.htm>.



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