

# South Carolina Acupuncture Bill Becomes Law

When we last heard from Martin Herbkersman, LAc, Dipl Ac (NCCAOM), the Acupuncture Act of South Carolina sat on the Governor's desk in a dustcloud of uncertainty. Hopes were high for the passage of the bill, but events took a turn for the worse before they improved: the bill was vetoed! However, with great efforts on the part of Martin and his brother, State Representative Bill Herbkersman, the House and Senate overturned the Governor's veto by a commanding margin: House vote was 111 to 13, Senate vote 31 to zero!

In mid-December, the Governor vetoed the bill citing reasons of principle. Everyone understood the reasons. The Governor of South Carolina is opposed to 'bobtail amendments': Bobtail amendments may or may not be related to the original bill but are added to back of bills, which are likely to pass. Two S.C. Senators had chosen to add the amendments to the original Acupuncture Act in an effort to keep their unrelated initiatives alive. In order to keep the bill from dying on the last day of the legislative session, the House voted to accept the new formation of the bill, but the Governor would not hear of it. Further, the lobbyist working with Martin needed to focus her attention on another client in the interim, and was no longer available. The South Carolina Acupuncture Act was unstable at best; thus the task was left to Martin and his brother, Representative Bill Herbkersman.

In a state where the Governor, the Senate, and the House are all Republican, the House and Senate had to make a decision to overturn a decision made by one of their own. Representative Bill Herbkersman rallied tirelessly to convince the Senators and Representatives to override the Governor's veto. Representative Herbkersman's efforts, and the bipartisan nature of the bill helped it to pass.

## The Acupuncture Act of South Carolina: January 13

1. Sets up an acupuncture committee under the medical board. This will keep licensure costs low, avoiding exorbitant fees that would otherwise be necessary to run a free-standing acupuncture board with only 30 practitioners in South Carolina to foot the costs.
2. Sets the entry-level standard to the level of the NCCAOM Diplomate for any individual to practice acupuncture in South Carolina.
3. States that anyone practicing acupuncture without a license is guilty of a misdemeanor and can be fined.
4. Eliminates Physician supervision and referral requirements.

Martin reports that amazing events happened surrounding the passage of this bill, including one Representative garnering support for a standing vote by turning to the legislators around him and saying "Stand up! Stand up for the vote!"

Martin cites the American Association of Oriental Medicine (AAOM) as being an important resource in the legislative process and recommends calling on the AAOM for model legislation and other help. His advice to aspiring acupuncture lobbyists: "Resilience," he says, "never give up. I would not have expected an overturn of the Governor's veto!" Martin strongly suggests getting personally acquainted with your local legislators, and to offer them treatments whenever possible. Their personal experience of acupuncture is a great asset.

When asked what is on Martin's agenda for the future, he says, "Protecting our new law." Martin checks his state legislative site daily with key word 'acupuncture'; This tells him whether there are any other interested parties proposing new bills which may affect the profession in South Carolina. He encourages all state associations to do the same in their efforts to protect their scope of practice.

Dr. Atara Noiade, AAOM Board of Directors