



# Texas State Board of Acupuncture Examiners

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**RQ-833**

RECEIVED

SEP 19 1995

September 15, 1995

Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Opinion Committee

FILE # ML-35965-95

I.D. # 35965

Re: Request for Attorney General Opinion

Dear Attorney General Morales:

An Attorney General Opinion is respectfully requested under the authority of Section 22 of Article IV of the Texas Constitution and Section 402.041 through 402.045 of the Texas Government Code. An opinion is requested concerning licensed chiropractors performing acupuncture and chiropractors advertising that they perform acupuncture.

Attached is a letter of concern that has brought this matter to the attention of the Texas State Board of Acupuncture Examiners. This letter provides a synopsis of the general concerns related to the following issues:

(1) Is the practice of acupuncture within the scope of practice for a licensed Texas chiropractor?

(2) Is licensure as an acupuncturist required for a licensed Texas chiropractor to engage in the practice of acupuncture?

(3) If the practice of acupuncture is within the scope of practice for a licensed Texas chiropractor and licensure as an acupuncturist is not required, is advertising the practice of acupuncture by a licensed chiropractor in violation of statutes prohibiting false or misleading advertising if the chiropractor fails to indicate in the advertisement that he is not licensed by the Texas State Board of Acupuncture Examiners?

Your attention is invited to the enclosed letter from Mr. David Cohen who wrote to this agency on behalf of the Texas Acupuncture Association. This correspondence addresses these issues and provides statutory references in support of the position that the practice of acupuncture is not within the scope of practice for a licensed chiropractor and an acupuncture license is required for chiropractors who wish to perform acupuncture. In addition, the enclosed correspondence provides support for the position that advertising the practice of acupuncture by a chiropractor is

false and misleading and in violation of state statute.

Based on the concerns raised in the enclosed correspondence and the significance of the issues involved, I have been directed by the Texas State Board of Acupuncture Examiners to request an attorney general opinion to definitively resolve these questions. If additional information is needed, please contact the agency's General Counsel, Tim Weitz, at 834-7728 ext. 480.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Levy, M.D., J.D." with a stylized flourish at the end.

Bruce A. Levy, M.D., J.D.  
Executive Director

Enclosure

xc: Texas State Board of Acupuncture  
Texas State Board of Chiropractic Examiners