

HOUSE BILL 1270

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2001 Regular Session
(11r2660)

ENROLLED BILL

-- *Environmental Matters/Economic and Environmental Affairs* --

Introduced by **Delegates Menes, Barkley, Petzold, Eckardt, Burns, Montague,
Boschert, Pitkin, Bobo, Bronrott, and Conroy**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 317

1 AN ACT concerning

2 **State Acupuncture Board - Auricular Detoxification**

3 FOR the purpose of allowing ~~an individual who is~~ certain individuals who are licensed
4 or certified to practice a certain health ~~occupation~~ occupations in the State to
5 provide auricular detoxification under certain supervision by an acupuncturist
6 licensed by the State Acupuncture Board; providing for the qualifications and
7 training of the individual; exempting the individual from obtaining a license to
8 practice acupuncture in the State; providing for the settings where an individual
9 may provide auricular detoxification; authorizing the State Acupuncture Board
10 to adopt certain regulations; providing for certain disciplinary procedures;
11 defining certain terms; requiring the State Acupuncture Board to prepare a
12 certain evaluation and submit a certain report on or before a certain date;
13 providing for the termination of this Act; and generally relating to acupuncture.

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations

1 Section 1A-101 and 1A-301
2 Annotated Code of Maryland
3 (2000 Replacement Volume)

4 BY adding to
5 Article - Health Occupations
6 Section 1A-316
7 Annotated Code of Maryland
8 (2000 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health Occupations**

12 1A-101.

13 (a) In this title the following words have the meanings indicated.

14 (b) "Acupuncture" means a form of health care, based on a theory of energetic
15 physiology, that describes the interrelationship of the body organs or functions with
16 an associated point or combination of points.

17 (c) "AURICULAR DETOXIFICATION" MEANS AN ACUPUNCTURE TECHNIQUE
18 INVOLVING THE NEEDLING OF THE EXTERNAL AURICLE OF THE HUMAN EAR FOR
19 THE PURPOSE OF ASSISTING IN THE REMOVAL OF TOXIC OR A PERSON WHO IS
20 UNDERGOING DETOXIFICATION TO REMOVE ADDICTIVE SUBSTANCES FROM THE
21 BODY AND RESTORING HEALTH.

22 (D) "Board" means the State Acupuncture Board.

23 (E) "DIRECT SUPERVISION" MEANS THE RESPONSIBILITY OF AN
24 ACUPUNCTURIST LICENSED BY THE BOARD TO EXERCISE CONTINUOUS ON-SITE
25 OBSERVATION AND DIRECTION FOR AN INDIVIDUAL PERFORMING AURICULAR
26 DETOXIFICATION.

27 [(d)] (F) "License" means, unless the context requires otherwise, a license
28 issued by the Board to practice acupuncture.

29 [(e)] (G) (1) "Practice acupuncture" means the use of oriental medical
30 therapies for the purpose of normalizing energetic physiological functions including
31 pain control, and for the promotion, maintenance, and restoration of health.

32 (2) "Practice acupuncture" includes:

33 (i) Stimulation of points of the body by the insertion of
34 acupuncture needles;

35 (ii) The application of moxibustion; and

1 (iii) Manual, mechanical, thermal, or electrical therapies only when
2 performed in accordance with the principles of oriental acupuncture medical theories.

3 1A-301.

4 (a) Except as otherwise provided in this title, an individual shall be licensed
5 by the Board before the individual may practice acupuncture in this State.

6 (b) This section does not apply to:

7 (1) An individual employed by the federal government as an
8 acupuncturist while practicing within the scope of that employment; [or]

9 (2) A student, trainee, or visiting teacher who is designated as a student,
10 trainee, or visiting teacher while participating in a course of study or training under
11 the supervision of a licensed acupuncturist in a program that is approved by the
12 Board or the State Board of Higher Education; OR

13 (3) AN INDIVIDUAL AUTHORIZED UNDER § 1A-316 OF THIS SUBTITLE TO
14 PERFORM AURICULAR DETOXIFICATION UNDER THE DIRECT SUPERVISION OF AN
15 ACUPUNCTURIST LICENSED BY THE BOARD.

16 1A-316.

17 (A) AN ACUPUNCTURIST LICENSED BY THE BOARD MAY PROVIDE DIRECT
18 SUPERVISION TO ~~AN INDIVIDUAL~~ NOT MORE THAN FIVE *THREE* INDIVIDUALS
19 PERFORMING AURICULAR DETOXIFICATION IN ANY ONE SETTING, IF ~~THE~~ *EACH*
20 INDIVIDUAL:

21 (1) ~~IS LICENSED TO PRACTICE A HEALTH OCCUPATION UNDER THIS~~
22 ~~ARTICLE;~~

23 (I) AN ALCOHOL, SUBSTANCE ABUSE, OR CHEMICAL DEPENDENCY
24 COUNSELOR WHO IS:

25 1. CERTIFIED UNDER TITLE 17, SUBTITLE 3 OF THIS ARTICLE
26 TO PRACTICE AS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG,
27 CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, OR CERTIFIED
28 SUPERVISED COUNSELOR-ALCOHOL AND DRUG; OR

29 2. LICENSED TO PRACTICE CLINICAL ALCOHOL AND DRUG
30 COUNSELING UNDER TITLE 17, SUBTITLE 3A OF THIS ARTICLE;

31 (II) A NURSE LICENSED TO PRACTICE UNDER TITLE 8, SUBTITLE 3
32 OF THIS ARTICLE; ~~OR~~

33 (III) A PSYCHOLOGIST LICENSED TO PRACTICE UNDER TITLE 18,
34 SUBTITLE 3 OF THIS ARTICLE WHO WORKS DIRECTLY WITH THE ALCOHOL- OR
35 DRUG-ADDICTED CLIENTS OF A CHEMICAL DEPENDENCY PROGRAM IN THE
36 COUNSELING OR TREATMENT OF THOSE CLIENTS; OR

1 (IV) A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL LICENSED
2 TO PRACTICE UNDER TITLE 19, SUBTITLE 3 OF THIS ARTICLE WHO WORKS DIRECTLY
3 WITH THE ALCOHOL- OR DRUG-ADDICTED CLIENTS OF A CHEMICAL DEPENDENCY
4 PROGRAM IN THE COUNSELING OR TREATMENT OF THOSE CLIENTS;

5 (2) PROVIDES DOCUMENTATION TO THE BOARD OF THE SUCCESSFUL
6 COMPLETION OF A TRAINING PROGRAM IN ACUPUNCTURE FOR THE TREATMENT OF
7 ALCOHOLISM, SUBSTANCE ABUSE, OR CHEMICAL DEPENDENCY THAT:

8 (I) IS APPROVED BY THE BOARD; AND

9 (II) MEETS OR EXCEEDS THE STANDARDS OF THE NATIONAL
10 ACUPUNCTURE DETOXIFICATION ASSOCIATION;

11 (3) DOES NOT REPRESENT TO THE PUBLIC, BY DESCRIPTION OF
12 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS
13 AUTHORIZED TO PRACTICE ACUPUNCTURE IN THIS STATE;

14 (4) AGREES TO BE SUBJECT TO THE BOARD FOR ANY VIOLATION OF §
15 1A-309 OF THIS TITLE; AND

16 (5) PERFORMS AURICULAR DETOXIFICATION ONLY:

17 (I) WITHIN THE CONTEXT OF A CLINICAL SUBSTANCE ABUSE
18 PROGRAM;

19 (II) IN HOSPITALS, PRISONS, OUTPATIENT CLINICS, OR OTHER
20 SETTINGS APPROVED BY THE BOARD; AND

21 (III) UNDER THE DIRECT SUPERVISION OF AN ACUPUNCTURIST
22 LICENSED BY THE STATE.

23 (B) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
24 OF THIS SECTION, INCLUDING REGULATIONS THAT COVER:

25 (1) THE QUALIFICATIONS, TRAINING, AND MONITORING OF
26 INDIVIDUALS WHO PERFORM AURICULAR DETOXIFICATION UNDER THE DIRECT
27 SUPERVISION OF AN ACUPUNCTURIST LICENSED BY THE BOARD; AND

28 (2) THE REQUIREMENTS FOR THE APPROVAL OF A CLINICAL
29 SUBSTANCE ABUSE PROGRAM OR A SETTING WHERE AN INDIVIDUAL MAY PERFORM
30 AURICULAR DETOXIFICATION UNDER THE DIRECT SUPERVISION OF AN
31 ACUPUNCTURIST LICENSED BY THE BOARD.

32 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN INDIVIDUAL
33 MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AURICULAR
34 DETOXIFICATION IN THIS STATE.

35 (2) AN ACUPUNCTURIST WHO IS LICENSED BY THE BOARD IS
36 RESPONSIBLE FOR ASSURING THE BOARD THAT THE INDIVIDUAL PERFORMING

1 AURICULAR DETOXIFICATION UNDER THE DIRECT SUPERVISION OF THE
2 ACUPUNCTURIST COMPLIES WITH ALL APPLICABLE LAWS, REGULATIONS, AND
3 STANDARDS OF PRACTICE.

4 (3) IF THE INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION
5 UNDER THIS SECTION VIOLATES ANY APPLICABLE LAWS, REGULATIONS, OR
6 STANDARDS OF PRACTICE, THE BOARD MAY DISCIPLINE:

7 (I) THE INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION;
8 AND

9 (II) THE SUPERVISING ACUPUNCTURIST LICENSED BY THE BOARD
10 FOR UNPROFESSIONAL CONDUCT UNDER § 1A-309 OF THIS SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001. It shall remain effective for a period of 3 years and, at the end of
13 September 30, 2004, with no further action required by the General Assembly, this
14 Act shall be abrogated and of no further force and effect. On or before January 1,
15 2004, an evaluation of this Act recommending reestablishment or termination of this
16 Act shall be prepared by the State Acupuncture Board in consultation with the
17 Maryland Acupuncture Society and other affected parties, and shall be submitted to
18 the Governor, and in accordance with § 2-1246 of the State Government Article, to the
19 General Assembly.