
By: **Delegates Menes, Barkley, Bobo, Bronrott, Eckardt, Goldwater, Griffith, Hubbard, Nathan-Pulliam, Pendergrass, and ~~Petzold~~ Petzold, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Kach, Mandel, McDonough, Morhaim, Murray, Oaks, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2004

CHAPTER 57

1 AN ACT concerning

2 **State Acupuncture Board - Auricular Detoxification**

3 FOR the purpose of altering the supervision requirements for individuals performing
4 auricular detoxification; repealing the termination provision for certain
5 provisions of law that allow certain individuals who are licensed or certified to
6 practice certain health occupations in the State to provide auricular
7 detoxification under certain circumstances; requiring the State Acupuncture
8 Board to adopt certain regulations; defining a certain term; and generally
9 relating to the regulation of acupuncture.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 1A-101 and 1A-316
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Chapter 317 of the Acts of the General Assembly of 2001
17 Section 2

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

1

Article - Health Occupations

2 1A-101.

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

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

7 (c) "Auricular detoxification" means an acupuncture technique involving the
8 needling of the external auricle of the human ear for the purpose of assisting a person
9 who is undergoing detoxification to remove addictive substances from the body and
10 restoring health.

11 (d) "Board" means the State Acupuncture Board.

12 (e) ["Direct supervision" means the responsibility of an acupuncturist
13 licensed by the Board to exercise continuous on-site observation and direction for an
14 individual performing auricular detoxification.

15 (f)] "License" means, unless the context requires otherwise, a license issued by
16 the Board to practice acupuncture.

17 [(g)] (F) (1) "Practice acupuncture" means the use of oriental medical
18 therapies for the purpose of normalizing energetic physiological functions including
19 pain control, and for the promotion, maintenance, and restoration of health.

20 (2) "Practice acupuncture" includes:

21 (i) Stimulation of points of the body by the insertion of
22 acupuncture needles;

23 (ii) The application of moxibustion; and

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

26 (G) "SUPERVISION" MEANS:

27 (1) A FORMALIZED PROFESSIONAL RELATIONSHIP BETWEEN A
28 LICENSED ACUPUNCTURIST AND AN INDIVIDUAL PERFORMING AURICULAR
29 DETOXIFICATION THAT PROVIDES EVALUATION AND DIRECTION OF THE
30 INDIVIDUAL TO ADEQUATELY ENSURE THE SAFETY AND WELFARE OF CLIENTS
31 DURING THE COURSE OF TREATMENT; AND

32 (2) AS DEFINED BY THE BOARD IN REGULATIONS:

33 (I) PERIODIC DIRECT SUPERVISION WHERE THE LICENSED
34 ACUPUNCTURIST IS PRESENT OR ON-SITE DURING TREATMENT; AND

1 (II) GENERAL SUPERVISION WHERE THE LICENSED
2 ACUPUNCTURIST IS NEITHER PRESENT NOR ON-SITE DURING TREATMENT.

3 1A-316.

4 (a) An acupuncturist licensed by the Board may provide [direct] supervision
5 to [not more than three] AS MANY individuals performing auricular detoxification
6 [in any one setting,] AS PERMITTED BY BOARD REGULATIONS, if each individual:

7 (1) Is:

8 (i) An alcohol, substance abuse, or chemical dependency counselor
9 who is:

10 1. Certified under Title 17, Subtitle 3 of this article to
11 practice as a certified professional counselor-alcohol and drug, certified associate
12 counselor-alcohol and drug, or certified supervised counselor-alcohol and drug; or

13 2. Licensed to practice clinical alcohol and drug counseling
14 under Title 17, Subtitle 3A of this article;

15 (ii) A nurse licensed to practice under Title 8, Subtitle 3 of this
16 article;

17 (iii) A psychologist licensed to practice under Title 18, Subtitle 3 of
18 this article who works directly with the alcohol- or drug-addicted clients of a
19 chemical dependency program in the counseling or treatment of those clients; or

20 (iv) A licensed certified social worker-clinical licensed to practice
21 under Title 19, Subtitle 3 of this article who works directly with the alcohol- or
22 drug-addicted clients of a chemical dependency program in the counseling or
23 treatment of those clients;

24 (2) Provides documentation to the Board of the successful completion of a
25 training program in acupuncture for the treatment of alcoholism, substance abuse, or
26 chemical dependency that:

27 (i) Is approved by the Board; and

28 (ii) Meets or exceeds the standards of the National Acupuncture
29 Detoxification Association;

30 (3) Does not represent to the public, by description of services, methods,
31 or procedures, or otherwise, that the individual is authorized to practice acupuncture
32 in this State;

33 (4) Agrees to be subject to the Board for any violation of § 1A-309 of this
34 subtitle; and

35 (5) Performs auricular detoxification only:

- 1 (i) Within the context of a clinical substance abuse program;
2 (ii) In hospitals, prisons, outpatient clinics, or other settings
3 approved by the Board; and
4 (iii) Under the [direct] supervision of an acupuncturist licensed by
5 the State.

6 (b) The Board shall adopt regulations to carry out the provisions of this
7 section, including regulations that cover:

8 (1) The qualifications, training, and monitoring of individuals who
9 perform auricular detoxification under the [direct] supervision of an acupuncturist
10 licensed by the Board; [and]

11 (2) THE NUMBER OF INDIVIDUALS PERFORMING AURICULAR
12 DETOXIFICATION TO WHICH AN ACUPUNCTURIST LICENSED BY THE BOARD MAY
13 PROVIDE SUPERVISION; AND

14 (3) The requirements for the approval of a clinical substance abuse
15 program or a setting where an individual may perform auricular detoxification under
16 the [direct] supervision of an acupuncturist licensed by the Board.

17 (c) (1) Except as otherwise provided in this section, an individual may not
18 practice, attempt to practice, or offer to practice auricular detoxification in this State.

19 (2) An acupuncturist who is licensed by the Board is responsible for
20 assuring the Board that the individual performing auricular detoxification under the
21 [direct] supervision of the acupuncturist complies with all applicable laws,
22 regulations, and standards of practice.

23 (3) If the individual performing auricular detoxification under this
24 section violates any applicable laws, regulations, or standards of practice, the Board
25 may discipline:

26 (i) The individual performing auricular detoxification; and

27 (ii) The supervising acupuncturist licensed by the Board for
28 unprofessional conduct under § 1A-309 of this subtitle.

29

Chapter 317 of the Acts of 2001

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001. [It shall remain effective for a period of 3 years and, at the end of
32 September 30, 2004, with no further action required by the General Assembly, this
33 Act shall be abrogated and of no further force and effect. On or before January 1,
34 2004, an evaluation of this Act recommending reestablishment or termination of this
35 Act shall be prepared by the State Acupuncture Board in consultation with the
36 Maryland Acupuncture Society and other affected parties, and shall be submitted to

1 the Governor, and in accordance with § 2-1246 of the State Government Article, to the
2 General Assembly.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2004.