
By: **Delegates Menes, Bobo, Bronrott, Barkley, Petzold, Eckardt, and Burns**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Acupuncture - Auricular Detoxification**

3 FOR the purpose of allowing an individual who is licensed to practice a health
4 occupation in the State to provide auricular detoxification under certain
5 supervision by an acupuncturist licensed by the State Acupuncture Board;
6 providing for the qualifications and training of the individual; exempting the
7 individual from obtaining a license to practice acupuncture in the State;
8 providing for the settings where an individual may provide auricular
9 detoxification; authorizing the State Acupuncture Board to adopt certain
10 regulations; providing for certain disciplinary procedures; defining certain
11 terms; and generally relating to acupuncture.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 1A-101 and 1A-301
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1999 Supplement)

17 BY adding to
18 Article - Health Occupations
19 Section 1A-316
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1999 Supplement)

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

24 **Article - Health Occupations**

25 1A-101.

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

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

4 (c) "AURICULAR DETOXIFICATION" MEANS AN ACUPUNCTURE TECHNIQUE
5 INVOLVING THE NEEDLING OF THE HUMAN EAR FOR THE PURPOSE OF ASSISTING IN
6 THE REMOVAL OF TOXIC OR ADDICTIVE SUBSTANCES FROM THE BODY AND
7 RESTORING HEALTH.

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

9 (E) "DIRECT SUPERVISION" MEANS THE RESPONSIBILITY OF AN
10 ACUPUNCTURIST LICENSED BY THE BOARD TO EXERCISE ON-SITE SUPERVISION OR
11 IMMEDIATELY AVAILABLE DIRECTION FOR AN INDIVIDUAL PERFORMING
12 AURICULAR DETOXIFICATION.

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

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

18 (2) "Practice acupuncture" includes:

19 (i) Stimulation of points of the body by the insertion of
20 acupuncture needles;

21 (ii) The application of moxibustion; and

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

24 1A-301.

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

27 (b) This section does not apply to:

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

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

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

1 1A-316.

2 (A) AN ACUPUNCTURIST LICENSED BY THE BOARD MAY PROVIDE DIRECT
3 SUPERVISION TO AN INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION, IF
4 THE INDIVIDUAL:

5 (1) IS LICENSED TO PRACTICE A HEALTH OCCUPATION UNDER THIS
6 ARTICLE;

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

10 (I) IS APPROVED BY THE BOARD; AND

11 (II) MEETS OR EXCEEDS THE STANDARDS OF THE NATIONAL
12 ACUPUNCTURE DETOXIFICATION ASSOCIATION;

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

16 (4) 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 THE SUPERVISING
7 ACUPUNCTURIST LICENSED BY THE BOARD FOR UNPROFESSIONAL CONDUCT
8 UNDER § 1A-309 OF THIS SUBTITLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2000.