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By: **Delegates Menes, Barkley, Petzold, Eckardt, Burns, Montague,  
Boschert, Pitkin, Bobo, Bronrott, and Conroy**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Acupuncture Board - 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; requiring the State Acupuncture Board to prepare a certain evaluation  
12 and submit a certain report on or before a certain date; providing for the  
13 termination of this Act; and generally relating to acupuncture.

14 BY repealing and reenacting, with amendments,  
15 Article - Health Occupations  
16 Section 1A-101 and 1A-301  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume)

19 BY adding to  
20 Article - Health Occupations  
21 Section 1A-316  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 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  
8 INVOLVING THE NEEDLING OF THE HUMAN EAR FOR THE PURPOSE OF ASSISTING IN  
9 THE REMOVAL OF TOXIC OR ADDICTIVE SUBSTANCES FROM THE BODY.

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

11 (E) "DIRECT SUPERVISION" MEANS THE RESPONSIBILITY OF AN  
12 ACUPUNCTURIST LICENSED BY THE BOARD TO EXERCISE CONTINUOUS ON-SITE  
13 OBSERVATION AND DIRECTION FOR AN INDIVIDUAL PERFORMING AURICULAR  
14 DETOXIFICATION.15 [(d)] (F) "License" means, unless the context requires otherwise, a license  
16 issued by the Board to practice acupuncture.17 [(e)] (G) (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 1A-301.

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

29 (b) This section does not apply to:

30 (1) An individual employed by the federal government as an  
31 acupuncturist while practicing within the scope of that employment; [or]32 (2) A student, trainee, or visiting teacher who is designated as a student,  
33 trainee, or visiting teacher while participating in a course of study or training under

1 the supervision of a licensed acupuncturist in a program that is approved by the  
2 Board or the State Board of Higher Education; OR

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

6 1A-316.

7 (A) AN ACUPUNCTURIST LICENSED BY THE BOARD MAY PROVIDE DIRECT  
8 SUPERVISION TO AN INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION, IF  
9 THE INDIVIDUAL:

10 (1) IS LICENSED TO PRACTICE A HEALTH OCCUPATION UNDER THIS  
11 ARTICLE;

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

15 (I) IS APPROVED BY THE BOARD; AND

16 (II) MEETS OR EXCEEDS THE STANDARDS OF THE NATIONAL  
17 ACUPUNCTURE DETOXIFICATION ASSOCIATION;

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

21 (4) AGREES TO BE SUBJECT TO THE BOARD FOR ANY VIOLATION OF §  
22 1A-309 OF THIS TITLE; AND

23 (5) PERFORMS AURICULAR DETOXIFICATION ONLY:

24 (I) WITHIN THE CONTEXT OF A CLINICAL SUBSTANCE ABUSE  
25 PROGRAM;

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

28 (III) UNDER THE DIRECT SUPERVISION OF AN ACUPUNCTURIST  
29 LICENSED BY THE STATE.

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

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

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

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

8           (2)     AN ACUPUNCTURIST WHO IS LICENSED BY THE BOARD IS  
9 RESPONSIBLE FOR ASSURING THE BOARD THAT THE INDIVIDUAL PERFORMING  
10 AURICULAR DETOXIFICATION UNDER THE DIRECT SUPERVISION OF THE  
11 ACUPUNCTURIST COMPLIES WITH ALL APPLICABLE LAWS, REGULATIONS, AND  
12 STANDARDS OF PRACTICE.

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

16                   (I)     THE INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION;  
17 AND

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

20     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2001. It shall remain effective for a period of 3 years and, at the end of  
22 September 30, 2004, with no further action required by the General Assembly, this  
23 Act shall be abrogated and of no further force and effect. On or before January 1,  
24 2004, an evaluation of this Act recommending reestablishment or termination of this  
25 Act shall be prepared by the State Acupuncture Board in consultation with the  
26 Maryland Acupuncture Society and other affected parties, and shall be submitted to  
27 the Governor, and in accordance with § 2-1246 of the State Government Article, to the  
28 General Assembly.