

HOUSE BILL 1270

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HB 1069/00 - ENV

2001 Regular Session  
11r2660

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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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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 18, 2001

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CHAPTER\_\_\_\_\_

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  
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)

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

3 **Article - Health Occupations**

4 1A-101.

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

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

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

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

15 (E) "DIRECT SUPERVISION" MEANS THE RESPONSIBILITY OF AN  
16 ACUPUNCTURIST LICENSED BY THE BOARD TO EXERCISE CONTINUOUS ON-SITE  
17 OBSERVATION AND DIRECTION FOR AN INDIVIDUAL PERFORMING AURICULAR  
18 DETOXIFICATION.

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

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

24 (2) "Practice acupuncture" includes:

25 (i) Stimulation of points of the body by the insertion of  
26 acupuncture needles;

27 (ii) The application of moxibustion; and

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

30 1A-301.

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

33 (b) This section does not apply to:

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

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

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

1A-316.

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

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

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

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

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

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

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

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

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

(I) IS APPROVED BY THE BOARD; AND

1 (II) MEETS OR EXCEEDS THE STANDARDS OF THE NATIONAL  
2 ACUPUNCTURE DETOXIFICATION ASSOCIATION;

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

6 (4) AGREES TO BE SUBJECT TO THE BOARD FOR ANY VIOLATION OF §  
7 1A-309 OF THIS TITLE; AND

8 (5) PERFORMS AURICULAR DETOXIFICATION ONLY:

9 (I) WITHIN THE CONTEXT OF A CLINICAL SUBSTANCE ABUSE  
10 PROGRAM;

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

13 (III) UNDER THE DIRECT SUPERVISION OF AN ACUPUNCTURIST  
14 LICENSED BY THE STATE.

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

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

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

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

27 (2) AN ACUPUNCTURIST WHO IS LICENSED BY THE BOARD IS  
28 RESPONSIBLE FOR ASSURING THE BOARD THAT THE INDIVIDUAL PERFORMING  
29 AURICULAR DETOXIFICATION UNDER THE DIRECT SUPERVISION OF THE  
30 ACUPUNCTURIST COMPLIES WITH ALL APPLICABLE LAWS, REGULATIONS, AND  
31 STANDARDS OF PRACTICE.

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

35 (I) THE INDIVIDUAL PERFORMING AURICULAR DETOXIFICATION;  
36 AND

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001. It shall remain effective for a period of 3 years and, at the end of  
5 September 30, 2004, with no further action required by the General Assembly, this  
6 Act shall be abrogated and of no further force and effect. On or before January 1,  
7 2004, an evaluation of this Act recommending reestablishment or termination of this  
8 Act shall be prepared by the State Acupuncture Board in consultation with the  
9 Maryland Acupuncture Society and other affected parties, and shall be submitted to  
10 the Governor, and in accordance with § 2-1246 of the State Government Article, to the  
11 General Assembly.