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By: **Delegates Menes, Barkley, Bobo, Bronrott, Eckardt, Goldwater, Griffith,  
Hubbard, Nathan-Pulliam, Pendergrass, and Petzold**

Introduced and read first time: February 4, 2004

Assigned to: Health and Government Operations

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A BILL ENTITLED

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:

20 **Article - Health Occupations**

21 1A-101.

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

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

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

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

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

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

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

14 (2) "Practice acupuncture" includes:

15 (i) Stimulation of points of the body by the insertion of  
 16 acupuncture needles;

17 (ii) The application of moxibustion; and

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

20 (G) "SUPERVISION" MEANS:

21 (1) A FORMALIZED PROFESSIONAL RELATIONSHIP BETWEEN A  
 22 LICENSED ACUPUNCTURIST AND AN INDIVIDUAL PERFORMING AURICULAR  
 23 DETOXIFICATION THAT PROVIDES EVALUATION AND DIRECTION OF THE  
 24 INDIVIDUAL TO ADEQUATELY ENSURE THE SAFETY AND WELFARE OF CLIENTS  
 25 DURING THE COURSE OF TREATMENT; AND

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

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

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

31 1A-316.

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

35 (1) Is:

1 (i) An alcohol, substance abuse, or chemical dependency counselor  
2 who is:

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

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

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

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

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

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

20 (i) Is approved by the Board; and

21 (ii) Meets or exceeds the standards of the National Acupuncture  
22 Detoxification Association;

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

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

28 (5) Performs auricular detoxification only:

29 (i) Within the context of a clinical substance abuse program;

30 (ii) In hospitals, prisons, outpatient clinics, or other settings  
31 approved by the Board; and

32 (iii) Under the [direct] supervision of an acupuncturist licensed by  
33 the State.

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

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

4 (2) THE NUMBER OF INDIVIDUALS PERFORMING AURICULAR  
5 DETOXIFICATION TO WHICH AN ACUPUNCTURIST LICENSED BY THE BOARD MAY  
6 PROVIDE SUPERVISION; AND

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

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

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

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

19 (i) The individual performing auricular detoxification; and

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

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#### Chapter 317 of the Acts of 2001

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

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