

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 627

(Delegate Menes, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Acupuncture Board - Auricular Detoxification

This bill allows specified individuals, such as substance abuse counselors and nurses in addition to licensed acupuncturists, to continue practicing auricular detoxification by repealing a termination provision. The bill also eases the requirement for supervision by a licensed acupuncturist by repealing the definition of “direct supervision” and defining “supervision” (1) as a formalized professional relationship between a licensed acupuncturist and an individual performing auricular detoxification that provides evaluation and direction of the individual to adequately ensure the safety and welfare of clients during treatment; and (2) as defined in board regulations: (a) periodic direct supervision where the licensed acupuncturist is present or on-site during treatment; and (b) general supervision where the licensed acupuncturist is neither present nor on-site during treatment. The board must adopt regulations regarding the number of individuals who may perform auricular detoxification under a licensed acupuncturist’s supervision.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: Potential minimal increase in special fund revenues to the extent the bill encourages more individuals to register as auricular detoxification aides and renew their registrations. No effect on expenditures.

Local Effect: None.

Small Business Effect: Potential impact to the extent that this bill encourages more acupuncturists to hire auricular detoxification aides who do not require direct supervision.

Analysis

Current Law: Chapter 317 of 2001 permits the practice of auricular detoxification by specified individuals, in addition to licensed acupuncturists. It terminates September 30, 2004.

“Auricular detoxification” means an acupuncture technique involving the needling of the external auricle of the human ear for the purpose of assisting a person who is undergoing detoxification to remove addictive substances from the body and restore health.

An individual may practice auricular detoxification under the direct supervision of a licensed acupuncturist if the individual (1) is a certified or licensed alcohol, substance abuse, or chemical dependency counselor, a licensed nurse, or a licensed psychologist or licensed certified social worker-clinical who works with alcohol- or drug-addicted clients at a chemical dependency program; (2) provides documentation to the State Acupuncture Board of the successful completion of a training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that is approved by the board and meets or exceeds the standards of the National Acupuncture Detoxification Association; (3) does not represent to the public that the individual is authorized to practice acupuncture; (4) agrees to be subject to the board for disciplinary action; and (5) performs auricular detoxification only within the context of a clinical substance abuse program in a hospital, prison, outpatient clinic, or other setting approved by the board. A licensed acupuncturist may directly supervise up to three individuals performing auricular detoxification in any one setting.

The board is required to prepare an evaluation report recommending reestablishment or termination of the Act by January 1, 2004. The report must be submitted to the Governor and the General Assembly.

Background: The use of auricular (ear) acupuncture in treating acute drug withdrawal began in Hong Kong in 1972. Its practical application in alcohol and drug treatment evolved at New York City’s Lincoln Hospital during the 1970s. Over 2,000 clinics in diverse settings have since been established worldwide based upon the protocol developed by the National Acupuncture Detoxification Association.

The board reports that it has only registered four auricular detoxification aides, which it attributes to statute’s supervision requirement which results in businesses needing to hire an additional acupuncturist to supervise an auricular detoxification aide.

State Revenues: Special fund revenues could increase if the bill results in more individuals registering as auricular detoxification aides and renewing their registrations. The board charges a \$100 aide registration fee and a \$50 aide renewal fee.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; *Acupuncture: New Perspectives in Chemical Dependency Treatment*, Alex G. Brumbaugh, The Journal of Substance Abuse Treatment, February 12, 1993, V.10, No.1; Department of Legislative Services

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