

**HOUSE . . . . . No. 1880**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carole A. Fiola***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act relative to acupuncture detoxification specialists.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/15/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/18/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/31/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2019</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/18/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/19/2019</i>

**HOUSE . . . . . No. 1880**

By Ms. Fiola of Fall River, a petition (accompanied by bill, House, No. 1880) of Carole A. Fiola and others relative to acupuncture detoxification specialists. Public Health.

**The Commonwealth of Massachusetts**

In the One Hundred and Ninety-First General Court  
(2019-2020)

An Act relative to acupuncture detoxification specialists.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the general laws is hereby amended by inserting, after  
2 section 236, the following section:

3 Section 237. (a) As used in this chapter, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:

5 “Auricular acupuncture detoxification”, the treatment by means of the subcutaneous  
6 insertion of sterile, disposable acupuncture needles in consistent, predetermined bilateral  
7 locations on the ear in accordance with the NADA protocol.

8 “Acupuncture detoxification specialist”, a qualified health care professional who is  
9 registered with the department to engage in the practice of auricular acupuncture detoxification  
10 in the commonwealth under the provisions of this section.

11 “Department”, the department of public health

12 "General supervision" available by phone or other electronic means during business  
13 hours with in-person site visits as may be determined necessary by a licensed acupuncturist.

14 "Licensed acupuncturist", an individual who is registered under the provisions of sections  
15 148 to 162, inclusive, of chapter 112 to practice as a licensed acupuncturist.

16

17 "NADA training" means the standardized auricular acupuncture detoxification protocol  
18 training developed by NADA that is in effect on January 1, 2019.

19 "National Acupuncture Detoxification Association" or "NADA", the National  
20 Acupuncture Detoxification Association a non-profit organization that provides a certificate of  
21 completion for auricular acupuncture detoxification training

22 "Qualified health care professional", a qualified individual who is a: (i) licensed  
23 physician who specializes in the practice of psychiatry or addiction medicine, licensed  
24 psychologist, licensed independent clinical social worker; licensed clinical social worker,  
25 licensed mental health counselor, licensed psychiatric clinical nurse specialist, certified  
26 addictions registered nurse; licensed alcohol and drug counselor I or licensed alcohol and drug  
27 counselor II as defined in section 1 of chapter 111J, certified alcohol and drug abuse counselor I  
28 or certified alcohol and drug abuse counselor II as certified by the Massachusetts board of  
29 substance abuse counselor certification or an equivalent certifying body, or a licensed registered  
30 nurse or certified nurse practitioner by the board of registration pursuant to the provisions of  
31 chapter 112; and (ii) has received training and a certificate of completion from NADA, or from a  
32 state recognized organization or agency that meets or exceeds NADA training, to engage in the

33 practice of the standardized auricular acupuncture detoxification protocol for the treatment of  
34 addictions, mental and behavioral health, disaster relief, and emotional trauma.

35

36 (b) A qualified health care professional who desires to practice as a acupuncture  
37 detoxification specialist in the commonwealth within their designated lawful scope of practice  
38 shall file with the department an application, on a form provided by the commissioner, to be  
39 registered as a acupuncture detoxification specialist.

40 The applicant seeking to register and practice as an acupuncture detoxification specialist  
41 shall, at a minimum, furnish proof of relevant licensure or certification as a qualified health care  
42 professional as defined in this section and proof of completion of the NADA training or an  
43 equivalent training certificate by a state approved organization.

44 An acupuncture detoxification specialist registration issued under this section shall be  
45 permitted for a period of 2 years and subject to renewal as determined by the department.  
46 Applications for renewals of registration thereof shall be submitted in accordance with  
47 procedures established by the department. Each application shall be accompanied by the  
48 payment of a fee to be determined by the department.

49 The department may approve the registration of a acupuncture detoxification specialist if  
50 such applicant is registered to engage in the practice of auricular acupuncture detoxification in  
51 another state wherein the requirements for registration are deemed by the department to be  
52 equivalent to or in excess of the requirements of this chapter.

53 (c) No person who is not a licensed acupuncturist shall engage in the practice of the  
54 auricular acupuncture detoxification protocol in the commonwealth, or shall not in any manner  
55 represent themselves as an acupuncture detoxification specialist, unless the individual has been  
56 issued an approved registration by the department to practice auricular acupuncture  
57 detoxification in accordance with the provisions of this section.

58 The auricular acupuncture detoxification protocol shall only be performed in the  
59 commonwealth by a licensed acupuncturist or a qualified health care professional registered to  
60 perform the NADA protocol with the commonwealth to practice auricular acupuncture  
61 detoxification within their designated lawful scope of practice for the purpose of providing  
62 integrated health care delivery interventions in substance abuse treatment and wellness  
63 promotion including, but not limited to, treating mental and emotional health, post and acute  
64 trauma, addiction or chemical dependency.

65 (d) A qualified health care professional registered as an acupuncture detoxification  
66 specialist in accordance with the provisions of this section shall be under the general supervision  
67 of a licensed acupuncturist; provided, however, that no such individual shall use the title  
68 "acupuncturist", or otherwise represent themselves or imply that such individual is a licensed  
69 acupuncturist and shall not perform acupuncture outside of the scope of the auricular  
70 acupuncture detoxification NADA protocol as defined in this section.

71 (e) Nothing in this chapter or sections 149 to 162, inclusive, of chapter 122 shall  
72 prohibit, limit, interfere with, or prevent a registered acupuncture detoxification specialist from  
73 practicing or performing auricular acupuncture detoxification if such person is acting within the  
74 lawful scope of practice in accordance with such person's license.