

SENATE No. 1336

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/18/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/1/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/8/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>3/8/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/18/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>6/3/2019</i>

SENATE No. 1336

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1336) of Michael J. Rodrigues, Jack Patrick Lewis, Carole A. Fiola, Paul A. Schmid, III and others for legislation 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 "NADA training" means the standardized auricular acupuncture detoxification protocol
17 training developed by NADA that is in effect on January 1, 2019.

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

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

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

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

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

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

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

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

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

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