

SENATE No. 2957

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-Second General Court
(2021-2022)
—

SENATE, June 27, 2022.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to acupuncture detoxification specialists (Senate, No. 1520), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2957).

For the committee,
Michael J. Rodrigues

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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 243 the following section:-

3 Section 244. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Acupuncture detoxification specialist”, a qualified health care professional who is
6 registered with the department to engage in the practice of auricular acupuncture detoxification
7 pursuant to this section.

8 “Auricular acupuncture detoxification”, treatment by means of the subcutaneous insertion
9 of sterile, disposable acupuncture needles in consistent, predetermined bilateral locations on the
10 ear in accordance with the standardized auricular acupuncture detoxification protocol developed
11 by the National Acupuncture Detoxification Association.

“General supervision”, supervision by phone or other electronic means during business hours with in-person site visits as determined necessary by a licensed acupuncturist.

“Licensed acupuncturist”, an individual who is licensed under sections 148 to 162, inclusive, of chapter 112 to practice as a licensed acupuncturist.

“National Acupuncture Detoxification Association training”, the standardized auricular acupuncture detoxification protocol training developed by the National Acupuncture Detoxification Association, effective as of January 1, 2019.

“Qualified health care professional”, a qualified individual who: (i) is a licensed physician, licensed psychologist, licensed independent clinical social worker, licensed clinical social worker, licensed mental health counselor, licensed psychiatric clinical nurse specialist, certified addictions registered nurse, licensed alcohol and drug counselor I or licensed alcohol and drug counselor II as defined in section 1 of chapter 111J, certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor II as certified by the Massachusetts Board of Substance Abuse Counselor Certification or an equivalent certifying body or a registered nurse or nurse practitioner certified by the board of registration in nursing pursuant to chapter 112; and (ii) has received training and a certificate of completion from the National Acupuncture Detoxification Association or from a state-recognized organization or agency that meets or exceeds National Acupuncture Detoxification Association training to engage in the practice of auricular acupuncture detoxification protocol for the treatment of addictions, mental and behavioral health, trauma as a result of a disaster and other emotional trauma.

(b) An individual who is not a licensed acupuncturist shall not engage in the practice of the auricular acupuncture detoxification or represent themselves as an acupuncture detoxification

specialist unless the individual: (i) has been issued: (A) an approved registration by the department to practice auricular acupuncture detoxification in accordance with this section; or (B) a license or certificate in another state with requirements that are at least equivalent to the requirements of this section, as determined by the commissioner; and (ii) has been trained in the standardized auricular acupuncture detoxification protocol in accordance with National Acupuncture Detoxification Association training or an equivalent training certificate by a state-recognized organization.

To engage in the practice of auricular acupuncture detoxification within the individual's designated lawful scope of practice, a qualified health care professional shall file an application to register as an acupuncture detoxification specialist with the department on a form provided by the commissioner. Each application may be accompanied by the payment of a fee to be determined by the commissioner.

The applicant seeking to practice auricular acupuncture detoxification shall, at a minimum, furnish proof of: (i) relevant licensure or certification as a qualified health care professional; and (ii) completion of the National Acupuncture Detoxification Association training or an equivalent training certificate by a state-recognized organization. An applicant who is registered or certified in another state with requirements that are at least equivalent to the requirements of this section, as determined by the commissioner, shall be allowed to practice auricular acupuncture detoxification in accordance with this section. A registration issued under this section shall be valid for 2 years and subject to renewal as determined by the department.

(c) Auricular acupuncture detoxification shall only be performed by a licensed acupuncturist or a qualified health care professional within their designated lawful scope of

practice for the purpose of providing integrated health care delivery interventions in substance abuse treatment and wellness promotion including, but not limited to, treating mental and emotional health, post and acute trauma, addiction or chemical dependency.

(d) A qualified health care professional registered in accordance with this section shall only practice under the general supervision of a licensed acupuncturist; provided, however, that no such individual shall use the title “acupuncturist” or otherwise represent themselves or imply that they are a licensed acupuncturist and shall not perform or practice acupuncture outside of the scope of the auricular acupuncture detoxification as defined in this section.

(e) Nothing in this chapter or sections 149 to 162, inclusive, of chapter 112 shall prohibit, limit, interfere with or prevent a qualified health care professional from practicing or performing auricular acupuncture detoxification if the individual is acting within the lawful scope of practice in accordance with the individual’s license and the auricular acupuncture detoxification is performed in: (i) a private, freestanding facility licensed by the department that provides care or treatment for individuals with substance use disorders or other addictive disorders; (ii) a facility under the direction and supervision of the department of mental health; (iii) a setting approved or licensed by the department of mental health; or (iv) any other setting where auricular acupuncture detoxification is an appropriate adjunct therapy to a substance use disorder or behavioral health treatment program; provided, however, that individual or 1-on-1 appointments with a health care provider not within a setting pursuant to this subsection shall not be an appropriate setting in accordance with this section.

(f) The department may promulgate regulations to implement this section.

77 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
78 section 155 the following section:-

79 Section 155A. Nothing in this chapter shall prohibit, limit, interfere with or prevent a
80 licensed physician or medical acupuncturist from practicing or performing auricular acupuncture
81 detoxification, as defined in section 244 of chapter 111, if the physician or acupuncturist is
82 acting within the lawful scope of practice in accordance with their license.