

SENATE No. 1446

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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>Patrick M. O'Connor</i> | <i>First Plymouth and Norfolk</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/23/2023</i> |
| <i>Anne M. Gobi</i> | <i>Worcester and Hampshire</i> | <i>2/21/2023</i> |

SENATE No. 1446

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1446) of Patrick M. O'Connor, Jack Patrick Lewis and Anne M. Gobi for legislation relative to acupuncture detoxification specialists. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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.

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

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

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

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

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

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

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

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

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

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

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

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

76 (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.