

SENATE No. 2698

The Commonwealth of Massachusetts

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

SENATE, May 11, 2020.

The committee on Public Health to whom was referred the 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, reports recommending that the accompanying bill (Senate, No. 2698) ought to pass.

For the committee,
Joanne M. Comerford

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

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

38 The applicant seeking to register and practice as an acupuncture detoxification specialist
39 shall, at a minimum, furnish (i) proof of relevant licensure or certification as a qualified health
40 care professional and (ii) proof of completion of the NADA training or an equivalent training
41 certificate by a state approved organization. An applicant who is registered or certified in another
42 state wherein the requirements are deemed by the department to be equivalent to or in excess of
43 the requirements of this chapter shall be allowed to practice auricular acupuncture detoxification
44 within the commonwealth in accordance with the provisions of this section. A registration issued
45 under this section shall be permitted for a period of 2 years and subject to renewal as determined
46 by the department.

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

53 The auricular acupuncture detoxification protocol shall only be performed in the
54 commonwealth by a licensed acupuncturist or a qualified health care professional within their

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

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

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

76 (f) The department may promulgate regulations to implement the provisions of this
77 section.

78 SECTION 2. Chapter 122 of the General Laws is hereby amended by inserting after
79 section 155, the following section:-

80 Section 155A. Nothing in this chapter shall prohibit, limit, interfere with, or prevent a
81 licensed physician or medical acupuncturist from practicing or performing auricular acupuncture
82 detoxification, as defined in section 237 of chapter 111, if such person is acting within the lawful
83 scope of practice in accordance with such person's license.