

MAINE STATE LEGISLATURE

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STUDY
RODS

Date: 5/22/19

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 809, L.D. 1105, Bill, "An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Addiction"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Substance Use and Co-occurring Disorders'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 32 MRSA §12501, sub-§1-B is enacted to read:

1-B. Acupuncture detoxification specialist. "Acupuncture detoxification specialist" means an individual licensed under this chapter to practice auricular acupuncture detoxification.

Sec. 2. 32 MRSA §12501, sub-§6-K is enacted to read:

6-K. National acupuncture detoxification association. "National acupuncture detoxification association" means the national organization that provides training in auricular acupuncture detoxification, as specified in rules by the board.

Sec. 3. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:

SUBCHAPTER 5

**AURICULAR ACUPUNCTURE DETOXIFICATION LICENSING
REQUIREMENTS AND SCOPE OF PRACTICE**

§12551. License required; licensee title; scope of practice; limitations

1. License required. A person may not practice, offer to practice or profess to be authorized to practice auricular acupuncture detoxification or represent to the public that

COMMITTEE AMENDMENT

1 the person is an acupuncture detoxification specialist unless licensed by the board
2 pursuant to this subchapter.

3 2. Title. A person licensed under this subchapter may use the title "licensed
4 acupuncture detoxification specialist" and the designation "A.D.S." or "L.A.D.S." but
5 may not represent to the public that the person is an acupuncturist.

6 3. Scope of practice. Auricular acupuncture detoxification is the subcutaneous
7 insertion of sterile, single-use disposable acupuncture needles in consistent,
8 predetermined bilateral locations on the outer ear according to national acupuncture
9 detoxification association protocol for the purpose of treatment of substance use and
10 co-occurring disorders. The practice is limited to the outer ear.

11 4. Limitations. An acupuncture detoxification specialist:

12 A. May not perform acupuncture outside of the scope of practice of auricular
13 acupuncture detoxification;

14 B. May provide auricular acupuncture detoxification only under the general
15 supervision of a licensed acupuncturist whose license is in good standing. The
16 supervising acupuncturist must, at a minimum, be available by telephone or
17 electronic means during business hours and shall conduct at least 2 in-person visits or
18 visits through videoconferencing with the acupuncture detoxification specialist
19 during the first year the supervising acupuncturist oversees the work of the
20 acupuncture detoxification specialist; and

21 C. May provide auricular acupuncture detoxification in, or in collaboration with, a
22 program for substance use and co-occurring disorders or other state-approved
23 program. An acupuncture detoxification specialist shall provide documentation to the
24 program administrator demonstrating that the acupuncture detoxification specialist
25 possesses a record of completion of training in auricular acupuncture detoxification
26 from the national acupuncture detoxification association or completion of other
27 board-approved auricular acupuncture detoxification training.

28 **§12552. Qualifications for licensure as an acupuncture detoxification specialist**

29 1. Qualifications. To be eligible for licensure as an acupuncture detoxification
30 specialist under this subchapter, the applicant must hold a valid unrestricted Maine
31 license as a:

32 A. Certified alcohol and drug counselor or licensed alcohol and drug counselor;

33 B. Physician or physician assistant;

34 C. Nurse or nurse practitioner;

35 D. Professional counselor or clinical professional counselor;

36 E. Psychologist; or

37 F. Licensed social worker, conditional licensed social worker, licensed clinical social
38 worker or licensed master social worker, conditional.

39 2. Requirements for license. To apply for licensure under this subchapter, the
40 applicant shall submit to the board the following:

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A. Evidence of having completed training in auricular acupuncture detoxification from the national acupuncture detoxification association or other board-approved auricular acupuncture detoxification training;

B. The identity of the licensed acupuncturist who will be supervising the applicant in accordance with section 12551, subsection 4, paragraph B; and

C. A fee as set under section 12554.

§12553. Rulemaking

The board may adopt rules necessary to implement this subchapter and set standards for acupuncture detoxification specialists. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§12554. Fees and renewal

1. Fees. The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for the purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for initial and renewal licensure may not exceed \$675 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Renewal. A license issued under this subchapter expires on the stated expiration date as determined by the commissioner. To maintain licensure, prior to expiration of a license, a licensee shall apply for renewal, pay the required fee and identify the supervising licensed acupuncturist in accordance with section 12551, subsection 4, paragraph B.

3. Late renewal. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set pursuant to subsection 1. A person who submits an application for renewal more than 90 days after the date of expiration is subject to all requirements governing new applicants under this subchapter, except that the board, giving due consideration to the protection of the public, may waive any such requirement if that renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and directs the Department of Professional and Financial Regulation, Board of Complementary Health Care Providers to license acupuncture detoxification specialists. The amendment also establishes standards for the provision of auricular acupuncture detoxification.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 1105

LR 1877(02)

An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Addiction

Fiscal Note for Bill as Amended by Committee Amendment *A(H-337)*
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Professional and Financial Regulation, Board of Complementary Health Care Providers to implement the requirements of this legislation can be absorbed within existing budgeted resources. Additional revenue to the board from licensing fees can not be determined, but is expected to be minor.