

1 SENATE BILL 229

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Nicole Tobiassen

10 AN ACT

11 RELATING TO HEALTH CARE; ALLOWING PHYSICIANS TO PERFORM  
12 AURICULAR ACUPUNCTURE.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 61-14A-4 NMSA 1978 (being Laws 1993,  
16 Chapter 158, Section 12) is amended to read:

17 "61-14A-4. LICENSE REQUIRED.--

18 A. Except as provided in Subsection B of this  
19 section, unless licensed as a doctor of oriental medicine  
20 pursuant to provisions of the Acupuncture and Oriental Medicine  
21 Practice Act, no person shall:

22 [A.] (1) practice acupuncture or oriental  
23 medicine;

24 [B.] (2) use the title of or [represent  
25 himself] make any representation as being a licensed doctor of  
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1 oriental medicine or use any other title, abbreviation,  
2 letters, figures, signs or devices that indicate the person is  
3 licensed to practice as a doctor of oriental medicine; or

4 [e.] (3) advertise, hold out to the public or  
5 represent in any manner that [he] the person is authorized to  
6 practice acupuncture and or oriental medicine.

7 B. A physician licensed pursuant to the Medical  
8 Practice Act may practice auricular acupuncture to the extent  
9 that the physician's auricular acupuncture practice is  
10 consistent with the scope of practice authorized by the  
11 physician's medical license."

12 SECTION 2. Section 61-14A-4.1 NMSA 1978 (being Laws 2003,  
13 Chapter 193, Section 1, as amended) is amended to read:

14 "61-14A-4.1. CERTIFIED AURICULAR DETOXIFICATION  
15 SPECIALISTS, SUPERVISORS AND TRAINING PROGRAMS--FEES.--

16 A. A person who is not a doctor of oriental  
17 medicine, who is not a physician licensed pursuant to the  
18 Medical Practice Act or who is not a person certified as an  
19 auricular detoxification specialist pursuant to the Acupuncture  
20 and Oriental Medicine Practice Act shall not:

21 (1) practice auricular acupuncture for the  
22 treatment of alcoholism, substance abuse or chemical  
23 dependency;

24 (2) use the title of or represent as a  
25 certified auricular detoxification specialist or use any other

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title, abbreviation, letters, figures, signs or devices that indicate that the person is certified to practice as an auricular detoxification specialist; or

(3) advertise, hold out to the public or represent in any manner that the person is authorized to practice auricular detoxification.

B. The board shall issue an auricular detoxification specialist certification to a person who has paid an application fee to the board and has successfully completed all board requirements. The board shall adopt rules that require an applicant to:

(1) successfully complete the national acupuncture detoxification association training or equivalent training approved by the board that shall include clean needle technique training;

(2) demonstrate experience in treatment, disease prevention, harm reduction and counseling of people suffering from alcoholism, substance abuse or chemical dependency or become employed by a substance abuse treatment program;

(3) complete a board-approved training program that will include examinations on clean needle technique, jurisprudence and other skills required by the board; and

(4) demonstrate a record free of convictions for drug- or alcohol-related offenses for at least two

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1 consecutive years before the person applied to the board for  
2 certification.

3                   C. A certified auricular detoxification specialist  
4 is authorized to perform auricular acupuncture and the  
5 application to the ear of simple board-approved devices that do  
6 not penetrate the skin for the purpose of treating and  
7 preventing alcoholism, substance abuse or chemical dependency.  
8 The specialist shall use the five auricular point national  
9 acupuncture detoxification procedure or auricular procedures  
10 approved or established by rule of the board and shall only  
11 treat or prevent alcoholism, substance abuse or chemical  
12 dependency within a board-approved program that demonstrates  
13 experience in disease prevention, harm reduction or the  
14 treatment or prevention of alcoholism, substance abuse or  
15 chemical dependency.

16                   D. A person certified pursuant to this section  
17 shall use the title "certified auricular detoxification  
18 specialist" or "C.A.D.S." for the purpose of advertising  
19 auricular acupuncture services to the public.

20                   E. A certified auricular detoxification specialist  
21 shall apply with the board to renew the certification. The  
22 board shall for one year renew the certification of an  
23 applicant who pays a renewal fee and completes the requirements  
24 established by rule of the board. An applicant who does not  
25 apply for renewal before the last date that the certification

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1       is valid may be required to pay a late fee pursuant to a rule  
2       of the board. The board shall deem a certification for which a  
3       renewal has not been applied within sixty days of that date as  
4       expired and an applicant that seeks valid certification shall  
5       apply with the board for new certification. The board shall by  
6       rule require an applicant for renewal of the certification to  
7       demonstrate a record free of convictions for drug- or alcohol-  
8       related offenses for a minimum of one year prior to application  
9       for renewal with the board.

10           F. A certified auricular detoxification specialist  
11       shall practice under the supervision of a licensed doctor of  
12       oriental medicine registered with the board as an auricular  
13       detoxification specialist supervisor. A supervising doctor of  
14       oriental medicine shall be accessible for consultation directly  
15       or by telephone to a practicing auricular detoxification  
16       specialist. The supervising doctor of oriental medicine shall  
17       not supervise more specialists than permitted by board rule.  
18       Supervision requirements shall be provided by rule of the  
19       board.

20           G. A doctor of oriental medicine who supervises a  
21       certified auricular detoxification specialist shall apply for  
22       registration with the board. The board shall issue an  
23       auricular detoxification specialist supervisor registration to  
24       a doctor of oriental medicine who fulfills board requirements.  
25       The board shall by rule require an applicant for registration

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1 to list the certified auricular detoxification specialists that  
2 will be supervised, pay an application fee for registration and  
3 demonstrate clinical experience in treating or counseling  
4 people suffering from alcoholism, substance abuse or chemical  
5 dependency.

6                   H. A training program that educates auricular  
7 detoxification specialists for certification shall apply for  
8 approval by the board. The board shall approve a training  
9 program that fulfills the board requirements established by  
10 rule and that pays an application fee. The approval shall be  
11 valid until July 31 following the initial approval.

12                   I. A training program that is approved by the board  
13 to provide training for certification of auricular  
14 detoxification specialists shall apply to renew the approval  
15 with the board. The board shall renew the approval of a  
16 program that fulfills board requirements established by rule,  
17 and the renewal shall be valid for one year. An applicant who  
18 does not renew before the last date that the renewed approval  
19 is valid shall pay a late fee. The board shall deem a program  
20 approval that is not renewed within sixty days of that date as  
21 expired and a program that seeks board approval shall apply  
22 with the board for new approval.

23                   J. The board shall impose the following fees:

24                    (1) an application fee not to exceed one  
25 hundred fifty dollars (\$150) for auricular detoxification

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specialist certification;

(2) a fee not to exceed seventy-five dollars (\$75.00) for renewal of an auricular detoxification specialist certification;

(3) an application fee not to exceed two hundred dollars (\$200) for registration of a certified auricular detoxification specialist supervisor;

(4) an application fee not to exceed two hundred dollars (\$200) for the approval of an auricular detoxification specialist training program;

(5) a fee not to exceed one hundred fifty dollars (\$150) for the renewal of the approval of an auricular detoxification training specialist training program; and

(6) a late fee not to exceed fifty dollars (\$50.00) for applications for renewal filed after the last valid date of a registration, certification, approval or renewal issued pursuant to this section.

K. In accordance with the procedures set forth in the Uniform Licensing Act, the board may deny, revoke or suspend any certification, registration, approval or renewal that a person holds or applies for pursuant to this section upon findings by the board that the person violated any rule established by the board."