

AN ACT

H  
B

RELATING TO PROFESSIONAL LICENSURE; ESTABLISHING REQUIREMENTS AND  
PROCEDURES FOR AURICULAR DETOXIFICATION SPECIALIST CERTIFICATION,  
SUPERVISOR REGISTRATION AND TRAINING PROGRAM APPROVAL; AUTHORIZING  
FEES.

6  
7  
9  
P  
a  
g  
e

1

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

Section 1. A new section of the Acupuncture and Oriental Medicine Practice Act is enacted to read:

"CERTIFIED AURICULAR DETOXIFICATION SPECIALISTS, SUPERVISORS AND TRAINING PROGRAMS--FEES.--

A. A person who is not a doctor of oriental medicine or who is not a person certified as an auricular detoxification specialist pursuant to the Acupuncture and Oriental Medicine Practice Act shall not:

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

(2) use the title of or represent as a certified auricular detoxification specialist or use any other 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 consecutive years before the person applied to the board for certification.

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

H  
B  
  
6  
7  
9  
P  
a  
g  
e  
  
2

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

E. A certified auricular detoxification specialist shall apply with the board to renew the certification. The board shall for one year renew the certification of an applicant who pays a renewal fee and completes the requirements established by rule of the board. An applicant who does not apply for renewal before the last date that the certification is valid may be required to pay a late fee pursuant to a rule of the board. The board shall deem a certification for which a renewal has not been applied within sixty days of that date as expired and an applicant that seeks valid certification shall apply with the board for new certification. The board shall by rule require an applicant for renewal of the certification to demonstrate a record free of convictions for drug- or alcohol-related offenses for a minimum of one year prior to application for renewal with the board.

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

G. A doctor of oriental medicine who supervises a certified auricular detoxification specialist shall apply for registration with the board. The board shall issue an auricular detoxification specialist supervisor registration to a doctor of oriental

H  
B  
6  
7  
9  
P  
a  
g  
e  
3

medicine who fulfills board requirements. The board shall by rule require an applicant for registration to list the certified auricular detoxification specialists that will be supervised, pay an application fee for registration and demonstrate clinical experience in treating or counseling people suffering from alcoholism, substance abuse or chemical dependency. The registration shall be valid until July 31 following the initial registration.

H  
B  
6  
7  
9  
P  
a  
g  
e  
4

H. A doctor of oriental medicine who is registered to supervise certified auricular detoxification specialists shall apply to renew the registration annually with the board. The board shall renew the registration of an applicant who fulfills board requirements. The board shall by rule require an applicant to list the certified auricular detoxification specialists that the applicant is supervising and pay a fee for registration renewal. The renewed registration shall be valid for one year. An applicant who does not apply for renewal before the last date that the certification is valid may be required to pay a late fee pursuant to a rule of the board. The board shall deem a registration for which a renewal has not been applied within sixty days of that date as expired and an applicant that seeks valid registration shall apply with the board for new registration.

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

J. A training program that is approved by the board to provide training for certification of auricular detoxification specialists shall apply to renew the approval with the board. The board shall renew the approval of a program that fulfills board

requirements established by rule, and the renewal shall be valid for one year. An applicant who does not renew before the last date that the renewed approval is valid shall pay a late fee. The board shall deem a program approval that is not renewed within sixty days of that date as expired and a program that seeks board approval shall apply with the board for new approval.

H  
B  
6  
7  
9  
P  
a  
g  
e

K. The board shall impose the following fees:

5

- (1) an application fee not to exceed one hundred fifty dollars (\$150) for auricular detoxification 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) a fee not to exceed seventy-five dollars (\$75.00) for the renewal of the registration of a certified auricular detoxification specialist supervisor;
- (5) an application fee not to exceed two hundred dollars (\$200) for the approval of an auricular detoxification specialist training program;
- (6) 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
- (7) 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.

L. 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."

HB 679

Page 6