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HOUSE BILL 679

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

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

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:

" [NEW MATERIAL] 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

1 treatment of alcoholism, substance abuse or chemical
2 dependency;

3 (2) use the title of or represent as a
4 certified auricular detoxification specialist or use any other
5 title, abbreviation, letters, figures, signs or devices that
6 indicate that the person is certified to practice as an
7 auricular detoxification specialist; or

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

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

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

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

25 (3) complete a clean needle technique

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1 examination, a board-administered jurisprudence examination and
2 any other examination required by the board; and

3 (4) demonstrate a record free of convictions
4 for drug- or alcohol-related offenses for at least two
5 consecutive years before the person applied to the board for
6 certification.

7 C. A certified auricular detoxification specialist
8 is authorized to perform auricular acupuncture and the
9 application to the ear of simple natural devices that do not
10 penetrate the skin for the purpose of treating and preventing
11 alcoholism, substance abuse or chemical dependency. The
12 specialist shall use the five auricular point national
13 acupuncture detoxification procedure or auricular procedures
14 approved or established by rule of the board and shall only
15 treat or prevent alcoholism, substance abuse or chemical
16 dependency within an established program for the treatment or
17 prevention of alcoholism, substance abuse or chemical
18 dependency.

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

23 E. A certified auricular detoxification specialist
24 shall apply with the board to renew the certification. The
25 board shall for one year renew the certification of an

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1 applicant who pays a renewal fee and completes the requirements
2 established by rule of the board. An applicant who does not
3 apply for renewal before the last date that the certification
4 is valid shall pay a late fee. The board shall deem a
5 certification for which a renewal has not been applied within
6 sixty days of that date as expired and an applicant that seeks
7 valid certification shall apply with the board for new
8 certification. The board shall by rule require an applicant
9 for renewal of the certification to demonstrate a record free
10 of convictions for drug- or alcohol-related offenses for a
11 minimum of one year prior to application for renewal with the
12 board.

13 F. A certified auricular detoxification specialist
14 shall practice under the supervision of a licensed doctor of
15 oriental medicine. The supervising doctor of oriental medicine
16 shall be accessible for consultation directly or by telephone
17 any time treatment is performed. The supervising doctor of
18 oriental medicine shall evaluate the patient and review the
19 treatment plan for a patient at a frequency defined by rules
20 promulgated by the board. The supervising doctor of oriental
21 medicine shall not supervise more specialists than permitted by
22 board rule. Supervision requirements shall be provided by rule
23 of the board.

24 G. A doctor of oriental medicine who supervises a
25 certified auricular detoxification specialist shall apply for

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1 registration with the board. The board shall issue an
2 auricular detoxification specialist supervisor registration to
3 a doctor of oriental medicine who fulfills board requirements.
4 The board shall by rule require an applicant for registration
5 to list the certified auricular detoxification specialists that
6 will be supervised, pay an application fee for registration and
7 demonstrate clinical experience in treating or counseling
8 people suffering from alcoholism, substance abuse or chemical
9 dependency. The registration shall be valid until July 31
10 following the initial registration.

11 H. A doctor of oriental medicine who is registered
12 to supervise certified auricular detoxification specialists
13 shall apply to renew the registration annually with the board.
14 The board shall renew the registration of an applicant who
15 fulfills board requirements. The board shall by rule require
16 an applicant to list the certified auricular detoxification
17 specialists that the applicant is supervising, prepare a
18 tabulation and analysis of treatment outcomes and pay a fee for
19 registration renewal. The renewed registration shall be valid
20 for one year. An applicant who does not apply for renewal
21 before the last date that the certification is valid shall pay
22 a late fee. The board shall deem a registration for which a
23 renewal has not been applied within sixty days of that date as
24 expired and an applicant that seeks valid registration shall
25 apply with the board for new registration.

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

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

18 K. The board may require the certified auricular
19 detoxification specialist and the supervisor of the certified
20 auricular detoxification specialist to collect and present
21 tabulation and analysis of treatment outcomes data to the
22 board.

23 L. 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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1 specialist certification;

2 (2) a fee not to exceed seventy-five dollars
3 (\$75.00) for renewal of an auricular detoxification specialist
4 certification;

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

8 (4) a fee not to exceed seventy-five dollars
9 (\$75.00) for the renewal of the registration of a certified
10 auricular detoxification specialist supervisor;

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

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

17 (7) a late fee not to exceed fifty dollars
18 (\$50.00) for applications for renewal filed after the last
19 valid date of a registration, certification, approval or
20 renewal issued pursuant to this section.

21 M In accordance with the procedures set forth in
22 the Uniform Licensing Act, the board may deny, revoke or
23 suspend any certification, registration, approval or renewal
24 that a person holds or applies for pursuant to this section
25 upon findings by the board that the person violated any rule

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