

NOTE: The governor signed this measure on 6/5/2013.

An Act

SENATE BILL 13-207

BY SENATOR(S) Giron, Carroll, Crowder, Guzman, Kefalas, Newell, Nicholson, Steadman, Todd;
also REPRESENTATIVE(S) Levy, Conti, Labuda, Rosenthal, Singer.

CONCERNING THE PERFORMANCE OF AURICULAR ACUDETUX BY TRAINED MENTAL HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-29.5-105, **add** (3) as follows:

12-29.5-105. Unlawful acts - exceptions - definition.

(3) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO ARTICLE 43 OF THIS TITLE AND A CERTIFIED ADDICTION COUNSELOR III WHO IS CERTIFIED PURSUANT TO ARTICLE 43 OF THIS TITLE AND WHO HAS PROVIDED DOCUMENTATION THAT HE OR SHE HAS BEEN TRAINED TO PERFORM AURICULAR ACUDETUX IN COMPLIANCE WITH PARAGRAPH (d) OF THIS SUBSECTION (3) MAY PERFORM AURICULAR ACUDETUX. THE AURICULAR ACUDETUX MUST BE PERFORMED UNDER THE MENTAL HEALTH CARE PROFESSIONAL'S CURRENT SCOPE OF PRACTICE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) A MENTAL HEALTH PROFESSIONAL PERFORMING AURICULAR ACUDETUX PURSUANT TO THIS SUBSECTION (3) SHALL NOT USE THE TITLE "ACUPUNCTURIST" OR OTHERWISE CLAIM TO BE A PERSON QUALIFIED TO PERFORM ACUPUNCTURE BEYOND THE SCOPE OF THIS SUBSECTION (3).

(c) AS USED IN THIS SUBSECTION (3) "AURICULAR ACUDETUX" MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED BILATERAL LOCATIONS:

(I) SYMPATHETIC;

(II) SHEN MEN;

(III) KIDNEY;

(IV) LIVER; AND

(V) LUNG.

(d) IN ORDER TO PERFORM AURICULAR ACUDETUX PURSUANT TO THIS SUBSECTION (3), A MENTAL HEALTH CARE PROFESSIONAL MUST SUCCESSFULLY COMPLETE A TRAINING PROGRAM IN AURICULAR ACUDETUX FOR THE TREATMENT OF ALCOHOLISM, SUBSTANCE ABUSE, OR CHEMICAL DEPENDENCY THAT MEETS OR EXCEEDS STANDARDS OF TRAINING ESTABLISHED BY THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION OR ANOTHER ORGANIZATION APPROVED BY THE DIRECTOR.

SECTION 2. In Colorado Revised Statutes, **add** 12-43-228.5 as follows:

12-43-228.5. Auricular detox by mental health professionals - training - definition. (1) A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS ARTICLE AND A CERTIFIED ADDICTION COUNSELOR III WHO IS CERTIFIED PURSUANT TO THIS ARTICLE AND WHO HAS PROVIDED DOCUMENTATION THAT HE OR SHE HAS BEEN TRAINED TO PERFORM AURICULAR ACUDETUX IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION MAY PERFORM AURICULAR ACUDETUX. THE AURICULAR ACUDETUX MUST BE PERFORMED UNDER THE MENTAL HEALTH CARE

PROFESSIONAL'S CURRENT SCOPE OF PRACTICE.

(2) A MENTAL HEALTH CARE PROFESSIONAL PERFORMING AURICULAR ACUDETTOX PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT USE THE TITLE "ACUPUNCTURIST" OR OTHERWISE CLAIM TO BE A PERSON QUALIFIED TO PERFORM ACUPUNCTURE BEYOND THE SCOPE OF THIS SECTION.

(3) AS USED IN THIS SECTION "AURICULAR ACUDETTOX" MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED BILATERAL LOCATIONS:

- (a) SYMPATHETIC;
- (b) SHEN MEN;
- (c) KIDNEY;
- (d) LIVER; AND
- (e) LUNG.

(4) IN ORDER TO PERFORM AURICULAR ACUDETTOX PURSUANT TO SUBSECTION (1) OF THIS SECTION, A MENTAL HEALTH CARE PROFESSIONAL MUST SUCCESSFULLY COMPLETE A TRAINING PROGRAM IN AURICULAR ACUDETTOX FOR THE TREATMENT OF ALCOHOLISM, SUBSTANCE ABUSE, OR CHEMICAL DEPENDENCY THAT MEETS OR EXCEEDS STANDARDS OF TRAINING ESTABLISHED BY THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION OR ANOTHER ORGANIZATION APPROVED BY THE DIRECTOR.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2013, the sum of \$10,020, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$3,840 to the division of professions and occupations for expert consulting; and

(b) \$6,180 to the executive director's office and administrative services for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$6,180, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 4. Effective date. This act takes effect July 1, 2013.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO