



Colorado  
Legislative  
Council  
Staff

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MEMORANDUM

February 14, 2012

**TO:** Representative Claire Levy  
**FROM:** Clare Pramuk, Senior Fiscal Analyst (303-866-2677)  
**SUBJECT:** Fiscal Assessment of Proposed Amendment **HB1141\_L.005**.

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **HB12-1141**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

**Summary of Proposed Amendment**

Amendment L.005 is a strike-below amendment that expands the scope of practice for mental health professionals and nurses who have completed specific training to perform the Five-Point National Acupuncture Detoxification Association Auricular Acupuncture Protocol in conjunction with the treatment of an addiction disorder.

**Fiscal Impact of Amendment**

This amendment reduces the fiscal impact of the bill to a minimal amount that can be addressed within existing appropriations.

**Bill's Revised Fiscal Impact with Amendment**

The fiscal impact of HB12-1141 with Amendment L.005 is minimal and can be addressed within existing appropriations.



HB1141\_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health and Environment.

HB12-1141 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **12-29.5-105. Unlawful acts - exceptions.** (3) NOTWITHSTANDING  
6 ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A NURSE MAY  
7 PERFORM FIVE-POINT AURICULAR ACUDETUX PROTOCOL IN COMPLIANCE  
8 WITH SECTION 12-38-111.3 AND A MENTAL HEALTH PROFESSIONAL MAY  
9 PERFORM FIVE-POINT AURICULAR ACUDETUX PROTOCOL IN COMPLIANCE  
10 WITH SECTION 12-43-207.5.

11 **SECTION 2.** In Colorado Revised Statutes, add 12-38-111.3 as  
12 follows:

13 **12-38-111.3. Five-point NADA auricular acudetox protocol -**  
14 **nurses - definitions.** (1) A PRACTICAL OR PROFESSIONAL NURSE  
15 LICENSED PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED  
16 THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING OR  
17 EQUIVALENT TRAINING AS DETERMINED BY THE BOARD MAY PERFORM  
18 FIVE-POINT NADA AURICULAR ACUDETUX PROTOCOL ON A PATIENT WHO  
19 HAS BEEN DIAGNOSED WITH AN ADDICTION DISORDER BY A PERSON WHO  
20 IS LICENSED TO DIAGNOSE THE DISORDER AND WHEN USED EXCLUSIVELY  
21 AND SPECIFICALLY IN CONJUNCTION WITH TREATMENT OF AN ADDICTION  
22 DISORDER. THE PRACTICAL OR PROFESSIONAL NURSE SHALL PERFORM THE  
23 FIVE-POINT NADA AURICULAR ACUDETUX PROTOCOL ONLY UNDER THE  
24 DIRECT OR INDIRECT SUPERVISION OF AN ACUPUNCTURIST LICENSED IN  
25 THIS STATE WHO HAS COMPLETED THE FIVE-POINT AURICULAR ACUDETUX  
26 TRAINING OR A NADA-CERTIFIED PHYSICIAN LICENSED IN THIS STATE WHO  
27 HAS COMPLETED THE FIVE-POINT AURICULAR ACUDETUX TRAINING. THE  
28 PRACTICAL OR PROFESSIONAL NURSE SHALL PERFORM THE FIVE-POINT  
29 NADA AURICULAR ACUDETUX PROTOCOL IN A MANNER CONSISTENT WITH  
30 GENERALLY ACCEPTED PARAMETERS, INCLUDING CLEAN NEEDLE  
31 TECHNIQUES AND STANDARDS OF THE CENTER FOR COMMUNICABLE  
32 DISEASES, AND THAT MEETS SAFE AND PROFESSIONAL STANDARDS.

33 (2) AS USED IN THIS SECTION:

34 (a) "FIVE-POINT NADA AURICULAR ACUDETUX PROTOCOL" MEANS  
35 THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE  
36 NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED  
37 BILATERAL LOCATIONS:



1 (I) SYMPATHETIC;

2 (II) SHEN MEN;

3 (III) KIDNEY;

4 (IV) LIVER; AND

5 (V) LUNG.

6 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
7 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
8 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
9 REQUIRE THE PRACTICAL OR PROFESSIONAL NURSE TO HAVE AN ONGOING  
10 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
11 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
12 THE PROCEDURE.

13 (c) "NADA" MEANS THE NATIONAL ACUPUNCTURE  
14 DETOXIFICATION ASSOCIATION.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43-207.5 as  
16 follows:

17 **12-43-207.5. Five-point auricular acudetox protocol - mental**  
18 **health professionals - definitions.** (1) A PSYCHOLOGIST, SOCIAL  
19 WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL  
20 COUNSELOR, LICENSED ADDICTION COUNSELOR, OR LEVEL III CERTIFIED  
21 ADDICTION COUNSELOR, REFERRED TO COLLECTIVELY IN THIS SECTION AS  
22 "MENTAL HEALTH PROFESSIONALS", CERTIFIED OR LICENSED PURSUANT TO  
23 THIS ARTICLE WHO HAS SUCCESSFULLY COMPLETED THE NATIONAL  
24 ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING OR EQUIVALENT  
25 TRAINING AS DETERMINED BY THE DIRECTOR MAY PERFORM FIVE-POINT  
26 AURICULAR ACUDETUX PROTOCOL ON A PATIENT WHO HAS BEEN  
27 DIAGNOSED WITH AN ADDICTION DISORDER BY A PERSON WHO IS LICENSED  
28 TO DIAGNOSE THE DISORDER AND WHEN USED EXCLUSIVELY AND  
29 SPECIFICALLY IN CONJUNCTION WITH TREATMENT OF AN ADDICTION  
30 DISORDER. A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY  
31 THERAPIST, LICENSED PROFESSIONAL COUNSELOR, LICENSED ADDICTION  
32 COUNSELOR, OR LEVEL III CERTIFIED ADDICTION COUNSELOR SHALL  
33 PERFORM THE FIVE-POINT AURICULAR ACUDETUX PROTOCOL ONLY UNDER  
34 THE DIRECT OR INDIRECT SUPERVISION OF AN ACUPUNCTURIST LICENSED  
35 IN THIS STATE WHO HAS COMPLETED THE FIVE-POINT AURICULAR  
36 ACUDETUX TRAINING OR A NADA-CERTIFIED PHYSICIAN LICENSED IN THIS  
37 STATE WHO HAS COMPLETED THE FIVE-POINT AURICULAR ACUDETUX  
38 TRAINING. THE MENTAL HEALTH PROFESSIONAL SHALL PERFORM THE  
39 FIVE-POINT AURICULAR ACUDETUX PROTOCOL IN A MANNER CONSISTENT  
40 WITH GENERALLY ACCEPTED PARAMETERS, INCLUDING CLEAN NEEDLE  
41 TECHNIQUES AND STANDARDS OF THE CENTER FOR COMMUNICABLE



1 DISEASES, AND THAT MEETS SAFE AND PROFESSIONAL STANDARDS.

2 (2) AS USED IN THIS SECTION:

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4 SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE  
5 NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED  
6 BILATERAL LOCATIONS:

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13 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
14 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
15 REQUIRE THE MENTAL HEALTH PROFESSIONAL TO HAVE AN ONGOING  
16 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
17 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
18 THE PROCEDURE.

19 (c) "NADA" MEANS THE NATIONAL ACUPUNCTURE  
20 DETOXIFICATION ASSOCIATION.

21 **SECTION 4. Effective date.** This act takes effect July 1, 2012.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety."

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