

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0287.01 Kristen Forrestal

HOUSE BILL 11-1119

HOUSE SPONSORSHIP

Levy, Fields, Gardner D., McCann, Miklosi

SENATE SPONSORSHIP

(None),

House Committees

Health and Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF THE SCOPE OF PRACTICE FOR**
102 **FIVE-POINT NADA AURICULAR ACUPUNCTURE TO ADDITIONAL**
103 **TRAINED HEALTH CARE PROFESSIONALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Five-point NADA auricular acupuncture is acupuncture done on the ear that is often used to treat substance abuse, mental health, and behavioral health disorders. ("NADA" stands for "National Acupuncture Detoxification Association".) Currently, acupuncturists are the only

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

group allowed to perform this protocol. The bill allows chiropractors, physicians, physician assistants, nurses, mental health professionals, and psychiatric technicians to perform 5-point NADA auricular acupuncture if they have successfully completed the proper training.

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

2 **SECTION 1.** Part 1 of article 33 of title 12, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **12-33-112.3. Five-point NADA auricular acupuncture protocol**
6 **- chiropractors - definitions.** (1) A CHIROPRACTOR LICENSED PURSUANT
7 TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED THE NATIONAL
8 ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY PERFORM
9 FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A PATIENT
10 WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY, MENTAL
11 HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO IS
12 LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
13 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
14 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM.

15 (2) AS USED IN THIS SECTION, "FIVE-POINT NADA AURICULAR
16 ACUPUNCTURE PROTOCOL" MEANS THE SUBCUTANEOUS INSERTION OF
17 STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN FIVE CONSISTENT,
18 PREDETERMINED BILATERAL LOCATIONS IN THE OUTER EAR.

19 **SECTION 2.** 12-36-106, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **12-36-106. Practice of medicine defined - exemptions from**
22 **licensing requirements - unauthorized practice by physician**
23 **assistants - acupuncture - penalties - rules - definition - repeal.**

1 (5.5) (a) A PHYSICIAN LICENSED PURSUANT TO THIS PART 1 WHO HAS
2 SUCCESSFULLY COMPLETED THE NATIONAL ACUPUNCTURE
3 DETOXIFICATION ASSOCIATION TRAINING MAY PERFORM FIVE-POINT
4 NADA AURICULAR ACUPUNCTURE PROTOCOL ON A PERSON WHO HAS
5 BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY, MENTAL HEALTH, OR
6 BEHAVIORAL HEALTH CONDITION BY A PERSON WHO IS LICENSED TO
7 DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY AND
8 SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY, MENTAL
9 HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM.

10 (b) AS USED IN THIS SECTION, "FIVE-POINT NADA AURICULAR
11 ACUPUNCTURE PROTOCOL" MEANS THE SUBCUTANEOUS INSERTION OF
12 STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN FIVE CONSISTENT,
13 PREDETERMINED BILATERAL LOCATIONS IN THE OUTER EAR.

14 **SECTION 3.** 12-36-107.4, Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SUBSECTION to read:

16 **12-36-107.4. Physician assistant license - qualifications -**
17 **acupuncture - definitions.** (7) (a) A PHYSICIAN ASSISTANT LICENSED
18 PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED THE
19 NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY
20 PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A
21 PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
22 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
23 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
24 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
25 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
26 PHYSICIAN ASSISTANT SHALL ONLY PERFORM THE PROTOCOL UNDER THE
27 INDIRECT SUPERVISION OF AN NADA-CERTIFIED ACUPUNCTURIST, AN

1 NADA-CERTIFIED PHYSICIAN, OR A REGISTERED NADA TRAINER.

2 (b) AS USED IN THIS SECTION:

3 (I) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
4 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
5 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
6 LOCATIONS IN THE OUTER EAR.

7 (II) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
8 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
9 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
10 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
11 AND CONSENT OF THE SUPERVISOR.

12 **SECTION 4.** Part 1 of article 38 of title 12, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15 **12-38-111.3. Five-point NADA auricular acupuncture protocol**
16 **- nurses - definitions.** (1) A PROFESSIONAL OR PRACTICAL NURSE
17 LICENSED PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED
18 THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING
19 MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL
20 ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
21 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
22 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
23 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
24 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
25 PROFESSIONAL OR PRACTICAL NURSE SHALL ONLY PERFORM THE
26 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED
27 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED

1 NADA TRAINER.

2 (2) AS USED IN THIS SECTION:

3 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
4 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
5 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
6 LOCATIONS IN THE OUTER EAR.

7 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
8 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
9 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
10 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
11 AND CONSENT OF THE SUPERVISOR.

12 **SECTION 5.** Article 42 of title 12, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SECTION to read:

14 **12-42-107.5. Five-point NADA auricular acupuncture protocol**
15 **- psychiatric technicians - definitions.** (1) A PSYCHIATRIC TECHNICIAN
16 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY
17 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION
18 TRAINING MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE
19 PROTOCOL ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL
20 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY
21 A PERSON WHO IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED
22 EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL
23 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT
24 PROGRAM. A PSYCHIATRIC TECHNICIAN SHALL ONLY PERFORM THE
25 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED
26 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED
27 NADA TRAINER.

1 (2) AS USED IN THIS SECTION:

2 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
3 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
4 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
5 LOCATIONS IN THE OUTER EAR.

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 THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
10 AND CONSENT OF THE SUPERVISOR.

11 **SECTION 6.** Part 2 of article 43 of title 12, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **12-43-207.5. Five-point NADA auricular acupuncture protocol**
15 **- mental health professionals - definitions.** (1) A PSYCHOLOGIST,
16 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED
17 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR LICENSED
18 PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY COMPLETED THE
19 NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY
20 PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A
21 PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
22 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
23 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
24 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
25 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
26 PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
27 LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR SHALL

1 ONLY PERFORM THE PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN
2 NADA-CERTIFIED ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR
3 A REGISTERED NADA TRAINER.

4 (2) AS USED IN THIS SECTION:

5 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
6 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
7 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
8 LOCATIONS IN THE OUTER EAR.

9 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
10 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
11 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
12 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
13 AND CONSENT OF THE SUPERVISOR.

14 **SECTION 7. Effective date.** This act shall take effect July 1,
15 2011.

16 **SECTION 8. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.