

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 8, 2011  
Date

Committee on Health and Environment.

After consideration on the merits, the Committee recommends the following:

HB11-1119 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

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

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

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

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

22 **12-36-106. Practice of medicine defined - exemptions from**

1 **licensing requirements - unauthorized practice by physician**  
2 **assistants - acupuncture - penalties - rules - definition - repeal.**

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

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

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

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

31 (b) AS USED IN THIS SECTION:

32 (I) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"  
33 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
34 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL  
35 LOCATIONS IN THE OUTER EAR.

36 (II) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
37 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
38 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
39 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE  
40 AND CONSENT OF THE SUPERVISOR.

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

4           **12-38-111.3. Five-point NADA auricular acupuncture protocol**  
5 **- nurses - definitions.** (1) A PROFESSIONAL OR PRACTICAL NURSE  
6 LICENSED PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED  
7 THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING  
8 MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL  
9 ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,  
10 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO  
11 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY  
12 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,  
13 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A  
14 PROFESSIONAL OR PRACTICAL NURSE SHALL ONLY PERFORM THE  
15 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED  
16 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED  
17 NADA TRAINER.

18           (2) AS USED IN THIS SECTION:

19           (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"  
20 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
21 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL  
22 LOCATIONS IN THE OUTER EAR.

23           (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
24 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
25 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
26 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE  
27 AND CONSENT OF THE SUPERVISOR.

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

30           **12-42-107.5. Five-point NADA auricular acupuncture protocol**  
31 **- psychiatric technicians - definitions.** (1) A PSYCHIATRIC TECHNICIAN  
32 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY  
33 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION  
34 TRAINING MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE  
35 PROTOCOL ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL  
36 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY  
37 A PERSON WHO IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED  
38 EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL  
39 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT  
40 PROGRAM. A PSYCHIATRIC TECHNICIAN SHALL ONLY PERFORM THE

1 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED  
2 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED  
3 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 6.** Part 2 of article 43 of title 12, Colorado Revised  
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
16 read:

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

34 (2) AS USED IN THIS SECTION:

35 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"  
36 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
37 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL  
38 LOCATIONS IN THE OUTER EAR.

39 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
40 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE

1 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
2 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE  
3 AND CONSENT OF THE SUPERVISOR.

4           **SECTION 7. Effective date.** This act shall take effect July 1,  
5 2011.

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

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