

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0361.01 Kristen Forrestal x4217

HOUSE BILL 12-1141

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HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Nicholson,

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House Committees  
Health and Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF THE SCOPE OF PRACTICE OF  
102 ADDITIONAL TRAINED HEALTH CARE PROFESSIONALS TO  
103 INCLUDE FIVE-POINT AURICULAR ACUDETOK.

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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 auricular acudetox is acupuncture done on the ear that is often used to treat substance abuse, mental health, and behavioral health disorders. The bill allows mental health professionals and psychiatric technicians to perform five-point auricular acudetox if they

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.*

have successfully completed the proper training.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-42-107.5 as  
3 follows:

4           **12-42-107.5. Five-point auricular acudetox protocol -**  
5 **psychiatric technicians - definitions.** (1) A PSYCHIATRIC TECHNICIAN  
6 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY  
7 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION  
8 TRAINING OR EQUIVALENT TRAINING AS DETERMINED BY THE DIRECTOR  
9 MAY PERFORM FIVE-POINT AURICULAR ACUDETUX PROTOCOL ON A  
10 PATIENT WHO HAS BEEN DIAGNOSED WITH AN ADDICTION DISORDER BY A  
11 PERSON WHO IS LICENSED TO DIAGNOSE THE DISORDER AND WHEN USED  
12 EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH TREATMENT OF  
13 AN ADDICTION DISORDER. A PSYCHIATRIC TECHNICIAN SHALL PERFORM  
14 THE FIVE-POINT AURICULAR ACUDETUX PROTOCOL ONLY UNDER THE  
15 DIRECT OR INDIRECT SUPERVISION OF AN ACUPUNCTURIST LICENSED IN  
16 THIS STATE WHO HAS COMPLETED THE FIVE-POINT AURICULAR ACUDETUX  
17 TRAINING OR A NADA-CERTIFIED PHYSICIAN LICENSED IN THIS STATE WHO  
18 HAS COMPLETED THE FIVE-POINT AURICULAR ACUDETUX TRAINING. THE  
19 PSYCHIATRIC TECHNICIAN SHALL PERFORM THE FIVE-POINT AURICULAR  
20 ACUDETUX PROTOCOL IN A MANNER CONSISTENT WITH GENERALLY  
21 ACCEPTED PARAMETERS, INCLUDING CLEAN NEEDLE TECHNIQUES AND  
22 STANDARDS OF THE CENTER FOR COMMUNICABLE DISEASES, AND THAT  
23 MEETS SAFE AND PROFESSIONAL STANDARDS.

24           (2) AS USED IN THIS SECTION:

25           (a) "FIVE-POINT AURICULAR ACUDETUX PROTOCOL" MEANS THE

1 SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE  
2 NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED  
3 BILATERAL LOCATIONS:

- 4 (I) SYMPATHETIC;
- 5 (II) SHEN MEN;
- 6 (III) KIDNEY;
- 7 (IV) LIVER; AND
- 8 (V) LUNG.

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 THE PSYCHIATRIC TECHNICIAN TO HAVE AN ONGOING  
13 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
14 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
15 THE PROCEDURE.

16 (c) "NADA" MEANS THE NATIONAL ACUPUNCTURE  
17 DETOXIFICATION ASSOCIATION.

18 **SECTION 2.** In Colorado Revised Statutes, 12-42-114, **add** (7)  
19 as follows:

20 **12-42-114. Withholding or denial of license - hearing.** (7) IF  
21 THE BOARD DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE GROUNDS  
22 FOR DISCIPLINE EXIST PURSUANT TO SUBSECTION (1) OF THIS SECTION AND  
23 THE ISSUE IS RELATED TO THE PERFORMANCE OF FIVE-POINT AURICULAR  
24 ACUETOX PURSUANT TO SECTION 12-42-107.5, THE BOARD SHALL  
25 CONSULT WITH AN ACUPUNCTURIST LICENSED IN THIS STATE WHO HAS  
26 COMPLETED THE FIVE-POINT AURICULAR ACUETOX TRAINING.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43-207.5 as

1 follows:

2 **12-43-207.5. Five-point auricular acudetox protocol - mental**  
3 **health professionals - definitions.** (1) A PSYCHOLOGIST, SOCIAL  
4 WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL  
5 COUNSELOR, OR ADDICTION COUNSELOR CERTIFIED OR LICENSED  
6 PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY COMPLETED THE  
7 NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING OR  
8 EQUIVALENT TRAINING AS DETERMINED BY THE DIRECTOR MAY PERFORM  
9 FIVE-POINT AURICULAR ACUDETUX PROTOCOL ON A PATIENT WHO HAS  
10 BEEN DIAGNOSED WITH AN ADDICTION DISORDER BY A PERSON WHO IS  
11 LICENSED TO DIAGNOSE THE DISORDER AND WHEN USED EXCLUSIVELY AND  
12 SPECIFICALLY IN CONJUNCTION WITH TREATMENT OF AN ADDICTION  
13 DISORDER. A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY  
14 THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION  
15 COUNSELOR SHALL PERFORM THE FIVE-POINT AURICULAR ACUDETUX  
16 PROTOCOL ONLY UNDER THE DIRECT OR INDIRECT SUPERVISION OF AN  
17 ACUPUNCTURIST LICENSED IN THIS STATE WHO HAS COMPLETED THE  
18 FIVE-POINT AURICULAR ACUDETUX TRAINING OR A NADA-CERTIFIED  
19 PHYSICIAN LICENSED IN THIS STATE WHO HAS COMPLETED THE FIVE-POINT  
20 AURICULAR ACUDETUX TRAINING. THE MENTAL HEALTH PROFESSIONAL  
21 SHALL PERFORM THE FIVE-POINT AURICULAR ACUDETUX PROTOCOL IN A  
22 MANNER CONSISTENT WITH GENERALLY ACCEPTED PARAMETERS,  
23 INCLUDING CLEAN NEEDLE TECHNIQUES AND STANDARDS OF THE CENTER  
24 FOR COMMUNICABLE DISEASES, AND THAT MEETS SAFE AND PROFESSIONAL  
25 STANDARDS.

26 (2) AS USED IN THIS SECTION:

27 (a) "FIVE-POINT AURICULAR ACUDETUX PROTOCOL" MEANS THE

1 SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE  
2 NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED  
3 BILATERAL LOCATIONS:

- 4 (I) SYMPATHETIC;
- 5 (II) SHEN MEN;
- 6 (III) KIDNEY;
- 7 (IV) LIVER; AND
- 8 (V) LUNG.

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 THE MENTAL HEALTH PROFESSIONAL TO HAVE AN ONGOING  
13 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
14 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
15 THE PROCEDURE.

16 (c) "NADA" MEANS THE NATIONAL ACUPUNCTURE  
17 DETOXIFICATION ASSOCIATION.

18 **SECTION 4.** In Colorado Revised Statutes, 12-43-224, **add** (1)  
19 (d) as follows:

20 **12-43-224. Disciplinary proceedings - judicial review - mental**  
21 **and physical examinations - multiple licenses.** (1) (d) IF THE BOARD  
22 THAT LICENSES, REGISTERS, OR CERTIFIES THE LICENSEE, REGISTRANT, OR  
23 CERTIFICATE HOLDER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE  
24 GROUNDS FOR DISCIPLINE EXIST PURSUANT TO PARAGRAPH (a) OF THIS  
25 SUBSECTION (1) AND THE ISSUE IS RELATED TO THE PERFORMANCE OF  
26 FIVE-POINT AURICULAR ACUETOX PURSUANT TO SECTION 12-43-207.5,  
27 THE BOARD SHALL CONSULT WITH AN ACUPUNCTURIST LICENSED IN THIS

1 STATE WHO HAS COMPLETED THE FIVE-POINT AURICULAR ACUDET  
2 TRAINING.

3 **SECTION 5. Effective date.** This act takes effect July 1, 2012.

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