

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0900.01 Kristen Forrestal x4217

SENATE BILL 13-207

SENATE SPONSORSHIP

Giron,

HOUSE SPONSORSHIP

Levy,

Senate Committees
Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PERFORMANCE OF AURICULAR ACUDETOK BY**
102 **TRAINED MENTAL HEALTH PROFESSIONALS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill allows a licensed, registered, or certified mental health care professional, who has been appropriately trained, to perform auricular acudetox. The auricular acudetox must be performed within the health care professional's current scope of practice.

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.

SENATE
Amended 2nd Reading
April 18, 2013

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

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

4 **12-29.5-105. Unlawful acts - exceptions - definition.**

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

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

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

- 22 (I) SYMPATHETIC;
- 23 (II) SHEN MEN;
- 24 (III) KIDNEY;
- 25 (IV) LIVER; AND
- 26 (V) LUNG.

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

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

10 **12-43-228.5. Auricular detox by mental health professionals -**
11 **training.** (1) A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED
12 PURSUANT TO THIS ARTICLE AND A CERTIFIED ADDICTION COUNSELOR III
13 WHO IS CERTIFIED PURSUANT TO THIS ARTICLE AND WHO HAS PROVIDED
14 DOCUMENTATION THAT HE OR SHE HAS BEEN TRAINED TO PERFORM
15 AURICULAR ACUDETUX IN ACCORDANCE WITH SUBSECTION (4) OF THIS
16 SECTION MAY PERFORM AURICULAR ACUDETUX. THE AURICULAR
17 ACUDETUX MUST BE PERFORMED UNDER THE MENTAL HEALTH CARE
18 PROFESSIONAL'S CURRENT SCOPE OF PRACTICE.

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

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

1 (I) SYMPATHETIC;

2 (II) SHEN MEN;

3 (III) KIDNEY;

4 (IV) LIVER; AND

5 (V) LUNG.

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

13 **SECTION 3. Appropriation.** (1) In addition to any other
14 appropriation, there is hereby appropriated, out of any moneys in the
15 division of professions and occupations cash fund created in section
16 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise
17 appropriated, to the department of regulatory agencies, for the fiscal year
18 beginning July 1, 2013, the sum of \$10,020, or so much thereof as may
19 be necessary, to be allocated for the implementation of this act as follows:

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

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

24 (2) In addition to any other appropriation, there is hereby
25 appropriated to the department of law, for the fiscal year beginning July
26 1, 2013, the sum of \$6,180, or so much thereof as may be necessary, for
27 the provision of legal services for the department of regulatory agencies

1 related to the implementation of this act. Said sum is from reappropriated
2 funds received from the department of regulatory agencies out of the
3 appropriation made in paragraph (b) of subsection (1) of this section.

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

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