

CHAPTER 449
FORMERLY
SENATE BILL NO. 323

AN ACT TO AMEND TITLE 24, CHAPTER 17, OF THE DELAWARE CODE
RELATING TO THE MEDICAL PRACTICE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1797(a)(1), Title 24 of the Delaware Code, by adding after the word “Acupuncture” and before the words “refers to” the words “is the stimulation of points on the body by the insertion and manipulation of acupuncture needles using both traditional and modern scientific methods of evaluation and point selection. It also”.

Section 2. Amend §1797(a)(5)a, Title 24 of the Delaware Code, by adding after the words “means the use” and before the words “of oriental medical therapies” the words “ of needles or”.

Section 3. Amend Title 24, Chapter 17, Subchapter X, of the Delaware Code, by adding a new section 1799F to read as follows:

“§ 1799F. Acupuncture Detoxification Specialist (ADS); License required.

(a) An individual who is not licensed as an acupuncturist under this subchapter shall not practice as an acupuncture detoxification specialist using the National Acupuncture Detoxification Association (NADA) or equivalent organization’s auricular point protocol for the purpose of treating alcoholism, nicotine dependency, substance abuse, or chemical dependency in the State of Delaware without first obtaining a license issued by the Board upon the recommendation of the Council. Applications for licensure shall be upon written forms provided by the Council and Board and upon payment of a fee established by the Division of Professional Regulation. An applicant for a license to practice as an acupuncture detoxification specialist pursuant to the NADA or equivalent organization auricular point protocol in Delaware must meet the following criteria:

(1) Has successfully completed the NADA auricular point protocol training program or an equivalent training program satisfactory to the Council and Board for the treatment of alcoholism, nicotine dependency, substance abuse, or chemical dependency that meets or exceeds the standards of training set by the National Acupuncture Detoxification Association (NADA) including instruction in clean needle technique;

(2) Maintains current certification from the NADA or an equivalent organization satisfactory to the Board that meets or exceeds the standards of training set by NADA;

(3) Must provide evidence of a current license or certificate in good standing in a healthcare related profession as approved by the Council and the Board. However, individuals providing evidence of NADA certification obtained prior to the date of the enactment of this legislation shall not be required to provide evidence of licensure or certification in a healthcare profession:

(4) Performs the auricular point protocol within a state, federal, or board approved alcohol, substance abuse, or chemical dependency program or other Council and Board approved healthcare setting; and

(5) Is in good standing as defined in § 1798(a)(4)-(7) of this title.

(b) Waiver of requirements. -- The Acupuncture Advisory Council, by the affirmative vote of 3 of its members and with the approval of the Board, may waive any of the requirements of subsection (a) of this section if it finds all of the following by clear and convincing evidence:

(1) The applicant's education, training, qualifications and conduct have been sufficient to overcome the deficiency or deficiencies in meeting the requirements of this section;

(2) The applicant is capable of practicing as an acupuncture detoxification specialist in a competent and professional manner;

(3) The granting of the waiver will not endanger the public health, safety, or welfare; and

(4) For waiver of a crime substantially related to the practice of acupuncture, more than 5 years have elapsed since the applicant has fully discharged all imposed sentences. As used herein, the term "sentence" includes, but is not limited to, all periods of modification of a sentence, probation, parole or suspension. However, "sentence" does not include fines, restitution or community service, as long as the applicant is in substantial compliance with such fines, restitution and community service.

(c) ADS are prohibited from needling any body acupuncture points and may not advertise themselves as acupuncturists.

(d) ADS shall be subject to the disciplinary provisions of § 1798(e).

(e) Each license shall be renewed biennially, in such manner as is determined by the Division, and upon payment of the appropriate fee and submission of a renewal form provided by the Division and proof of current NADA or equivalent approved organization certification.

Approved July 27, 2010