

**Vermont Secretary of State
Office of Professional Regulation
ADMINISTRATIVE RULES FOR LICENSED ACUPUNCTURISTS**

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guardian.

The Director may audit a licensed acupuncturist's records of information disclosure. Individuals to be audited may be selected at random.

Part 4: Certification of Acupuncture Detoxification Technicians

4.1. The titles "Acupuncture Detoxification Technician" ("ADT") and "Certified Acupuncture Detoxification Technician" ("CADT") may only be used by persons certified pursuant to the Act and these rules who practice auricular (ear) detoxification therapy. Certification as an ADT does not entitle a person to use the title "Acupuncturist" or "Licensed Acupuncturist."

4.2. As used in these rules "Auricular Acupuncture" means the insertion of disposable single use acupuncture needles at a specified combination of points, on the surface of the outer ear, according to the protocol of the National Acupuncture Detoxification Association, for the purpose of facilitating the detoxification treatment and rehabilitation of substance abusers.

4.3. An acupuncture detoxification technician shall insert disposable single use acupuncture needles in the auricle of the ear only. **Under no condition is any needle to be used more than one time.** These rules prohibit the use of reusable needles which have been re-sterilized. The points where a technician shall insert needles are limited specifically to the points known as Shen Men, Lung, Liver, Kidney, and Sympathetic as described and located by the National Acupuncture Detoxification Association (NADA) or other national entity approved by the Director of the Office of Professional Regulation ("Director").

4.4. A certified acupuncture detoxification technician (ADT) shall provide auricular detoxification acupuncture services only in state, federal or Director approved sites. For purposes of these rules, a state or federal "approved site" is an alcoholism, drug or chemical dependency treatment program which receives federal or state funds. Acupuncture detoxification technicians may practice acupuncture detoxification therapy only under the supervision of an acupuncturist licensed under this chapter and certified by the National Acupuncture Detoxification Association.

4.5. Practitioners certified as ADT's shall keep records of patient care which at a minimum shall include the dates of treatment, the purpose for the treatment, the name of the patient, the points used, and the name, signature, and title of the certificate-holder.

4.6. An alcoholism, substance abuse, or chemical dependency program which receives federal or state funds, or is approved by the Vermont Department of Health for treatment of alcoholism, substance abuse, or chemical dependency, or which works in collaboration with any of the aforementioned programs will be acceptable to the Director as a site where acupuncture detoxification may be performed.

4.7. Supervision:

- (a) No Acupuncture Detoxification Technician shall practice acupuncture detoxification therapy except under the supervision of an acupuncturist who is:
 - A. licensed and in good standing under Chapter 75 of Title 26 and;
 - (2) certified by the National Acupuncture Detoxification Association.
- (b) Supervision. The Director may approve a Vermont licensed acupuncturist to supervise a certified ADT if the acupuncturist:
 - (1) Has been a licensed acupuncturist for at least 2 years;
 - (2) Is certified by the National Acupuncture Detoxification Association;
 - (3) Submits to the Director a completed supervision agreement on a form provided by the Director.

4.8. Supervision of Acupuncture Detoxification Technicians:

- (a) A licensed acupuncturist supervising an ADT shall be available in person, by phone, or electronically during normal working hours, and shall meet onsite with certificate holders as appropriate to assess compliance with these laws and rules.
- (b) The licensed acupuncturist must exercise professional judgment when determining the number of technicians he or she can safely and effectively supervise to ensure that quality care is provided at all times.
- (c) The licensed supervising acupuncturist is responsible for the professional conduct of a technician functioning in the acupuncture setting and performing procedures as permitted by these rules.

4.9. Limitations:

Duties or functions that an acupuncture detoxification technician may not perform include, but are not limited to:

- (A) Interpretation of referrals or prescriptions for acupuncture services;
- (B) Evaluative procedures;
- (C) Development, planning, adjusting or modification of acupuncture treatment procedures;
- (D) Acting on behalf of the acupuncturist in any matter related to direct patient care that requires judgement or decision making; and
- (E) Any acupuncture service performed independently for any purpose, or detoxification therapy for the treatment of alcoholism, substance abuse or chemical dependence performed with no supervision from a licensed acupuncturist.

4.10. Application for Acupuncture Detoxification Technician Certificate:

- (a) To qualify as an acupuncture detoxification technician, an applicant shall work in, or in collaboration with, a comprehensive addiction treatment program, and have successfully completed the NADA acupuncture protocol or one which meets or exceeds NADA standards of training.
- (b) To be certified as an acupuncture detoxification technician to provide auricular acupuncture detoxification therapy in alcoholism, substance abuse, or chemical dependency programs, an applicant shall submit an application packet to the Director which shall include:
 - (1) An application, on a form provided by the Director;
 - (2) A Supervision Agreement on a form provided by the director containing the name, address, telephone number and Vermont license number of the licensed acupuncturist in good standing who will supervise the applicant, signed by the supervising Acupuncturist indicating acceptance of the terms of supervision according to these rules and acupuncture statutes, Chapter 75 of Title 26.
 - (3) The appropriate application fees prescribed by subsection 125(b) of Title 3; (4) Documentation of successful completion of a Director-approved training program in auricular acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency which meets or exceeds standards of training established by the National Acupuncture Detoxification Association.

4.11. Denial of Certification

If the Director denies an application for acupuncture detoxification certification, the Director will give specific reasons in writing and inform the applicant of the right to appeal this decision to an Administrative Law Officer. After giving the applicant an opportunity to present the application and any additional information, the Administrative Law Officer will affirm, reverse, or modify the Director's preliminary decision. Decisions of the Administrative Law Officer may be appealed to the Washington Superior Court.

4.12. Certificate:

The certificate shall be posted in a conspicuous place accessible to the public.

- (a) The certificate shall be posted in a conspicuous place accessible to the public.
- (b) The certificate holder shall notify the Office prior to any change in the facility name or change in the ADT's name, address or telephone number.
- (c) The certificate holder shall notify the Office in writing of any proposed change of site at least 30 days prior to the effective date of such proposed change.
- (d) Every person who holds an ADT certificate shall inform the Office of any change of address or any other change of information, including but not limited to a change of employment, required for certification pursuant to the Act and these Rules.

- (e) No person certified under these rules shall practice acupuncture detoxification therapy until the Director has approved the ADT's supervisor and program.

4.13. Disclosure of Information Before Treatment:

- (a) An Individual practicing as an ADT under the provisions of this chapter shall ensure that any patient receiving such treatment is notified in writing of
 - (1) the qualifications of the individual providing the acu-detox treatment, and
 - (2) the process for filing complaints with the Office of Professional Regulation. (b) The ADT shall ensure that a copy of the notification is retained in the patient's record.
- (b) Any person who undergoes auricular (ear) detoxification must indicate in writing prior to such a procedure that he or she has been advised of the following:
 - (1) that the acupuncture detoxification technician is not licensed to practice medicine in the State of Vermont;
 - (2) that the acupuncture detoxification technician is not licensed to practice acupuncture in the State of Vermont;
 - (3) that the acupuncture detoxification technician is not making a diagnosis of the person's disease or medical condition; and
 - (d) An acupuncture detoxification technician is strictly limited to five ear points treatment for detoxification for substance abuse, chemical dependency, or both.
 - (e) Persons licensed to practice acupuncture or auricular (ear) detoxification must use a Director approved, standardized "disclosure of information" form for each person treated. The form shall be signed and dated by both practitioner and patient prior to the rendering of services.

4.14. Unauthorized Practice of Acupuncture and Auricular Detoxification Therapy Prohibited. Exemptions:

- (a) No person shall:
 - (1) Practice acupuncture in Vermont without a license or practice auricular detoxification therapy without a certificate issued under Chapter 75 of Title 26; or
 - (2) Represent himself or herself to be an Acupuncture Detoxification Technician if he or she is not certified under the Act.
- (b) The following persons are exempt from licensure to practice acupuncture or auricular detoxification therapy in Vermont:
 - (1) Persons who are licensed or certified to perform acupuncture in any other jurisdiction where such persons are doing so in Vermont in the course of regular instruction in a Director-approved educational program of acupuncture or in an educational seminar of a Director-approved professional organization of acupuncture; provided that in the latter case, the practice is supervised directly by a person licensed to practice acupuncture pursuant to the Act;

4.15. Disposal of Biohazard Material and Clean Needle Inventory Records and Used Needle Inventory Records

- (a) Disposable single use acupuncture needles are to be used in all acupuncture detoxification therapy. Disposable single use acupuncture needles are considered biohazard waste materials and must be disposed of in accordance with all applicable federal and state laws, rules and regulations. To further ensure the public health and safety of the citizens of Vermont, persons certified under these rules must keep accurate medical and office records that reflect the following detailed information:
 - (1) Documented disposal of all needles and method of disposal.
- (b) Acupuncture detoxification technicians shall ensure that disposable single use needles are stored safely and disposed of in compliance with state and federal laws.

4.16. Renewal of Certification Biennially:

Certificate holders renew on a fixed biennial schedule: January 31 of the even-numbered years. Initial certificates issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. The certificate will be issued through the next full license period. Applicants issued an initial certificate more than 90 days prior to the

renewal expiration date will be required to renew and pay the renewal fee. Before the expiration date, the Office will mail a renewal application and notice of the renewal fee. Certification will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

4.17. Unprofessional Conduct and Complaints:

- (a) No person certified under this section shall engage in unprofessional conduct as defined in 26 V.S.A. ' 3410 and 3 V.S.A. § 129a, or as defined elsewhere in Vermont Statutes which may apply to him or her, through another professional license, certification or registration.
- (b) The Office of Professional Regulation will investigate any complaint filed against an ADT or the supervising licensed acupuncturist.

4.18 Other Resources and Suggestions:

In addition to familiarity with Exposure Control Procedures which are part of ADT training, practitioners should to refer to the Centers for Disease Control's "Exposure to Blood: What Every Health Care worker needs to know" found at http://www.cdc.gov/ncidod/hip/Blood/Exp_to_Blood.pdf for the most up to date information on exposure procedures. Note: If information differs from information contained in the NADA protocol, follow these guidelines.

Suggestion from the Department of Health: Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin.

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