STATE OF NEW YORK

7867--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the practice of acupuncture and certain exemptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 8216 of the education law is amended by adding a new subdivision 9 to read as follows:

(9) (a) A person who does not otherwise possess the credentials or qualifications required for the practice of acupuncture prescribed by this article or the regulations promulgated hereunder or any other law may engage in the practice of auriculotherapy, otherwise known as "ear acupuncture", if such person:

(i) Has appropriate training in clean needle techniques;

(ii) Employs sterile, single-use needles, without reuse;

(iii) Does not purport to diagnose or treat any disease, disorder, infirmity, or affliction;

(iv) Does not use any letters, words, or insignia indicating or implying that the person is an acupuncturist;

(v) Makes no statement implying that such person's practice of auriculotherapy is licensed, certified, or otherwise overseen by the state;

(vi) Conducts the practice of auricular acupuncture only under the general supervision of a person who is licensed to practice acupuncture pursuant to this article. As used in this subdivision, "general supervision" includes, but is not limited to, availability of a licensed acupuncturist by phone or other electronic means during business hours, with at least one on-site visit by a licensed acupuncturist per year.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(b) Treatment by an auricular therapist pursuant to this subdivision shall be strictly limited to the insertion of disposable sterile acupuncture needles into, and limited only to, the ear. The application or insertion of needles anywhere else on the body of another person by a person described in paragraph (a) of this subdivision shall be considered engaging in the practice of acupuncture without a license.

(c) The department, in cooperation with the relevant professional regulatory boards, shall monitor and evaluate whether persons engaging in the practice of ear acupuncture pursuant to this subdivision and employing such ear acupuncture as a therapeutic modality are doing so safely, within their scopes of practice, and in a manner consistent with the public health, safety, and welfare.

§ 2. This act shall take effect immediately.