STATE OF NEW YORK

3523

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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. Subdivision 4 of section 8216 of the education law, as amended by chapter 773 of the laws of 1990, is amended to read as follows:

(4) 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 but [~~who is authorized by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health to provide treatment for alcoholism, substance dependence, or chemical dependency in a hospital or clinical program which has been approved for such treatment by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health and who has been trained to practice acupuncture for the treatment of alcoholism, substance dependence, or chemical dependency through an educational program acceptable to the education department may nevertheless practice acupuncture provided such practice is limited to the treatment of alcoholism, substance dependence, or chemical dependency in such clinical or hospital programs, or in a program that if statutorily exempt from such approval meets standards approved by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health, and further provided that such practice is done in accordance with regulations promulgated by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health. Such person shall work only under the general supervision of a physician or dentist certified to practice acupuncture~~

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

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~~or an individual licensed to practice acupuncture in the state of New York pursuant to this article~~] may be trained by the National Acupuncture Detoxification Association (NADA), or other equivalent training body approved by the department, and practice a standardized protocol for well-being and behavioral health conditions, including prevention and treatment of substance use disorder, under the general supervision of licensed and certified health professionals or NADA registered trainers. Notwithstanding any other law, rule or regulation to the contrary, persons authorized on or before the effective date of this article to practice acupuncture for the treatment of alcoholism, substance dependence, or chemical dependency within a hospital or clinical program which has been approved for such treatment by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health may nevertheless continue to practice acupuncture under the provisions of this subdivision;

§ 2. This act shall take effect immediately.