

## WSR 24-13-118

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed June 20, 2024, 8:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-17-077.

Title of Rule and Other Identifying Information: Allowing virtual training for point injection therapy for acupuncture and Eastern medicine. The department of health (department), in collaboration with the acupuncture and Eastern medicine advisory committee, is proposing to amend WAC 246-803-040 Education and training for point injection therapy, to allow a minimum of eight hours of didactic education to occur through live interactive webinar.

Hearing Location(s): On August 1, 2024, at 11:00 a.m., at the Washington Department of Health, Town Center 2 Room 166/167, 111 Israel Road S.E., Tumwater, WA 98501; or via Zoom link. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_pJnVktjsR-6MHvTBONjAWQ](https://us02web.zoom.us/webinar/register/WN_pJnVktjsR-6MHvTBONjAWQ). After registering, you will receive a confirmation email containing information about joining the webinar. The department will be offering a hybrid hearing. You may attend virtually or in person. You may also submit comments in writing.

Date of Intended Adoption: August 8, 2024.

Submit Written Comments to: Adriana Barcena, P.O. Box 47852, Olympia, WA 98504-7852, <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, email [adriana.barcena@doh.wa.gov](mailto:adriana.barcena@doh.wa.gov), beginning on the date and time of this filing, by August 1, 2024, at midnight.

Assistance for Persons with Disabilities: Contact Adriana Barcena, phone 360-236-4865, fax 360-236-2901, TTY 711, email [adriana.barcena@doh.wa.gov](mailto:adriana.barcena@doh.wa.gov), by July 29, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department received a rule petition on June 2, 2023, asking for rule making for point injection therapy training flexibility from the Washington acupuncture and Eastern medicine association (WAEMA) and from an individual who provides point injection therapy education and training.

In consultation with the acupuncture and Eastern medicine advisory committee, the department is proposing to amend WAC 246-803-040. The proposal will require an acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy to continue to complete 24 hours of training; however, not all training must be in-person. The department is proposing:

- Sixteen hours must be in-person, and eight of these hours must be hands-on clinical practical experience; and
- The remaining eight hours may be obtained through live interactive webinar or in-person.

While the proposal does not reflect the exact changes that the petitioner requested, a hybrid approach is being proposed which allows flexibility. The practitioner will be able to attend eight hours of online training, reducing the number of travel days which is intended to provide a cost savings while maintaining patient safety.

Reasons Supporting Proposal: Due to the coronavirus disease 2019 (COVID-19) pandemic, the education and training for point injection therapy was difficult to achieve. A hybrid course, with an online portion covering the lectures and safety topics up to eight hours and the remaining 16 hours to cover the required in-person hands-on training,

was implemented. This was intended to cut costs as well as travel time, limit close contact, and increase accessibility for licensees hoping to get trained to practice point injection therapy in this state.

The department and the acupuncture and Eastern medicine advisory committee took this experience into consideration, yet determined that online interactive webinar education should be limited to eight hours with the remaining 16 hours to be in person for the point injection therapy education and training.

The reduction of in-person hours may be a cost savings but this needs to be balanced with patient safety.

Statutory Authority for Adoption: RCW 18.06.160 and 18.06.230.

Statute Being Implemented: RCW 18.06.160 and 18.06.230.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Adriana Barcena, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4865.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Adriana Barcena, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email adriana.barcena@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3).

Is exempt under RCW 19.85.025(4).

Explanation of Exemption(s): The proposed rule does not affect small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

June 20, 2024  
 Kristin Peterson, JD  
 Chief of Policy  
 for Umair A. Shah, MD, MPH  
 Secretary

## OTS-5103.2

AMENDATORY SECTION (Amending WSR 22-12-018, filed 5/23/22, effective 7/1/22)

**WAC 246-803-040 Education and training for point injection therapy.** Acupuncturist or acupuncture and Eastern medicine practitioners employing point injection therapy shall use only those substances and techniques for which they have received training.

(1) The education and training for point injection therapy must:

(a) Consist of a minimum total of 24 (~~contact~~) hours (~~of training~~) in the topics required in this section(~~(+)~~);

(i) Sixteen hours must be in-person; eight hours of which must be hands-on clinical practical experience; and

(ii) The remaining eight hours may be obtained through live interactive webinar or in-person.

~~(b) ((Include at least eight hours of clinical practical experience; and~~

~~(c))~~ Be administered by an instructor that meets the requirements of subsection ~~((4))~~ (3) of this section.

(2) A curriculum for a point injection therapy training program must include all of the following:

(a) Review of physical examination, contraindications and universal precautions, and differential diagnosis;

(b) Compounding and administration of the substances authorized for point injection therapy under WAC 246-803-030, including aseptic technique, recordkeeping and storage of substances authorized for use in point injection therapy;

(c) Use of local anesthetics, such as lidocaine and procaine, for reduction of pain during point injection therapy, consistent with the practice of acupuncture and Eastern medicine;

(d) Emergency procedures to include the use of oxygen and epinephrine for potential emergency purposes, such as an allergic or adverse reaction, for patient care and safety; and

(e) Point injection therapy techniques and contraindication within the acupuncture or Eastern medicine scope of practice relative to the authorized substances listed in WAC 246-803-030 (13)(a)(i) through (vi).

~~(3) ((All training must be delivered in person and not through webinar or other online or distance learning method.~~

~~(4))~~ An instructor for point injection therapy must have:

(a) A health care credential in good standing with a scope of practice that includes point injection therapy; and

(b) At least five years of experience in a health care practice that includes point injection therapy.

~~((5))~~ (4) In addition to ~~((point injection therapy meeting))~~ the requirements of subsections (1) and (2) of this section, an acupuncturist~~((s))~~ or acupuncture and Eastern medicine practitioners using point injection therapy must complete a minimum of two hours of training specifically in the use of intramuscular epinephrine, local anesthetics and oxygen.

(a) The training may be taken separately from the training in point injection therapy.

(b) The minimum of two hours of training count towards meeting the requirement for 24 hours of ~~((contact))~~ training as required in subsection (1)(a) of this section.

(c) An acupuncturist or acupuncture and Eastern medicine practitioner who holds an active credential with a scope of practice that includes the authority to prescribe, dispense or administer epinephrine, local anesthetics, or oxygen does not need to meet the requirements of (a) of this subsection.

~~((6))~~ (5) To qualify under this section, the training program shall provide each successful student with a:

(a) Certificate of successful completion of the program; and

(b) Course syllabus outlining the schedule and curriculum of the program.

~~((7))~~ (6) The requirements of subsections (1) through ~~((6))~~ (5) of this section do not apply to an acupuncturist or acupuncture and Eastern medicine practitioner who has provided point injection

therapy prior to June 9, 2016. An acupuncturist(~~(s)~~) or acupuncture and Eastern medicine practitioners using point injection therapy prior to June 9, 2016, must have completed training and education in point injection therapy.

~~((8))~~ (7) Prior to administering local anesthetic, epinephrine, or oxygen in providing point injection therapy services, an acupuncturist or acupuncture and Eastern medicine practitioner must satisfy the education and training requirements (~~(set out in)~~) under this section.

~~((9))~~ (8) Any acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy must be able to demonstrate, upon request of the department (~~(of health)~~), successful completion of education and training in point injection therapy.