
SUBSTITUTE HOUSE BILL 1392

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Locke, Prince, Braddock, Ballard, Wang and Brekke).

Read first time March 14, 1991.

1 AN ACT Relating to acupuncture; amending RCW 18.06.010, 18.06.080,
2 and 18.06.120; adding new sections to chapter 18.06 RCW; repealing RCW
3 18.06.030, 18.06.040, 18.06.910, and 18.06.911; and making an
4 appropriation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.06.010 and 1985 c 326 s 1 are each amended to read
7 as follows:

8 The following terms in this chapter shall have the meanings set
9 forth in this section unless the context clearly indicates otherwise:

10 (1) "Acupuncture" means a health care service based on a
11 traditional (~~Oriental~~) Asian system of medical theory utilizing
12 Oriental diagnosis and treatment to promote health and treat organic or
13 functional disorders by treating specific acupuncture points or
14 meridians. Acupuncture includes but is not necessarily limited to the
15 following techniques:

1 (a) Use of acupuncture needles to stimulate acupuncture points and
2 meridians;

3 (b) Use of electrical, mechanical, or magnetic devices to stimulate
4 acupuncture points and meridians;

5 (c) Moxibustion;

6 (d) Acupressure;

7 (e) Cupping;

8 (f) Dermal friction technique (~~((gwa hsa))~~);

9 (g) Infra-red;

10 (h) Sonopuncture;

11 (i) Laserpuncture;

12 (j) Dietary advice based on traditional ~~((Chinese))~~ Asian medical
13 theory; ~~((and))~~

14 (k) Point injection therapy (aquapuncture); and

15 (l) Therapeutic breathing and exercise techniques based on
16 traditional Asian medical theory.

17 (2) "Acupuncturist" means a person ~~((certified))~~ licensed under
18 this chapter.

19 (3) "Department" means the department of ~~((licensing))~~ health.

20 (4) ~~(("Director" means the director of licensing or the director's~~
21 ~~designee))~~ "Secretary" means the secretary of health or the secretary's
22 designee.

23 NEW SECTION. Sec. 2. A new section is added to chapter 18.06 RCW
24 to read as follows:

25 Nothing in this chapter shall be construed to prohibit or restrict:

26 (1) The practice licensed, certified, or registered under the laws
27 of this state and performing services within such individual's
28 authorized scope of practice;

1 (2) The practice by an individual employed by the government of the
2 United States while engaged in the performance of duties prescribed by
3 the laws of the United States;

4 (3) The practice by a person who is a regular student in an
5 educational program approved by the secretary, and whose performance of
6 services is pursuant to a regular course of instruction or assignments
7 from an instructor and under the general supervision of the instructor;

8 (4) The practice of acupuncture by any person licensed or certified
9 to perform acupuncture in any other jurisdiction where such person is
10 doing so in the course of regular instruction of a school of
11 acupuncture approved by the secretary or in an educational seminar by
12 a professional organization of acupuncture, provided that in the latter
13 case, the practice is supervised directly by a person certified
14 pursuant to this chapter or licensed under any other healing art whose
15 scope of practice includes acupuncture.

16 **Sec. 3.** RCW 18.06.080 and 1985 c 326 s 8 are each amended to read
17 as follows:

18 (1) The ~~((director of licensing))~~ secretary of health is hereby
19 authorized and empowered to execute the provisions of this chapter and
20 shall offer examinations in acupuncture at least twice a year at such
21 times and places as the ~~((director))~~ secretary may select. The
22 examination shall be a written examination ~~((in English))~~ and may
23 include a practical examination.

24 (2) The ~~((director))~~ secretary shall develop or approve a
25 ~~((licensure))~~ certification examination in the subjects that the
26 ~~((director))~~ secretary determines are within the scope of and
27 commensurate with the work performed by certified acupuncturists and
28 shall include but not necessarily be limited to anatomy, physiology,
29 ~~((bacteriology))~~ microbiology, biochemistry, pathology, hygiene, and

1 acupuncture. All application papers shall be deposited with the
2 ~~((director))~~ secretary and there retained for ~~((a-[at]))~~ at least one
3 year, when they may be destroyed.

4 (3) If the examination is successfully passed, the ~~((director))~~
5 secretary shall confer on such candidate the title of Certified
6 Acupuncturist.

7 **Sec. 4.** RCW 18.06.120 and 1985 c 326 s 12 are each amended to read
8 as follows:

9 (1) Every person certified in acupuncture shall register with the
10 ~~((director))~~ secretary annually and pay an annual renewal registration
11 fee determined by the ~~((director))~~ secretary as provided in RCW
12 ~~((43.24.086))~~ 43.70.250 on or before the certificate holder's birth
13 anniversary date. The certificate of the person shall be renewed for
14 a period of one year or longer in the discretion of the ~~((director))~~
15 secretary. A person whose practice is exclusively out-of-state or who
16 is on sabbatical shall be granted an inactive certification status and
17 pay a reduced registration fee. The reduced fee shall be set by the
18 secretary under RCW 43.70.250.

19 (2) Any failure to register and pay the annual renewal registration
20 fee shall render the certificate invalid. The certificate shall be
21 reinstated upon: (a) Written application to the ~~((director))~~
22 secretary; (b) payment to the state of a penalty fee determined by the
23 ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250; and
24 (c) payment to the state of all delinquent annual certificate renewal
25 fees.

26 (3) Any person who fails to renew his or her certification for a
27 period of three years shall not be entitled to renew such certification
28 under this section. Such person, in order to obtain a certification in
29 acupuncture in this state, shall file a new application under this

1 chapter, along with the required fee, and shall meet examination or
2 continuing education requirements as the ((director)) secretary, by
3 rule, provides.

4 (4) All fees collected under this section and RCW 18.06.060 shall
5 be credited to the health professions account as required under RCW
6 ((43.24.072)) 43.70.320.

7 NEW SECTION. **Sec. 5.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 18.06.030 and 1985 c 326 s 3;

10 (2) RCW 18.06.040 and 1985 c 326 s 4;

11 (3) RCW 18.06.910 and 1990 c 297 s 15; and

12 (4) RCW 18.06.911 and 1990 c 297 s 16.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.06 RCW
14 to read as follows:

15 A person may practice ear acupuncture as an adjunct to the
16 treatment of alcoholism or other drug dependency, or both, in a program
17 approved under chapter 70.96A RCW, if the person is certified as an
18 acupuncturist under this chapter, or if the person is certified as an
19 acupuncture assistant.

20 (1) The department shall issue an acupuncture assistant certificate
21 to any applicant who meets the following requirements:

22 (a) Payment of a fee determined by the secretary under RCW
23 43.70.250;

24 (b) Completion of an application on a form provided by the
25 department;

26 (c) Successful completion of a training program approved by the
27 secretary; and

1 (d) Proof of supervision by a certified acupuncturist who has
2 completed a training program approved by the secretary.

3 (2) The secretary shall approve training programs that adequately
4 prepare persons to perform ear acupuncture as an adjunct to the
5 treatment of alcoholism or other drug dependency.

6 (3) The acupuncture assistant shall only practice under the
7 supervision of a certified acupuncturist who has completed a training
8 course under subsection (2) of this section. The assistant shall
9 notify the department regarding changes in supervisors.

10 (4) A person certified as an acupuncture assistant shall renew the
11 certification as determined by the secretary by rule and shall pay a
12 fee determined by the secretary under RCW 43.70.250.

13 (5) The uniform disciplinary act, chapter 18.130 RCW, governs
14 certified practice, the issuance and denial of acupuncture assistant
15 certificate, and the disciplining of certificate holders under this
16 section. The secretary shall be the disciplining authority under this
17 section.

18 NEW SECTION. **Sec. 7.** (1) This act is necessary for the
19 implementation of the biennial budget.

20 (2) There is appropriated fifty-five thousand eighty-one dollars,
21 or as much thereof as may be necessary, for the biennium ending June
22 30, 1993, from the health professions account to the department of
23 health, for the purposes of this act.