

2 ESHB 2676 - S AMD - 000521

3 By Senator Loveland

4 RULED WITHIN SCOPE; NOT ADOPTED 3/8/94 - DIVISION 13-26

5 On page 70, after line 19, strike all of sections 502 and 503 and
6 insert the following:

7 "Sec. 502. RCW 4.24.240 and 1985 c 326 s 25 are each amended to
8 read as follows:

9 (1)(a) A person licensed by this state to provide health care or
10 related services, including, but not limited to, a ((certified))
11 licensed acupuncturist, a physician, osteopathic physician, dentist,
12 nurse, optometrist, ((podiatrist)) podiatric physician and surgeon,
13 chiropractor, physical therapist, psychologist, pharmacist, optician,
14 physician's assistant, osteopathic physician's assistant, nurse
15 practitioner, including, in the event such person is deceased, his or
16 her estate or personal representative;

17 (b) An employee or agent of a person described in subparagraph (a)
18 of this subsection, acting in the course and scope of his or her
19 employment, including, in the event such employee or agent is deceased,
20 his or her estate or personal representative; or

21 (c) An entity, whether or not incorporated, facility, or
22 institution employing one or more persons described in subparagraph (a)
23 of this subsection, including, but not limited to, a hospital, clinic,
24 health maintenance organization, or nursing home; or an officer,
25 director, trustee, employee, or agent thereof acting in the course and
26 scope of his or her employment, including in the event such officer,
27 director, employee, or agent is deceased, his or her estate or personal
28 representative;

29 shall be immune from civil action for damages arising out of the good
30 faith performance of their duties on such committees, where such
31 actions are being brought by or on behalf of the person who is being
32 evaluated.

33 (2) No member, employee, staff person, or investigator of a
34 professional review committee shall be liable in a civil action as a
35 result of acts or omissions made in good faith on behalf of the
36 committee; nor shall any person be so liable for filing charges with or

1 supplying information or testimony in good faith to any professional
2 review committee; nor shall a member, employee, staff person, or
3 investigator of a professional society, of a professional examining or
4 licensing board, of a professional disciplinary board, of a governing
5 board of any institution, or of any employer of professionals be so
6 liable for good faith acts or omissions made in full or partial
7 reliance on recommendations or decisions of a professional review
8 committee or examining board.

9 **Sec. 503.** RCW 7.70.020 and 1985 c 326 s 27 are each amended to
10 read as follows:

11 As used in this chapter "health care provider" means either:

12 (1) A person licensed by this state to provide health care or
13 related services, including, but not limited to, a (~~certified~~)
14 licensed acupuncturist, a physician, osteopathic physician, dentist,
15 nurse, optometrist, (~~podiatrist~~) podiatric physician and surgeon,
16 chiropractor, physical therapist, psychologist, pharmacist, optician,
17 physician's assistant, midwife, osteopathic physician's assistant,
18 nurse practitioner, or physician's trained mobile intensive care
19 paramedic, including, in the event such person is deceased, his or her
20 estate or personal representative;

21 (2) An employee or agent of a person described in part (1) above,
22 acting in the course and scope of his employment, including, in the
23 event such employee or agent is deceased, his or her estate or personal
24 representative; or

25 (3) An entity, whether or not incorporated, facility, or
26 institution employing one or more persons described in part (1) above,
27 including, but not limited to, a hospital, clinic, health maintenance
28 organization, or nursing home; or an officer, director, employee, or
29 agent thereof acting in the course and scope of his or her employment,
30 including in the event such officer, director, employee, or agent is
31 deceased, his or her estate or personal representative.

32 **Sec. 504.** RCW 18.06.010 and 1992 c 110 s 1 are each amended to
33 read as follows:

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

36 (1) "Acupuncture" means a health care service based on (~~a~~
37 ~~traditional~~) an Oriental system of medical theory utilizing Oriental

1 diagnosis and treatment to promote health and treat organic or
2 functional disorders by treating specific acupuncture points or
3 meridians. Acupuncture includes (~~but is not necessarily limited to~~)
4 the following techniques:

5 (a) Use of acupuncture needles to stimulate acupuncture points and
6 meridians;

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

9 (c) Moxibustion;

10 (d) Acupressure;

11 (e) Cupping;

12 (f) Dermal friction technique;

13 (g) Infra-red;

14 (h) Sonopuncture;

15 (i) Laserpuncture;

16 (~~j) ((Dietary advice based on traditional Oriental medical theory;~~
17 ~~and~~

18 ~~(k)) Point injection therapy (aquapuncture); and~~

19 (k) Dietary advice based on Oriental medical theory provided in
20 conjunction with techniques under (a) through (j) of this subsection.

21 (2) "Acupuncturist" means a person (~~(certified)~~) licensed under
22 this chapter.

23 (3) "Department" means the department of health.

24 (4) "Secretary" means the secretary of health or the secretary's
25 designee.

26 **Sec. 505.** RCW 18.06.020 and 1991 c 3 s 5 are each amended to read
27 as follows:

28 (1) No one may hold themselves out to the public as an
29 acupuncturist or (~~(certified)~~) licensed acupuncturist or any derivative
30 thereof which is intended to or is likely to lead the public to believe
31 such a person is an acupuncturist or (~~(certified)~~) licensed
32 acupuncturist unless (~~(certified)~~) licensed as provided for in this
33 chapter.

34 (2) A person may not practice acupuncture if the person is not
35 licensed under this chapter.

36 (3) No one may use any configuration of letters after their name
37 (including Ac.) which indicates a degree or formal training in

1 acupuncture unless (~~certified~~) licensed as provided for in this
2 chapter.

3 (~~(3)~~) (4) The secretary may by rule proscribe or regulate
4 advertising and other forms of patient solicitation which are likely to
5 mislead or deceive the public as to whether someone is (~~certified~~)
6 licensed under this chapter.

7 **Sec. 506.** RCW 18.06.045 and 1992 c 110 s 2 are each amended to
8 read as follows:

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

10 (1) The practice (~~[by an individual] licensed, certified, or~~
11 ~~registered~~) by an individual credentialed under the laws of this state
12 and performing services within such individual's authorized scope of
13 practice. Health professions authorized to perform acupuncture under
14 other chapters of state law may follow recommended guidelines developed
15 by the acupuncture advisory committee to assist in determining the
16 level of training sufficient to allow for the provision of safe
17 acupuncture services;

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

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

25 (4) The practice of acupuncture by any person (~~licensed or~~
26 ~~certified~~) credentialed to perform acupuncture in any other
27 jurisdiction where such person is doing so in the course of regular
28 instruction of a school of acupuncture approved by the secretary or in
29 an educational seminar by a professional organization of acupuncture,
30 provided that in the latter case, the practice is supervised directly
31 by a person (~~certified pursuant to~~) licensed under this chapter or
32 licensed under any other healing art whose scope of practice includes
33 acupuncture.

34 **Sec. 507.** RCW 18.06.080 and 1992 c 110 s 3 are each amended to
35 read as follows:

36 (1) The secretary is hereby authorized and empowered to execute the
37 provisions of this chapter and shall offer examinations in acupuncture

1 at least twice a year at such times and places as the secretary may
2 select. The examination shall be a written examination and may include
3 a practical examination.

4 (2) The secretary shall develop or approve a ((certification))
5 licensure examination in the subjects that the secretary determines are
6 within the scope of and commensurate with the work performed by
7 ((certified)) licensed acupuncturists and shall include but not
8 necessarily be limited to anatomy, physiology, microbiology,
9 biochemistry, pathology, hygiene, and acupuncture. All application
10 papers shall be deposited with the secretary and there retained for at
11 least one year, when they may be destroyed.

12 (3) If the examination is successfully passed, the secretary shall
13 confer on such candidate the title of ((Certified)) Licensed
14 Acupuncturist.

15 **Sec. 508.** RCW 18.06.090 and 1985 c 326 s 9 are each amended to
16 read as follows:

17 Before ((certification)) licensure, each applicant shall
18 demonstrate sufficient fluency in reading, speaking, and understanding
19 the English language to enable the applicant to communicate with other
20 health care providers and patients concerning health care problems and
21 treatment.

22 **Sec. 509.** RCW 18.06.110 and 1991 c 3 s 11 are each amended to read
23 as follows:

24 The uniform disciplinary act, chapter 18.130 RCW, governs
25 uncertified practice, the issuance and denial of ((certificates))
26 licenses, and the disciplining of ((certificate)) license holders under
27 this chapter. The secretary shall be the disciplining authority under
28 this chapter.

29 **Sec. 510.** RCW 18.06.120 and 1992 c 110 s 4 are each amended to
30 read as follows:

31 (1) Every person ((certified)) licensed in acupuncture shall
32 register with the secretary annually and pay an annual renewal
33 ((registration)) fee determined by the secretary as provided in RCW
34 43.70.250 on or before the ((certificate)) license holder's birth
35 anniversary date. The ((certificate)) license of the person shall be
36 renewed for a period of one year or longer in the discretion of the

1 secretary. A person whose practice is exclusively out-of-state or who
2 is on sabbatical shall be granted an inactive ((certification))
3 licensure status and pay a reduced ((registration)) fee. The reduced
4 fee shall be set by the secretary under RCW 43.70.250.

5 (2) Any failure to register and pay the annual renewal
6 ((registration)) fee shall render the ((certificate)) license invalid.
7 The ((certificate)) license shall be reinstated upon: (a) Written
8 application to the secretary; (b) payment to the state of a penalty fee
9 determined by the secretary as provided in RCW 43.70.250; and (c)
10 payment to the state of all delinquent annual ((certificate)) license
11 renewal fees.

12 (3) Any person who fails to renew his or her ((certification))
13 license for a period of three years shall not be entitled to renew
14 ((such certification)) the licensure under this section. Such person,
15 in order to obtain a ((certification)) licensure in acupuncture in this
16 state, shall file a new application under this chapter, along with the
17 required fee, and shall meet examination or continuing education
18 requirements as the secretary, by rule, provides.

19 (4) All fees collected under this section and RCW 18.06.070 shall
20 be credited to the health professions account as required under RCW
21 43.70.320.

22 **Sec. 511.** RCW 18.06.130 and 1991 c 3 s 13 are each amended to read
23 as follows:

24 The secretary shall develop a form to be used by an acupuncturist
25 to inform the patient of the acupuncturist's scope of practice and
26 qualifications. All ((certificate)) license holders shall bring the
27 form to the attention of the patients in whatever manner the secretary,
28 by rule, provides.

29 **Sec. 512.** RCW 18.06.140 and 1991 c 3 s 14 are each amended to read
30 as follows:

31 Every ((certified)) licensed acupuncturist shall develop a written
32 plan for consultation, emergency transfer, and referral to other health
33 care practitioners operating within the scope of their authorized
34 practices. The written plan shall be submitted with the initial
35 application for ((certification)) licensure as well as annually
36 thereafter with the ((certificate)) license renewal fee to the
37 department. The department may withhold ((certification)) licensure or

1 renewal of (~~certification~~) licensure if the plan fails to meet the
2 standards contained in rules (~~promulgated~~) adopted by the secretary.

3 When the acupuncturist sees patients with potentially serious
4 disorders such as cardiac conditions, acute abdominal symptoms, and
5 such other conditions, the acupuncturist shall immediately request a
6 consultation or recent written diagnosis from a physician licensed
7 under chapter 18.71 or 18.57 RCW. In the event that the patient with
8 the disorder refuses to authorize such consultation or provide a recent
9 diagnosis from such physician, acupuncture treatment shall not be
10 continued.

11 **Sec. 513.** RCW 18.06.170 and 1991 c 3 s 16 are each amended to read
12 as follows:

13 (1) The acupuncture advisory committee is created. The committee
14 shall be composed of one physician licensed under chapter 18.71 or
15 18.57 RCW, three acupuncturists (~~certified~~) licensed under this
16 chapter, and (~~one~~) two public members, who (~~does~~) do not have any
17 financial interest in the rendering of health services.

18 (2) The secretary shall appoint members to staggered terms so as to
19 provide continuity in membership. Members shall serve at the pleasure
20 of the secretary but may not serve more than five years total. Members
21 of the committee shall be reimbursed for travel expenses as provided in
22 RCW 43.03.050 and 43.03.060.

23 (3) Each member of the committee shall receive fifty dollars for
24 each day the member attends an official meeting of the group or
25 performs statutorily prescribed duties approved by the secretary.

26 (4) The committee shall meet only on the request of the secretary
27 and consider only those matters referred to it by the secretary. The
28 committee is authorized to develop recommended guidelines to assist
29 health professions authorized to perform acupuncture under other
30 practice laws in determining the level of training sufficient to allow
31 for the provision of safe acupuncture services.

32 **Sec. 514.** RCW 18.06.190 and 1991 c 3 s 18 are each amended to read
33 as follows:

34 The secretary may (~~certify~~) license a person without examination
35 if such person is (~~licensed or certified~~) credentialed as an
36 acupuncturist in another jurisdiction if, in the secretary's judgment,

1 the requirements of that jurisdiction are equivalent to or greater than
2 those of Washington state.

3 **Sec. 515.** RCW 18.06.200 and 1985 c 326 s 20 are each amended to
4 read as follows:

5 Nothing in this chapter may be construed to require that individual
6 or group policies or contracts of an insurance carrier, health care
7 service contractor, or health maintenance organization provide benefits
8 or coverage for services and supplies provided by a person (~~registered~~
9 ~~or certified~~) licensed under this chapter."

10 Renumber the remaining sections consecutively and correct any
11 internal references accordingly.

12 **ESHB 2676** - S COMM AMD
13 By Committee on Government Operations

14

15 On page 81, line 29, after "Acupuncturists" strike "certified" and
16 insert "~~(certified)~~ licensed"

17 **ESHB 2676** - S COMM AMD
18 By Committee on Government Operations

19

20 On page 84, line 8, after "acupuncturist" strike "certified" and
21 insert "~~(certified)~~ licensed"

22 **ESHB 2676** - S COMM AMD
23 By Committee on Government Operations

24

25 On page 94, beginning on line 10, after "acupuncturists" strike
26 "certified" and insert "~~(certified)~~ licensed"

1 **ESHB 2676** - S COMM AMD
2 By Committee on Government Operations

3
4 On page 1, line 12 of the title, after "18.19.070," insert
5 "4.24.240, 7.70.020, 18.06.010, 18.06.020, 18.06.045,"

6 On page 1, line 12 of the title, after "18.06.080," insert
7 "18.06.090, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.170,
8 18.06.190, 18.06.200,"

9 **ESHB 2676** - S AMD - 000521
10 By Senator Loveland

11 RULED WITHIN SCOPE; NOT ADOPTED 3/894

12 On page 2, line 37 of the title, after "18.88A.070," strike
13 "18.06.170,"

--- END ---