
HOUSE BILL 3373

State of Washington

60th Legislature

2008 Regular Session

By Representative Moeller

1 AN ACT Relating to nada protocol therapy; amending RCW 18.06.045;
2 reenacting and amending RCW 18.130.040; adding a new chapter to Title
3 18 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Department" means the department of health.

8 (2) "Nada protocol" means the insertion of acupuncture needles into
9 specific external auricular acupuncture points of the human ear for the
10 purpose of assisting a person who is undergoing detoxification to treat
11 alcoholism, substance abuse, or chemical dependency, or distress
12 related to trauma or mental disorder.

13 (3) "Secretary" means the secretary of health.

14 NEW SECTION. **Sec. 2.** In addition to any other authority, the
15 secretary has the authority to:

16 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
17 chapter;

1 (2) Establish all endorsement, examination, and renewal fees in
2 accordance with RCW 43.70.110 and 43.70.250;

3 (3) Establish forms and procedures necessary to administer this
4 chapter;

5 (4) Issue endorsements to applicants who have met the requirements
6 for obtaining an endorsement and to deny an endorsement to applicants
7 who do not meet the requirements;

8 (5) Hire clerical, administrative, investigative, and other staff
9 as needed to implement this chapter;

10 (6) Determine minimum training requirements and evaluate and
11 designate those training programs from which graduation will be
12 accepted as proof of eligibility to take a qualifying examination for
13 applicants for obtaining an endorsement;

14 (7) Determine which states have credentialing requirements
15 equivalent to those of this state, and issue endorsements to applicants
16 credentialed in those states without examination;

17 (8) Establish continuing competency requirements for the renewal of
18 an endorsement; and

19 (9) Maintain the official department record of all applicants and
20 endorsement holders.

21 NEW SECTION. **Sec. 3.** (1) An individual who holds an endorsement
22 issued under subsection (2) of this section may perform the nada
23 protocol therapy only:

24 (a)(i) Within the context of an approved treatment program under
25 chapter 70.96A RCW;

26 (ii) In a hospital, prison, outpatient clinic, or other setting
27 approved by the secretary;

28 (iii) Under the appropriate supervision of an acupuncturist
29 licensed under chapter 18.06 RCW and trained in the nada protocol, an
30 advanced registered nurse practitioner licensed under chapter 18.79 RCW
31 and trained in the nada protocol, a naturopath licensed under chapter
32 18.36A RCW and trained in the nada protocol, a physician licensed under
33 chapter 18.71 RCW and trained in the nada protocol, or an osteopathic
34 physician licensed under chapter 18.57 RCW and trained in the nada
35 protocol; or

36 (b)(i) As an emergency worker registered with a local organization
37 for emergency services or management as defined by chapter 38.52 RCW;

1 (ii) Within the context of providing assistance during an emergency
2 or disaster as defined in RCW 38.52.010;

3 (iii) At the scene of the emergency or disaster, an alternative
4 care site, or a hospital; and

5 (iv) Under the appropriate supervision of an acupuncturist licensed
6 under chapter 18.06 RCW and trained in the nada protocol, an advanced
7 registered nurse practitioner licensed under chapter 18.79 RCW and
8 trained in the nada protocol, a naturopath licensed under chapter
9 18.36A RCW and trained in the nada protocol, a physician licensed under
10 chapter 18.71 RCW and trained in the nada protocol, or an osteopathic
11 physician licensed under chapter 18.57 RCW and trained in the nada
12 protocol.

13 (2) The secretary shall issue an endorsement to any applicant who:

14 (a) Holds a credential as a:

15 (i) Licensed acupuncturist under chapter 18.06 RCW;

16 (ii) Certified chemical dependency professional under chapter
17 18.205 RCW;

18 (iii) Licensed mental health counselor under chapter 18.225 RCW;

19 (iv) Licensed naturopath under chapter 18.36A RCW;

20 (v) Licensed osteopathic physician under chapter 18.57 RCW;

21 (vi) Licensed osteopathic physicians' assistant under chapter
22 18.57A RCW;

23 (vii) Licensed physician under chapter 18.71 RCW;

24 (viii) Licensed physician assistant under chapter 18.71A RCW;

25 (ix) Licensed psychologist under chapter 18.83 RCW;

26 (x) Licensed registered nurse or advanced registered nurse
27 practitioner under chapter 18.79 RCW; or

28 (xi) Licensed social worker under chapter 18.225 RCW;

29 (b) Demonstrates successful completion of a training program in the
30 nada protocol, including appropriate clean needle procedures, as
31 approved by the secretary; and

32 (c) Pays any required fees.

33 (3) The secretary shall establish minimum qualifications for
34 supervising acupuncturists, naturopaths, physicians, and osteopathic
35 physicians and appropriate levels of supervision. Supervision
36 requirements listed in subsection (1)(a)(iii) and (b)(iv) of this
37 section do not apply to the independent performance of the nada
38 protocol by an individual who meets supervisory qualifications.

1 NEW SECTION. **Sec. 4.** After September 1, 2009, no person may
2 perform the nada protocol in this state without having an endorsement
3 issued under this chapter.

4 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed
5 to prohibit or restrict:

6 (1) The practice by an individual who holds a credential issued by
7 the state to engage in the practice of a profession or occupation who
8 is performing services within the authorized scope of practice of that
9 profession or occupation;

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

13 (3) The practice of the nada protocol by a person who is a regular
14 student in a training program approved by the secretary, and whose
15 performance of the nada protocol is pursuant to a regular course of
16 instruction or assignments from an instructor and under the general
17 supervision of the instructor; or

18 (4) The practice of an individual who holds a credential listed in
19 section 3(2)(a) of this act who does not obtain an endorsement under
20 this chapter.

21 NEW SECTION. **Sec. 6.** Applications for an endorsement must be
22 submitted on forms provided by the secretary. The secretary may
23 require any information and documentation that reasonably relates to
24 the need to determine whether the applicant meets the criteria for an
25 endorsement provided for in this chapter and chapter 18.130 RCW. Each
26 applicant shall pay a fee determined by the secretary under RCW
27 43.70.250. The fee must accompany the application.

28 NEW SECTION. **Sec. 7.** The secretary shall establish by rule the
29 requirements and fees for renewal of an endorsement. Failure to renew
30 the endorsement invalidates the endorsement and all privileges granted
31 by the endorsement. If an endorsement has lapsed for a period longer
32 than three years, the person shall demonstrate competence to the
33 satisfaction of the secretary by completing continuing competency
34 requirements or meeting other standards determined by the secretary.

1 NEW SECTION. **Sec. 8.** The uniform disciplinary act, chapter 18.130
2 RCW, governs practice without an endorsement, the issuance and denial
3 of endorsements, and the disciplining of endorsement holders under this
4 chapter. The secretary is the disciplining authority under this
5 chapter.

6 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
7 a new chapter in Title 18 RCW.

8 **Sec. 10.** RCW 18.06.045 and 1995 c 323 s 6 are each amended to read
9 as follows:

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

11 (1) The practice by an individual credentialed under the laws of
12 this state and performing services within such individual's authorized
13 scope of practice;

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

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

21 (4) The practice of acupuncture by any person credentialed to
22 perform acupuncture in any other jurisdiction where such person is
23 doing so in the course of regular instruction of a school of
24 acupuncture approved by the secretary or in an educational seminar by
25 a professional organization of acupuncture, provided that in the latter
26 case, the practice is supervised directly by a person licensed under
27 this chapter or licensed under any other healing art whose scope of
28 practice includes acupuncture;

29 (5) The practice of the nada protocol by an individual holding an
30 endorsement issued under chapter 18.-- RCW (the new chapter created in
31 section 9 of this act).

32 **Sec. 11.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and
33 2007 c 70 s 11 are each reenacted and amended to read as follows:

34 (1) This chapter applies only to the secretary and the boards and
35 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not
2 apply to any business or profession not licensed under the chapters
3 specified in this section.

4 (2)(a) The secretary has authority under this chapter in relation
5 to the following professions:

6 (i) Dispensing opticians licensed and designated apprentices under
7 chapter 18.34 RCW;

8 (ii) Naturopaths licensed under chapter 18.36A RCW;

9 (iii) Midwives licensed under chapter 18.50 RCW;

10 (iv) Ocularists licensed under chapter 18.55 RCW;

11 (v) Massage operators and businesses licensed under chapter 18.108
12 RCW;

13 (vi) Dental hygienists licensed under chapter 18.29 RCW;

14 (vii) Acupuncturists licensed under chapter 18.06 RCW;

15 (viii) Radiologic technologists certified and X-ray technicians
16 registered under chapter 18.84 RCW;

17 (ix) Respiratory care practitioners licensed under chapter 18.89
18 RCW;

19 (x) Persons registered under chapter 18.19 RCW;

20 (xi) Persons licensed as mental health counselors, marriage and
21 family therapists, and social workers under chapter 18.225 RCW;

22 (xii) Persons registered as nursing pool operators under chapter
23 18.52C RCW;

24 (xiii) Nursing assistants registered or certified under chapter
25 18.88A RCW;

26 (xiv) Health care assistants certified under chapter 18.135 RCW;

27 (xv) Dietitians and nutritionists certified under chapter 18.138
28 RCW;

29 (xvi) Chemical dependency professionals certified under chapter
30 18.205 RCW;

31 (xvii) Sex offender treatment providers and certified affiliate sex
32 offender treatment providers certified under chapter 18.155 RCW;

33 (xviii) Persons licensed and certified under chapter 18.73 RCW or
34 RCW 18.71.205;

35 (xix) Denturists licensed under chapter 18.30 RCW;

36 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

37 (xxi) Surgical technologists registered under chapter 18.215 RCW;

38 (xxii) Recreational therapists;

1 (xxiii) Animal massage practitioners certified under chapter 18.240
2 RCW; (~~and~~)
3 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
4 (xxv) Persons holding an endorsement under chapter 18.-- RCW (the
5 new chapter created in section 9 of this act).
6 (b) The boards and commissions having authority under this chapter
7 are as follows:
8 (i) The podiatric medical board as established in chapter 18.22
9 RCW;
10 (ii) The chiropractic quality assurance commission as established
11 in chapter 18.25 RCW;
12 (iii) The dental quality assurance commission as established in
13 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
14 licenses and registrations issued under chapter 18.260 RCW;
15 (iv) The board of hearing and speech as established in chapter
16 18.35 RCW;
17 (v) The board of examiners for nursing home administrators as
18 established in chapter 18.52 RCW;
19 (vi) The optometry board as established in chapter 18.54 RCW
20 governing licenses issued under chapter 18.53 RCW;
21 (vii) The board of osteopathic medicine and surgery as established
22 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
23 18.57A RCW;
24 (viii) The board of pharmacy as established in chapter 18.64 RCW
25 governing licenses issued under chapters 18.64 and 18.64A RCW;
26 (ix) The medical quality assurance commission as established in
27 chapter 18.71 RCW governing licenses and registrations issued under
28 chapters 18.71 and 18.71A RCW;
29 (x) The board of physical therapy as established in chapter 18.74
30 RCW;
31 (xi) The board of occupational therapy practice as established in
32 chapter 18.59 RCW;
33 (xii) The nursing care quality assurance commission as established
34 in chapter 18.79 RCW governing licenses and registrations issued under
35 that chapter;
36 (xiii) The examining board of psychology and its disciplinary
37 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplining authority has the authority to grant or deny licenses
5 based on the conditions and criteria established in this chapter and
6 the chapters specified in subsection (2) of this section. This chapter
7 also governs any investigation, hearing, or proceeding relating to
8 denial of licensure or issuance of a license conditioned on the
9 applicant's compliance with an order entered pursuant to RCW 18.130.160
10 by the disciplining authority.

11 (4) All disciplining authorities shall adopt procedures to ensure
12 substantially consistent application of this chapter, the Uniform
13 Disciplinary Act, among the disciplining authorities listed in
14 subsection (2) of this section.

15 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2008.

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