

HOUSE BILL REPORT

SHB 1865

As Passed Legislature

Title: An act relating to acupuncture and Eastern medicine.

Brief Description: Regulating the practice of acupuncture and Eastern medicine.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Pettigrew, Caldier, Tharinger and Thai).

Brief History:

Committee Activity:

Health Care & Wellness: 2/19/19, 2/20/19 [DPS].

Floor Activity:

Passed House: 3/8/19, 96-2.

Passed Senate: 4/15/19, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Changes "East Asian medicine" and "East Asian medicine practitioner" to "Acupuncture and Eastern medicine" and "Acupuncturist or Acupuncture and Eastern medicine practitioner."
- Repeals laws related to the approval of applications and requiring an examination fee for East Asian medicine practitioners and application of the East Asian medicine chapter to previously registered acupuncture assistants.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

Staff: Kim Weidenaar (786-7120).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2010 legislation was enacted which changed the profession of Acupuncture to East Asian medicine and expanded the scope of practice for a licensed East Asian Medicine Practitioner. Any person licensed as an Acupuncturist prior to the effective date of the 2010 legislation was, at his or her next renewal date, given the title of East Asian Medicine Practitioner. Licensed East Asian Medicine Practitioners are prohibited from holding themselves out as Acupuncturists. East Asian Medicine Practitioners are licensed by the Department of Health (DOH).

Scope of Practice.

East Asian medicine means a health care service utilizing East Asian medicine diagnosis and treatment to promote health and treat organic or functional disorders and includes the following:

- acupuncture, including the use of acupuncture needles or lancets to directly and indirectly stimulate acupuncture points and meridians;
- use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
- moxibustion;
- acupressure;
- cupping;
- dermal friction technique;
- infra-red;
- sonopuncture;
- laserpuncture;
- point injection therapy (aquapuncture), as defined in rule by the DOH. Point injection therapy includes injection of substances, limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, consistent with the practice of East Asian medicine. Point injection therapy does not include injection of controlled substances contained in Schedules I through V of the Uniform Controlled Substances Act or steroids;
- dietary advice and health education based on East Asian medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;
- breathing, relaxation, and East Asian exercise techniques;
- Qigong;
- East Asian massage and Tui na, which is a method of East Asian bodywork, characterized by the kneading, pressing, rolling, shaking, and stretching of the body and does not include spinal manipulation; and
- superficial heat and cold therapies.

Licensure Requirements.

Any person seeking to be examined for licensure as an East Asian Medicine Practitioner must present to the Secretary of the DOH (Secretary) at least 45 days before the exam:

- the application form; and
- proof the applicant successfully completed:
 - a course of didactic training in basic sciences and East Asian medicine, approved by the Secretary, over a minimum period of two academic years;
 - and

- clinical training in East Asian medicine as defined in rule and approved by the Secretary.

The DOH must consider for approval any school, program, apprenticeship, or tutorial that meets the requirements. The Secretary must offer examinations in East Asian medicine, including acupuncture, at least twice a year. An applicant is not permitted to take the exam until the Secretary has approved the applicant's application and the applicant has paid an exam fee.

Summary of Substitute Bill:

References to "East Asian medicine" are changed to "Acupuncture and Eastern medicine" throughout all statutes and references to "East Asian medicine practitioner" are changed to "Acupuncturist" or "Acupuncture and Eastern medicine practitioner." A person licensed as an Acupuncturist may use the title Acupuncturist, Acupuncture and Eastern Medicine practitioner, or East Asian medicine practitioner and use the letters L. Ac., EAMP, or AEMP.

The Department of Health (DOH) must adopt a rule requiring completion of continuing education for Acupuncturists as a condition of license renewal.

The DOH must consider for approval any school or program that meets the education requirements, but is not required to consider apprenticeship or tutorial programs. Statutes related to the approval of applications and requiring an examination fee, application of the chapter to previously registered acupuncture assistants, and the intent section from the 2010 legislation are repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The substitute bill changes the name of the profession and requires the Department of Health to establish continuing education requirements. East Asian is a degrading term used for Chinese people. The term has a negative and racially charged connotation that is painful for many to hear as the term has a history of discrimination and oppression. Washington banned the use of Oriental and now it is time to step up and do the same with East Asian. Accordingly, the profession requests that the term be removed from statute and the title of the profession.

The groups have agreed to using the term Acupuncture and Eastern medicine to describe the profession. There was concern that using only Acupuncture limited the profession, because there is far more to the scope of practice, which is why the title was originally changed in 2010.

Finally, creating requirements for continuing education is good for patients and for practitioners.

(Opposed) A number of groups were opposed to the original bill, but appreciate Representative Cody bringing forward the substitute bill, which removes the expansions of the scope of practice. Stakeholders in other health care professions look forward to working together on the sunrise review.

Persons Testifying: (In support) Representative Cody, prime sponsor; Charis Wolf and Jianfeng Yang, Washington East Asian Medicine Association; Yin Wang; George Whiteside; and Curtis Eschels.

(Opposed) Melissa Johnson, Physical Therapy Association of Washington; and Katie Kolan, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.