

# SENATE BILL REPORT

## SB 6038

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As Passed Senate, February 5, 2020

**Title:** An act relating to acupuncture and Eastern medicine.

**Brief Description:** Concerning acupuncture and Eastern medicine.

**Sponsors:** Senators Rivers, Cleveland, Keiser, Short, Conway, Kuderer, Saldaña and Wilson, C.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/15/20, 1/20/20 [DP].

**Floor Activity:**

Passed Senate: 2/05/20, 48-1.

**Brief Summary of Bill**

- Changes the definition of acupuncture and Eastern medicine.
- Permits acupuncturists to practice intramuscular and dry needling, practice ear acupuncture, and use contact needling and non-insertion tools.
- Permits acupuncturists, once they have completed a training, to inject local anesthetics for reducing pain during point injection therapy and use oxygen and epinephrine for potential emergency purposes.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker, Conway, Dhingra, Frockt, Keiser, Muzzall, Rivers and Van De Wege.

**Staff:** Evan Klein (786-7483)

**Background:** In 2010, the Legislature changed the profession of acupuncture to East Asian medicine, and expanded the scope for a licensed East Asian medicine practitioner. In 2019, references to "East Asian medicine" were changed to "acupuncture and Eastern medicine" and references to "East Asian medicine practitioner" were changed to "acupuncturist" or "acupuncture and Eastern Medicine Practitioner." Acupuncture and Eastern medicine practitioners (acupuncturists) are licensed by the Department of Health (DOH).

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*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.*

Scope of Practice. Acupuncture and Eastern medicine means a health care service utilizing diagnosis and treatment to promote health and treat organic or functional disorders and includes:

- 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 DOH including:
  - injection of substances, limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, consistent with the practice of Eastern 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 Eastern exercise techniques;
- Qigong;
- Eastern massage and tui na, which is a method of Eastern 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.

**Summary of Bill:** Acupuncture and Eastern medicine means a holistic system of medicine which includes a variety of traditional and modern therapeutic treatments, such as the practice of acupuncture techniques and herbal medicine to maintain and promote wellness; prevent, manage, and reduce pain; treat substance use disorder; and promote health and treat organic or functional disorders. Acupuncture and Eastern medicine includes:

- acupuncture, including the use of pre-sterilized needles, such as filiform needles, acupuncture needles, syringes or lancets to directly and indirectly stimulate acupuncture points and meridians;
- use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
- intramuscular needling and dry needling of trigger points and other nonspecific points throughout the body;
- ear acupuncture, including auricular acupuncture, national acupuncture detoxification association protocol, battlefield acupuncture, and the Nogier system;
- use of contact needling and non-insertion tools;
- moxibustion;

- acupressure;
- cupping;
- dermal friction technique;
- infra-red;
- sonopuncture;
- laserpuncture;
- point injection therapy (aquapuncture), as defined in rule by DOH including:
  - injection of substances, limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, consistent with the practice of Eastern medicine;
  - injection of local anesthetics for reducing pain during point injection therapy;
  - an acupuncturist who meets training and education requirements may use oxygen and epinephrine for potential emergency purposes;
  - 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 Eastern medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;
- breathing, relaxation, and Eastern exercise techniques;
- Qigong;
- Eastern massage and tui na, which is a method of Eastern 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.

Prior to administering local anesthetics, epinephrine, or oxygen in providing point injection therapy services, an acupuncturist must satisfy education and training requirements established by DOH. DOH must adopt rules establishing these training requirements by July 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The acupuncturists sunrise review came out yesterday. The Department of Health recommended adding local anesthetics, oxygen, and epinephrine to the scope of practice for purposes of patient safety. Work has been done over the past few months with concerned professions to address additional concerns around patient safety. The profession has evolved over the years, and new evidence around certain conditions and disorders has led to new treatments such as battlefield acupuncture and treatment for chemical dependency. Additional clarification was added to the bill regarding ashi points and noninsertion techniques. Local anesthetics are widely recognized as agents

used in point injection therapy. These are not controlled substances and are routinely used for patient comfort. Training requirements are also an important part of this legislation.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; Leslie Emerick, Washington Acupuncture and Eastern Medicine Association; Susan Schultz, Washington Acupuncture and Eastern Medicine Association.

**Persons Signed In To Testify But Not Testifying:** No one.