

WSR 21-12-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed May 25, 2021, 1:13 p.m.]

Subject of Possible Rule Making: Chapter 246-803 WAC, Acupuncture and Eastern medicine practitioner, the department of health (department) is considering rule making necessary to implement legislative changes, including: Amending the definition of "acupuncture and Eastern medicine," expanding the definition of point injection therapy, allowing the use of oxygen and epinephrine, and other necessary housekeeping changes.

Rule making is also necessary to implement the change under SHB 2378 (chapter 80, Laws of 2020) to remove one reference to chapter 18.57A RCW, Osteopathic physician assistant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.160; and SB 5018 (chapter 87, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to implement SB 5018. The department is considering amending the definition of "acupuncture and Eastern medicine" to include modern acupuncture and Eastern medicine therapeutic treatments, including treatment of substance use and points and protocols for ear acupuncture; expanding the definition of point injection therapy to include injection of local anesthetics, such as lidocaine and procaine for reduction of pain during point injection therapy; and allowing the use of oxygen and epinephrine for potential emergency purposes. The department is also considering establishing training and education requirements for the use of local anesthetics, oxygen, and epinephrine.

SHB 2378 repeals chapter 18.57A RCW, Osteopathic physician assistants, and places the authority under chapter 18.71A RCW, physician assistants (allopathic). One reference to chapter 18.57A RCW, Osteopathic physician assistant, listed in WAC 246-803-010 should be removed to align the rule with the statute. SHB 2378 is effective July 1, 2022.

The department may make other housekeeping changes as necessary to implement the chapter amendments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties may sign up to receive rule-making notices at www.doh.wa.gov, select the green Subscribe button at the bottom of the page.

May 24, 2021
Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary