

WSR 23-23-077

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed November 13, 2023, 10:26 a.m., effective December 14, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Naturopathic nonsurgical cosmetic rules, administration of Botox injections. Amending WAC 246-836-210 Authority to use, prescribe, dispense and order and new WAC 246-836-212 Botulinum toxin nonsurgical cosmetic procedures. The board of naturopathy (board) has adopted new rules that promote patient safety by identifying Botulinum Toxin (Botox) as a legend approved drug, clarifying procedures that are within the scope of practice of naturopathic medicine, setting training requirements, and establishing minimum standards for the performance of nonsurgical cosmetic procedures by naturopathic physicians licensed in Washington state. The adopted rules also amend WAC 246-836-210 by removing the current exclusion for the use of Botox for cosmetic purposes.

Citation of Rules Affected by this Order: New WAC 246-836-212; and amending WAC 246-836-210.

Statutory Authority for Adoption: RCW 18.36A.160.

Adopted under notice filed as WSR 23-14-122 on July 5, 2023.

A final cost-benefit analysis is available by contacting Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-233-1277, fax 360-236-2901, TTY 711, email naturopathy@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: November 13, 2023.

Krystal Richardson, ND
Chair, Board of Naturopathy

OTS-4228.2

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

WAC 246-836-210 Authority to use, prescribe, dispense and order.

(1) Naturopathic medical practice includes the prescription, administration, dispensing, and use of:

(a) Nutrition and food science, physical modalities, minor office procedures, homeopathy, hygiene, and immunizations/vaccinations;

(b) Contraceptive devices;

(c) Nonlegend medicines including vitamins, minerals, botanical medicines, homeopathic medicines, and hormones;

(d) Legend drugs as defined under RCW 69.41.010 with the exception of (~~Botulinum Toxin (commonly known as, among other names, Botox, Vistabel, Dysport, or Neurobloec) and~~) inert substances used for cosmetic purposes; and

(e) Codeine and testosterone products that are contained within Schedules III, IV, and V in chapters 69.50 RCW and (~~(246-887)~~) 246-945 WAC.

(2) In accordance with RCW 69.41.010(~~(13)~~) (14), all prescriptions must be hand-printed, typewritten, or generated electronically.

(3) Prior to being allowed to administer, prescribe, dispense, or order controlled substances, a naturopathic physician must meet the requirements in WAC 246-836-211 and have obtained the appropriate registration issued by the Federal Drug Enforcement Administration.

(4) Naturopathic physicians may not treat malignancies except in collaboration with a practitioner licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION

WAC 246-836-212 Botulinum toxin nonsurgical cosmetic procedures.

(1) Prior to utilizing botulinum toxin (commonly known as, among other names, Botox, Vistabel, Dysport, or Neurobloc) for nonsurgical cosmetic procedures, a naturopathic physician shall establish a physician/patient relationship which includes, but is not limited to:

(a) Taking a history;

(b) Performing an appropriate physical examination;

(c) Making an appropriate diagnosis;

(d) Recommending appropriate treatment;

(e) Obtaining the patient's informed consent;

(f) Providing instructions for emergency and follow-up care; and

(g) Preparing an appropriate medical record.

(2) The naturopathic physician is responsible for:

(a) The safety of the patient;

(b) Performing the nonsurgical cosmetic procedure in accordance with standard medical practice; and

(c) Ensuring that each treatment is documented in the patient's medical record.

(3) Prior to being allowed to prescribe and administer botulinum toxins for cosmetic purposes, naturopathic physicians must be appropriately trained in aesthetic injectable techniques. Such training must be a combination of hands-on training and training in pharmacology that pertains to aesthetics and must also include:

(a) Criteria for the selection and treatment of patients;

(b) Indications and contraindications for each procedure;

(c) Preprocedural and postprocedural care;

(d) Recognition and acute management of potential complications;

and

(e) Infectious disease control.