
HOUSE BILL 1392

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Locke, Prince, Braddock, Ballard, Wang and Brekke.

Read first time January 28, 1991. Referred to Committee on Health Care.

1 AN ACT Relating to acupuncture; amending RCW 18.06.010, 18.06.020,
2 18.06.030, 18.06.040, 18.06.080, 18.06.090, 18.06.110, 18.06.120,
3 18.06.130, 18.06.140, 18.06.170, and 18.06.190; adding a new section to
4 chapter 18.06 RCW; creating a new section; and repealing RCW 18.06.910
5 and 18.06.911.

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

7 **Sec. 1.** RCW 18.06.010 and 1985 c 326 s 1 are each amended to read
8 as follows:

9 The following terms in this chapter shall have the meanings set
10 forth in this section unless the context clearly indicates otherwise:

11 (1) "Acupuncture" means a health care service based on a
12 traditional Oriental system of medical theory utilizing Oriental
13 diagnosis and treatment to promote health and treat organic or
14 functional disorders by treating specific acupuncture points or

1 meridians. Acupuncture includes but is not necessarily limited to the
2 following techniques:

3 (a) Use of acupuncture needles to stimulate acupuncture points and
4 meridians;

5 (b) Use of electrical, mechanical, or magnetic devices to stimulate
6 acupuncture points and meridians;

7 (c) Moxibustion;

8 (d) Acupressure and therapeutic massage based on traditional Asian
9 medical theory;

10 (e) Cupping;

11 (f) Dermal friction technique (~~((gwa hsa))~~);

12 (g) Infra-red;

13 (h) Sonopuncture;

14 (i) Laserpuncture;

15 (j) Dietary advice based on traditional Chinese medical theory;
16 (~~and~~)

17 (k) Point injection therapy (aquapuncture); and

18 (l) Therapeutic breathing and exercise techniques based on
19 traditional Asian medical theory.

20 (2) "Acupuncturist" means a person (~~(certified)~~) licensed under
21 this chapter.

22 (3) "Department" means the department of (~~(licensing)~~) health.

23 (4) (~~("Director" means the director of licensing or the director's~~
24 ~~designee))~~ "Secretary" means the secretary of health or the secretary's
25 designee.

26 **Sec. 2.** RCW 18.06.020 and 1985 s 326 s 2 are each amended to read
27 as follows:

28 (1) No one may hold themselves out to the public as an
29 acupuncturist or (~~(certified)~~) licensed acupuncturist or any derivative

1 thereof which is intended to or is likely to lead the public to believe
2 such a person is an acupuncturist or ((certified)) licensed
3 acupuncturist unless ((certified)) licensed as provided for in this
4 chapter. No one may perform acupuncture unless licensed as provided
5 for in this chapter or exempted.

6 (2) No one may use any configuration of letters after their name
7 (including Ac.) which indicates a degree or formal training in
8 acupuncture unless ((certified)) licensed as provided for in this
9 chapter.

10 (3) The ((director)) secretary may by rule proscribe or regulate
11 advertising and other forms of patient solicitation which are likely to
12 mislead or deceive the public as to whether someone is ((certified))
13 licensed under this chapter.

14 **Sec. 3.** RCW 18.06.030 and 1985 c 326 s 3 are each amended to read
15 as follows:

16 Any person ((certified)) licensed as provided for in this chapter
17 may practice acupuncture irrespective of any other occupational
18 licensing law. This authorization also extends to:

19 (1) The practice of acupuncture by a person who is a regular
20 student in a school of acupuncture approved by the ((director))
21 secretary: PROVIDED, HOWEVER, That the performance of such services be
22 pursuant only to a regular course of instruction or assignments from
23 his or her instructor and that such services are performed only under
24 the direct supervision and control of a person ((certified)) licensed
25 pursuant to this chapter or licensed under any other healing art whose
26 scope of practice includes acupuncture; and

27 (2) The practice of acupuncture by any person licensed or certified
28 to perform acupuncture in any other jurisdiction where such person is
29 doing so in the course of regular instruction of a school of

1 acupuncture approved by the (~~director~~) secretary or in an educational
2 seminar sponsored by a professional organization of acupuncture:
3 PROVIDED, That in the latter case, the practice is supervised directly
4 by a person (~~certified~~) licensed pursuant to this chapter or licensed
5 under any other healing art whose scope of practice includes
6 acupuncture.

7 **Sec. 4.** RCW 18.06.040 and 1985 c 326 s 4 are each amended to read
8 as follows:

9 The proscriptions contained in RCW 18.06.020 (1) and (2) do not
10 extend to:

11 (1) Those holding valid licenses under chapter 18.71, 18.57, 18.22,
12 or 18.32 RCW operating within their lawful scopes of practice or valid
13 registration authorizing the performance of acupuncture procedures
14 pursuant to chapter 18.71A or 18.57A RCW;

15 (2) Those practicing acupuncture in the state under the authority
16 of any instrumentality of the United States; and

17 (3) Those performing acupuncture procedures under RCW 18.06.030 (1)
18 and (2).

19 PROVIDED, That such persons shall not hold themselves out as being
20 (~~certified~~) licensed acupuncturists under this chapter.

21 **Sec. 5.** RCW 18.06.080 and 1985 c 326 s 8 are each amended to read
22 as follows:

23 (1) The (~~director of licensing~~) secretary of health is hereby
24 authorized and empowered to execute the provisions of this chapter and
25 shall offer examinations in acupuncture at least twice a year at such
26 times and places as the (~~director~~) secretary may select. The
27 examination shall be a written examination in English and may include
28 a practical examination.

1 (2) The ~~((director))~~ secretary shall develop or approve a licensure
2 examination in the subjects that the ~~((director))~~ secretary determines
3 are within the scope of and commensurate with the work performed by
4 ~~((certified))~~ licensed acupuncturists and shall include but not
5 necessarily be limited to anatomy, physiology, ~~((bacteriology))~~
6 microbiology, biochemistry, pathology, hygiene, and acupuncture. All
7 application papers shall be deposited with the ~~((director))~~ secretary
8 and there retained for ~~((a-[at]))~~ at least one year, when they may be
9 destroyed.

10 (3) If the examination is successfully passed, the ~~((director))~~
11 secretary shall confer on such candidate the title of ~~((Certified))~~
12 Licensed Acupuncturist.

13 **Sec. 6.** RCW 18.06.090 and 1985 c 326 s 9 are each amended to read
14 as follows:

15 Before ~~((certification))~~ licensure, each applicant shall
16 demonstrate sufficient fluency in reading, speaking, and understanding
17 the English language to enable the applicant to communicate with other
18 health care providers and patients concerning health care problems and
19 treatment.

20 **Sec. 7.** RCW 18.06.110 and 1987 c 150 s 9 are each amended to read
21 as follows:

22 The uniform disciplinary act, chapter 18.130 RCW, governs
23 ~~((uncertified))~~ unlicensed practice, the issuance and denial of
24 ~~((certificates))~~ licenses, and the disciplining of ~~((certificate))~~
25 license holders under this chapter. The ~~((director))~~ secretary shall
26 be the disciplining authority under this chapter.

1 **Sec. 8.** RCW 18.06.120 and 1985 c 326 s 12 are each amended to read
2 as follows:

3 (1) Every person (~~certified~~) licensed in acupuncture shall
4 register with the (~~director~~) secretary annually and pay an annual
5 renewal registration fee determined by the (~~director~~) secretary as
6 provided in RCW (~~43.24.086~~) 43.70.250 on or before the
7 (~~certificate~~) license holder's birth anniversary date. The
8 (~~certificate~~) license of the person shall be renewed for a period of
9 one year or longer in the discretion of the (~~director~~) secretary. A
10 person whose practice is exclusively out-of-state or who is on
11 sabbatical shall be granted an inactive license status and pay a
12 reduced registration fee. The reduced fee shall be set by the
13 secretary under RCW 43.70.250.

14 (2) Any failure to register and pay the annual renewal registration
15 fee shall render the (~~certificate~~) license invalid. The
16 (~~certificate~~) license shall be reinstated upon: (a) Written
17 application to the (~~director~~) secretary; (b) payment to the state of
18 a penalty fee determined by the (~~director~~) secretary as provided in
19 RCW (~~43.24.086~~) 43.70.250; and (c) payment to the state of all
20 delinquent annual (~~certificate~~) license renewal fees.

21 (3) Any person who fails to renew his or her (~~certification~~)
22 license for a period of three years shall not be entitled to renew such
23 (~~certification~~) license under this section. Such person, in order to
24 obtain a (~~certification~~) license in acupuncture in this state, shall
25 file a new application under this chapter, along with the required fee,
26 and shall meet examination or continuing education requirements as the
27 (~~director~~) secretary, by rule, provides.

28 (4) All fees collected under this section and RCW 18.06.060 shall
29 be credited to the health professions account as required under RCW
30 (~~43.24.072~~) 43.70.320.

1 **Sec. 9.** RCW 18.06.130 and 1985 c 326 s 13 are each amended to read
2 as follows:

3 The ~~((director))~~ secretary shall develop a form to be used by an
4 acupuncturist to inform the patient of the acupuncturist's scope of
5 practice and qualifications. All ~~((certificate))~~ license holders shall
6 bring the form to the attention of the patients in whatever manner the
7 ~~((director))~~ secretary, by rule, provides.

8 **Sec. 10.** RCW 18.06.140 and 1985 c 326 s 14 are each amended to
9 read as follows:

10 Every ~~((certified))~~ licensed acupuncturist shall develop a written
11 plan for consultation, emergency transfer, and referral to other health
12 care practitioners operating within the scope of their authorized
13 practices. The written plan shall be submitted with the initial
14 application for ~~((certification))~~ licensure as well as annually
15 thereafter with the ~~((certificate))~~ license renewal fee to the
16 department. The department may withhold ~~((certification))~~ licensure or
17 renewal of ~~((certification))~~ licensure if the plan fails to meet the
18 standards contained in rules ~~((promulgated))~~ adopted by the
19 ~~((director))~~ secretary.

20 When the acupuncturist sees patients with potentially serious
21 disorders such as cardiac conditions, acute abdominal symptoms, and
22 such other conditions, the acupuncturist shall immediately request a
23 consultation or recent written diagnosis from a physician licensed
24 under chapter 18.71 or 18.57 RCW. In the event that the patient with
25 the disorder refuses to authorize such consultation or provide a recent
26 diagnosis from such physician, acupuncture treatment shall not be
27 continued.

1 **Sec. 11.** RCW 18.06.170 and 1985 c 326 s 17 are each amended to
2 read as follows:

3 (1) The acupuncture advisory committee is created. The committee
4 shall be composed of one physician licensed under chapter 18.71 or
5 18.57 RCW, three acupuncturists (~~(certified)~~) licensed under this
6 chapter, and one public member, who does not have any financial
7 interest in the rendering of health services.

8 (2) The (~~(director)~~) secretary shall appoint members to staggered
9 terms so as to provide continuity in membership. Members shall serve
10 at the pleasure of the (~~(director)~~) secretary but may not serve more
11 than five years total. Members of the committee shall be reimbursed
12 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

13 (3) Each member of the committee shall receive fifty dollars for
14 each day during which the member attends an official meeting of the
15 group or performs statutorily prescribed duties approved by the
16 (~~(director)~~) secretary.

17 (4) The committee shall meet only on the request of the
18 (~~(director)~~) secretary and consider only those matters referred to it
19 by the (~~(director)~~) secretary.

20 **Sec. 12.** RCW 18.06.190 and 1985 c 326 s 19 are each amended to
21 read as follows:

22 The (~~(director)~~) secretary may (~~(certify)~~) license a person without
23 examination if such person is licensed or certified as an acupuncturist
24 in another jurisdiction if, in the (~~(director's)~~) secretary's judgment,
25 the requirements of that jurisdiction are equivalent to or greater than
26 those of Washington state.

27 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
28 each repealed:

1 (1) RCW 18.06.910 and 1990 c 297 s 15; and

2 (2) RCW 18.06.911 and 1990 c 297 s 16.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.06 RCW
4 to read as follows:

5 Irrespective of any other provisions of this chapter, a person may
6 practice acupuncture for the treatment of alcoholism or chemical
7 dependency or both in a facility licensed and certified by the
8 department of social and health services for the treatment of
9 alcoholism or chemical dependency, or statutorily exempt from such
10 licensure and certification, provided that the person has completed a
11 chemical dependency acupuncture assistant program approved by the
12 department, and is supervised by an acupuncturist licensed under this
13 chapter who has completed an approved training program in chemical
14 dependency. The secretary shall by rule provide for the eligibility
15 and licensing criteria and requirements as necessary under this
16 section.

17 NEW SECTION. **Sec. 15.** The secretary shall adopt rules that are
18 necessary to make the transition from certification to licensure smooth
19 and efficient.