

# SENATE BILL REPORT

## SB 6280

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As Reported by Senate Committee On:  
Health & Long-Term Care, January 27, 2010

**Title:** An act relating to East Asian medicine practitioners.

**Brief Description:** Concerning East Asian medicine practitioners.

**Sponsors:** Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/18/10, 1/27/10 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Marr, Murray and Parlette.

**Staff:** Edith Rice (786-7444)

**Background:** Acupuncture is defined under current state law as "a health care service based on an Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians." The practice of acupuncture and acupuncturists has been regulated in Washington State since 1985. The Secretary of the Department of Health (DOH) is currently responsible for regulating the practice of acupuncture including applications for licensure, examinations, training requirements, and discipline under the Uniform Disciplinary Act. The Secretary can appoint members of the profession to serve on an ad hoc advisory committee to assist the Secretary in regulating the acupuncture profession.

A sunrise review of the acupuncturist scope of practice was conducted by the DOH, with findings contained in a report published in December 2009. The review noted that the scope of practice for acupuncturists has not changed in 24 years. The review recommends that those who practice acupuncture also be permitted to: include the use of lancets, give dietary advice, use breathing, relaxation and exercise techniques, qi gong, health education, Asian massage, tui na, hot and cold therapies, and the use of herbs, vitamins, minerals, and dietary and nutritional supplements. The DOH specifically denied the request that acupuncture

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practitioners be permitted to conduct in-office testing and took no position on the proposal to change the title of the profession.

**Summary of Bill (Recommended Substitute):** The state's professional designation of acupuncturist is changed to East Asian medicine practitioner. Those who are currently licensed as an acupuncturist are to be granted the title of East Asian Medicine Practitioner upon license renewal. The practice of acupuncture is changed to East Asian medicine. In addition to the techniques and methods used by practitioners under the current law, East Asian Medicine Practitioners can use lancets, give dietary advice, use breathing, relaxation and exercise techniques, qi gong, health education, Asian massage, tui na, hot and cold therapies, and make use of herbs, vitamins, minerals, and dietary and nutritional supplements.

**EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute):** Further clarification is provided for some definitions. Tui na, a method of East Asian Bodywork, does not include spinal manipulation. The heat and cold therapies referred to are superficial only. It is clarified that East Asian Medicine Practitioners can hold themselves out as acupuncturists. East Asian Medicine Practitioners may only continue treating a patient with a potentially serious disorder if they consult with the patient's primary health care provider. If the patient does not authorize a consultation, the East Asian Medicine Practitioner may only continue treating the patient if the patient signs a waiver.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Original Bill:** PRO: Physical therapists support this version of the bill. Stakeholders have been involved in all discussions regarding this bill. We support the change in terminology because it more clearly reflects that practitioners use a whole system of medicine, not just a single modality (acupuncture). This bill has approval from national practitioners.

OTHER: Although the title will be acceptable we have concerns that practitioners be able to call themselves acupuncturists in addition to this title. We also have concerns about the ability to refer patients with serious disorders. We would support this bill if the agreed upon amendment is adopted.

**Persons Testifying:** PRO: Melissa Johnson, Physical Therapy Association of Washington; Leslie Emerick, George Whiteside, Lisa Van Haagen, WA Acupuncture and Asian Medicine Association.

OTHER: Ezra Eickmeyer, Advocates for the Advancement of Asian Medicine; Lori Bielinski, Washington Chiropractic Association.