

SENATE BILL REPORT

SSB 6280

As Amended by House, March 10, 2010

Title: An act relating to East Asian medicine practitioners.

Brief Description: Concerning East Asian medicine practitioners.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline).

Brief History:

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

Passed Senate: 2/15/10, 48-0.

Passed House: 2/28/10, 96-0; 3/10/10, 97-0.

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

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

Summary of Substitute Bill: 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.

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.

House Amendment(s): Allows East Asian medicine practitioners to continue to treat a patient who has refused a consultation with a primary health care provider if the patient signs a waiver which includes: an explanation of the practitioners's scope of practice, a statement that the services that an East Asian Medicine practitioner is authorized to provide will not resolve the patient's underlying potentially serious disorder. Clarifies that individuals may provide the following techniques and services without being licensed as an East Asian Medicine practitioner: dietary advice and health education, breathing, relaxation, and East Asian exercise techniques, Qi Gong, East Asian massage, Tui Na, and superficial heat and cold therapies.