

HOUSE BILL REPORT

HB 2448

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to the practice of certain East Asian medicine therapies.

Brief Description: Concerning the practice of certain East Asian medicine therapies.

Sponsors: Representatives Robinson, Harris and Stanford.

Brief History:

Committee Activity:

Health Care & Wellness: 1/20/16, 1/29/16 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Health (DOH), in consultation with the East Asian Medicine Advisory Committee, to adopt rules regarding the definition of point injection therapy and substances administered as part of point injection therapy.
- Includes East Asian medicine practitioners in the definition of "practitioner" under the Legend Drug Act.
- Requires the DOH to adopt rules to specify the training necessary to provide point injection therapy.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Short, Tharinger and Van De Wege.

Staff: Ariele Landstrom (786-7190).

Background:

East Asian Medicine.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

"East Asian medicine" is defined as a health care service utilizing East Asian medicine diagnosis and treatment to promote health and treat organic or functional disorders. The term identifies several techniques, therapies, and treatments, including point injection therapy (aquapuncture). Point injection therapy is not defined in statute or rule, but generally, is the injection of substances into acupuncture points to prevent or treat diseases.

Legend Drugs.

It is unlawful to sell, deliver, or possess any legend drug except upon the order or prescription of specified health care professionals; however there is an exemption for a practitioner acting within the scope of his or her license.

"Legend drugs" are defined as drugs which are required by state law or rule of the Pharmacy Quality Assurance Commission (PQAC) to be dispensed on prescription only or are restricted to use by practitioners only. The PQAC determines which drugs are classified as legend drugs, and are designated under federal law and listed as legend drugs in the 2009 edition of the *Drug Topics Red Book*.

Summary of Substitute Bill:

Point injection therapy includes injection of substances, limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, consistent with the practice of East Asian medicine and does not include injection of controlled substances or steroids. The Department of Health (DOH), in consultation with the East Asian Medicine Advisory Committee, must define point injection therapy in rule and adopt rules regarding substances administered as part of point injection therapy consistent with the practice of East Asian medicine.

East Asian medicine practitioners are added to the definition of "practitioner" for purposes of the Legend Drug Act.

Substitute Bill Compared to Original Bill:

The substitute bill:

- modifies the term "substances" for the purposes of injections of substances consistent with the practice of East Asian medicine, to be limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances;
- requires East Asian medicine practitioners to obtain education and training before providing point injection therapy services. Any East Asian medicine practitioner performing point injection therapy before the effective date of the act must be able to demonstrate, upon request of the DOH, successful completion of education and training in point injection therapy; and
- requires the DOH to adopt rules by July 1, 2017, to specify the training necessary to provide point injection therapy.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a technical clarification that puts East Asian medicine practitioners under the Legend Drug Act. Point injection therapy has been in the scope of acupuncture since 1985. This is not a scope expansion bill. There is a lack of a clarity around the issue of point injection therapy and due to that, education and training have not been able to include point injection therapy. There was an administrative case that brought up the issue whether East Asian medicine practitioners were allowed to perform point injection therapy and the administrative judge found that it was in East Asian medicine practitioners' scope of practice. After many discussions, the Pharmacy Board wanted East Asian medicine practitioners under the Legend Drug Act because all injectable substances are under its purview. Point injection therapy is practiced in five other states and there are varying degrees of standards.

(Opposed) None.

Persons Testifying: Representative Robinson, prime sponsor; and Leslie Emerick, Andrew McIntyre, and Zachary Fulton, Washington East Asian Medicine Association.

Persons Signed In To Testify But Not Testifying: None.