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SENATE BILL 6389

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Keiser, Ranker, Cleveland, and Becker

Read first time 01/19/16. Referred to Committee on Health Care.

1            AN ACT Relating to the practice of certain East Asian medicine  
2 therapies; amending RCW 18.06.010; reenacting and amending RCW  
3 69.41.010; and creating a new section.

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

5            **Sec. 1.** RCW 18.06.010 and 2010 c 286 s 2 are each amended to  
6 read as follows:

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

9            (1) "East Asian medicine" means a health care service utilizing  
10 East Asian medicine diagnosis and treatment to promote health and  
11 treat organic or functional disorders and includes the following:

12            (a) Acupuncture, including the use of acupuncture needles or  
13 lancets to directly and indirectly stimulate acupuncture points and  
14 meridians;

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

17            (c) Moxibustion;

18            (d) Acupressure;

19            (e) Cupping;

20            (f) Dermal friction technique;

21            (g) Infra-red;

1 (h) Sonopuncture;  
2 (i) Laserpuncture;  
3 (j) Point injection therapy (aquapuncture), as defined in rule by  
4 the department. Point injection therapy includes injection of  
5 substances, as defined in rule by the department, consistent with the  
6 practice of East Asian medicine. Point injection therapy does not  
7 include injection of controlled substances contained in Schedules I  
8 through V of the uniform controlled substances act, chapter 69.50 RCW  
9 or steroids as defined in RCW 69.41.300;

10 (k) Dietary advice and health education based on East Asian  
11 medical theory, including the recommendation and sale of herbs,  
12 vitamins, minerals, and dietary and nutritional supplements;

13 (l) Breathing, relaxation, and East Asian exercise techniques;

14 (m) Qi gong;

15 (n) East Asian massage and Tui na, which is a method of East  
16 Asian bodywork, characterized by the kneading, pressing, rolling,  
17 shaking, and stretching of the body and does not include spinal  
18 manipulation; and

19 (o) Superficial heat and cold therapies.

20 (2) "East Asian medicine practitioner" means a person licensed  
21 under this chapter.

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

23 (4) "Secretary" means the secretary of health or the secretary's  
24 designee.

25 Nothing in this chapter requires individuals to be licensed as an  
26 East Asian medicine practitioner in order to provide the techniques  
27 and services in subsection (1)(k) through (o) of this section or to  
28 sell herbal products.

29 **Sec. 2.** RCW 69.41.010 and 2013 c 276 s 1 and 2013 c 19 s 55 are  
30 each reenacted and amended to read as follows:

31 As used in this chapter, the following terms have the meanings  
32 indicated unless the context clearly requires otherwise:

33 (1) "Administer" means the direct application of a legend drug  
34 whether by injection, inhalation, ingestion, or any other means, to  
35 the body of a patient or research subject by:

36 (a) A practitioner; or

37 (b) The patient or research subject at the direction of the  
38 practitioner.

1 (2) "Community-based care settings" include: Community  
2 residential programs for persons with developmental disabilities,  
3 certified by the department of social and health services under  
4 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
5 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
6 Community-based care settings do not include acute care or skilled  
7 nursing facilities.

8 (3) "Deliver" or "delivery" means the actual, constructive, or  
9 attempted transfer from one person to another of a legend drug,  
10 whether or not there is an agency relationship.

11 (4) "Department" means the department of health.

12 (5) "Dispense" means the interpretation of a prescription or  
13 order for a legend drug and, pursuant to that prescription or order,  
14 the proper selection, measuring, compounding, labeling, or packaging  
15 necessary to prepare that prescription or order for delivery.

16 (6) "Dispenser" means a practitioner who dispenses.

17 (7) "Distribute" means to deliver other than by administering or  
18 dispensing a legend drug.

19 (8) "Distributor" means a person who distributes.

20 (9) "Drug" means:

21 (a) Substances recognized as drugs in the official United States  
22 pharmacopoeia, official homeopathic pharmacopoeia of the United  
23 States, or official national formulary, or any supplement to any of  
24 them;

25 (b) Substances intended for use in the diagnosis, cure,  
26 mitigation, treatment, or prevention of disease in human beings or  
27 animals;

28 (c) Substances (other than food, minerals or vitamins) intended  
29 to affect the structure or any function of the body of human beings  
30 or animals; and

31 (d) Substances intended for use as a component of any article  
32 specified in (a), (b), or (c) of this subsection. It does not include  
33 devices or their components, parts, or accessories.

34 (10) "Electronic communication of prescription information" means  
35 the transmission of a prescription or refill authorization for a drug  
36 of a practitioner using computer systems. The term does not include a  
37 prescription or refill authorization transmitted verbally by  
38 telephone nor a facsimile manually signed by the practitioner.

39 (11) "In-home care settings" include an individual's place of  
40 temporary and permanent residence, but does not include acute care or

1 skilled nursing facilities, and does not include community-based care  
2 settings.

3 (12) "Legend drugs" means any drugs which are required by state  
4 law or regulation of the pharmacy quality assurance commission to be  
5 dispensed on prescription only or are restricted to use by  
6 practitioners only.

7 (13) "Legible prescription" means a prescription or medication  
8 order issued by a practitioner that is capable of being read and  
9 understood by the pharmacist filling the prescription or the nurse or  
10 other practitioner implementing the medication order. A prescription  
11 must be hand printed, typewritten, or electronically generated.

12 (14) "Medication assistance" means assistance rendered by a  
13 nonpractitioner to an individual residing in a community-based care  
14 setting or in-home care setting to facilitate the individual's self-  
15 administration of a legend drug or controlled substance. It includes  
16 reminding or coaching the individual, handing the medication  
17 container to the individual, opening the individual's medication  
18 container, using an enabler, or placing the medication in the  
19 individual's hand, and such other means of medication assistance as  
20 defined by rule adopted by the department. A nonpractitioner may help  
21 in the preparation of legend drugs or controlled substances for self-  
22 administration where a practitioner has determined and communicated  
23 orally or by written direction that such medication preparation  
24 assistance is necessary and appropriate. Medication assistance shall  
25 not include assistance with intravenous medications or injectable  
26 medications, except prefilled insulin syringes.

27 (15) "Person" means individual, corporation, government or  
28 governmental subdivision or agency, business trust, estate, trust,  
29 partnership or association, or any other legal entity.

30 (16) "Practitioner" means:

31 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
32 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
33 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
34 under chapter 18.22 RCW, an East Asian medicine practitioner to the  
35 extent authorized under chapter 18.06 RCW and the rules adopted under  
36 RCW 18.06.010(1)(j), a veterinarian under chapter 18.92 RCW, a  
37 registered nurse, advanced registered nurse practitioner, or licensed  
38 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
39 18.53 RCW who is certified by the optometry board under RCW  
40 18.53.010, an osteopathic physician assistant under chapter 18.57A

1 RCW, a physician assistant under chapter 18.71A RCW, a naturopath  
2 licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64  
3 RCW, or, when acting under the required supervision of a dentist  
4 licensed under chapter 18.32 RCW, a dental hygienist licensed under  
5 chapter 18.29 RCW;

6 (b) A pharmacy, hospital, or other institution licensed,  
7 registered, or otherwise permitted to distribute, dispense, conduct  
8 research with respect to, or to administer a legend drug in the  
9 course of professional practice or research in this state; and

10 (c) A physician licensed to practice medicine and surgery or a  
11 physician licensed to practice osteopathic medicine and surgery in  
12 any state, or province of Canada, which shares a common border with  
13 the state of Washington.

14 (17) "Secretary" means the secretary of health or the secretary's  
15 designee.

16 NEW SECTION. **Sec. 3.** The department of health, in consultation  
17 with the East Asian medicine advisory committee established in RCW  
18 18.06.220, shall establish by rule the definition of "point injection  
19 therapy" and shall adopt rules regarding substances administered as  
20 part of point injection therapy consistent with the practice of East  
21 Asian medicine.

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