
Health Care & Wellness Committee

HB 1865

Brief Description: Regulating the practice of acupuncture and Eastern medicine.

Sponsors: Representatives Cody, Harris, Pettigrew, Caldier, Tharinger and Thai.

Brief Summary of Bill

- Changes "East Asian Medicine" and "East Asian Medicine Practitioner" to "Acupuncture and Eastern Medicine" and "Acupuncturist and Acupuncture and Eastern Medicine Practitioner"
- Expands the scope of practice for licensed Acupuncturists/Acupuncture and Eastern Medicine Practitioner.
- Requires applicants for licensure as an Acupuncturist complete a three-year master's level course in Acupuncture.
- Repeals laws related to the approval of applications and requiring an examination fee for East Asian medicine practitioners and application of the East Asian medicine chapter to previously registered acupuncture assistants.

Hearing Date: 2/19/19

Staff: Kim Weidenaar (786-7120).

Background:

In 2010 legislation was enacted which changed the profession of Acupuncture to East Asian medicine and expanded the scope of practice for a licensed East Asian Medicine Practitioner. Any person licensed as an Acupuncturist prior to the effective date of the 2010 legislation was, at his or her next renewal date, given the title of East Asian Medicine Practitioner. Licensed East Asian Medicine Practitioners are prohibited from holding themselves out as Acupuncturists. East Asian Medicine Practitioners are licensed by the Department of Health (DOH).

Scope of Practice.

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 means a health care service utilizing East Asian medicine diagnosis and treatment to promote health and treat organic or functional disorders and includes the following:

- acupuncture, including the use of acupuncture needles or lancets to directly and indirectly stimulate acupuncture points and meridians;
- use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
- moxibustion;
- acupressure;
- cupping;
- dermal friction technique;
- infra-red;
- sonopuncture;
- laserpuncture;
- point injection therapy (aquapuncture), as defined in rule by the DOH. 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. Point injection therapy does not include injection of controlled substances contained in Schedules I through V of the Uniform Controlled Substances Act or steroids;
- dietary advice and health education based on East Asian medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;
- breathing, relaxation, and East Asian exercise techniques;
- Qi gong;
- east Asian massage and Tui na, which is a method of East Asian bodywork, characterized by the kneading, pressing, rolling, shaking, and stretching of the body and does not include spinal manipulation; and
- superficial heat and cold therapies.

Licensure requirements.

Any person seeking to be examined for licensure as an East Asian Medicine Practitioner must present to the Secretary of Health (Secretary) at least 45 days before the exam:

- the application form; and
- proof the applicant successfully completed:
 - a course of didactic training in basic sciences and East Asian medicine, approved by the Secretary, over a minimum period of two academic years; and
 - clinical training in East Asian medicine as defined in rule and approved by the Secretary.

The DOH must consider for approval any school, program, apprenticeship, or tutorial that meets the requirements. The Secretary must offer examinations in East Asian medicine, including acupuncture, at least twice a year. An applicant is not permitted to take the exam until the secretary has approved the applicant's application and the application has paid an exam fee.

Summary of Bill:

Scope of Practice.

Acupuncture or Eastern medicine is defined as a holistic system of medicine, often referred to as traditional Chinese medicine, Oriental medicine, Eastern medicine, and other terms, which includes a variety of traditional and modern therapeutic treatments including, but not limited to, the practice of Acupuncture techniques and herbal medicine, to maintain and promote wellness, prevent, manage, and reduce pain, manage, substance use disorder, and prevent, diagnose, and treat disease.

Acupuncture or Eastern medicine includes the following:

- use of presterilized disposable needles, such as filiform needles, and other acupuncture needles, syringes, or lancets to directly and indirectly stimulate acupuncture points, including ashi points, motor, and trigger points, and intramuscular needling, and meridians;
- use of electrical, mechanical, or magnetic devices to stimulate acupuncture points, including ashi points, motor, and trigger points, and intramuscular needling and meridians;
- all points and protocols for ear acupuncture, including, but not limited to, auricular acupuncture, national acupuncture detoxification association protocol, battlefield acupuncture, and the Nogier system;
- use of contact needling and noninsertion tools such as teishin, enshin, or zanshin;
- moxibustion;
- acupressure;
- cupping;
- dermal friction technique;
- infra-red;
- sonopuncture;
- laserpuncture;
- point injection therapy, as defined in rule by the department. Point injection therapy includes injection of substances, including sterile saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, and local anesthetics consistent with the practice of Acupuncture or Eastern Medicine. An Acupuncturist or Acupuncture and Eastern Medicine Practitioner using point injection therapy who has met the training and education requirements established in rule may use oxygen, medical, ozone, and epinephrine for potential emergency purposes for patient care and safety. Point injection therapy does not include injection of controlled substances contained in Schedules I through V of the uniform controlled substances or steroids;
- dietary advice and health education consistent with the system of acupuncture or Eastern Medicine, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;
- breathing, relaxation, and East Asian exercise techniques;
- Qi gong;
- Eastern massage and Tui na, which is a method of Eastern bodywork, characterized by the kneading, pressing, rolling, shaking, and stretching of the body and does not include spinal manipulation; and
- superficial heat and cold therapies.

Prior to administering local anesthetics, epinephrine, or medical ozone in providing point injection therapy services, an Acupuncturist must obtain the education and training required by the DOH in rule. The DOH must adopt rules by July 1, 2020, to set the education and training requirements.

An Acupuncturist or Acupuncture and Eastern Medicine Practitioner means a person licensed under the acupuncture chapter that practices Acupuncture or Eastern medicine, a holistic system of medicine, which includes training in using needles therapeutically, educated on diagnosing and treating conditions according to medical traditions from China, Japan, Korea, and other East Asian countries, and application of modern evidence-based research to maintain and promote wellness, prevent, manage, and reduce pain, manage substance use disorder, and prevent, diagnose, and treat conditions and diseases.

Licensure requirements.

Any person seeking to be licensure as an Acupuncturist must present to the Secretary of Health (Secretary):

- The application form; and
- Proof the applicant successfully completed:
 - a master's level course of didactic training in basic sciences and Acupuncture, Eastern medicine, traditional Chinese medicine, and medical traditions from Japan, Korea, and other East Asian countries, approved by the Secretary, over a minimum period of three academic years; and
 - clinical training in Acupuncture and Eastern medicine as defined in rule that is nationally certified and approved by the Secretary.

The DOH must consider for approval any school or program that meets the requirements. The Secretary must offer nationally certified exams in order to become a licensed Acupuncturist or Acupuncture and Eastern Medicine Practitioner at least twice a year. Statutes related to the approval of applications and requiring an examination fee, application of the chapter to previously registered acupuncture assistants, and the intent section from the 2010 legislation are repealed.

A person licensed as an Acupuncturist may use the title Acupuncturist, Acupuncture and Eastern Medicine Practitioner, and East Asian Medicine Practitioner and use the letters L. Ac., EAMP, or AEMP.

The DOH must adopt a rule requiring completion of continuing education for Acupuncturists as a condition of license renewal. Throughout all statutes an East Asian Medicine Practitioner is changed to Acupuncturist or Acupuncture and Eastern Medicine Practitioner.

Appropriation: None.

Fiscal Note: Requested on February 18, 2019.

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