

HOUSE BILL REPORT

SB 5018

As Passed House:

April 5, 2021

Title: An act relating to acupuncture and Eastern medicine.

Brief Description: Concerning acupuncture and Eastern medicine.

Sponsors: Senators Rivers, Cleveland, Dhingra, Lovelett, Short and Wilson, C..

Brief History:

Committee Activity:

Health Care & Wellness: 3/10/21, 3/11/21 [DP].

Floor Activity:

Passed House: 4/5/21, 97-0.

Brief Summary of Bill

- Modifies the definition of acupuncture and Eastern medicine and the scope of practice for acupuncture and Eastern medicine practitioners.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 15 members: Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske, Davis, Harris, Macri, Maycumber, Riccelli, Rude, Simmons, Stonier, Tharinger and Ybarra.

Staff: Jim Morishima (786-7191).

Background:

Acupuncture and Eastern medicine practitioners (AEMPs) are licensed by the Department of Health (DOH). An AEMP uses acupuncture or Eastern medicine diagnosis and treatment

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to promote health and treat organic or functional disorders. Examples of tasks an AEMP may perform include:

- acupuncture, including the use of acupuncture needles or lancets to directly and indirectly stimulate meridians and acupuncture points;
- using electrical, mechanical, or magnetic devices to stimulate meridians and acupuncture points; and
- point injection therapy, which includes the injection of certain substances consistent with the practice of acupuncture or Eastern medicine.

A 2019 sunrise review conducted by the DOH recommended that the AEMP scope of practice be expanded to include local anesthetics, oxygen, and epinephrine for point injection therapy. The sunrise review did not make recommendations regarding other scope of practice clarifications, including clarifications relating to pain management, ear acupuncture, contact needling, noninsertion tools, types of needles, ashi points, motor points, trigger points, and intramuscular needling.

Summary of Bill:

The definition of acupuncture and Eastern medicine is modified to include traditional and modern acupuncture and Eastern medicine therapeutic treatments such as the practice of acupuncture techniques and herbal medicine to maintain and promote wellness, prevent, manage, and reduce pain, and treat substance use disorder.

The types of needles that may be used by an acupuncture and Eastern medicine practitioner (AEMP) are specified as including presterilized, disposable needles, such as filiform needles and syringes. For purposes of the use of needles or devices, acupuncture points are specified as including ashi points, motor points, trigger points, and other nonspecific points throughout the body.

The tasks an AEMP may perform are expanded to specifically include:

- intramuscular needling and dry needling of trigger points and other nonspecific points throughout the body in accordance with acupuncture and Eastern medicine training;
- all points and protocols for ear acupuncture including auricular acupuncture, National Acupuncture Detoxification Association protocol, battlefield acupuncture, and the Nogier System; and
- the use of contact needling and noninsertion tools such as teishin, enshin, or zanshin.

Point injection therapy is expanded to include the injection of local anesthetics, such as lidocaine and procaine, for the reduction of pain during point injection therapy, consistent with the practice of acupuncture and Eastern medicine and training requirements defined in rule. An AEMP using point injection therapy may use oxygen, and epinephrine for potential emergency purposes, for patient care and safety. Prior to administering local anesthetics, epinephrine, or oxygen in point injection therapy, an AEMP must satisfy education and training requirements established in rule by the Department of Health

(DOH). The DOH must establish the requirements by July 1, 2022.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Acupuncturists and Eastern medicine practitioners (AEMPs) have been authorized to perform point injection therapy since 1985, which they have done with a spotless safety record. Local anesthetics, a widely recognized part of this therapy, are currently not authorized in statute, which makes Washington an outlier among states that authorize this practice. Oxygen and epinephrine are important for patient safety. Current law allows AEMPs to use autoinjectors, but a prescription is necessary. This bill will allow AEMPs to purchase preloaded syringes. The AEMPs will receive the training necessary to perform these tasks. These changes were recommended in the 2019 sunrise review. The remaining changes in this bill are clarifications to reflect changes in terminology. Last year's bill had a provision in it that necessitated a veto. This year's version corrects that provision.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; Leslie Emerick, Washington Acupuncture and Eastern Medicine Association; and Susan Shultz, Cascadia Health Care and Washington Acupuncture and Eastern Medicine Association.

Persons Signed In To Testify But Not Testifying: None.