

# SENATE BILL REPORT

## SB 5018

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As Passed Senate, February 23, 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 & Long Term Care: 1/13/21, 1/15/21 [DP].

**Floor Activity:** Passed Senate: 2/23/21, 48-0.

**Brief Summary of Bill**

- Changes the definition of acupuncture and Eastern medicine.
- Permits acupuncturists to practice intramuscular and dry needling, practice ear acupuncture, and use contact needling and non-insertion tools.
- Permits acupuncturists, once they have completed a training, to inject local anesthetics for reducing pain during point injection therapy and use oxygen and epinephrine for potential emergency purposes.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Van De Wege and Wilson, J.

**Staff:** Ricci Crinzi (786-7253)

**Background:** In 2010, the Legislature changed the profession of acupuncture to East Asian

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medicine, and expanded the scope for a licensed East Asian medicine practitioner. In 2019, references to East Asian medicine were changed to acupuncture and Eastern medicine and references to East Asian medicine practitioner were changed to acupuncturist or acupuncture and Eastern medicine practitioner. Acupuncture and Eastern medicine practitioners (acupuncturists) are licensed by the Department of Health (DOH). In 2019, DOH conducted a sunrise review analyzing changes to the scope of practice for acupuncturists, including increasing point injection therapy injectables, clarifying substance use disorder treatments, and providing for the practice of dry needling. The report recommended including local anesthetics, oxygen, and epinephrine in the practice of point injection therapy.

Scope of Practice. Acupuncture and Eastern medicine means a health care service diagnosis and treatment to promote health and treat organic or functional disorders and includes:

- 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 DOH including:
  1. injection of substances, limited to saline, sterile water, herbs, minerals, vitamins in liquid form, and homeopathic and nutritional substances, consistent with the practice of Eastern medicine;
  2. 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 Eastern exercise techniques;
- Qigong;
- 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.

**Summary of Bill:** Acupuncture or Eastern medicine is amended to acupuncture and Eastern medicine.

Acupuncture and Eastern medicine means a health care service using acupuncture or Eastern medicine diagnosis and treatment to promote health and treat organic or functional disorders, which includes a variety of 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.

An acupuncture and Eastern medicine practitioner may:

- use presterilized disposable needles, such as filiform and other acupuncture needles, syringes, or lancets to stimulate meridians, and acupuncture points including ashi points, motor points, trigger points, and other nonspecific points on the body;
- perform intramuscular needling and dry needling of trigger points in accordance with acupuncture and Eastern medicine training;
- perform all points and protocols for ear acupuncture; and
- use contact needling and noninsertion tools such as teishin, enshin, or zanshin.

Point injection therapy, as defined in rule by DOH, includes injection of local anesthetics, such as lidocaine and procaine, for reducing pain during point injection therapy. An acupuncture and Eastern medicine practitioner using point injection therapy may use oxygen, and epinephrine for potential emergency purposes, such as an allergic or adverse reaction, or for patient care and safety. Prior to administering local anesthetics, epinephrine, or oxygen while providing point injection therapy services, an acupuncture and Eastern medicine practitioner must satisfy education and training requirements established by DOH. DOH must adopt rules establishing these training requirements by July 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill previously passed both in the House and Senate last year. The bill was vetoed last session due to a drafting error in the bill, but that error has now been corrected. Nothing has changed in the bill from what was previously voted on. DOH supports the expansion of the scope of practice to include the use of local anesthetics, oxygen, and epinephrine for patient care. This expansion is appropriate and needs to be done for patient safety reasons. Other states allow acupuncturists and Eastern medicine practitioners to use local anesthetics for the comfort of patients. This bill would allow practitioners to access epinephrine easier as well as obtain the proper training before administering local anesthetics, oxygen, and epinephrine.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; Leslie Emerick,

Washington Acupuncture and Eastern Medicine Association; Susan Shultz, Cascadia Health Care.

**Persons Signed In To Testify But Not Testifying:** No one.