
HOUSE BILL 1339

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Tharinger, Angel, Cody, Harris, Jenkins, Green, and Moscoso

Read first time 01/23/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to East Asian medicine practitioners; and amending
2 RCW 18.06.010 and 18.06.140.

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

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

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

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

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

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

16 (c) Moxibustion;

17 (d) Acupressure;

18 (e) Cupping;

19 (f) Dermal friction technique;

- 1 (g) Infra-red;
2 (h) Sonopuncture;
3 (i) Laserpuncture;
4 (j) Point injection therapy (aquapuncture);
5 (k) Dietary advice and health education based on East Asian medical
6 theory, including the recommendation and sale of herbs, vitamins,
7 minerals, and dietary and nutritional supplements;
8 (l) Breathing, relaxation, and East Asian exercise techniques;
9 (m) Qi gong;
10 (n) East Asian massage, reflexology, and Tui na, which is a method
11 of East Asian bodywork, characterized by the kneading, pressing,
12 rolling, shaking, and stretching of the body and does not include
13 spinal manipulation; and
14 (o) Superficial heat and cold therapies.

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

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

18 (4) "Secretary" means the secretary of health or the secretary's
19 designee.

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

24 **Sec. 2.** RCW 18.06.140 and 2010 c 286 s 9 are each amended to read
25 as follows:

26 (1) (~~Every person licensed under this chapter shall develop a~~
27 ~~written plan for consultation, emergency transfer, and referral to~~
28 ~~other health care practitioners operating within the scope of their~~
29 ~~authorized practices. The written plan shall be submitted with the~~
30 ~~initial application for licensure as well as annually thereafter with~~
31 ~~the license renewal fee to the department. The department may withhold~~
32 ~~licensure or renewal of licensure if the plan fails to meet the~~
33 ~~standards contained in rules adopted by the secretary.~~

34 (+2)) When a person licensed under this chapter sees patients with
35 potentially serious disorders such as cardiac conditions, acute
36 abdominal symptoms, and such other conditions, the practitioner shall
37 immediately request a consultation or recent written diagnosis from a

1 primary health care provider licensed under chapter 18.71, 18.57,
2 18.57A, 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that the
3 patient with the disorder refuses to authorize such consultation or
4 provide a recent diagnosis from such primary health care provider, East
5 Asian medical treatments, including acupuncture, may only be continued
6 after the patient signs a written waiver acknowledging the risks
7 associated with the failure to pursue treatment from a primary health
8 care provider. The waiver must also include: (a) An explanation of an
9 East Asian medicine practitioner's scope of practice, including the
10 services and techniques East Asian medicine practitioners are
11 authorized to provide and (b) a statement that the services and
12 techniques that an East Asian medicine practitioner is authorized to
13 provide will not resolve the patient's underlying potentially serious
14 disorder. The requirements of the waiver shall be established by the
15 secretary in rule.

16 ~~((+3))~~ (2) A person violating this section is guilty of a
17 misdemeanor.

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