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HOUSE BILL 1045

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Tharinger, Harris, Van De Wege, Rodne, Moeller, Clibborn, Cody, G. Hunt, and Jinkins

Prefiled 12/15/14.

1 AN ACT Relating to the practice of East Asian medicine; amending  
2 RCW 18.06.140; and adding a new section to chapter 18.06 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.06  
5 RCW to read as follows:

6 The Washington state East Asian medicine advisory committee is  
7 established.

8 (1) The committee consists of five members, each of whom must be  
9 a resident of the state of Washington. Four committee members must be  
10 East Asian medicine practitioners licensed under this chapter who  
11 have not less than five years' experience in the practice of East  
12 Asian medicine and who have been actively engaged in practice within  
13 two years of appointment. The fifth committee member must be  
14 appointed from the public at large and must have an interest in the  
15 rights of consumers of health services.

16 (2) The secretary shall appoint the committee members. Committee  
17 members serve at the pleasure of the secretary. The secretary may  
18 appoint members of the initial committee to staggered terms of one to  
19 three years, and thereafter all terms are for three years. No member  
20 may serve more than two consecutive full terms.

1 (3) The committee shall meet as necessary, but no less often than  
2 once per year. The committee shall elect a chair and a vice chair. A  
3 majority of the members currently serving constitutes a quorum.

4 (4) The committee shall advise and make recommendations to the  
5 secretary on standards for the practice of East Asian medicine.

6 (5) Committee members must be compensated in accordance with RCW  
7 43.03.240, including travel expenses in carrying out his or her  
8 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

9 (6) Committee members are immune from suit in an action, civil or  
10 criminal, based on the department's disciplinary proceedings or other  
11 official acts performed in good faith.

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

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

22 (2)) When a person licensed under this chapter sees patients  
23 with potentially serious disorders such as cardiac conditions, acute  
24 abdominal symptoms, and such other conditions, the practitioner shall  
25 immediately request a consultation or recent written diagnosis from a  
26 primary health care provider licensed under chapter 18.71, 18.57,  
27 18.57A, 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that the  
28 patient with the disorder refuses to authorize such consultation or  
29 provide a recent diagnosis from such primary health care provider,  
30 East Asian medical treatments, including acupuncture, may only be  
31 continued after the patient signs a written waiver acknowledging the  
32 risks associated with the failure to pursue treatment from a primary  
33 health care provider. The waiver must also include: (a) An  
34 explanation of an East Asian medicine practitioner's scope of  
35 practice, including the services and techniques East Asian medicine  
36 practitioners are authorized to provide and (b) a statement that the  
37 services and techniques that an East Asian medicine practitioner is  
38 authorized to provide will not resolve the patient's underlying

1 potentially serious disorder. The requirements of the waiver shall be  
2 established by the secretary in rule.

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

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