



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 10-13-175 ; or
- Expedited Rule Making--Proposed notice was filed as WSR     ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

Chapter 246-803 WAC, creating a new chapter for east asian medicine practitioner, which will also include acupuncture, and repealing chapter 246-802 WAC the existing chapter for acupuncture.

**Hearing location(s):** Department of Health  
310 Israel Rd. S.E.  
Point Plaza East Room 153  
Tumwater, WA 98501

Date: May 17, 2011

Time: 9:00 a.m.

**Submit written comments to:**

Name: Vicki Brown, Program Manager  
Address: P.O. Box 47852  
Olympia, WA 98504-7852  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360 236-2901 by (date) 05/17/2011

**Assistance for persons with disabilities:** Contact

Vicki Brown by 05/10/2011

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 05/17/2011

(Note: This is **NOT** the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Substitute Senate Bill (SSB) 6280 (Chapter 286, Laws of 2010) amended chapter 18.06 RCW to replace "acupuncture" with "East Asian medicine." It also clarified the scope of practice and made other conforming changes. Rulemaking is necessary to align the current rules with the new legislation. The existing acupuncture rules, chapter 246-802 WAC, will be repealed, and both existing and new standards will be in chapter 246-803 WAC, East Asian Medicine Practitioner. The proposed rules also establish training, exam and patient waiver requirements and clarify the inactive license option.

**Reasons supporting proposal:**

Chapter 18.06 RCW establishes the requirements to practice as an East Asian medicine practitioner (EAMP). The legislative intent of chapter 18.06 RCW is to recognize that acupuncturists engage in a system of medicine to maintain and promote wellness and to prevent, diagnose, and treat disease drawing upon the experience, learning, and traditions originating in East Asia, that include more than acupuncture. The state's existing professional designation of acupuncturists needs to be changed so that the rule is consistent with the statute.

**Statutory authority for adoption:**

Chapter 18.06 RCW, SSB 6280 (Chapter 286 Laws of 2010)

**Statute being implemented:**

Chapter 18.06 RCW, SSB 6280 (Chapter 286 Laws of 2010)

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

DATE 4/05/2011

NAME (type or print)  
Mary C. Selecky

**SIGNATURE**

TITLE  
Secretary, Department of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 06, 2011

TIME: 9:58 AM

WSR 11-08-064

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Vicki Brown, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	360-236-4865
Implementation.... Vicki Brown, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	360-236-4865
Enforcement..... Vicki Brown, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	360-236-4865

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Vicki Brown

Address: Health Professions / Facilities

P.O. Box 47852

Olympia, WA 98504-7852

phone 360-236-4865

fax 360-236-2901

e-mail [vicki.brown@doh.wa.gov](mailto:vicki.brown@doh.wa.gov)

No: Please explain:

Chapter 246-803 WAC

EAST ASIAN MEDICINE PRACTITIONER

EAST ASIAN MEDICINE PRACTITIONERS

NEW SECTION

**WAC 246-803-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) Accredited school, college or program is:
  - (a) Accredited or has candidacy status as a United States postsecondary school, college or program; or
  - (b) Accredited by or has candidacy status with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).
- (2) "Approved school" is a school, college or program approved by the secretary of the department of health that meets the requirements of WAC 246-803-500.
- (3) "Credit" means ten classroom contact hours on the quarter system or fifteen classroom contact hours on the semester or trimester system.
- (4) "Department" means the department of health.
- (5) "East Asian medicine apprenticeship" is training in East Asian medicine administered by an apprenticeship trainer that satisfies the educational requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. An apprenticeship is of limited duration and ends at the time the parties to the apprenticeship agreement have completed their obligations.
- (6) "East Asian medicine practitioner" is a person licensed under chapter 18.06 RCW.
- (7) "East Asian medicine program" is training in East Asian medicine offered by an academic institution that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230 and also offers training in other areas of study. A program is an established area of study offered on a continuing basis. An East Asian medicine program may be referred to as a program in acupuncture, acupuncture and Oriental medicine, or

Oriental medicine.

(8) "East Asian medicine school" is an accredited academic institution which has the sole purpose of offering training in East Asian medicine that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230.

(9) "East Asian medicine tutorial instruction" is training in East Asian medicine which is offered by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student and satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. A tutorial is of limited duration and ends at the time the parties to the tutorial agreement have performed their obligations under the agreement.

(10) "Primary health care provider" is an individual licensed under:

- (a) Chapter 18.36A RCW, Naturopathy;
- (b) Chapter 18.57 RCW, Osteopathy--Osteopathic medicine and surgery;
- (c) Chapter 18.57A RCW, Osteopathic physicians' assistants;
- (d) Chapter 18.71 RCW, Physicians;
- (e) Chapter 18.71A RCW, Physician assistants; or
- (f) RCW 18.79.050, "Advanced registered nursing practice" defined--Exceptions.

#### NEW SECTION

**WAC 246-803-020 Advertising.** (1) A person licensed under this chapter may use the title East Asian medicine practitioner (EAMP) or licensed acupuncturist (L.Ac.) in all forms of advertising, professional literature and billing.

(2) An East Asian medicine practitioner may not use the title "doctor," "Dr.," or "Ph.D." on any advertising or other printed material unless the nature of the degree is clearly stated.

(3) An East Asian medicine practitioner may not represent that he or she holds a degree from an East Asian medicine school other than that degree which appears on his or her application for licensure.

(4) An East Asian medicine practitioner shall not engage in false, deceptive, or misleading advertising including, but not limited to, the following:

(a) Advertising that misrepresents the potential of East Asian medicine or acupuncture; and

(b) Advertising of any service, technique, or procedure that is outside the scope of practice for an East Asian medicine practitioner.

NEW SECTION

**WAC 246-803-030 East Asian medicine.** East Asian medicine is a health care service using East Asian medicine diagnosis and treatment to promote health and treat organic or functional disorders. East Asian medicine includes the following:

(1) Acupuncture. Acupuncture includes the use of acupuncture needles or lancets to directly or indirectly stimulate acupuncture points and meridians;

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

(3) Moxibustion;

(4) Acupressure;

(5) Cupping;

(6) Dermal friction technique;

(7) Infrared;

(8) Sonopuncture;

(9) Laserpuncture;

(10) Point injection therapy (aquapuncture);

(11) 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.

Health education. Health education is educational information directed to the patient that attempts to improve, maintain, promote and safeguard the health care of the patient. Health education consists of educating the patient on how the mind, body and spirit connect in context of imbalances, emotional patterns and tendencies as defined by and treated in East Asian medicine. Health education does not include mental health counseling;

(12) Breathing, relaxation, and East Asian exercise techniques;

(13) Qi gong;

(14) East Asian massage. East Asian massage means manual techniques having originated in East Asia involving the manipulation of the soft tissues of the body for therapeutic purposes.

(a) East Asian massage consists of:

(i) Applying fixed or movable pressure;

(ii) Passive, resistive, and assisted stretching of fascial and connective tissue;

(iii) Holding or causing movement of the body; or

(iv) Tapping, compressions or friction.

(b) East Asian massage may be performed with the use of tools common to the practice and aids of superficial heat, cold, water, lubricants, salts, minerals, liniments, poultices, and herbs.

(c) East Asian massage does not include attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital mobilization;

(15) Tui na. Tui na 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

- (16) Superficial heat and cold therapies.

## LICENSURE--APPLICATION AND ELIGIBILITY REQUIREMENTS

### NEW SECTION

**WAC 246-803-100 Application requirements for applicants from approved schools, colleges or programs.** An applicant for an East Asian medicine practitioner license who has graduated from an approved school, college or program must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at a school, college or program approved by the secretary. The school, college or program verification must include one of the following:
  - (a) Original copy of school transcript evidencing completion of a program in East Asian medicine that includes the required basic sciences sent directly from the school, college or program; or
  - (b) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.
- (4) Verification of clinical training as required in WAC 246-803-230.
- (5) Verification of successful completion of the examinations as required in WAC 246-803-240.
- (6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.
- (7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.
- (8) Verification of current cardio-pulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.
- (9) An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.
- (10) Any additional documents requested by the secretary.

NEW SECTION

**WAC 246-803-110 Application requirements for applicants from accredited schools, colleges or programs.** An applicant for an East Asian medicine practitioner license who has graduated from an accredited school, college or program must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at a school, college or program accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). The school, college or program verification must include one of the following:
  - (a) Original copy of school transcript evidencing completion of a program in East Asian medicine that includes the required basic sciences sent directly from the school, college or program. If all of the required basic sciences were not included as a part of the curriculum, then the applicant must also provide official transcripts where the basic sciences were obtained; or
  - (b) A notarized affidavit or statement signed by an officer of the school, college or program certifying the applicant's satisfactory completion of the training and designating the subjects and hours; or
  - (c) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.
- (4) Verification of clinical training as required in WAC 246-803-230.
- (5) Verification of successful completion of the examinations as required in WAC 246-803-240.
- (6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.
- (7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.
- (8) Verification of current cardio-pulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.
- (9) An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.
- (10) Any additional documents requested by the secretary.

NEW SECTION

**WAC 246-803-120 Application requirements for applicants from approved apprenticeships or tutorials.** Prior to applying for an East Asian medicine practitioner license, an applicant must have on file an approved application for apprenticeship or tutorial. The application must meet the requirements set out in WAC 246-803-510. An applicant for an East Asian medicine practitioner license who has completed an apprenticeship or tutorial program approved by the secretary must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at an approved apprenticeship or tutorial. Verification must include a notarized affidavit or statement signed by the apprenticeship trainer certifying the applicant's satisfactory completion of the training and designating the subjects and hours.
- (4) Verification of clinical training as required in WAC 246-803-230.
- (5) Verification of successful completion of the examinations as required in WAC 246-803-240.
- (6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.
- (7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.
- (8) Verification of current cardio-pulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.
- (9) An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.
- (10) Any additional documents requested by the secretary.

NEW SECTION

**WAC 246-803-130 Application requirements for applicants from foreign schools.** (1) An applicant for an East Asian medicine practitioner license who has graduated from a foreign East Asian medicine practitioner program not accredited or approved by the secretary must:

- (a) Have at least a bachelor's or master's degree in East Asian medicine or acupuncture from an institution of higher

learning which is approved by the foreign country's ministry of education/health, or other governmental entity;

(b) Have graduated from a program of East Asian medicine or acupuncture education with requirements substantially equal to those required of graduates of secretary-approved programs; and

(c) Demonstrate fluency in reading, speaking, and understanding the English language by taking the examinations required in WAC 246-803-240 (2)(a) through (c) in English or by passage of the test of English as a foreign language in WAC 246-803-240(3).

(2) An applicant for an East Asian medicine practitioner license must submit to the department:

(a) A completed application.

(b) The application fee required under WAC 246-803-990.

(c) Original copy of school transcripts from the East Asian medicine or acupuncture program showing degree and degree date.

(d) A credentialing evaluation report from the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The report must be sent directly from the AACRAO to the department. Submit transcripts, fees, and other documentation to a credentialing service approved by the department and request the evaluation report be sent directly to the department. The department recognizes the AACRAO for credential evaluations.

(e) Verification of clinical training as required in WAC 246-803-230.

(f) Verification of successful completion of the examinations as required in WAC 246-803-240.

(g) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(h) Verification of completion of seven clock hours of AIDS education as required in chapter 246-812 WAC, Part 8.

(i) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

(j) An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.

(k) Any additional documents requested by the secretary.

#### **EDUCATION, TRAINING AND EXAMINATION--REQUIREMENTS**

NEW SECTION

**WAC 246-803-200 Training for East Asian medicine practitioners.** To become an East Asian medicine practitioner, an applicant must have training in:

- (1) Basic sciences as described in WAC 246-803-210;
- (2) East Asian medicine sciences as described in WAC 246-803-220; and
- (3) Clinical training as described in WAC 246-803-230.

NEW SECTION

**WAC 246-803-210 Basic sciences.** To become an East Asian medicine practitioner, an applicant must have training in basic sciences that must consist of a minimum of forty-five quarter credits or thirty semester or trimester credits. These credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Microbiology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences; and
- (7) Hygiene.

NEW SECTION

**WAC 246-803-220 East Asian medicine sciences.** To become an East Asian medicine practitioner, an applicant must have training in East Asian medicine sciences consisting of a minimum of seventy-five quarter credits or fifty semester or trimester credits. These credits must include the following subjects of acupuncture/East Asian medicine:

- (1) Fundamental principles;
- (2) Diagnosis;
- (3) Pathology;
- (4) Therapeutics;
- (5) Meridians/vessels and points; and
- (6) Techniques, including electro-acupuncture.

NEW SECTION

**WAC 246-803-230 Clinical training.** To become an East Asian medicine practitioner, an applicant must complete a minimum of five hundred hours of supervised clinical training including no more than one hundred hours of observation which includes case presentation and discussion. At least four hundred hours must be patient treatment.

(1) Qualified instructors must observe and provide guidance to the student as appropriate. Instructors must be qualified to provide instruction in their areas of specialization in East Asian medicine as demonstrated by possession of the following:

(a) Broad and comprehensive training in East Asian medicine; and

(b) Two years of relevant current work experience or teaching experience in East Asian medicine.

(2) Qualified instructors must be available within the clinical facility to provide consultation and assistance to the student for patient treatments. Prior to initiation of each treatment, instructors must have knowledge of and approve the diagnosis and treatment plan.

(3) "Patient treatment" includes:

(a) Conducting a patient intake interview concerning the patient's past and present medical history;

(b) Performing East Asian medicine examination and diagnosis;

(c) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(d) Applying East Asian medicine treatment principles and techniques; and

(e) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

NEW SECTION

**WAC 246-803-240 Examinations.** (1) The examinations administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) are the official examinations for licensure as an East Asian medicine practitioner.

(2) An applicant for licensure as an East Asian medicine practitioner must pass the following examinations:

(a) Foundations of Oriental medicine examination;

(b) Acupuncture with point location examination;

(c) Biomedicine examination; and

(d) Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) clean needle technique course.

(3) If the applicant takes the examinations listed in subsection (2) of this section in a language other than English, they must also take and pass the test of English as a foreign

language (TOEFL) internet-based (IBT) examination. This is done by obtaining scores on the TOEFL IBT of at least:

- (a) 24 on the writing section;
- (b) 26 on the speaking section;
- (c) 21 on the reading section; and
- (d) 18 on the listening comprehension section.

#### NEW SECTION

**WAC 246-803-250 Documents in foreign language.** All documents submitted to the department in a foreign language must be accompanied by an accurate translation in English. Each translated document must bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Translation of any document relative to a person's application is at the expense of the applicant.

### **PRACTICE STANDARDS**

#### NEW SECTION

**WAC 246-803-300 Patient notification of qualifications and scope of practice.** East Asian medicine practitioners in the state of Washington must provide to each patient prior to or at the time of the initial patient visit the qualifications and scope of practice form. The form must include:

(1) The East Asian medicine practitioner's education. The degree obtained or if the education was by apprenticeship, the dates and locations of the didactic and clinical training.

(2) License information, including state license number and date of licensure.

(3) A statement that the practice of East Asian medicine in the state of Washington includes the following:

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

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

- (c) Moxibustion;
  - (d) Acupressure;
  - (e) Cupping;
  - (f) Dermal friction technique;
  - (g) Infrared;
  - (h) Sonopuncture;
  - (i) Laserpuncture;
  - (j) Point injection therapy (aquapuncture);
  - (k) 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;
  - (l) Breathing, relaxation, and East Asian exercise techniques;
  - (m) Qi gong;
  - (n) East Asian massage and Tui na (which is a method of East Asian bodywork); and
  - (o) Superficial heat and cold therapies.
- (4) A statement that side effects of the treatments listed above may include, but are not limited to, the following:
- (a) Pain following treatment;
  - (b) Minor bruising;
  - (c) Infection;
  - (d) Needle sickness; and
  - (e) Broken needle.
- (5) A statement that patients must inform the East Asian medicine practitioner if they have a severe bleeding disorder or pacemaker prior to any treatment.

#### NEW SECTION

##### **WAC 246-803-310 Referral to primary health care provider.**

(1) When an East Asian medicine practitioner sees a patient with a potentially serious disorder, the East Asian medicine practitioner shall immediately request a consultation or written diagnosis from a primary health care provider.

(2) Potentially serious disorders include, but are not limited to:

- (a) Cardiac conditions including uncontrolled hypertension;
- (b) Acute abdominal symptoms;
- (c) Acute undiagnosed neurological changes;
- (d) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;
- (e) Suspected fracture or dislocation;
- (f) Suspected systemic infection;
- (g) Any serious undiagnosed hemorrhagic disorder; and
- (h) Acute respiratory distress without previous history or diagnosis.

(3) In the event a patient with a potentially serious disorder refuses to authorize such consultation or provide a recent diagnosis from a primary health care provider, East Asian medical

treatments, including acupuncture may only continue after the patient signs a written waiver acknowledging the risks associated with the failure to pursue treatment from a primary health care provider.

(4) The written waiver must include:

(a) A statement acknowledging that failure by the patient to pursue treatment from a primary health care provider may involve risks that such a condition can worsen without further warning and even become life threatening;

(b) An explanation of an East Asian medicine practitioner's scope of practice, to include the services and techniques East Asian medicine practitioners are authorized to provide; and

(c) A statement that the services and techniques that an East Asian medicine practitioner is authorized to provide will not resolve the patient's underlying potentially serious disorder.

#### NEW SECTION

**WAC 246-803-330 Plan for consultation, emergency transfer and referral.** Every licensed East Asian medicine practitioner shall develop a written plan for consultation, emergency transfer, and referral. The written consultation plan must be submitted to the department after initial licensure but prior to treating any patients, and annually with the license renewal fee. The written plan for consultation, emergency transfer and referral must include:

(1) The name, license number and telephone numbers of two consulting primary health care providers.

(2) A statement attesting that in an emergency, the East Asian medicine practitioner will:

(a) Initiate the emergency medical system (EMS) by dialing 911;

(b) Request an ambulance; and

(c) Provide patient support until emergency response arrives.

(3) Confirmation from the primary health care providers listed as to their agreement to consult with and accept referred patients from the applicant.

#### NEW SECTION

**WAC 246-803-340 Mandatory reporting.** All individuals credentialed under this chapter must comply with the mandatory reporting rules in chapter 246-16 WAC.

## LICENSE STATUS

### NEW SECTION

**WAC 246-803-400 Inactive status.** (1) An East Asian medicine practitioner may obtain an inactive license by meeting the requirements of WAC 246-12-090.

(2) An inactive license must be renewed every year on the East Asian medicine practitioner's birthday according to WAC 246-12-100 and 246-803-990.

(3) If a license is inactive for three years or less, to return to active status an East Asian medicine practitioner must meet the requirements of WAC 246-12-110 and 246-803-990.

(4) If a license is inactive for more than three years and the East Asian medicine practitioner has been actively practicing in another state of the United States or its major territories, to return to active status the East Asian medicine practitioner must:

(a) Provide certification of an active East Asian medicine practitioner license, submitted directly from another licensing entity. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action;

(b) Provide verification of current active practice in another state of the United States or its major territories for the last three years; and

(c) Meet the requirements of WAC 246-12-110 and 246-803-990.

(5) If a license is inactive for more than three years, and the East Asian medicine practitioner has not been actively practicing in another state of the United States or its major territories, to return to active status the East Asian medicine practitioner must provide:

(a) A written request to change licensure status;

(b) The applicable fees according to WAC 246-803-990;

(c) Proof of successful completion of the examinations as required in WAC 246-803-240 (2)(a), (b), and (c) within the past year;

(d) Written certification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action; and

(e) Proof of AIDS education according to WAC 246-803-100, 246-803-110 or 246-803-120.

## EAST ASIAN MEDICINE PROGRAM APPROVAL

### NEW SECTION

**WAC 246-803-500 Application for approval of a nonaccredited school, college or program.** (1) Clinical and didactic training of a school, college or program may be approved separately.

(2) The department may consider for approval didactic training which meet the requirements outlined in WAC 246-803-210 and 246-803-220. Clinical training must meet the requirements outlined in WAC 246-803-230.

(3) Application for approval of a school, college or program is made by the authorized representative of the school, college or program.

(4) The authorized representative may request approval of the school, college or program as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, college or program shall include documentation required by the department pertaining to:

- (a) Educational administration;
- (b) Qualifications of instructors;
- (c) Didactic and/or clinical facilities; and
- (d) Content of offered training.

(6) An application fee as required under WAC 246-803-990 must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, college or program prior to approval by the department.

(8) After completing the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) If the department denies an application or grants conditional approval, the authorized representative of the applicant school, college or program may request a review within ninety days of the department's adverse action. After ninety days the contesting party may only obtain review by submitting a new application.

(10) The authorized representative shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, college or program at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative must immediately correct deficiencies which resulted in withdrawal of the department's

approval.

NEW SECTION

**WAC 246-803-510 Application for approval of alternative training.** (1) Clinical and didactic training of any apprenticeship or tutorial instruction may be approved separately.

(2) The department may consider for approval didactic training which meets the requirements outlined in WAC 246-803-210 and 246-803-220. Clinical training must meet the requirements of WAC 246-803-230.

(3) Application for approval of an apprenticeship or tutorial instruction is made by the apprenticeship or tutorial trainer.

(4) A request for approval of the apprenticeship or tutorial instruction may be as of the date of the application or retroactively to a specified date.

(5) The apprenticeship or tutorial instructor must be licensed as an East Asian medicine practitioner in the state of Washington and have no less than seven out of the last ten years of experience in full-time practice as an East Asian medicine practitioner.

(6) The application for approval of an apprenticeship or tutorial instruction must include documentation required by the department pertaining to:

- (a) Educational administration;
- (b) Qualifications of the apprenticeship or tutorial trainer;
- (c) Didactic and/or clinical facilities; and
- (d) Content of offered training.

(7) An application fee as required under WAC 246-803-990 must accompany the completed application.

(8) The department will evaluate the application and, if necessary, conduct a site inspection of the apprenticeship or tutorial instruction prior to approval by the department.

(9) After completing the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(10) If the department denies an application or grants conditional approval, the apprenticeship or tutorial trainer may request a review within ninety days of the department's adverse action. After ninety days the contesting party may only obtain review by submitting a new application.

(11) The apprenticeship or tutorial trainer shall notify the department of significant changes with respect to educational administration, trainer qualifications, facilities, or content of training.

(12) The department may inspect an approved apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or

representations in the application.

(13) The apprenticeship or tutorial trainer must immediately correct deficiencies which resulted in withdrawal of the department's approval.

(14) An apprenticeship or tutorial is of limited duration and ends at the time the parties to the agreement have completed their obligations.

## FEEES

### NEW SECTION

**WAC 246-803-990 East Asian medicine practitioner fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

<b>Title of Fee</b>	<b>Fee</b>
License application	\$100.00
License renewal	196.00
Inactive license renewal	50.00
Late renewal penalty	105.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
East Asian medicine training program application	500.00
UW library access fee	9.00

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-802-010	Definitions.
WAC 246-802-025	Inactive status.
WAC 246-802-030	Approval of school, program, apprenticeship or tutorial instruction.
WAC 246-802-040	Western sciences.
WAC 246-802-050	Acupuncture sciences.
WAC 246-802-060	Clinical training.
WAC 246-802-070	Documents in foreign language.
WAC 246-802-080	Sufficiency of documents.
WAC 246-802-090	Examinations.
WAC 246-802-100	Consultation plan.
WAC 246-802-110	Referral to other health care practitioners.
WAC 246-802-120	Patient informed consent.
WAC 246-802-130	Application exhibits required.
WAC 246-802-140	Advertising.
WAC 246-802-160	General provisions.
WAC 246-802-170	Mandatory reporting.
WAC 246-802-180	Health care institutions.
WAC 246-802-190	Acupuncture associations or societies.
WAC 246-802-200	Health care service contractors and disability insurance carriers.
WAC 246-802-210	Professional liability carriers.
WAC 246-802-220	Courts.
WAC 246-802-230	State and federal agencies.
WAC 246-802-240	Cooperation with investigation.
WAC 246-802-250	AIDS prevention and information education requirements.
WAC 246-802-990	East Asian medicine practitioner fees and renewal cycle.

