



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 20, 2024

TIME: 8:34 AM

WSR 24-13-118

Agency: The Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-17-077 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Allowing virtual training for point injection therapy for acupuncture and Eastern medicine. The Department of Health (department), in collaboration with the Acupuncture and Eastern Medicine Advisory Committee, is proposing to amend WAC 246-803-040, Education and training for point injection therapy, to allow a minimum of 8 hours of didactic education to occur through live interactive webinar.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 1, 2024	11:00 AM	In-Person: WA State Department of Health Town Center 2 Room 166/167 111 Israel Rd SE Tumwater, Washington 98501 Zoom Link: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_pJnVktjsR-6MHvTBONjAWQ After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will be offering a hybrid hearing. You may attend virtually or in person. You may also submit comments in writing.

Date of intended adoption: August 8, 2024 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Adriana Barcena
Address: P.O. Box 47852, Olympia, WA 98504-7852
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: 360-236-2901
Other: adriana.barcena@doh.wa.gov
Beginning (date and time) The date and time of this filing.
By (date and time) August 1, 2024 at Midnight

Assistance for persons with disabilities:

Contact: Adriana Barcena
Phone: 360-236-4865
Fax: 360-236-2901
TTY: 711
Email: adriana.barcena@doh.wa.gov
Other: None
By (date) July 29, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department received a rule petition on June 2, 2023 asking for rulemaking for point injection therapy training flexibility from the Washington Acupuncture and Eastern Medicine Association (WAEMA) and from an individual who provides point injection therapy education and training.

In consultation with the Acupuncture and Eastern Medicine Advisory Committee, the department is proposing to amend WAC 246-803-040. The proposal will require an acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy to continue to complete 24 hours of training, however not all training must be in-person. The department is proposing:

- 16 hours must be in-person, and eight of these hours must be hands-on clinical practical experience; and
- The remaining eight hours may be obtained through live interactive webinar or in-person.

While the proposal does not reflect the exact changes that the petitioner requested, a hybrid approach is being proposed which allows flexibility. The practitioner will be able to attend eight hours of online training, reducing the number of travel days which is intended to provide a cost savings while maintaining patient safety.

Reasons supporting proposal: Due to the coronavirus disease 2019 (COVID-19) pandemic, the education and training for point injection therapy was difficult to achieve. A hybrid course with an online portion covering the lectures and safety topics, up to eight hours, and the remaining 16 hours to cover the required in-person hands-on training was implemented. This was intended to cut costs as well as travel time and limit close contact and increase accessibility for licensees hoping to get trained to practice point injection therapy in this state.

The department and the Acupuncture and Eastern Medicine Advisory Committee took this experience into consideration, yet determined that online interactive webinar education should be limited to eight hours with the remaining 16 hours to be in-person for the point injection therapy education and training.

The reduction of in-person hours may be a cost savings but this needs to be balanced with patient safety.

Statutory authority for adoption: RCW 18.06.160 and 18.06.230

Statute being implemented: RCW 18.06.160 and 18.06.230

Is rule necessary because of a:

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

If yes, CITATION:

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

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Adriana Barcena	111 Israel Road SE, Tumwater, WA 98501	360-236-4865
Implementation	Adriana Barcena	111 Israel Road SE, Tumwater, WA 98501	360-236-4865
Enforcement	Adriana Barcena	111 Israel Road SE, Tumwater, WA 98501	360-236-4865

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email

Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

Name Adriana Barcena, Program Manager

Address Department of Health
PO Box 47852
Olympia, WA 98504-7852

Phone 360-236-4865

Fax 360-236-2901

TTY 711

Email adriana.barcena@doh.wa.gov

Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule does not affect small businesses.

(2) Scope of exemptions: Check one.

The rule proposal: Is fully exempt. (Skip section 3.) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (Complete section 3.) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (Complete section 3.) No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: 6/20/2024

Signature:

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH



Title: Chief of Policy for Secretary Health

WAC 246-803-040 Education and training for point injection therapy. Acupuncturist or acupuncture and Eastern medicine practitioners employing point injection therapy shall use only those substances and techniques for which they have received training.

(1) The education and training for point injection therapy must:

(a) Consist of a minimum total of 24 (~~contact~~) hours (~~of training~~) in the topics required in this section(~~(7)~~):

(i) Sixteen hours must be in-person; eight hours of which must be hands-on clinical practical experience; and

(ii) The remaining eight hours may be obtained through live interactive webinar or in-person.

~~(b) ((Include at least eight hours of clinical practical experience; and~~

~~(c-))~~ Be administered by an instructor that meets the requirements of subsection (~~(4)~~) (3) of this section.

(2) A curriculum for a point injection therapy training program must include all of the following:

(a) Review of physical examination, contraindications and universal precautions, and differential diagnosis;

(b) Compounding and administration of the substances authorized for point injection therapy under WAC 246-803-030, including aseptic technique, recordkeeping and storage of substances authorized for use in point injection therapy;

(c) Use of local anesthetics, such as lidocaine and procaine, for reduction of pain during point injection therapy, consistent with the practice of acupuncture and Eastern medicine;

(d) Emergency procedures to include the use of oxygen and epinephrine for potential emergency purposes, such as an allergic or adverse reaction, for patient care and safety; and

(e) Point injection therapy techniques and contraindication within the acupuncture or Eastern medicine scope of practice relative to the authorized substances listed in WAC 246-803-030 (13)(a)(i) through (vi).

~~(3) ((All training must be delivered in person and not through webinar or other online or distance learning method.~~

~~(4-))~~ An instructor for point injection therapy must have:

(a) A health care credential in good standing with a scope of practice that includes point injection therapy; and

(b) At least five years of experience in a health care practice that includes point injection therapy.

~~((5-))~~ (4) In addition to (~~point injection therapy meeting~~) the requirements of subsections (1) and (2) of this section, an acupuncturist(~~s~~) or acupuncture and Eastern medicine practitioners using point injection therapy must complete a minimum of two hours of training specifically in the use of intramuscular epinephrine, local anesthetics and oxygen.

(a) The training may be taken separately from the training in point injection therapy.

(b) The minimum of two hours of training count towards meeting the requirement for 24 hours of (~~contact~~) training as required in subsection (1)(a) of this section.

(c) An acupuncturist or acupuncture and Eastern medicine practitioner who holds an active credential with a scope of practice that

includes the authority to prescribe, dispense or administer epinephrine, local anesthetics, or oxygen does not need to meet the requirements of (a) of this subsection.

~~((6))~~ (5) To qualify under this section, the training program shall provide each successful student with a:

(a) Certificate of successful completion of the program; and

(b) Course syllabus outlining the schedule and curriculum of the program.

~~((7))~~ (6) The requirements of subsections (1) through ~~((6))~~ (5) of this section do not apply to an acupuncturist or acupuncture and Eastern medicine practitioner who has provided point injection therapy prior to June 9, 2016. An acupuncturist~~((s))~~ or acupuncture and Eastern medicine practitioners using point injection therapy prior to June 9, 2016, must have completed training and education in point injection therapy.

~~((8))~~ (7) Prior to administering local anesthetic, epinephrine, or oxygen in providing point injection therapy services, an acupuncturist or acupuncture and Eastern medicine practitioner must satisfy the education and training requirements ~~((set out in))~~ under this section.

~~((9))~~ (8) Any acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy must be able to demonstrate, upon request of the department ~~((of health))~~, successful completion of education and training in point injection therapy.