WA STATE LEGISLATURE

TWO CHAMBERS: SENATE AND THE HOUSE OF REPRESENTATIVES

• SENATE: 49 MEMBERS, 4 YEAR TERMS
  ✓ DEMOCRATS 57
  ✓ REPUBLICANS 41

• HOUSE OF REPRESENTATIVES: 98 MEMBERS, 2 YEAR TERMS
  ✓ DEMOCRATS 28
  ✓ REPUBLICANS 21

• 2019: 120-DAY “LONG SESSION” OF BIENNIAL LEGISLATURE, 2020 SHORT 60-DAY SESSION

• BUDGET CYCLE 2019-2021
SHB 1865 REGULATING ACUPUNCTURE AND EASTERN MEDICINE

• SPONSORS: CODY, HARRIS, PETTIGREW, CALDIER, THARINGER, THAI

• PASSED HOUSE OF REPRESENTATIVES
  • YEAH 96/NAY 2

• PASSED SENATE UNANIMOUSLY!
  • YEAH 48/0
SHB 1865 REGULATING ACUPUNCTURE & EASTERN MEDICINE

- Changes the terms "EAST ASIAN MEDICINE" and "EAST ASIAN MEDICINE PRACTITIONER" to "ACUPUNCTURE AND EASTERN MEDICINE" and "ACUPUNCTURIST OR ACUPUNCTURE AND EASTERN MEDICINE PRACTITIONER." (AEMP) L.AC. still allowed
- DOH to adopt a rule requiring completion of continuing education for acupuncturists.
- Changes name of “EAST ASIAN MEDICINE ADVISORY COMMITTEE” to “ACUPUNCTURE AND EASTERN MEDICINE ADVISORY COMMITTEE”
- Repeals outdated language in RCW that no longer applies.
- Bill goes into effect 90 days after legislative session ends.
HB 1865 REGULATING ACUPUNCTURE & EASTERN MEDICINE

THE ORIGINAL BILL WAS OPPOSED BY WSMA & PTWA

- Had references to reducing substance abuse
- Added substances to pit such as oxygen, medical, ozone, and epinephrine for patient care and safety.
- Included Ashi points, motor, and trigger points, and intramuscular needling;
- Ear acupuncture, or auricular acupuncture, National Acupuncture Detoxification Association protocol, battlefield acupuncture, and the Nogier system;
- Use of contact needling and non-insertion tools such as Teishin, Enshin, or Zanshin
INCREASING A PROFESSION’S SCOPE OF PRACTICE.

• APPLICANTS FOCUS THEIR PROPOSALS ON THE CRITERIA IN RCW 18.120.010 BY DEMONSTRATING THAT PROPOSALS:
  - PROTECT THE PUBLIC FROM HARM;
  - PROVIDE ASSURANCE OF PROFESSIONAL ABILITY TO PERFORM THE INCREASED SCOPE OF PRACTICE (SUCH AS EDUCATION AND TRAINING);
  - PROVIDE THE MOST COST-BENEFICIAL OPTION TO PROTECT THE PUBLIC.

APPLICANT GROUP MUST ALSO EXPLAIN THE FACTORS IN RCW 18.120.030 THAT ARE RELEVANT TO INCREASES IN SCOPES OF PRACTICE.

THIS WILL BE THE PROFESSION’S THIRD SUNRISE REVIEW.
$52.4 BILLION STATE OPERATING BUDGET 2019-21
FUNDING FOR SHB 1865 IN FINAL COMPROMISE BUDGET

• $14,000 OF THE HEALTH PROFESSIONS ACCOUNT—STATE APPROPRIATION IS PROVIDED SOLELY TO IMPLEMENT SUBSTITUTE HOUSE BILL NO. 1865 (ACUPUNCTURE AND EASTERN MEDICINE). IF THE BILL IS NOT ENACTED BY JUNE 30, 2019, THE AMOUNT PROVIDED IN THIS SUBSECTION SHALL LAPSE.
Proviso did not make it into the compromise budget, but lays the groundwork for future reimbursement. Proviso allowed the HCA to provide an acupuncture benefit for medicaid clients with a lower back pain diagnosis.

**Fiscal Impact** - Four year = $1,546,000 ($502,000 GFS / $1,044,000 GFF)
Assumes a January 2020 start date. FY 2020 is a partial year.
PT DRY NEEDLING HB 1260/SB 5642 (DIED)

• PHYSICAL THERAPY ASSOCIATION OF WA WAS THE PROPONET OF THE LEGISLATION

• BILLS DID NOT GET A PUBLIC HEARING IN THE HOUSE OR SENATE HEALTH CARE COMMITTEES

• HB1260 STRAYS FROM THE SUNRISE RECOMMENDATIONS: DN DEFINITION WHICH DOES NOT SPECIFY NEEDLE RETENTION OR ELECTRICAL STIMULATION OF NEEDLES.

• THE LEVEL OF TRAINING TOO LOW, 300 HOURS

• THE PROPOSED DEFINITION IS OUT OF SYNC WITH PROPOSED CPT CODING
SSB 5887 PRIOR AUTHORIZATION: DIED

• CLARIFIES A PATIENT GETS 6 VISITS BEFORE PRIOR AUTHORIZATION FROM INSURANCE COMPANY NEEDED.

• PROHIBITS AN INSURER FROM REQUIRING CERTAIN TREATMENT VISITS TO MEET MEDICAL NECESSITY STANDARDS, SO LONG AS THE PATIENT'S PROVIDER DETERMINES MEDICALLY NECESSARY.

• BILL AMENDED TO REMOVE “EPISODE OF CARE” LIMITING PATIENTS TO ONE SET OF 6 VISITS IN ONE PLAN YEAR
  • WORSE THAN CURRENT LAW, BILL KILLED AT END OF SESSION.
HB 1753 STATEMENT OF INQUIRY FOR RULES AFFECTING FEES FOR HEALTH PROFESSIONS.

- HB 1753 REQUIRING A STATEMENT OF INQUIRY FOR RULES AFFECTING FEES RELATED TO HEALTH PROFESSIONS. (SPONSOR: REP RICCELLI)

- DOH AND DISCIPLINING AUTHORITIES MUST FILE A STATEMENT OF INQUIRY PRIOR TO ADOPTING ANY RULES THAT SET OR ADJUST FEES AFFECTING HEALTH PROFESSIONS.
SSB 5380 (2SHB 1331) CONCERNING OPIOID USE DISORDER TREATMENT

- SSB 5380 (2SHB 1331) CONCERNING OPIOID USE DISORDER TREATMENT, PREVENTION, AND RELATED SERVICES. (SPONSOR: SENATOR CLEVELAND)
- GOVERNOR REQUEST LEGISLATION.
- INCLUSION OF NON-PHARMACOLOGICAL ALTERNATIVES TO OPIOIDS.
HB 2158 CREATING A WORKFORCE EDUCATION INVESTMENT

• 20% HEALTH PROFESSIONS B & O TAX INCREASE FROM 1.5 PERCENT TO 1.8 PERCENT
  • WEAMA OPPOSED AND TESTIFIED BEFORE THE SENATE WAYS AND MEANS COMMITTEE
  • PASSED THE STATE LEGISLATURE AND IN FINAL COMPROMISE BUDGET

• REVENUE WOULD BE USED TO MAKE PUBLIC COLLEGE OR APPRENTICESHIP TRAINING TUITION-FREE FOR FAMILIES EARNING ABOUT $50,000 OR LESS AND PARTIAL TUITION SCHOLARSHIPS TO FAMILIES EARNING UP TO $88,000 FOR A FAMILY OF FOUR.

• DOES NOT INCLUDE SCHOOLS OF ACUPUNCTURE AT THIS POINT
SHB 1415 MODIFYING FUNDING OF THE MEDICAL MARIJUANA AUTHORIZATION DATABASE.

• RETURNING THE FUNDING THAT WAS BORROWED FROM THE O2G FUND TO START UP THE MARIJUANA AUTHORIZATIONS DATA BASE BACK INTO THE ACCOUNT.

• CREATED SHORTFALLS IN THE FUND AND THIS WILL HELP ALLEVIATE SOME OF THE PROBLEMS AND POTENTIALLY WARD OF LICENSURE FEE INCREASES FOR THE PROFESSIONS
LABOR & INDUSTRIES
ACUPUNCTURE FOR LOW BACK PAIN

ACUPUNCTURE LBP TIMELINE:
EFFECTIVE DATE JUNE 1, 2019 (CR-103 FILED 4-30-19)

• MAXIMUM OF 10 VISITS PER INJURED WORKER’S CLAIM.
• PROVIDERS EXPECTED TO CONTINUE TREATMENT ONLY IF IMPROVEMENT IS DOCUMENTED MIDWAY.
• ONLY MEDICALLY NECESSARY TREATMENTS PROVIDED.
• NEED REFERRAL FROM A PRIMARY CARE PRACTITIONER
• NO PRE-AUTHORIZATION REQUIRED.
• QUESTIONS FOR PROVIDER ACCOUNT: PACMAIL@LNI.WA.GOV
• PROVIDER HOTLINE AT (800) 848-0811 FOR ASSISTANCE.
WEAMA INSURANCE COMMITTEE

• MEETING WITH OFFICE OF THE INSURANCE COMMISSIONER (JOHN FROSTAD, CHARIS WOLF, LESLIE E.)

• EVERY CATEGORY PROVIDER LAWS VIOLATED BY INSURERS.
  • NOT ALLOWING BILLING FOR TREATMENTS IN SCOPE OF PRACTICE FOR ACUPUNCTURISTS

• WEAMA SUBMITTED A LETTER OF COMPLAINT TO OIC
  • OIC VERY INTERESTED AND CONCERNED.

• NEED OUR HELP TO ADDRESS ISSUE WITH INSURERS!
2019 WEAMA LEGISLATIVE DAY IN OLYMPIA

- 20 PARTICIPANTS
- 50 MEETINGS WITH LEGISLATORS AND OR THEIR ASSISTANTS
- FEBRUARY 26, 2019
- NEXT ACUPUNCTURE & EASTERN MEDICINE DAY SCHEDULED FOR FEBRUARY 3RD, 2020
ACUPUNCTURE DEMONSTRATIONS A SUCCESS!

Auricular (Ear) Acupuncture Demonstration

Tuesday, February 26, 2019 - 10 am - 2 pm
3rd Floor Legislative Bldg Mezzanine (GW sculpture)

Over 50 people treated with auricular acupuncture!
DEPARTMENT OF HEALTH

• EAST ASIAN MEDICINE ADVISORY COMMITTEE
• LICENSURE AND COMPLAINTS/DISCIPLINE
  • MANAGE O2G FUND FOR LICENSURE FEES
• OPIOID WORKGROUP
• NURSING COMMISSION (NCQAC)
  • MEDICAL ACUPUNCTURE (300 HRS)
• SUNRISE REVIEW
THE DEPARTMENT/EAMAC IS REVIEWING AND UPDATING YOUR WAC 246-803.

PUBLIC IS WELCOME TO TAKE PART IN THE RULE WRITING PROCESS. RULES ARE ALSO KNOWN AS REGULATIONS, WASHINGTON ADMINISTRATIVE CODE, OR WAC.

2019 EAMAC MEETING DATES AND LOCATION:

MAY 10 - SPOKANE AREA. TO BE DETERMINED. START AT 10:00 A.M.

SEPTEMBER 20 – DOH OFFICES IN KENT. MEETING WILL START AT 9:30 A.M.
HOW CAN YOU GET INVOLVED?

WA STATE LEGISLATURE HOME PAGE

• HTTP://WWW.LEG.WA.GOV/PAGES/HOME.ASPX

• HOW TO FIND YOUR STATE LEGISLATOR?

• HTTP://APP.LEG.WA.GOV/DISTRICTFINDER/
YOU CAN MAKE A DIFFERENCE!

A robust democracy requires active participation.

Pete Gallego