



# 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: May 22, 2026

TIME: 8:47 AM

WSR 26-12-013

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 25-04-007; 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:** Acupuncture and Eastern medicine practitioners - Expanding the acceptance of English proficiency examinations. The Department of Health (department), in consultation with the Acupuncture and Eastern Medicine Advisory Committee (committee) is proposing amendments to WAC 246-803-130, Applications Requirements for Applicants from Foreign Schools, and WAC 246-803-240, Examinations, to allow the acceptance of additional English proficiency examinations as approved by the secretary in accordance with RCW 18.06.090.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 8, 2026	10:00 a.m.	Register in advance for this webinar: <a href="https://us02web.zoom.us/webinar/register/WN_vhn0jxd-TOSJpCkynKMIKq">https://us02web.zoom.us/webinar/register/WN_vhn0jxd-TOSJpCkynKMIKq</a>  After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will hold a virtual only hearing. You may also submit comment in writing.

**Date of intended adoption:** July 15, 2026 (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name Adriana Barcena  
Address P.O. Box 47852, Olympia, WA 98504-7852  
Email [Adriana.barcena@doh.wa.gov](mailto:Adriana.barcena@doh.wa.gov)  
Fax N/A  
Other <https://fortress.wa.gov/doh/policyreview>  
Beginning (date and time) The date and time of this filing  
By (date and time) July 8, 2026 at 11:59 p.m.

### Assistance for persons with disabilities:

Contact Adriana Barcena  
Phone 360-236-4865  
Fax N/A  
TTY 711  
Email [Adriana.barcena@doh.wa.gov](mailto:Adriana.barcena@doh.wa.gov)  
Other None  
By (date) June 24, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Individuals who are seeking an Acupuncture and Eastern medicine license in Washington state are required to demonstrate competency in English and skills by meeting examination requirements. Candidates who have not passed the required examinations in English are required to demonstrate sufficient fluency in reading, speaking, and comprehension by successfully passing an English proficiency examination. Updating WAC 246-803-130 will expand the acceptance of additional examinations candidates can take to demonstrate proficiency in the English language, increasing access and opportunity. The proposed rule amendments implements the general goals and objectives of RCW 18.06.090, which requires acupuncture and eastern medicine practitioners to demonstrate sufficient English fluency for communicating with other health care providers and patients.

The proposal also updates existing language in WAC 246-803-240 to remove outdated reference to the Council of Colleges of Acupuncture and Herbal Medicine. The proposed amendments will ensure rules for applicants for Acupuncture and Eastern medicine are accurate and reduce confusion.

**Reasons supporting proposal:** The proposed amendments maintain public protection by requiring all applicants who tested in a non-English language to demonstrate English proficiency sufficient for safe and effective patient care, while expanding acceptable examination options. Washington state currently only accepts one English proficiency examination the Internet-Based Test of English as a Foreign Language (ibTOEFL). The proposed rule amendments are necessary to facilitate the inclusion of alternative examinations for English proficiency and increase access for prospective licensees.

The proposed changes to include successful passing of an English proficiency examination approved by the secretary, will facilitate the inclusion of alternative assessments and permit candidates to select from various English proficiency testing organizations as approved by the Secretary of Health, thereby increasing access and opportunity.

The proposed changes will allow additional organizations other than ibTOEFL, such as Occupational English Testing (OET), to be an approved English proficiency exam by the secretary.

Organizations like OET would provide an opportunity for an applicant to demonstrate English proficiency with realistic scenarios that would be encountered in the healthcare work setting. OET provides profession-specific examinations for the sub-tests in writing and speaking. The rule will allow applicants to take an OET Acupuncture subtest when it becomes available in the future. In the meantime, Acupuncturists can complete OET medicine examinations. Taking the OET will assist providers seeking licensure by ensuring they have necessary communication skills to provide safe and effective care.

The proposed amendments also allow for potential additional English proficiency examinations to be approved by the secretary in the future without the need for further rulemaking, which would be a cost savings.

**Statutory authority for adoption:** RCW 18.06.080 and 18.06.160

**Statute being implemented:** RCW 18.06.080, 18.06.090, and 18.06.160

**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,  
Address PO Box 47852, Olympia, WA 98504-7852  
Phone 360-236-4865  
Fax N/A  
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:

- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 is exempt under RCW 19.85.025(4) as the proposed changes and the existing requirements regulate acupuncturist applicants and does not impose requirements on business operations, staffing, equipment, fees or reporting. Accordingly, the proposed rules do not affect small businesses and is fully exempt under RCW 19.85.025(4).

**(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:** May 22, 2026

**Name:** Kristin Peterson, JD for Dennis E. Worsham

**Title:** Chief of Policy for Secretary of Health

**Signature:**

