

Dear Members,

We are writing to notify you that the Board of Physical Therapy Examiner's has published regulations pertaining to the procedure known as dry needling. Should you wish to submit comments on these regulations, you may do so through December 14th.

Comments can be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call [410-767-6499](tel:410-767-6499) (TTY [800-735-2258](tel:800-735-2258)), or email to dhmh.regs@maryland.gov, or fax to [410-767-6483](tel:410-767-6483).

A copy of the regulations Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS, 10.38.12 Dry Needling can be found here:

<http://www.dsd.state.md.us/MDR/4323/Assembled.htm>

You will need to scroll down to the Health Occupations section and find the link for Dry Needling under the Physical Therapy heading.

Representatives from Maryland Acupuncture Society have actively worked on this issue since 2009 when the Attorney General issued an opinion that the informal statement by the PT Board authorizing its licensees to use dry needling techniques did not have legal effect because the Board needed to draft rules which would undergo the formal Rules and Regulations process.

The regulations you see here represent the culmination of that process. After the comment time has ended, the Board will be required to consider and address all comments it receives and after doing so, the regulations will become administrative law.

Over the years, the PT Board has drafted at least six different sets of regulations. Both the Board of Acupuncture and Maryland Acupuncture Society have voiced objections and concerns each time a new set of regulations has been proposed, and the PT Board was instructed to revise the regulations in order to sufficiently address our concerns.

To help you to better understand these regulations, we have prepared a brief summary:

- **Definition of dry needling:** Dry needling is defined as a physical therapy intervention using solid needles to affect change in muscles and surrounding tissue. It can be used in areas of the body that are linked to neuromuscular impairment. It may not be performed for any purpose outside the scope of practice for a physical therapist, or for any purpose of acupuncture as defined in the Health Occupation statutes regarding acupuncture.

Maryland Acupuncture Society has concerns regarding the way in which this language is written. We appreciate the Physical Therapy Board's attempt to prevent its licensees from performing additional needling procedures that may extend into the broader field of acupuncture, however as written, we worry that such a restriction is not made very clear. After all, even the founders of dry needling have written statements in their textbooks identifying dry needling as one of the many forms of acupuncture.

So the statement in these regulations that restricts a physical therapist from performing acupuncture while giving them permission to needle anywhere that is “linked” to neuromuscular impairment is confusing given that dry needling is identical in procedure to ashi trigger-point acupuncture.

Should you wish to submit comment, **MAS suggests you focus your comments on refining the definition of dry needling to more specifically restrict dry needling to neuromuscular trigger points.**

We also would like to see the definition be changed from a **“physical therapy intervention” to simply an “intervention”** to assure that these regulations do not inadvertently restrict an acupuncturist’s ability to perform this same procedure for which we are already fully trained and duly licensed to provide.

- Hours of training: A physical therapist will need to complete 80 hours of training specific to dry needling. As dry needling instruction is not currently included as part of any physical therapy institution’s curriculum, all 80 of these hours will need to be completed subsequent to graduation from a formal physical therapy schooling program.
- Type of training: Of the 80 hours, 40 hours will be classroom instruction conducted either in person or through electronic means that allow real time interaction between the student and instructor. The additional 40 hours will be supervised, hands-on training conducted in person with an instructor who has not only met these training guidelines but has also been practicing dry needling for at least 5 years.

Maryland Acupuncture Society appreciates the expansion of training hours. Earlier drafts had far fewer hours of training, many of which were not specific to needling and could be completed during a physical therapist’s formal schooling.

As more states have permitted dry needling with low training hours, so too have incidents of life threatening injuries risen. **We worry that 80 hours is still too low to assure public safety.** However, if passed, the 80 hour standard for dry needling specific training will be the most stringent in the country.

- Competency: All coursework must include a demonstration of competency.

The regulations do not give specific instructions with regard to what demonstration of competency is sufficient. **Maryland Acupuncture Society would request that this section of the regulation specify that an examination be required, and that such an examination shall not be administered outside of the 80 hours of required training.**

- Registration: Physical therapists will be required to register with their licensing board, including demonstration of completion of all required training, prior to performing dry needling on patients. Physical therapists who perform dry needling without proper registration or completion of required training will be subject to disciplinary actions. No physical therapist currently performing dry needling will be grandfathered by these regulations, however the regulations will take effect one year after the date which they are approved. This gives physical therapists currently performing dry needling one year to complete the remaining coursework and supervision before they are in violation of the regulations.
- Experience: A physical therapist must have an active license for at least two years prior to being able to perform dry needling. Dry needling is declared by these regulations to be an advanced

technique, and therefore only licensed physical therapists can perform it. It is not within the scope of practice of limited physical therapy.

- Patient Notification: A physical therapist must explain dry needling and obtain written consent from a patient before providing it.

We are pleased to see these safeguards in place and hope that they will assure public safety.

Again, should you wish to comment, you must submit your comments by December 14th in order for them to be considered.