

Regulating Dry Needling in Maryland:

A Collaboration Between the Board of Acupuncture
and the Board of Physical Therapy Examiners

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- Public Protection
 - Scope of Practice
 - Responsible Regulation

WHAT IS DRY NEEDLING?

Dry Needling is a physical therapy intervention, also known as intramuscular manual therapy, that involves the insertion of one or more solid needles, a type of mechanical device, into or through the skin to effect change in muscles and tissues for the purpose of alleviating identified impairment.

Dry needling is only utilized in parts of the body with neuromuscular or musculoskeletal links to the impairment.

Development of Dry Needling:

- Developed in the 1940's by Dr. Janet Travell, physician to JFK.
- In 1983 Dr. Travell and Dr. David G. Simons published the first dry needling manual.
- In 1989, a licensed physical therapist trained by Dr. Travell asked the Maryland PT Board if dry needling was in the scope of practice of physical therapy. The Board concluded it was.
- Maryland was the first state to permit dry needling by physical therapist.
- As of July 1, 2013, 26 of the 53 United States jurisdictions that regulate the practice of physical therapy, including Virginia, West Virginia, and the District of Columbia, specifically allow dry needling by licensed physical therapists.

State of Maryland Timeline:

- **1989:** PT Board Permits Dry Needling in Maryland
- **2009-2010:**

The Maryland Acupuncture Board received a complaint from the Physical Therapy Board against an acupuncturist who was allegedly performing a physical therapy technique called “dry needling”.

To further understand dry needling, the Acupuncture Board consulted with the Physical Therapy Board and was invited to attend presentation. The Board found the techniques presented were identical to a fundamental acupuncture technique known as ‘lifting and thrusting’. The complaint was ultimately dismissed by the Board of Acupuncture.

The Acupuncture Board was very concerned to learn that physical therapists were using acupuncture needles and were only required to earn 80 hours of training to perform these procedures. Physicians are required to earn at least 250 hours of training in acupuncture and go through a separate registration process before they can perform acupuncture techniques in Maryland. Licensed acupuncturists are required to earn at least 3,000 hours.

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Acupuncture Board members also found that not one accredited Physical Therapy school in the United States included dry needling instruction in their curriculum and that the training is merely learned in a continuing education seminar.

Concerned that physical therapists might be practicing acupuncture, the Acupuncture Board decided to seek an Opinion from the Office of Attorney General to clarify scope of practice.

The Board of Acupuncture asked the Attorney General:

1. Whether it was appropriate for any Maryland health occupation board to expand its scope of practice to include an invasive technique without first seeking statutory authority to do so?
2. Whether the insertion of acupuncture needles, or any needle, is within the Maryland Physical Therapy Board's current scope of practice?

August 2010: The Office of the Attorney General Issued an Opinion

The Opinion stated in part:

1. The authority to use acupuncture needles for therapeutic purposes is not necessarily reserved exclusively to licensed acupuncturists.
2. State law recognizes that the scope of practice of health care professions may overlap and confers extensive discretion on licensing boards to define the scope of a profession within statutory limits.
3. Determined that PT Board may determine that dry needling was within its scope.
4. The reference to the use of mechanical devices by physical therapists in its statute gave the PT Board the discretion to determine by regulation whether acupuncture needles are mechanical devices.
5. The PT Board must adopt regulations that relate dry needling to the statutory definition of the practice of physical therapy.
6. Must define standards for education that would be at least as strict as those set for physicians.

Developing Dry Needling Regulation

- **August 2010- November 2011:** PT Board Creates Dry Needling Taskforce
- Meets with stakeholders, including: educators; experts; healthcare practitioner; and, the public.
- **December 2011:** Draft Dry Needling regulations circulated for informal comment by stakeholders, including the Acupuncture Board.
- **March 2012:** Representatives of the Acupuncture Board and the PT Board meet to discuss the proposed dry needling regulations.
- **August 2012:** Secretary Joshua Sharfstein, M.D. requested public comment on the revised version of the draft regulations
 - More than 950 comments were received.
 - 800 comments were in favor of physical therapists utilizing dry needling as a therapeutic intervention.
- **November 2012:** Dr. Sharfstein met with PT Board Chair and Executive Director to identify areas of consideration based upon the public comments.
- **December 2012- August 2014:** Several versions of proposed dry needling regulations were circulated for comment.
- **August 6, 2014:** Dr. Sharfstein signed proposed dry needling regulation.

Where Are We Now?

- September 19, 2014: Regulations officially published.
- October 20, 2014: End of official comment period.
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THANK YOU!!!