

HOUSE BILL 979

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5lr0738
CF SB 580

By: **Delegates Pena–Melnyk, Cullison, Hill, Kelly, Reznik, Sample–Hughes, and West**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Chiropractic and Massage Therapy Examiners and State Board**
3 **of Physical Therapy Examiners – Dry Needling – Registration Requirements**

4 FOR the purpose of prohibiting certain licensed chiropractors and certain licensed physical
5 therapists from performing dry needling except under certain circumstances;
6 authorizing certain licensed chiropractors who have the right to practice physical
7 therapy and certain physical therapists to perform dry needling if certain health
8 occupations boards have registered the licenses in accordance with certain provisions
9 of law; requiring certain health occupations boards to register certain licensees who
10 submit to the board a certain application, evidence of completion of certain education
11 and clinical experience requirements, and a certain application fee; requiring that
12 certain regulations be developed in collaboration with certain health occupations
13 boards, be at least as stringent as certain provisions of law, and require successful
14 completion of certain courses; defining a certain term; and generally relating to the
15 State Board of Chiropractic and Massage Therapy Examiners, the State Board of
16 Physical Therapy Examiners, and registration requirements for dry needling.

17 BY repealing and reenacting, with amendments,

18 Article – Health Occupations
19 Section 3–101 and 13–101
20 Annotated Code of Maryland
21 (2014 Replacement Volume)

22 BY adding to

23 Article – Health Occupations
24 Section 3–3A–01 and 3–3A–02 to be under the new subtitle “Subtitle 3A.
25 Registration for Dry Needling”; and 13–3A–01 and 13–3A–02 to be under the
26 new subtitle “Subtitle 3A. Registration for Dry Needling”
27 Annotated Code of Maryland
28 (2014 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 3–101.

5 (a) In this title the following words have the meanings indicated.

6 (b) “Board” means the State Board of Chiropractic and Massage Therapy
7 Examiners.

8 (c) “Chiropractor” means an individual who practices chiropractic.

9 **(D) (1) “DRY NEEDLING” MEANS THE INSERTION OF ONE OR MORE SOLID**
10 **NEEDLES INTO THE SKIN FOR A THERAPEUTIC PURPOSE WITHOUT INJECTING OR**
11 **WITHDRAWING ANY FLUIDS.**

12 **(2) “DRY NEEDLING” DOES NOT INCLUDE THE INSERTION OF ONE OR**
13 **MORE SOLID NEEDLES INTO THE SKIN FOR PURPOSES OF DETOXIFICATION,**
14 **SMOKING CESSATION, STRESS RELIEF, OR ANY OTHER PURPOSE THAT IS NOT**
15 **WITHIN THE SCOPE OF PRACTICE OF A LICENSED CHIROPRACTOR WITH THE RIGHT**
16 **TO PRACTICE PHYSICAL THERAPY.**

17 **[(d)](E)** “License” means, unless the context requires otherwise, a license issued
18 by the Board:

19 (1) To practice chiropractic; or

20 (2) To practice chiropractic with the right to practice physical therapy.

21 **[(e)](F)** “Licensed chiropractor” means, unless the context requires otherwise,
22 a chiropractor who is licensed by the Board to practice chiropractic or to practice
23 chiropractic with the right to practice physical therapy.

24 **[(f)](G)** (1) “Practice chiropractic” means to use a drugless system of health
25 care based on the principle that interference with the transmission of nerve impulses may
26 cause disease.

27 (2) “Practice chiropractic” includes the diagnosing and locating of
28 misaligned or displaced vertebrae and, through the manual manipulation and adjustment
29 of the spine and other skeletal structures, treating disorders of the human body.

1 (3) Except as otherwise provided in this title, “practice chiropractic” does
2 not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any
3 other branch of medicine.

4 (4) The definition of “practice chiropractic” does not prohibit a chiropractor
5 from selecting diet and hygiene measures for an individual.

6 [(g)](H) “Practice physical therapy” has the meaning stated in § 13–101 of this
7 article.

8 SUBTITLE 3A. REGISTRATION FOR DRY NEEDLING.

9 3–3A–01.

10 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
11 LICENSED CHIROPRACTOR MAY NOT PERFORM DRY NEEDLING.

12 (B) A LICENSED CHIROPRACTOR WITH THE RIGHT TO PRACTICE PHYSICAL
13 THERAPY MAY PERFORM DRY NEEDLING IF THE BOARD HAS REGISTERED THE
14 LICENSED CHIROPRACTOR IN ACCORDANCE WITH THIS SUBTITLE.

15 3–3A–02.

16 (A) THE BOARD SHALL REGISTER A LICENSED CHIROPRACTOR WITH THE
17 RIGHT TO PRACTICE PHYSICAL THERAPY TO PERFORM DRY NEEDLING IF THE
18 LICENSED CHIROPRACTOR SUBMITS TO THE BOARD:

19 (1) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES;

20 (2) EVIDENCE OF COMPLETION OF EDUCATION AND CLINICAL
21 EXPERIENCE REQUIREMENTS AS DETERMINED BY REGULATIONS ADOPTED BY THE
22 BOARD UNDER SUBSECTION (B) OF THIS SECTION; AND

23 (3) THE REGISTRATION FEE SET BY THE BOARD.

24 (B) REGULATIONS ESTABLISHING EDUCATION AND CLINICAL EXPERIENCE
25 REQUIREMENTS FOR REGISTRATION TO PERFORM DRY NEEDLING SHALL:

26 (1) BE DEVELOPED IN COLLABORATION WITH THE STATE
27 ACUPUNCTURE BOARD AND STATE BOARD OF PHYSICAL THERAPY EXAMINERS;

28 (2) BE AT LEAST AS STRINGENT AS THE REQUIREMENTS
29 ESTABLISHED FOR PHYSICIANS UNDER § 14–504(C) OF THIS ARTICLE; AND

1 **(3) REQUIRE SUCCESSFUL COMPLETION OF COURSES:**

2 **(I) OFFERED AT AN INSTITUTION OF HIGHER EDUCATION THAT**
3 **IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE BOARD RECOGNIZES**
4 **IN ITS REGULATIONS; AND**

5 **(II) APPROVED BY THE MARYLAND HIGHER EDUCATION**
6 **COMMISSION.**

7 13–101.

8 (a) In this title the following words have the meanings indicated.

9 (b) “Board” means the State Board of Physical Therapy Examiners.

10 **(c) (1) “DRY NEEDLING” MEANS THE INSERTION OF ONE OR MORE SOLID**
11 **NEEDLES INTO THE SKIN FOR A THERAPEUTIC PURPOSE WITHOUT INJECTING OR**
12 **WITHDRAWING ANY FLUIDS.**

13 **(2) “DRY NEEDLING” DOES NOT INCLUDE THE INSERTION OF ONE OR**
14 **MORE SOLID NEEDLES INTO THE SKIN FOR PURPOSES OF DETOXIFICATION,**
15 **SMOKING CESSATION, STRESS RELIEF, OR ANY OTHER PURPOSE THAT IS NOT**
16 **WITHIN THE SCOPE OF PRACTICE OF A LICENSED PHYSICAL THERAPIST.**

17 **[(c)](D)** “License” means, unless the context requires otherwise, a license issued
18 by the Board to practice:

19 (1) Physical therapy; or

20 (2) Limited physical therapy.

21 **[(d)](E)** “Licensed physical therapist” means, unless the context requires
22 otherwise, a physical therapist who is licensed by the Board to practice physical therapy.

23 **[(e)](F)** “Licensed physical therapist assistant” means, unless the context
24 requires otherwise, a physical therapist assistant who is licensed by the Board to practice
25 limited physical therapy.

26 **[(f)](G)** “Physical therapist” means an individual, licensed by the State Board
27 of Physical Therapy Examiners, who practices physical therapy and who has passed the
28 national physical therapy licensing examination administered or accepted by the Board.

29 **[(g)](H)** “Physical therapist assistant” means an individual who practices
30 limited physical therapy and who has passed the national physical therapy licensing
31 examination administered or accepted by the Board.

1 **[(h)](I)** (1) “Practice limited physical therapy” means to implement
2 therapeutic interventions for the purpose of:

3 (i) The prevention of disability in patients or clients; and

4 (ii) The physical rehabilitation of patients or clients with a
5 congenital or acquired disability.

6 (2) “Practice limited physical therapy” includes, except as provided in
7 paragraph (3) of this subsection:

8 (i) Taking and documenting measurements; and

9 (ii) Administering therapeutic interventions that include
10 therapeutic exercise, therapeutic massage, mechanical devices, or therapeutic agents that
11 use the physical, chemical, or other properties of air, water, electricity, sound, or radiant
12 energy.

13 (3) “Practice limited physical therapy” does not include:

14 (i) Interpreting measurements;

15 (ii) Planning treatment programs;

16 (iii) Taking X rays;

17 (iv) Using radioactive substances; or

18 (v) Using electricity for cauterization or surgery.

19 **[(i)](J)** (1) “Practice physical therapy” means to design, implement, and
20 modify therapeutic interventions for the purpose of:

21 (i) The prevention of disability in patients or clients; and

22 (ii) The physical rehabilitation of patients or clients with a
23 congenital or acquired disability.

24 (2) “Practice physical therapy” includes:

25 (i) Performing an evaluation of the physical therapy needs of
26 patients or clients;

27 (ii) Performing and interpreting tests and measurements of
28 neuromuscular and musculoskeletal functions to aid treatment;

1 (iii) Planning treatment programs that are based on test findings;
2 and

3 (iv) Except as provided in paragraph (3) of this subsection,
4 administering therapeutic interventions that include therapeutic exercise, therapeutic
5 massage, mechanical devices, or therapeutic agents that use the physical, chemical, or
6 other properties of air, water, electricity, sound, or radiant energy.

7 (3) "Practice physical therapy" does not include:

8 (i) Taking X rays;

9 (ii) Using radioactive substances; or

10 (iii) Using electricity for cauterization or surgery.

11 [(j)](K) "Restricted license" means a license issued by the Board under and as
12 limited by § 13-314 of this title to practice physical therapy.

13 **SUBTITLE 3A. REGISTRATION FOR DRY NEEDLING.**

14 **13-3A-01.**

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
16 LICENSED PHYSICAL THERAPIST MAY NOT PERFORM DRY NEEDLING.

17 (B) A LICENSED PHYSICAL THERAPIST MAY PERFORM DRY NEEDLING IF
18 THE BOARD HAS REGISTERED THE LICENSED PHYSICAL THERAPIST IN
19 ACCORDANCE WITH THIS SUBTITLE.

20 **13-3A-02.**

21 (A) THE BOARD SHALL REGISTER A LICENSED PHYSICAL THERAPIST TO
22 PERFORM DRY NEEDLING IF THE LICENSED PHYSICAL THERAPIST SUBMITS TO THE
23 BOARD:

24 (1) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES;

25 (2) EVIDENCE OF COMPLETION OF EDUCATION AND CLINICAL
26 EXPERIENCE REQUIREMENTS AS DETERMINED BY REGULATIONS ADOPTED BY THE
27 BOARD UNDER SUBSECTION (B) OF THIS SECTION; AND

28 (3) THE REGISTRATION FEE SET BY THE BOARD.

1 **(B) REGULATIONS ESTABLISHING EDUCATION AND CLINICAL EXPERIENCE**
2 **REQUIREMENTS FOR REGISTRATION TO PERFORM DRY NEEDLING SHALL:**

3 **(1) BE DEVELOPED IN COLLABORATION WITH THE STATE**
4 **ACUPUNCTURE BOARD AND THE STATE BOARD OF CHIROPRACTIC AND MASSAGE**
5 **THERAPY EXAMINERS;**

6 **(2) BE AT LEAST AS STRINGENT AS THE REQUIREMENTS**
7 **ESTABLISHED FOR PHYSICIANS UNDER § 14-504(C) OF THIS ARTICLE; AND**

8 **(3) REQUIRE SUCCESSFUL COMPLETION OF COURSES:**

9 **(I) OFFERED AT AN INSTITUTION OF HIGHER EDUCATION THAT**
10 **IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE BOARD RECOGNIZES**
11 **IN ITS REGULATIONS; AND**

12 **(II) APPROVED BY THE MARYLAND HIGHER EDUCATION**
13 **COMMISSION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2015.