

Department of Legislative Services  
 Maryland General Assembly  
 2022 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1016 (Delegates K. Young and Proctor)  
 Health and Government Operations

Health Occupations - Licensed Athletic Trainers - Dry Needling Registration

This bill authorizes a licensed athletic trainer to perform dry needling if the athletic trainer is registered by the Maryland Board of Physicians (MBP). MBP must issue a registration to perform dry needling to a licensed athletic trainer who meets specified requirements.

Fiscal Summary

**State Effect:** Special fund expenditures increase by \$23,800 in FY 2023 for contractual staff and one-time licensure system changes; future years reflect termination of the position and one-time costs, as discussed below. Special fund revenues may increase to the extent MBP charges an application fee for registration (not reflected below).

| (in dollars)   | FY 2023    | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
|----------------|------------|---------|---------|---------|---------|
| Revenues       | \$0        | \$0     | \$0     | \$0     | \$0     |
| SF Expenditure | 23,800     | 0       | 0       | 0       | 0       |
| Net Effect     | (\$23,800) | \$0     | \$0     | \$0     | \$0     |

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

Analysis

**Bill Summary:** “Dry needling” means an intramuscular manual therapy that (1) involves the insertion of one or more solid needles or a mechanical device into the muscle and related tissues to effect change in the muscle and related tissues; (2) requires ongoing evaluation, assessment, and reevaluation of an impairment; (3) is used only in parts of the

body with neuromuscular or musculoskeletal links to an impairment; and (4) is not performed for the purposes of acupuncture or any purpose outside the scope of practice of athletic trainers.

### *Registration Requirements*

To apply for a registration to perform dry needling, a licensed athletic trainer must submit a completed evaluation and treatment protocol entered into with a licensed physician. To qualify for registration, a licensed athletic trainer must complete at least 80 hours of instruction in a continuing education course that is approved by (1) the National Athletic Trainers' Association; (2) the Board of Certification for the Athletic Trainer; or (3) the U.S. Armed Forces. The continuing education course must include (1) at least 40 hours of instruction related to dry needling, as specified, and (2) at least 40 hours of practical, hands-on instruction in the application and techniques of dry needling that is completed under the supervision of a licensed health care practitioner, as specified.

A continuing education course completed before June 19, 2018, satisfies the above requirements if the course is substantially similar to an approved continuing education course and is sponsored by the Board of Certification for the Athletic Trainer.

MBP may not require an applicant for registration to complete the continuing education requirements if the applicant was previously authorized to perform dry needling in another state if (1) the individual did not cease to perform dry needling due to a disciplinary action taken against the individual in another state; (2) the individual was not subject to a pending disciplinary investigation at the time the individual stopped performing dry needling in the other state; (3) the other state has instruction requirements to perform dry needling that are substantively similar to those in Maryland; and (4) the applicant provides proof of completing the substantively similar instruction requirements for authorization to perform dry needling in the other state.

### *Disciplinary Actions for Performing Dry Needling without Registration*

A licensed athletic trainer who performs dry needling without being registered by MBP is subject to reprimand by MBP, revocation of licensure, or a fine of \$500.

### **Current Law:**

#### *Athletic Training*

In general, an individual must be licensed by MBP before the individual may practice athletic training in the State (subject to specified exceptions). "Practice athletic training" means application of the following principles and methods for managing athletic injuries

for athletes in good overall health under the supervision of a licensed physician: (1) prevention and wellness promotion; (2) clinical evaluation, examination, assessment, and determination of a plan of care, including appropriate referrals; (3) immediate care and emergency care; and (4) treatment, rehabilitation, and reconditioning. The definition includes the organization and administration of an athletic training program; instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries; and recognition and management of a concussion, including management of an athletic individual's progressive return to activity.

“Practice athletic training” *does not include* specified chiropractic actions, massage therapy, medicine, occupational therapy, physical therapy, or podiatry; reconditioning of systemic neurologic injuries, conditions, or disease; or the treatment of disease.

MBP oversees the issuance and renewal of licenses for athletic trainers and may set reasonable fees for licensure, renewal, and other services it provides to athletic trainers. The Athletic Trainer Advisory Committee within MBP must make specified recommendations to and submit an annual report to MBP regarding the practice of licensed athletic trainers, and MBP must report any disciplinary matters regarding licensed athletic trainers to the committee.

#### *State Board of Physical Therapy Examiners – Dry Needling*

“Dry needling” means a physical therapy intervention, also known as intramuscular manual therapy, that (1) involves the insertion of one or more solid needles, a mechanical device, into the muscle and related tissues to affect change in muscle and related tissues; (2) requires ongoing evaluation, assessment, and reevaluation of the impairments; (3) is only utilized in parts of the body with neuromuscular or musculoskeletal links to the impairments; and (4) is not performed for the purposes of acupuncture or any purpose outside the scope of physical therapy.

To perform dry needling, a physical therapist must register with the State Board of Physician Therapy Examiners as having the appropriate education and training, including 80 hours of total specified instruction, 40 hours of which must be practical hands-on instruction.

#### *State Board of Chiropractic Examiners – Dry Needling*

“Dry needling” means a chiropractic intervention, also known as intramuscular manual therapy, that (1) is performed only by chiropractors with physical therapy privileges; (2) involves the insertion of one or more solid needles, a mechanical device, into the muscle and related tissues to affect change in muscle and related tissues; (3) requires ongoing evaluation, assessment, and reevaluation of the impairments; (4) is only utilized in parts of

the body with neuromuscular or musculoskeletal links to the impairments; and (5) is not performed for the purposes of acupuncture or any purpose outside the scope of chiropractic.

A chiropractor with physical therapy privileges must be registered with the State Board of Chiropractic Examiners to perform dry needling by submitting (1) evidence of completing the required education and training, including 80 hours of specified coursework, 20 hours of which must consist of hands-on classroom work; (2) a registration application; and (3) evidence of continuing education coursework in dry needling completed before May 18, 2020.

**State Revenues:** MBP is authorized to set reasonable fees for licensure, renewal, and other services it provides to athletic trainers. Although not specified under the bill, MBP may charge a fee for registration to perform dry needling to cover any administrative costs incurred by MBP. To the extent MBP elects to charge such a fee, special fund revenues increase beginning in fiscal 2023.

**State Expenditures:** MBP’s fiscal 2020 annual report indicates there are 741 licensed athletic trainers in the State. MBP advises that it would need to hire one part-time (50%) contractual licensure analyst for an indefinite period at an annual salary of \$18,048. The Department of Legislative Services agrees there may be a need for part-time contractual staff but advises that a one-year duration to handle initial implementation is likely sufficient due to the overall number of licensed athletic trainers.

Thus, special fund expenditures increase by \$29,994 in fiscal 2023, which accounts for the bill’s October 1, 2022 effective date. This estimate reflects the cost of hiring one part-time (50%) contractual licensure analyst to handle the initial influx of dry needling registrations, including ensuring applicants meet minimum qualifications and notifying athletic trainers and supervising physicians of decisions. It includes a salary, fringe benefits, one-time start-up costs, ongoing operating expenses, and a one-time contractual expense of \$5,000 for MBP to modify its licensing system to include the new registration.

|   |                 |
|---|-----------------|
| Contractual Position                    | 0.5             |
| Salary and Fringe Benefits              | \$18,048        |
| Contractual Expense                     | 5,000           |
| Operating Expenses                      | <u>6,946</u>    |
| <b>Total FY 2023 State Expenditures</b> | <b>\$29,994</b> |

Future year expenditures reflect termination of the contractual position at the end of fiscal 2023 and elimination of one-time costs.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

**Small Business Effect:** Licensed athletic trainers practicing as small businesses can become registered to perform dry needling as an additional service.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 711 (Senator Beidle) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2022  
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