

HOUSE BILL REPORT

HB 1042

As Passed House:

February 9, 2015

Title: An act relating to clarifying that the physical therapist scope of practice does not include dry needling.

Brief Description: Clarifying that the physical therapist scope of practice does not include dry needling.

Sponsors: Representatives Cody, Gregerson, Van De Wege and Moeller.

Brief History:

Committee Activity:

Health Care & Wellness: 1/27/15, 1/30/15 [DP].

Floor Activity:

Passed House: 2/9/15, 71-25.

Brief Summary of Bill

- Prohibits physical therapists from performing dry needling.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 14 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short and Tharinger.

Staff: Jim Morishima (786-7191).

Background:

Licensed physical therapists may perform a variety of services, including:

- examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions;
- alleviating impairments and functional limitations in movement;

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- performing wound care services;
- reducing the risk of injury, impairment, functional limitation, and disability related to movement;
- engaging in administration, consultation, education, and research; and
- spinal manipulation (after being issued an endorsement).

The practice of dry needling is neither specifically allowed nor prohibited in statutes and rules relating to the scope of practice for physical therapists.

Summary of Bill:

Dry needling is not included in the term "physical therapy" for purposes of licensing and regulating physical therapists. "Dry needling" is defined as the insertion of a solid filament needle through the skin for a therapeutic effect and includes intramuscular stimulation, intramuscular manual therapy, trigger point dry needling, and intramuscular needling.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Legislature is the sole arbiter when it comes to defining the scope of practice for health professions. The Legislature established a sunrise process for scope expansions. Professions who want to expand their scope should defer to this process. The Board of Physical Therapy recently tried to add dry needling to the scope of practice for physical therapists without training, authority, or oversight. This action was *ultra vires*. Complaints about physical therapists performing dry needling were not investigated. The King County Superior Court recently ruled that dry needling is not included in the scope of practice for physical therapists. Penetration of the skin using a needle constitutes the practice of medicine and can be risky to patients. This is why a high level of training is necessary—to protect public safety. Dry needling is acupuncture. Calling it a different name does not change the facts or the legal requirements. This bill will protect the public by prohibiting acts for which physical therapists are not trained.

(In support with amendments) Use of a needle constitutes the practice of acupuncture. This is consistent with the plain text of the physical therapist statutes, applicable case law, and legislative history. Unless authorized by law, dry needling by physical therapists constitutes the unlicensed practice of medicine.

(Opposed) Dry needling is a well-known, well-established western medicine technique that involves a solid needle and does not involve injecting medicine into the skin. There is a lot of scientific evidence of the safety, efficacy, and benefits of the technique. Dry needling is a viable alternative to drugs, which can often cause more harm than good. Dry needling can replace more expensive treatments such as surgery and imaging. Dry needling is often

cheaper than treatments provided by other professions. Adverse events involving dry needling are few—the practice should not be prohibited based on anecdotal evidence. Physical therapists have the education and training necessary to perform dry needling. Dry needling is taught at respected physical therapy education programs, which would not be the case if it was not representative of best practices. Other states and the federal government allow physical therapists to perform dry needling. Although this is an expansion of the physical therapy scope of practice, it should not be prohibited outright. Consumers should be empowered to make informed choices; if dry needling is prohibited, the consumers will be the ultimate losers. Physical therapists are already authorized to perform techniques that penetrate the skin. Dry needling is not the same as acupuncture.

Persons Testifying: (In support) Representative Cody, prime sponsor; and Curtis Eschels, Washington East Asian Medicine Association.

(In support with amendments) Dan Dingle, South Sound Acupuncture Association.

(Opposed) Elaine Armantrout, Physical Therapy Association of Washington; Steven Goodman, St. Luke's Rehabilitation Institute; Susanne Michaud, University of Washington; Amy Hollingsworth; and Dan Hollingsworth.

Persons Signed In To Testify But Not Testifying: None.