HOUSE BILL 979

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

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,
   Article – Health Occupations
   Section 3–101 and 13–101
   Annotated Code of Maryland
   (2014 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations


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

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

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

(D) (1) “Dry needling” means the insertion of one or more solid needles into the skin for a therapeutic purpose without injecting or withdrawing any fluids.

(2) “Dry needling” does not include the insertion of one or more solid needles into the skin for purposes of detoxification, smoking cessation, stress relief, or any other purpose that is not within the scope of practice of a licensed chiropractor with the right to practice physical therapy.

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

(1) To practice chiropractic; or

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

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

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

(2) “Practice chiropractic” includes the diagnosing and locating of misaligned or displaced vertebrae and, through the manual manipulation and adjustment of the spine and other skeletal structures, treating disorders of the human body.
(3) Except as otherwise provided in this title, “practice chiropractic” does not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any other branch of medicine.

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

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

SUBTITLE 3A. REGISTRATION FOR DRY NEEDLING.

3–3A–01.

(A) Except as provided in subsection (B) of this section, a licensed chiropractor may not perform dry needling.

(B) A licensed chiropractor with the right to practice physical therapy may perform dry needling if the Board has registered the licensed chiropractor in accordance with this subtitle.

3–3A–02.

(A) The Board shall register a licensed chiropractor with the right to practice physical therapy to perform dry needling if the licensed chiropractor submits to the Board:

(1) An application on the form that the Board requires;

(2) Evidence of completion of education and clinical experience requirements as determined by regulations adopted by the Board under subsection (B) of this section; and

(3) The registration fee set by the Board.

(B) Regulations establishing education and clinical experience requirements for registration to perform dry needling shall:

(1) Be developed in collaboration with the State Acupuncture Board and State Board of Physical Therapy Examiners;

(2) Be at least as stringent as the requirements established for physicians under § 14–504(c) of this article; and
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(3) REQUIRE SUCCESSFUL COMPLETION OF COURSES:

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

(II) APPROVED BY THE MARYLAND HIGHER EDUCATION COMMISSION.


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

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

(c) (1) “Dry needling” means the insertion of one or more solid needles into the skin for a therapeutic purpose without injecting or withdrawing any fluids.

(2) “Dry needling” does not include the insertion of one or more solid needles into the skin for purposes of detoxification, smoking cessation, stress relief, or any other purpose that is not within the scope of practice of a licensed physical therapist.

(d) “License” means, unless the context requires otherwise, a license issued by the Board to practice:

(1) Physical therapy; or

(2) Limited physical therapy.

(e) “Licensed physical therapist” means, unless the context requires otherwise, a physical therapist who is licensed by the Board to practice physical therapy.

(f) “Licensed physical therapist assistant” means, unless the context requires otherwise, a physical therapist assistant who is licensed by the Board to practice limited physical therapy.

(g) “Physical therapist” means an individual, licensed by the State Board of Physical Therapy Examiners, who practices physical therapy and who has passed the national physical therapy licensing examination administered or accepted by the Board.

(h) “Physical therapist assistant” means an individual who practices limited physical therapy and who has passed the national physical therapy licensing examination administered or accepted by the Board.
“Practice limited physical therapy” means to implement therapeutic interventions for the purpose of:

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

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

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

(i) Taking and documenting measurements; and

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

“Practice limited physical therapy” does not include:

(i) Interpreting measurements;

(ii) Planning treatment programs;

(iii) Taking X rays;

(iv) Using radioactive substances; or

(v) Using electricity for cauterization or surgery.

“Practice physical therapy” means to design, implement, and modify therapeutic interventions for the purpose of:

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

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

“Practice physical therapy” includes:

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

(ii) Performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment;
(iii) Planning treatment programs that are based on test findings; and

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

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

(i) Taking X rays;

(ii) Using radioactive substances; or

(iii) Using electricity for cauterization or surgery.

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

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

13–3A–01.

(A) Except as provided in subsection (B) of this section, a licensed physical therapist may not perform dry needling.

(B) A licensed physical therapist may perform dry needling if the Board has registered the licensed physical therapist in accordance with this subtitle.

13–3A–02.

(A) The Board shall register a licensed physical therapist to perform dry needling if the licensed physical therapist submits to the Board:

(1) An application on the form that the Board requires;

(2) Evidence of completion of education and clinical experience requirements as determined by regulations adopted by the Board under subsection (B) of this section; and

(3) The registration fee set by the Board.
(B) Regulations establishing education and clinical experience requirements for registration to perform dry needling shall:

(1) Be developed in collaboration with the State Acupuncture Board and the State Board of Chiropractic and Massage Therapy Examiners;

(2) Be at least as stringent as the requirements established for physicians under § 14–504(c) of this article; and

(3) Require successful completion of courses:

   (I) Offered at an institution of higher education that is accredited by an accrediting organization that the Board recognizes in its regulations; and

   (II) Approved by the Maryland Higher Education Commission.

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