

March 20, 2023

RE: UNFAVORABLE- Maryland [SB232/HB172](#) Health Occupations - Licensed Athletic Trainers - Dry Needling Approval Hearing on March 22, 2023

Dear Members of the Committee: As a licensed acupuncturist with a Masters Degree in Acupuncture, I am contacting you as a Maryland constituent regarding Maryland [SB232/HB172](#) allowing athletic trainers to provide dry needling, and to express my strong opposition.

Many healthcare providers have successfully rebranded acupuncture and named it 'dry needling'. They've simply used English biomedical terms (dry needling, fascia, trigger points, etc.) in place of the equivalent Chinese medical terms with the purpose of getting around the extensive requirements placed on licensed acupuncturists to ensure patient safety and clinical efficacy. We also have to look at the serious implications that this discrimination and cultural bias has on the practice of Traditional Asian Medicine. Without adhering to established educational and training requirements currently in place for acupuncturists, Maryland patients are at risk of multiple adverse outcomes from undertrained practitioners performing "dry needling" including punctured lungs, infection, nerve damage, and more.

Licensed acupuncturists are highly trained, skilled providers in the use of filiform needles. According to the National Certification Commission of Acupuncture and Oriental Medicine (NCCAOM), the minimum training to be certified is a 3-year master's degree program. In addition to a minimum required 660 supervised clinical hours in the use of needles, licensed acupuncturists are required to have a minimum of 450 hours of biomedicine. The NCCAOM also administers an exam prior to certification. This is in comparison to the proposed 40 hours of supervised needling proposed in this legislation, with no training standards, requirement of certification, or continuing education. There are 3 day dry needling courses available online to athletic trainers. This is incredibly unwise and unsafe and I ask you to carefully consider if you would feel confident having someone with a few days worth of online training insert needles into you safely and effectively? I would suggest only seeing a licensed acupuncturist if you ever decide to have needles placed in you for therapeutic relief.

From the American Society of Acupuncturists position paper regarding dry needling, "The US Food and Drug Administration (FDA) defines the acupuncture needle as a Class II medical device and has explicitly stated that the sale of acupuncture needles 'must be clearly restricted to qualified practitioners of acupuncture as determined by the States.' As 'dry needling' is acupuncture, it presents the same inherent risks including but not limited to perforation of the lungs and other internal organs, nerve damage, and infection.

Recent reports of serious and potentially life-threatening injuries associated with 'dry needling' include pneumothorax (punctured lung) and spinal cord injury. These and other injuries support the statement that 'dry needling' presents a substantial threat to public safety when performed without adequate education, training, and independent competency examination.

Adequate training and competency testing are essential to public safety." As noted from the Maryland Board of Physicians Athletic Trainer Advisory Committee meeting notes from Tuesday,

January 12, 2021, "Health Occ. §14-5D-1(m)(3) states that the practice of athletic training does not include the practice of physical therapy, and if dry needling falls within the scope of practice of physical therapy than it cannot be included in the scope of practice of athletic training." Ms. Darin, esq. also noted "adding dry needling to the scope of practice would require a change to the statute." Additionally, many physician groups have already issued statements going back to 2012 regarding invasive procedures being allowed by providers with minimal training and zero regulations based on patient safety. According to AMA policy H-410.949 from 2016, "Our AMA recognizes dry needling as an invasive procedure and maintains that dry needling should only be performed by practitioners with standard training and familiarity with routine use of needles in their practice, such as licensed medical physicians and licensed acupuncturists." The American Academy of Medical Acupuncture issued a statement in 2016 with the following conclusion: "To include dry needling into the scope of practice by physical therapists is unnecessarily to expose the public to serious and potentially hazardous risks. Because of this we feel a duty to inform legislators and regulating bodies about the inherent danger to the public of this practice.

This was all in The American Academy of Physical Medicine and Rehabilitation issued the following in 2012: "The American Academy of Physical Medicine and Rehabilitation recognizes dry needling as an invasive procedure using acupuncture needles that has associated medical risks. Therefore, the AAPMR maintains that this procedure should only be performed by practitioners with standard training and familiarity with routine use of needles in their practice, such as licensed acupuncturists or licensed medical physicians." Furthermore, the recent acceptance of acupuncture by CMS for treatment of low back pain states the following regarding requirements for practice: "Physicians (as defined in 1861(r)(1) of the Social Security Act (the Act) may furnish acupuncture in accordance with applicable state requirements. Physician assistants (PAs), nurse practitioners (NPs)/clinical nurse specialists (CNSs) (as identified in 1861(aa)(5) of the Act), and auxiliary personnel may furnish acupuncture if they meet all applicable state requirements and have: a masters or doctoral level degree in acupuncture or Oriental Medicine from a school accredited by the Accreditation Commission on Acupuncture and Oriental Medicine (ACAOM); and, a current, full, active, and unrestricted license to practice acupuncture in a State, Territory, or Commonwealth (i.e., Puerto Rico) of the United States, or District of Columbia." In addition to the requirement that non-physician providers have a minimal master's level training in acupuncture or Oriental Medicine, "All types of acupuncture including dry needling for any condition other than cLBP are non-covered by Medicare." CMS considers dry needling to be the practice of acupuncture.

For all these reasons, I am asking you to oppose [SB232/HB172](#). Please allow only skilled and licensed healthcare professionals with standardized training and education to perform such invasive techniques.

Thank you for your consideration of this urgent request to protect Marylanders.

In health, Rebecca Smith, MAc, LAc, Arundel Acupuncture, 401 Headquarters Dr, Suite 101, Millersville, MD, 21108, 240-461-7968, arundelacupuncture@gmail.com

Residing in AACO MD- 814 Danza Rd, Severn, MD 21144