

Dry Needling: Yes. No. Maybe.

Illinois Chapter

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WHAT HAPPENED?

- 2010** IL Dept of Finance & Professional Regulation (IDFPR) attorney provided an informal opinion that dry needling was within the PT scope of practice.
- 2013** Acupuncturists lobbied the IDFPR, asking them to reconsider this issue.
- 2014** IDFPR attorney was replaced and, based on information provided by acupuncturists and limited knowledge of the PT profession, new attorney issued a new informal opinion:

“...Dry Needling does not fall within the scope of practice of physical therapy.”

Decision was based on a comparison of only the PT Act and the Acupuncture Act with the following assumption:

- All procedures listed in the Physical Therapy Act are **non-invasive** procedures:
 - *[**may include, but are not limited to,**] the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massages, therapeutic exercise, mobilization, and rehabilitative procedures, with or without assistive devices.*
- The Acupuncture Practice Act refers to treatment using needles, an **invasive** procedure.



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Invasive?

- Not defined in any health care act.
- Subject to individual interpretation.



“The Acupuncture Act clearly defines the standards of practice in place to perform procedures using needles.”

- “Section 114.30 [Acupuncture Practice Act] requires the successful completion of a Clean Needle Technique course and 660 hours of clinical training. 250 of the 660 hours must consist of student-performed treatment.”



***Do nurses do invasive things?
Do nurses use needles?***

What does the Nurses Act say?



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Nothing.

Nurses Act, Scope for RN:

Does not state specifically that nurses can do anything that could be interpreted as “invasive”.

Rules, Curriculum:

“Include, at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology, and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory.”



PT ACT

(INCLUDING, BUT NOT LIMITED TO) = NOTHING INVASIVE

NURSING ACT

(AT A MINIMUM) = INVASIVE



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What next?

- PT's Legislative Champion
- Introduced legislation
- Meetings with IDFPR
- Acupuncturists **nationwide** sent faxes to IL legislators asking them to vote NO on our legislation:
 - “The language is vague. It would grant PT's the ability to do a whole host of procedures in which they are neither trained nor qualified including endoscopy, injections, insertion of urinary catheters and feeding tubes, and even trans-vaginal ultrasound.”



IDFPR CLOSED THE NEW INFORMAL OPINION WITH:

“The concern of the Department is there are no standards of practice in place for PTs to perform Intramuscular Manual Therapy or Dry Needling. To be included in the scope of practice, the PT Act would need to clarify the entry-level education required to perform dry needling as well as the continuing education requirement.”



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Status Today

- Focused on the closing opinion that gave direction – establish rules.
- Draft rules written, reviewed by IDFPR, and given to acupuncturists for comment.
- Meeting in August/September with Senator Clayborne and interested parties
- Rules would move to Joint Committee on Administrative Rules (JCAR)



What about invasive?



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Rules Fail: Plan B

HB 1457 Amendment 2:

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures, with or without **mechanical or assistive devices or instruments**, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures **including the use of non-surgical invasive techniques**,”

Physical therapy does not include radiology, electrosurgery **or surgery**, chiropractic technique or determination of a differential diagnosis;



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HB 1457 Amend 2

SUPPORT	OPPOSE
<p>In 2010, the IDFPR determined that dry needling was within the scope of PT practice. This act provides clarity of what PTs always have done with appropriate training and education, and does not attempt to expand scope of practice.</p>	<p>PTs are trying to expand their scope of practice to include dry needling.</p>
<p>Besides dry needling, PTs utilize other techniques that could be defined as invasive, including EMG, sharp debridement or treatments for pelvic floor dysfunction or TMJ disorder. All techniques are taught as part of entry level PT education or as part of continuing education programs that adhere to both professional and state standards.</p>	<p>PT's are not trained in invasive techniques, have no required training in needle insertion or clean-needle technique, and no continuing education requirements. Only physicians including chiropractors and licensed acupuncturists have the training to perform these types of techniques.</p>
<p>Educational standards are an integral safeguard for competent practice in any profession and should be a guide in determining scope of practice. PTs abide by the PT code of ethics, which obliges them to only practice within their scope of practice and level of education, training, and expertise.</p>	<p>The language is vague. It would grant PT's the ability to do a whole host of procedures in which they are neither trained nor qualified including endoscopy, injections insertion of urinary catheters and feeding tubes, and even trans-vaginal ultrasound.</p>



NEXT STEPS

Process

- Outcomes of Rules
- Veto Session: November 19 – December 4

Grassroots

- Share information with colleagues including other health professions (nursing!)
- Support Letters from Patients
- Support Letters from Physicians
- Meetings with Legislators in Home Districts (Nov 6-18)
- Electronic Calls to Action – Veto Session

