

MARYLAND **Board of Chiropractic Examiners**

OPEN SESSION

TELEMEETING AGENDA

Friday, September 20, 2019

12:00 Noon – (Telemeeting – *US/Eastern Time*)

DIAL: +1 314-474-3272 PIN: 127849820#

I. Call to Order

II. Roll Call

_____ Gregory Lewis, D.C., Board President

_____ Michael Moskowitz, D.C., Vice-President

_____ Joshua Levin, D.C., Secretary/
Treasurer

_____ Robert Frieman, D.C., Board Member

_____ Kindra Ingram, D.C., Board Member

_____ Karen Munter, RN, Consumer Board Member

_____ Nelson Miranda, Consumer Board Member

III. Topic: Vote on revised Dry Needling regulation (attached)

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.16 Dry Needling

Authority: Health Occupations Article, §§3-101, 3-307, 3-403 and 13-101, Annotated Code of Maryland

Is There Emergency Text That Is Identical To The Proposed Text:

Yes No

Is There An Incorporation By Reference Document Associated With This Proposal?

Yes No

Does This Proposal Have An Impact On Environmental Hazards Affecting The Health Of Children As Defined In Health-General Article, §13-1501(c)?

Yes (explain) No

Does This Proposal Include An Increase Or Decrease In A Fee For A License?

Yes, complete (1)—(8) No, skip (1)—(8) and proceed to Notice of Proposed Action.

- (1) Explain/justify why an increase or decrease is necessary:
- (2) How much money is needed to operate effectively or to eliminate an operating fund deficit?
- (3) In what year was the most recent fee increase?
- (4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?
- (5) Describe any measures taken to mitigate the need for increased revenue:
- (6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.
- (7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

- (8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

Notice of Proposed Action

The Secretary of Health proposes to adopt new Regulations .01—.05 under a new chapter, COMAR 10.43.16 Dry Needling.

This action was considered by the Board of Chiropractic Examiners at a public meeting on April 11, 2019, notice of which was given by publication on the Board's website at <https://health.maryland.gov/chiropractic/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish:

- (1) Guidelines for the provision of dry needling as an intervention performed by chiropractors; and
- (2) The minimum education and training requirements for chiropractors to perform dry needling.

Comparison to Federal Standards

(Check one option)

There is no corresponding federal standard to this proposed action.

or

There is a corresponding federal standard to this proposed action, but the proposed action **is not** more restrictive or stringent.

The corresponding federal standard is: _____

EXPLAIN why the proposed action **is not** more restrictive or stringent than the corresponding federal standard:

or

This proposed action **is** more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards:

Impact Statements
Part A
(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

Or

The proposed action has an economic impact. (IF this is checked, complete the following form in its entirety)

I. Summary of Economic Impact. (INSERT SHORT SUMMARY)

II. Types of Economic Impact.	Revenue (R+/R-) <u>Expenditure (E+/E-)</u>	<u>Magnitude</u>
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A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)

Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
Economic Impact on Small Businesses
(check one option)

The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(check one option)

The proposed action has no impact on individuals with disabilities.

or

The proposed action has an impact on individuals with disabilities as follows:
(Agency to complete this assessment)

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through (leave blank). A public hearing has not been scheduled.

Part C (For legislative use only; not for publication)

- A. Fiscal Year in which regulations will become effective: FY 2020
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
 Yes No N/A
- C. If “yes”, state whether general, special (exact name), or federal funds will be used:
- D. If “no”, identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly: The language is clarifying in nature and therefore will not have a fiscal impact.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason. See E. above.

.01 Scope.

A. This chapter establishes standards for the provision of dry needling as an intervention performed by chiropractors.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the State Board of Chiropractic Examiners.

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(2) *“Dry needling” means a chiropractic intervention, also known as intramuscular manual therapy, that:*

(a) Is performed only by chiropractors with physical therapy privileges;

(b) 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;

(c) Requires ongoing evaluation, assessment, and re-evaluation of the impairments;

(d) Is only utilized in parts of the body with neuromuscular or musculoskeletal links to the impairments; and

(e) Is not performed for:

(i) The purposes of acupuncture as defined in Health Occupations Article, §1A-101, Annotated Code of Maryland; or

(ii) Any purpose outside the scope of chiropractic.

.03 Standards of Practice.

A. A chiropractor registered to perform dry needling shall:

(1) Fully explain dry needling to the patient in advance of treatment;

(2) Obtain informed written consent specific to dry needling which shall be included in the patient’s medical record;

(3) Perform dry needling in a competent manner consistent with patient health and safety; and

(4) Document the provision of dry needling service in accordance with the requirements of COMAR 10.43.14.03.

B. A chiropractor who performs dry needling in a manner inconsistent with the standards of practice enumerated in this regulation may be subject to discipline pursuant to COMAR 10.43.15.06.

C. Dry needling is not within the scope of practice for a chiropractic assistant.

.04 Minimum Education and Training Required.

A. A chiropractor with physical therapy privileges shall be in good standing before beginning dry needling training as described in §B of this regulation.

B. In order to perform dry needling, a chiropractor with physical therapy privileges shall complete a minimum of 80 hours of total instruction in the following content areas including:

(1) 60 hours of:

(a) Academic coursework obtained through completion of a college program accredited by the Council of Chiropractic Education, as part of the Doctor of Chiropractic program, including the following minimum requirements:

(i) Foundations;

(ii) Basic Sciences;

(iii) Clinical Sciences; and

(iv) Professional practice; or

(b) Coursework required to sit for Part I, Part II, Part III, Physiotherapy and Part IV of the examination administered by the National Board of Chiropractic Examiners; and

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(2) Board-approved coursework consisting of 20 hours to be done in a hands-on classroom setting, including but not limited to, the following learning topics:

(a) Philosophy and historical perspective of dry needling;

(b) Indications, contra-indications, and qualifications for treatment;

(c) Protocols, doctor and patient safety, usage of dry needling, and dry needling as a diagnostic tool;

(d) Case management and jurisprudence;

(e) Direct, hands-on implementation and testing for competency in dry needling of:

(i) Cervical, thoracic, lumbar, and pelvic regions;

(ii) Anterior and posterior thoracic and ribs;

(iii) The upper and lower extremity;

(iv) The face and head;

(v) Technique; and

(vi) Needle size and gauge appropriateness.

C. Continuing education.

(1) The Board shall accept a continuing education course completed before the effective date of this chapter if:

(a) The same course, in substantially similar form, is later sponsored by a continuing education provider approved by the Board; and

(b) The chiropractor seeking to perform dry needling provides the Board with a certificate of completion of 3 hours of a continuing education course.

(2) A chiropractor approved to perform dry needling may complete continuing education coursework in dry needling as part of the requisite continuing education necessary to renew the license with the Board.

.05 Registration Required.

A. The Board shall register a chiropractor with physical therapy privileges as qualified to perform dry needling in the State provided the chiropractor submits to the Board:

(1) Evidence of completion of the education and training requirements outlined in Regulation .04 of this chapter;

(2) An application for registration on a form provided by the Board; and

(3) Evidence of continuing education coursework completed before the effective date of this chapter.

B. A chiropractor with physical therapy privileges may not perform dry needling without registering with the Board.

ROBERT R. NEALL
Secretary of Health