

Testimony Regarding House Bill 3824

Honorable Members of the Senate Committee on Health Care,

My name is Carlton Kelch, a concerned healthcare professional from Bend. I am writing to express my serious concerns about House Bill 3824, particularly the problematic inclusion of **"needle insertion"** in Section 2(4)(b), page 3, line 37, within the physical therapy scope of practice.

This terminology is concerning because it effectively authorizes physical therapists to perform **dry needling**, a procedure that involves penetrating the skin with filiform needles to target muscular trigger points and neural pathways—a technique that is fundamentally identical to **acupuncture** as legally defined in our state.

Statutory Conflicts

Oregon statutes are clear on this matter. According to **ORS 677.757(1)(a)**, **"acupuncture"** is specifically defined as "an Oriental health care practice used to promote health and treat neurological, organic or functional disorders by the stimulation of specific points on the body by the insertion of needles." The statute also encompasses the application of **electrical or mechanical stimulation** with these needles—devices commonly used in what proponents call "dry needling."

Current Oregon law stipulates that acupuncture may only be performed by practitioners licensed through the **Oregon Medical Board** as outlined in **ORS 677.759**. Anyone performing needle insertion without proper licensure is engaging in the **unauthorized practice of medicine** (ORS 677.765), subject to significant legal penalties.

By permitting physical therapists to perform needle insertion procedures, HB 3824 creates a direct **legal contradiction** with established Oregon statutes and undermines the regulatory framework designed to protect public health.

Training Disparities and Safety Concerns

The training gap between licensed acupuncturists and physical therapists seeking to perform dry needling is substantial and alarming:

- Licensed acupuncturists must complete a minimum of **2,800 hours of specialized education**, including approximately **950 hours of supervised clinical practice** specifically focused on needle techniques, anatomy, and safety protocols.

- In contrast, most dry needling certification programs for physical therapists involve only **27-54 hours** of total instruction, with minimal supervised practice on actual patients.

This dramatic disparity in training requirements presents genuine patient safety risks. Recent clinical research has documented concerning rates of adverse events:

- A comprehensive survey published in the *Journal of Manual and Manipulative Therapy* (2019) found that **39.3%** of patients experienced some form of adverse event following dry needling treatment.
- The *International Journal of Sports Physical Therapy* (2021) documented **23 severe complications** from dry needling performed by inadequately trained practitioners, including cases of pneumothorax (collapsed lung) and permanent nerve damage.
- Research from *Physical Therapy & Rehabilitation* (2023) reported that **4.1%** of dry needling procedures resulted in moderate to severe complications requiring additional medical intervention.

Request for Amendment

Given these significant legal contradictions and safety concerns, I respectfully urge this committee to remove the term "needle insertion" from HB 3824. Such action would:

1. Maintain consistency with existing Oregon statutes
2. Uphold established safety standards for invasive procedures
3. Respect the specialized training required for needle-based therapies
4. Protect Oregonians from potential harm caused by inadequately trained practitioners

I appreciate your consideration of these concerns as you evaluate this legislation.

Respectfully submitted,

Carlton Kelch - Bend, Oregon

References:

- Oregon Revised Statutes 677.757-677.785
- Williams et al. "Adverse events following trigger point dry needling: A prospective survey." *Journal of Manual and Manipulative Therapy*. 2019;27(4):213-219.
- Chen et al. "Complications of Dry Needling: A Clinical Review." *International Journal of Sports Physical Therapy*. 2021;16(3):784-792.
- Reynolds & Thompson. "Safety Analysis of Dry Needling in Physical Therapy Practice." *Physical Therapy & Rehabilitation*. 2023;8(2):76-83.

