

Members of the Senate Committee on Health Care,

My name is Kenneth Glowacki, DACM, L.Ac., and I oppose the bill, HB 3824, which will give physical therapists the right to use needles (Page 3, Line 37) in the physical therapy scope of practice. The term refers to **dry needling**, a technique that uses acupuncture needles to penetrate the skin and stimulate muscle or nerve tissue—functionally equivalent to **acupuncture**, as defined in Oregon law.

In 2011, chiropractors attempted to add dry needling into their scope of practice. This is the statement that the Oregon School of Oriental Medicine drafted in opposition to their attempt. We also ask you again to deny physical therapists from adding needling to their scope of practice for the same reasons we opposed this previously for chiropractors.

Sincerely,

Kenneth Glowacki, DACM, L.Ac.

Full time faculty at the National University of Natural Medicine

Nov. 11, 2011

We, the faculty at the Oregon College of Oriental Medicine (OCOM), present this statement regarding “dry needling” in the state of Oregon. We are responding to the chiropractic board’s interest in expanding the scope of practice for chiropractors to include a practice called “dry needling.” Further, we discuss how “dry needling” is actually a form of acupuncture, and the potential dangers their proposal present to public health.

Currently, the Oregon chiropractic board is discussing the definition of dry needling and how it is different from acupuncture. They cite Dr. Yun-tao Ma for justification, as he claims that “dry needling” is not in any way related to the Traditional Chinese Medicine views on acupuncture. He states:

It should be emphasized that the modern modality known as dry needling aka intramuscular manual therapy (IMT) aka trigger point therapy (TDT) does not share any common foundation with traditional Chinese acupuncture, which is based on ancient Chinese philosophical and cultural concepts. The term acupuncture is used in the textbook in the sense of its original Latin roots: acus (needle) and punctura (puncture or piercing).<sup>i</sup>

We strongly disagree with this statement. Chiropractors who use “dry needling” are practicing an acupuncture modality as taught in Oriental medical schools in this country.

At the Oregon College of Oriental Medicine, we teach:

1. Acupuncture and its scope of practice includes the definition that acupuncture is a stand alone therapy through which an acupuncturist stimulates specific anatomical locations on the body at a single location, in combination with other locations, in the context of meridians, in the context of nerve and circulatory pathways, dermatomes and myotomes, at muscle motor point locations, trigger points, through holographic correspondences and through scientifically informed and palpatory feedback.
2. Acupuncture techniques include needle insertion as well as various other techniques that stimulate locations. An acupuncturist will use needles, thermal devices, electrical devices, light devices, mechanical devices and manual devices. New techniques and tools continue to be incorporated into our clinical practice.
3. Our acupuncture education is informed by current biomedical research done throughout the world, evidence based practice, current Chinese acupuncture practice, various Asian country interpretations, European interpretations and classical Chinese medical texts.

Medical literature supports our contention that the claims of the chiropractic board regarding “dry needling” being different from acupuncture are false. Janet Travell found that “(s)he was intrigued to observe later that many of her discoveries about trigger points were already put into practice in Chinese acupuncture.”<sup>ii</sup> Dorsher et al, determined that 234 (92%) of the 255 trigger points, listed by Travell and Simons, had anatomic correspondence with classical, miscellaneous, or new Acupuncture points listed in Deadman et al.<sup>iii, iv</sup> In addition, one of our foundational texts on acupuncture, the Ling Shu, (circa 300 B.C.E.) in chapter 13, states that painful points can be used as acupuncture points. Sun Si Miao (7<sup>th</sup> cent. C.E.) classified painful palpatory points as acupuncture points. He referred to them as ah-shi points, which are taught in our acupuncture curriculum. We agree with the Montana Association of Acupuncture and Oriental Medicine’s (MAAOM) statement that “all myofascial/intramuscular/trigger points are in fact acupuncture points, but that not all acupuncture points are myofascial/intramuscular/trigger points.”<sup>v</sup> Therefore, the faculty at OCOM cannot agree that “dry needling” is in any way different from the acupuncture curriculum that is currently taught at our college.

We agree with the Montana Association of Acupuncture and Oriental Medicine’s statement regarding the perception of those receiving acupuncture:

Despite the dubious claims by physical therapists and chiropractors that these practices are not acupuncture, they are in fact the practice of acupuncture – the patients believe they are receiving acupuncture, the treatment looks and feels like

acupuncture, the practitioner uses the acupuncture tools of trade (acupuncture needles, also known as solid, slender, “dry” needles) and the practitioner applies treatment to acupuncture points, while failing to deliver to the standard expected of a qualified acupuncturist.<sup>vi</sup>

We are disturbed at the exceptionally low level of training proposed for the expansion of the chiropractic scope of practice. Poorly trained individuals will lead to increased adverse incidences and reactions. Acupuncture needles are classified by the Federal Drug Administration as Class II medical device.<sup>vii</sup> We stand for safe and competent standards of any training involving the use of acupuncture needles.

Our institution uses the standards set forth by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). The minimum standards of education and training in acupuncture include three academic years for a total of 1905 hours of instruction and training. This includes 660 hours of clinical training, with a focus on the practitioners being able to safely handle acupuncture needles.<sup>viii</sup> The faculty at the Oregon College of Oriental Medicine strongly agrees with the current standards set forth by ACAOM for training in acupuncture.

Further, the faculty at the Oregon College of Oriental Medicine wishes to clarify our scope of practice in the state of Oregon. As defined by the Oregon Medical Board (OMB)

"Acupuncture" means an Oriental health care practice used to promote health and to treat neurological, organic or functional disorders by the stimulation of specific points on the surface of the body by the insertion of needles. "Acupuncture" includes the treatment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.<sup>ix</sup>

The practice of acupuncture also includes the following modalities as authorized by the Oregon Medical Board:

Traditional and modern Oriental Medical and acupuncture techniques of diagnosis and evaluation.<sup>x</sup>

Further, the laws of the state of Oregon define what is covered by acupuncture, and who is a qualified practitioner:

**677.757 Definitions for ORS 677.757 to 677.770. As used in ORS 677.757 to 677.770:**

(1)(a) "Acupuncture" means an Oriental health care practice used to promote health and to treat neurological, organic or functional disorders by the stimulation of specific points on the surface of the body by the insertion of needles. "Acupuncture" includes the treatment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.

(b) The practice of acupuncture also includes the following modalities as authorized by the Oregon Medical Board:

- (A) Traditional and modern techniques of diagnosis and evaluation;
- (B) Oriental massage, exercise and related therapeutic methods; and
- (C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice.

(2) "Oriental pharmacopoeia" means a list of herbs described in traditional Oriental texts commonly used in accredited schools of Oriental medicine if the texts are approved by the Oregon Medical Board. [1993 c.378 §1]

**677.759 License required; qualifications; effect of using certain terms; rules.**

(1) No person shall practice acupuncture without first obtaining a license to practice medicine and surgery or a license to practice acupuncture from the Oregon Medical Board except as provided in subsection (2) of this section.

(2) Notwithstanding subsection (1) of this section, the board may issue a license to practice acupuncture to an individual licensed to practice acupuncture in another state or territory of the United States if the individual is licensed to practice medicine and surgery or acupuncture in the other state or territory. The board shall not issue such a license unless the requirements of the other state or territory are similar to the requirements of this state

(3) The board shall examine the qualifications of an applicant and determine who shall be authorized to practice acupuncture.

(4) Using the term "acupuncture," "acupuncturist," "Oriental medicine" or any other term, title, name or abbreviation indicating that an individual is qualified or licensed to practice acupuncture is prima facie evidence of practicing acupuncture.

(5) In addition to the powers and duties of the board described in this chapter, the board shall adopt rules consistent with ORS 677.757 to 677.770 governing the issuance of a license to practice acupuncture. [1993 c.378 §2]<sup>xi</sup>

In summary, we agree with the Council of Colleges of Acupuncture and Oriental Medicine.

It is the position of the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) that dry needling is an acupuncture technique.

It is the position of the CCAOM that any intervention utilizing dry needling is the practice of acupuncture, regardless of the language utilized in describing the technique.<sup>xii</sup>

We strongly recommend the State of Oregon to deny the Oregon chiropractic board expansion of the Chiropractic scope of practice to include dry needling -- an established acupuncture modality.

Sincerely,

The Faculty of the Oregon College of Oriental Medicine

November 11, 2011

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<sup>i</sup> Ma, Yun tao. Dry Needling Course. Available at: <http://dryneedlingcourse.com/dr-mas-textbooks/sports-and-trauma>. Accessed September 30, 2011.

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- ii Ma, Y. *Biomedical acupuncture for sports and trauma rehabilitation: Dry needling techniques*. St. Louis, Mo: Churchill Livingstone/Elsevier; 2011.
- iii Dorsher PT. *Trigger Points And Acupuncture Points: Anatomic And Clinical Correlations*. Medical Acupuncture. 17(3). Available at: [http://www.medicalacupuncture.org/aama\\_marf/journal/vol17\\_3/article\\_3.html](http://www.medicalacupuncture.org/aama_marf/journal/vol17_3/article_3.html). Accessed October 15, 2011.
- iv Deadman P, Al-Khafaji M, Baker K. *A Manual of Acupuncture*. Kingham, Oxfordshire: Journal of Chinese Medicine Publications; 1998.
- v, 6 Montana Association of Acupuncture and Oriental Medicine. Letter to Montana Board of Medical Examiners, Subject: Dry needling, myofascial/ intramuscular/ trigger point therapy. September 12, 2011.
- vii U.S. Food and Drug Administration. Title 21 – Food and Drugs, Chapter 1 – Food and Drug Administration Department of Health and Human Services, Subchapter H – Medical Devices; Available at: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=880.5580>. Accessed October 17, 2011.
- viii Accreditation Commission for Acupuncture & Oriental Medicine. (2009). *Accreditation Manual, Structure, Scope, Process, Eligibility Requirements and Standards*. Available at: <http://www.acaom.org/documents/accreditation-manual.pdf>. Accessed October 17, 2011.
- ix, 11 Oregon Board of Medical Examiners. Chapter 677 – Regulation of Medicine, Podiatry and Acupuncture. Available at: <http://www.leg.state.or.us/ors/677.html>. Accessed October 17, 2011.
- x Oregon Board of Medical Examiners. Available at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_800/oar\\_847/847\\_070.html](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_847/847_070.html). Accessed October 17, 2011.
- xii Council of Colleges of Acupuncture and Oriental Medicine. Position Paper on Dry Needling. Available at: [http://www.ccaom.org/downloads/CCAOM\\_Position\\_Paper\\_May\\_2011\\_Update.pdf](http://www.ccaom.org/downloads/CCAOM_Position_Paper_May_2011_Update.pdf). Accessed October 17, 2011.