

CA Acupuncture Profession Joint-Position Statement on Dry Needling in California

January, 2024

This statement is issued jointly by the preeminent professional associations within the field of acupuncture in California. Representing the largest English, Chinese, Japanese, and Korean language groups. These groups collectively support over 12,000 acupuncturists throughout the state. Their focus extends to legislative advocacy, as well as fostering and advancing acupuncture and Traditional East Asian Medicine in modern healthcare.

We formally oppose the practice of "dry needling" by Physical Therapists and other non licensed acupuncturists in the state of California due to the following public safety and regulatory reasons:

1. "Dry needling," as defined by the American Physical Therapy Association (APTA)¹, follows the same definition as "acupuncture" in the state of California.
2. Current practice in states that allow "dry needling" by physical therapists do not meet the standards adopted by the AMA on Regulating Dry Needling.²
3. Current practice in states that allow "dry needling" by physical therapists violate the FDA's statement regarding the sale of acupuncture needles.³
4. The State of California maintains that it is unlawful for any person other than a licensed acupuncturist, physician, surgeon, dentist, or podiatrist to practice acupuncture or use any acupuncture technique that involves the application of a needle to the human body.⁴
5. "Dry needling" as it is currently practiced by physical therapists in other states, poses a hazard to public safety due to inherent risks of under-trained and unregulated practitioners.⁵
6. "Dry needling" is now being practiced in California illegally in most major CA Universities and institutions by Athletic Trainers, and Physical Therapists.

We oppose any health practice that threatens the safety of California consumers. Because the modality in question (acupuncture) falls within the unique scope of licensed acupuncturists, allowing the practice of "dry needling" by physical therapists or other non licensed acupuncturists may result in significant increases of pneumothorax and other health risks, as well as public confusion over the safety of acupuncture as it is currently defined and regulated by the State of California.⁶

While we oppose the practice of "dry needling" by physical therapists and others not licensed to perform acupuncture in the state of California, we are willing to advise interested parties regarding acupuncture training requirements in California to maintain the highest standards for public safety.

The following associations are represented in this joint position statement: English-speaking associations are CSOMA (California State Oriental Medical Association). Additionally, representing the Chinese-speaking community are AACMA (American Acupuncture Council of Medical Acupuncture), CAUA (California Acupuncture and Oriental Medicine Association), and ASCM (Association of Chinese Medicine & Acupuncture). Furthermore, Japanese representation is provided by JAAC (Japanese Acupuncture Association of California), and Korean representation by AKAMAC (American Korean Acupuncture & Moxibustion Association of California).

Resources

1. "Dry needling" as defined by the American Physical Therapy Association (APTA) is "an intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying points." In California, this is the same definition as acupuncture. <http://www.apta.org/StateIssues/DryNeedling/ClinicalPracticeResourcePaper/>

2. In the name of patient safety, the American Medical Association (AMA) adopted the following policy on June 15, 2016, stating that dry needling must be regulated with the same standards as acupuncture. "Regulating Dry Needling: The AMA adopted a policy that said physical therapists and other non-physicians practicing dry needling should – at a minimum – have standards that are similar to the ones for training, certification and continuing education that exist for acupuncture.

Lax regulation and nonexistent standards surround this invasive practice. For patients' safety, practitioners should meet standards required for licensed acupuncturists and physicians," AMA Board Member Russell W. H. Kridel, M.D. <https://www.ama-assn.org/ama-adopts-new-policies-final-day-annual-meeting>

3. "Dry needling" uses the same FDA-regulated Class II medical device specifically defined as an "acupuncture needle." The FDA has explicitly stated that the sale of acupuncture needles "must be clearly restricted to qualified practitioners of acupuncture as determined by the States."
<https://www.gpo.gov/fdsys/pkg/FR-1996-12-06/pdf/96-31047.pdf>

4. CA Business and Professions Code - Acupuncture License Act, Division 2, Healing Arts. Chapter 12. Acupuncture. § 4935. Unlawful practice of acupuncture (b) Notwithstanding any other law, any person, other than a physician and surgeon, a dentist, or a podiatrist, who is not licensed under this article but is licensed under Division 2 (commencing with Section 500), who practices acupuncture involving the application of a needle to the human body, performs any acupuncture technique or method involving the application of a needle to the human body, or directs, manages, or supervises another person in performing acupuncture involving the application of a needle to the human body is guilty of a misdemeanor.
https://www.acupuncture.ca.gov/pubs_forms/laws_regs/laws_and_regs.pdf

5. Because "dry needling" is, in fact, acupuncture, it presents the same inherent risks as acupuncture (i.e. perforation of the lungs and other internal organs, nerve damage, and infection) and requires the same education, supervised clinical training and independent competency examinations as required for the practice of lawful, licensed acupuncture. <https://www.acupuncturesafety.org/>

6. CA Business and Professions Code - Acupuncture License Act, Division 2, Healing Arts. Chapter 12. Acupuncture. § 4927. Definitions (d) "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion."
https://www.acupuncture.ca.gov/pubs_forms/laws_regs/laws_and_regs.pdf