

Submitter: DAVID GAINES
On Behalf Of:
Committee: Senate Committee On Health Care
Measure, Appointment or Topic: HB3824

Members of the Senate Committee on Health Care,

My name is David Gaines. I am from Bend, and I am in strong opposition to HB 3824, specifically the inclusion of “needle insertion” (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.

There is obvious Legal and Regulatory Conflict -
Under ORS 677.757(1)(a), “acupuncture” is explicitly defined as the stimulation of specific points on the body “by the insertion of needles”. The statute further affirms that acupuncture includes the use of electrical or mechanical devices with or without needles, which are also marketed under dry needling protocols.

In Oregon, acupuncture may only be practiced by those licensed by the Oregon Medical Board under ORS 677.759. Unauthorized practice of acupuncture—including any unlicensed needle insertion—is considered the unauthorized practice of medicine under ORS 677.765 and is subject to penalties. I have thousands of hours of study to determine correct and effective placement of acupuncture needles. This bill therefore directly conflicts with established state law by proposing to allow non-OMB-regulated practitioners (physical therapists) to perform a procedure that falls squarely within the legal definition of acupuncture. The Acupuncture Advisory Committee established in ORS 677.780–785 was specifically tasked with recommending standards for education, licensure, and scope of practice in order to protect the public. HB 3824 undermines this structure by bypassing OMB oversight entirely.

Safety concerns -

I have first hand experience, on over a dozen cases, where my patients have received "dry needling" by a physical therapist here in Bend, many times the therapist told them, "not to tell," and the patient had obvious negative responses and effects from the practice. I have often explained how and why the physical therapist does not know the effects of needling and contraindications taught to all acupuncturists and how they produced a non beneficial result from their "dry needling." Acupuncture is a system developed and worked out over thousands of years and is recognized by most health organizations around the world. To discredit and disregard this complete system of medicine is a negligent safety issue, a grave injustice, and oversight of our entire profession that needs to be stopped here in Oregon. In most East Asian countries

where acupuncture is still vigorously practiced a physical therapist and bodywork specialist will refer to the acupuncturist for their expertise and experience. Please don't allow a dangerous substandard practice to take root here in Oregon.

Thank you for your time and consideration.

Sincerely,

David A. Gaines