

Maryland Board of Chiropractic Examiners Now Approves Dry-Needling As Being Within the Scope of Practice for Chiropractors But...

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Maryland's Board of Chiropractic Examiners recently determined that a procedure known as "dry-needling" is permitted under a chiropractor's physical therapy privileges, so long as the chiropractor is sufficiently trained and educated in the procedure. Although for some time physical therapists have been permitted to perform dry-needling on patients in conjunction with the implementation of physical therapy techniques, it wasn't until recently that the Board of Chiropractic Examiners followed suit and agreed that this practice could also be employed by properly trained chiropractors whose licenses provide a right to practice physical therapy.

Prior to this determination, in a letter dated August 15, 2007, the Board of Chiropractic Examiners mandated that a Maryland chiropractor trained in the technique discontinue using the procedure known as dry-needling because the Board believed that such a procedure was reserved exclusively for health care professionals, separately licensed as acupuncturists by the Maryland Board of Acupuncture. Ober Kaler advocated on behalf of the chiropractor in this matter and successfully argued that dry-needling (as apposed to acupuncture) falls within the scope of practice for chiropractors under their physical therapy privileges, so long as the licensee is properly trained in using the technique.

Dry-needling denotes the procedure by which a fine, thin gage needle is inserted into a trigger point within a tender, tense, contracted muscle that a chiropractor has identified during a preliminary physical examination. This procedure is used as both a "diagnostic tool" and as a "treatment preparation." First, chiropractors can use dry-needling as a diagnostic tool to locate the exact position of trigger points causing pain. When the needle is correctly inserted into the trigger point, the contracted muscle causes it to oscillate rapidly, making the source of the patient's pain apparent. Second, because an established side effect of dry-needling is the temporary alleviation of muscle pain and sensitivity at the insertion site, chiropractors use this technique to enable their patients to better tolerate chiropractic treatment and physical therapy modalities, making the overall experience more comfortable.

The Board of Chiropractic Examiners' classification of dry-needling as acupuncture was based primarily on the fact that an acupuncture needle is often the instrument used in both dry-needling and the practice of acupuncture. However, the reason for this is purely comfort. The fact that each employs a common tool is where the similarities between dry-needling and acupuncture end. For instance, the legal definition of acupuncture stands in stark contrast to the theory behind dry-needling. The Maryland Code describes the "practice [of] acupuncture" as "the use of *oriental medical* therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health . . ." See H.O. § 1A-101(f)(1); see also COMAR 10.26.02.02(B)(8) (emphasis added).

Unlike dry-needling, in acupuncture, a needle is placed into fixed points and meridians that have no physical proximity to any muscle or spot where the patient is experiencing pain, but rather are based on oriental acupuncture medical theories. Dry-needling certainly does not fall within Maryland's legal rubric of what constitutes acupuncture, as dry-needling is by no means derived from oriental medicine, and in dry-needling, a chiropractor relies on his/her patient's

condition and response to various treatments to determine the point of insertion, rather than any “specific pathways or meridians.”

In addition to the above legal and theoretical differences between dry-needling and acupuncture, the Board altered its view regarding dry-needling, in part, when it learned that physical therapists in Maryland have, for some time, been authorized by their board to use dry-needling to both diagnose and treat their patients’ myofascial trigger points under the same statute that regulates chiropractors. In Maryland, a chiropractor may hold a chiropractic license which gives him/her the right to practice both chiropractic and physical therapy. Md. Code. Ann., Health. Occ. (“H.O.”) § 3-301(c). Physical therapy, as used by chiropractors, is defined by the article governing physical therapists. *See* H.O. § 3-101(g). Due the fact that the term “physical therapy” as employed by physical therapists includes this technique, coupled with the fact that dry-needling is not specifically prohibited by the Chiropractic Practice Act, the Board reconsidered its position on the issue.

In May 2008 the Board of Chiropractic Examiners dismissed the disciplinary case against the Maryland chiropractor cited for using the dry-needling procedure. The Board now agrees that properly trained Maryland chiropractors are free to use dry-needling in their practice to better care for their patients. The key to this decision is proper training.

So here is the bottom line: You may now use dry needling as part of your practice for both diagnosing and treating your patients. ***But*** make sure your use of dry needling is based on sound chiropractic principals, not acupuncture concepts, and be certain you have the necessary training and competency to perform this procedure.

Special thanks goes to the officers and members of your MCA who worked diligently on this matter, ultimately expanding the scope of practice for chiropractors in this matter to include this valuable therapy, which will benefit chiropractic patients throughout the State.