



SUMMARY AND FORMAL RECOMMENDATION

PHY Scope of Practice Work Group

May 22, 2023

State Board of Physical Therapy and Occupational Therapy

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Scope of Practice Work Group Summary & Formal Recommendation Report

As directed by the Alaska State Board of Physical Therapy and Occupational Therapy Licensing, a work group with input from the department of law was established to analyze scope of practice for occupational and physical therapists.

Workgroup participants were consistently:

1. Valerie Phelps, PT, ScD - Board Member
2. Lindsey Hill, OTD, OTR/L, CHT - Board Member
3. Chad Ross, PT, DPT, COMT - APTA Alaska
4. Cary Moore, PhD, OTR/L – AKOTA

Guests:

1. Kristen Neville, Manager, State Affairs, American Occupational Therapy Association (AOTA)
2. Tina McLean PT, DPT – Board Chairperson

Staff:

1. Reid Bowman, Program Coordinator 2
2. Sheri Ryan, Occupational Licensee Examiner: regular attendance
3. Sara Chambers, Boards and Regulations Advisor

The workgroup met from 9am to 12 noon on 4 occasions: April 27, May 8, May 15 and May 22 with the following goals:

1. Assess the current state of Alaska scope of practice for physical and occupational therapy professions to determine specifically whether dry needling is within the respective scope of practice.
 - a. It was identified that dry needling was within the PT scope of practice as defined in AS 08.84.190. The key words we felt were ‘correct and alleviate disability’. In this instance, the next step was to work on proposed regulations.
 - b. It was identified that dry needling, as written in the current OT scope of practice as defined in AS 08.84.190, was not within OT scope of practice due to the overarching definition related to ‘maximize independence, prevent disability, and maintain health.’ It was also determined that the scope of practice, written in 1989, would benefit from updating and expansion to reflect current areas of practice such as dry needling. The next step was to work on proposed statute change.
2. Craft recommended regulations for dry needling for physical therapists.
3. Craft recommended statutes update for occupational therapists.
4. Finally, the workgroup drafted two letters that the board could use as a template to answer scope of practice questions specific to PT and OT dry needling in the state of Alaska:

- a. Letter to answer the OT question with the determination that it is not in the current scope of practice in the state of Alaska regardless of training and experience, and a call to action to work with AKOTA to help institute changes.
- b. Letter to answer the PT question with the determination that it is within the current scope of practice in the state of Alaska.

Materials gathered and used for the analysis:

[Centralized Licensing Statutes](#) - Alaska

[Centralized Licensing Regulations](#) – Alaska

[PHY - Principles of Practice](#) – Alaska

[PT-OT Statutes and Regulations](#) - February 2023 – Alaska

[Scope of Practice Worksheet 4-27-23](#)

PT

[11th edition Dry Needling Resource Paper Final - FSBPT](#)

[AAOMPT Position Statements on DN](#)

[AKAPTA position statement](#)

[APTA CE Standards](#)

[APTA Dry Needling Laws by State 103122](#)

[Considering Providing Dry Needling Services – APTA](#)

[Dry needling regulations for PTs OTs and athletic trainers](#)

[Examples from Other State Boards \(PT\)](#)

[HUMRRO-Dry Needling Final Report 2015](#)

[Legal Opinion – OTs and Dry Needling 03-15-2023](#)

[Legal Opinion – PTs and Dry Needling 03-15-23](#)

OT

[AOTA RA Meeting 4-19 Revised Draft Policy Interventions to Support Occupations](#)

[ASHT Scope of Practice July 2022](#)

[Occupational Therapy Practice Framework](#)

[OT AOTA scope](#)

[Policy E18 Interventions to Support Occupations](#)

[AOTA OT Scope of Practice Chart](#)

The workgroup received one public comment: [Letter of OT advocacy State of AK from Rob Calhoon, OT, CHT, COMT](#)

Completed documents for the Board:

Regulations recommendations for Physical Therapy practice of dry needling for a regulations project

Scope of practice update recommendations for occupational therapy: legislative project

Letters (2) to the respective professions on board review of scope of practice and dry needling

Summary and Recommendations

1. In conclusion, as it was determined dry needling was within scope of practice for physical therapy, the workgroup formulated regulations to define required guidelines for best practice and recommends the board implement as outlined in document *PHY SOP WG – DN Regulation Recommendation 05-22-2023*.
2. The workgroup found dry needling was not within scope for occupational therapy and recommends the board pursue statutory changes as outlined in document *PHY SOP WG – OT Scope of Practice Recommendation 05-22-2023*.

The workgroup also composed draft language that could be used in position statements – see documents *PHY SOP WG – DN PT Position Statement Recommendation 05-22-2023* and *PHY SOP WG – DN OT Position Statement Recommendation 05-22-2023A* - to assist in board communications with licensees regarding dry needling. The workgroup feels that it would be helpful for any communication regarding OT dry needling scope of practice to be done cooperatively with AKOTA to assist with the timely distribution of information to state practitioners and to be able to assist members through steps in support of legislative change.

Please note, the draft documents have not been reviewed by the Department of Law but they reflect the workgroup goals.

REGULATION PROJECT - DRY NEEDLING

Physical Therapy Regulations Recommendation – Final Draft

PHY SOP WG – DN Regulation Recommendation 05-22-2023

1. Dry needling is a skilled technique performed by a physical therapist using a mechanical device, filiform needles, to penetrate the skin and/or underlying tissues to affect change in body structures and functions for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability.
 - a. Physical therapists using dry needling:
 - i. do not and cannot claim to practice acupuncture,
 - ii. do not use acupuncture diagnosis like tongue and pulse
 - iii. do not use dry needling to address things such as fertility, smoking cessation, allergies, depression or other non-neuro-musculoskeletal conditions which are commonly treated with acupuncture
2. Dry needling requires a physical therapy examination and diagnosis including real-time and constant evaluation for each technique and session.
3. Licensed physical therapists who perform dry needling must be able to demonstrate they have completed training in dry needling that must meet the American Physical Therapy Association (APTA) GUIDELINES: STANDARDS OF QUALITY FOR CONTINUING EDUCATION OFFERINGS BOD [G11-03-22-69](#) and/or the Federation of State Boards of Physical Therapists (FSBPT) [STANDARDS FOR CONTINUING COMPETENCE ACTIVITIES](#).
 - a. Dry needling courses must include, but not be limited to, training in indications, contraindications, emergency preparedness and response, potential risks, proper hygiene, proper use and disposal of needles, and appropriate selection of clients.
 - b. Initial training in dry needling shall include didactic education and written examination as well as face-to-face hands-on training and practical examination as required by this rule.
 - c. The practitioner shall not perform dry needling beyond the scope of the highest level of the practitioner's training.
4. A licensed physical therapist must perform dry needling in a manner consistent with generally accepted standards of practice, including relevant standards of the Center for Disease Control and Prevention, and Occupational Safety and Health Administration blood borne pathogen standards as per [29 CFR 1910.1030](#) et.seq.
5. The physical therapist performing dry needling must be able to provide written documentation, upon request by the board, which substantiates appropriate training as required by this rule. Failure to provide written documentation may result in disciplinary action.
6. Prior to the performance of dry needling, the physical therapist shall obtain informed consent from the patient or the patient's representative as set out in Principle 2 of the [State Physical Therapy and Occupational Therapy Board Principles of Practice](#), dated March 2015. The informed consent shall include the risks and benefits of the technique.

Highlighted section inclusion is a 'soft' suggestion – may be more appropriate placed in a position statement or for board correspondence responses instead.

REGULATION PROJECT – DRY NEEDLING

Occupational Therapy Regulations Recommendation – Final Draft

PHY SOP WG – DN Regulation Recommendation 05-22-2023

Once statute change enacted

1. Dry needling is a skilled technique performed by a occupational therapist using a mechanical device, filiform needles, to penetrate the skin and/or underlying tissues to affect change in body structures and functions for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability.
 - a. Occupational therapists using dry needling:
 - i. do not and cannot claim to practice acupuncture,
 - ii. do not use acupuncture traditional Chinese medicine theories, meridian acupoints and terminology,
 - iii. do not use acupuncture diagnosis like tongue and pulse
 - iv. do not use of energy flow or meridians
 - v. do not use dry needling to address things such as fertility, smoking cessation, allergies, depression or other non-neuro-musculoskeletal conditions which are commonly treated with acupuncture
2. Dry needling requires an occupational therapy examination and diagnosis including real-time and constant evaluation for each technique and session.
3. Licensed occupational therapists who perform dry needling must be able to demonstrate they have completed training in dry needling that must meet the **[insert comparable occupational educational standards here]** [American Physical Therapy Association (APTA) GUIDELINES: STANDARDS OF QUALITY FOR CONTINUING EDUCATION OFFERINGS BOD [G11-03-22-69](#) and/or the Federation of State Boards of Physical Therapists (FSBPT) [STANDARDS FOR CONTINUING COMPETENCE ACTIVITIES.](#)]
 - a. Dry needling courses must include, but not be limited to, training in indications, contraindications, emergency preparedness and response, potential risks, proper hygiene, proper use and disposal of needles, and appropriate selection of clients.
 - b. Initial training in dry needling shall include didactic education and written examination as well as face-to-face hands-on training and practical examination as required by this rule.
 - c. The practitioner shall not perform dry needling beyond the scope of the highest level of the practitioner's training.
4. A licensed occupational therapist must perform dry needling in a manner consistent with generally accepted standards of practice, including relevant standards of the Center for Disease Control and Prevention, and Occupational Safety and Health Administration blood borne pathogen standards as per [29 CFR 1910.1030](#) et.seq.
5. The occupational therapist performing dry needling must be able to provide written documentation, upon request by the board, which substantiates appropriate training as

required by this rule. Failure to provide written documentation may result in disciplinary action.

6. Prior to the performance of dry needling, the occupational therapist shall obtain informed consent from the patient or the patient's representative as set out in Principle 2 of the [State Physical Therapy and Occupational Therapy Board Principles of Practice](#), dated March 2015. The informed consent shall include the risks and benefits of the technique.

Highlighted section inclusion is suggested but not required. Could be used in a position statement or for board correspondence responses instead.

LEGISLATIVE PROJECT - Scope of Practice – Occupational Therapy

Occupational Therapy Scope of Practice Update Recommendation – Final Draft

PHY SOP WG – OT Scope of Practice Recommendation 05-22-2023

(3) “occupational therapy” means the therapeutic use of goal-directed life activities (occupations) with individuals, groups, or populations who have, or are at risk for injury, disorder, impairment, disability, activity limitation or participation restriction. Occupational therapists evaluate, analyze, and diagnose occupational challenges and provide interventions to support, improve, and/or restore function and engagement in meaningful tasks and activities. This includes treating physical, cognitive, psychological, sensory-perceptive, visual, and other aspects of performance in a variety of contexts to support and enhance engagement and participation in occupations that affect health, well-being, and quality of life. Occupational therapy services include but are not limited to:

- A. Evaluation, treatment and consultation to promote or enhance safety and performance in areas of activities of daily living (ADLs), instrumental activities of daily living (IADLs), health management, rest and sleep, education, work, play, leisure, and social participation.
- B. Establishment, remediation, compensation or prevention of barriers to performance skills including: client factors (body structures, body functions), performance patterns (habits, routines, roles), performance skills (physical, neuromusculoskeletal, cognitive, psychological, sensory-perceptive, communication and interaction, pain), and contexts (environmental, personal factors)
- C. Design, fabrication, application, fitting, and training in seating and positioning; assistive technology; adaptive devices; orthotic devices; and training in the use of prosthetic devices
- D. Assessment, recommendation, and training in techniques to enhance functional and community mobility
- E. Application of adjunctive interventions and therapeutic procedures in preparation for or concurrently with occupation-based activities including but not limited to therapeutic and instrument assisted modalities, wound care, and manual therapy
- F. Provide therapeutic interventions to prevent dysfunction, restore function and/or reverse the progression of pathology in order to enhance an individual’s ability to execute tasks and to participate fully in life situations

SCOPE OF PRACTICE REVIEW - DRY NEEDLING – Physical Therapy

Position Statement Recommendation – Final Draft

PHY SOP WG – DN PT Position Statement Recommendation 05-22-2023

In response to inquiries regarding dry needling, the Board of Physical Therapy and Occupational Therapy convened a workgroup to conduct a thorough analysis of the physical therapy scope of practice. The workgroup consisted of several board members and a representative of APTA Alaska, with consultation from the Alaska Department of Law.

Based on the workgroup recommendations, with further review by the Board of Physical Therapy and Occupational Therapy, it has been determined that the physical therapy scope of practice description in statute 08.84.190 supports dry needling by physical therapists in the state of Alaska.

Physical therapists using dry needling:

- do not and cannot claim to practice acupuncture,
- do not use acupuncture diagnosis like tongue and pulse
- do not use dry needling to address things such as fertility, smoking cessation, allergies, depression or other non-neuro-musculoskeletal conditions which are commonly treated with acupuncture

highlighted items are suggested items for inclusion here, or in a scope of practice statement, or future board correspondence as appropriate.

SCOPE OF PRACTICE REVIEW - DRY NEEDLING – Occupational Therapy

Position Statement Recommendation – Final Draft

PHY SOP WG – OT Scope of Practice Recommendation 05-22-2023

In response to inquiries regarding dry needling, the Board of Physical Therapy and Occupational Therapy convened a workgroup to conduct a thorough analysis of the occupational therapy scope of practice. The workgroup consisted of several board members and both state (AKOTA) and national (AOTA) occupational therapy association representatives with consultation from the Alaska Department of Law.

Based on the workgroup recommendations, with further review by the Board of Physical Therapy and Occupational Therapy, it has been determined that the current occupational therapy scope of practice description in statute 08.84.190 does not support dry needling by occupational therapists regardless of education and training. At this time, statutory change is required to perform dry needling.

The Physical Therapy and Occupational Therapy Board in collaboration with AKOTA and AOTA are working on these changes. This process may take several years to accomplish. Please assist this effort by advocating for revisions to the Alaska occupational therapy scope of practice by reaching out to your state association.