

NEVADA PHYSICAL THERAPY BOARD SMALL BUSINESS IMPACT STATEMENT PROPOSED AMENDMENTS TO NAC CHAPTER 640

The Nevada Physical Therapy Board will be making changes to the Nevada Administrative Code (NAC) to govern the practice of dry needling by physical therapist. This Small Business Impact Statement serves as an analysis to determine the impact that proposed regulations will have on small businesses, as defined in Nevada Revised Statute (NRS) 233B.0382:

NRS 233B.0382 "Small business" defined. "Small business" means a business conducted for profit which employs fewer than 150 full-time or part-time employees.

Background

The proposed regulation includes:

- 1) Dry Needling Definition
- 2) Dry Needling Proposed Regulation
- 3) Dry Needling Sample Consent to Treat Form

Pursuant to NRS 233B.0608(2)(1), the Nevada Physical Therapy Board made a concerted effort to determine whether the proposed regulations are likely to impose an economic burden upon a small business. The Nevada Physical Therapy Board also drew from multiple sources of information in its determination of dry needling competencies.

- 1) Practitioner Surveys - In 2016-2017, the Board administered a practitioner survey to identify entry-level knowledge, skills, and abilities important for competency in dry needling. The Board solicited input via survey from licensed physical therapists and physical therapist assistants, in an effort to gather information on how much education was appropriate for the protection of the public and physical therapists performing dry needling. Survey invitations were sent via email to 1,818 licensees, of which 1,040 were opened. Survey results included the responses of 332 physical therapist. Notable responses from physical therapists included the following: (1) 18% of respondents indicated that they perform dry needling on patients; (2) 45% of respondents stated that they received their dry needling training in PT School or through continuing education courses; (3) 53% of respondents indicated that they have patient's sign a consent form that is specific to dry needling.
- 2) Advisory Committee - In 2018, the Board created an Advisory Committee on Dry Needling to further identify regulations to ensure dry needling is performed competently, safely and within a physical therapist's scope of practice. This Committee consisted of two members representing the Nevada Physical

Therapy Board, a licensed physical therapist, a registered nurse, and three members representing the Oriental Medicine Board.

- 3) Research – The Board conducted research on what other states have done in regards to standard of education and training for physical therapists performing dry needling.

It is the position of the Nevada Physical Therapy Board that dry needling is within the scope of practice of physical therapists. The Human Resources Research Organization (HumRRO) completed a document addressing the "Analysis of Competencies for Dry Needling by Physical Therapists". Based on the findings of this report, dry needling is viewed as an advanced skill that requires additional training beyond entry-level education and should only be performed by physical therapists that have demonstrated knowledge, skill, ability, and documented competence. A physical therapist must practice only those procedures that the physical therapist is competent to perform.

The Board is proposing new regulation for the purpose of standardizing the practice of dry needling by physical therapist and establishing clear guidelines for compliance and enforcement. There are no monetary costs to the Board with the proposed regulations. Any impact or associated monetary costs may involve training activities that licensees are already doing or should be doing in order to competently practice dry needling. The proposed regulation will require all licensees engaging in this practice to take courses and submit documented proof of compliance to the Board in order to continue engaging in dry needling.

QUESTION 1 – Does this proposed regulation impose a direct and significant economic burden upon a small business? ANSWER – No.

QUESTION 2 – Does this proposed regulation restrict the formation, operation or expansion of a small business? ANSWER – No.

Therefore, it is the opinion of this Board that the addition of the proposed amendments will not negatively impact small business or impact the creation of a small business.

Sherise Smith PT, MSPT, CBIS
Chairman

6/19/18
Date

State of Nevada

Physical Therapy Board

ADVISORY COMMITTEE ON DRY NEEDLING Recommendations

Dry Needling Definition

Dry needling is a skilled technique performed by a physical therapist using 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, impairment and disability.

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Proposed Regulation

Professional Standards of Care and Training and Education Qualifications for Delivery of Dry Needling Skilled Intervention:

- A. A physical therapist shall meet the qualifications established in subsection (C) before providing the skilled intervention "dry needling".
- B. DN does not include the stimulation of auricular points, sinus points or other non-local points to treat underlying organs. Dry needling shall be performed solely for conditions that fall under the physical therapy scope of practice. Each physical therapist performing dry needling shall perform dry needling only in the anatomical regions of training completed by the physical therapist. Each physical therapist who performs dry needling shall do so in a manner consistent with generally accepted physical therapy standards of practice.
- C. Before engaging in dry needling, a physical therapist must submit documented proof of compliance with the qualifications listed in subsection (D) to the board.

Note to LCB drafter: please give all current dry needling practitioners 30 days to submit information to the Board.

D. Course content that meets the training and education qualifications for "dry needling" shall contain all of the following:

- 1. The course content shall be approved by one or more of the following entities prior to the course(s) being completed by the physical therapist.
 - a. Commission On Accreditation In Physical Therapy Education,
 - b. American Physical Therapy Association,
 - c. State Chapters Of The American Physical Therapy Association,
 - d. Specialty Groups Of The American Physical Therapy Association,
 - e. The Federation of State Boards Of Physical Therapy, or
 - f. The ACCC Committee of the Nevada Physical Therapy Board.
 - 2. The course content shall include the following components of education and training:
 - a. Sterile needle procedures to include one of the following standards:
 - i. The U.S. Centers For Disease Control And Prevention, or
 - ii. The U.S. Occupational Safety And Health Administration
 - b. Anatomical Review,
 - c. Blood Borne Pathogens
 - d. Contraindications and indications for "dry needling",
- E. The course content required in subsection (D) of this Section shall include, but is not limited to, passing of both a written examination and practical examination before completion of the course content. Practice application course content and examinations shall be done in person to meet the qualifications of subsection (D).
- F. The standard of care for the intervention "dry needling" includes, but is not limited to the following:
- a. "Dry needling" cannot be delegated to any assistive personnel, including physical therapist assistants or physical therapist technicians.
 - b. A physical therapist who performs "dry needling" shall obtain informed consent including written documentation from each patient who will receive "dry needling" before the physical therapist performs "dry needling" on that patient. The informed consent must be documented and shall include, at a minimum, a consent form that includes the following:
 - i. The patient's signature;
 - ii. The risks and benefits "dry needling";
 - iii. Definition of "dry needling" and description of treatment

Sample Consent Form Template

DRY NEEDLING CONSENT TO TREAT FORM

Dry needling (DN) is a skilled technique performed by a physical therapist using 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, impairment and disability. Like any treatment there are possible complications. While these complications are rare in occurrence, they are real and must be considered prior to giving your consent for dry needling treatment.

Risks of the procedure:

The most serious risk associated with DN is accidental puncture of a lung (pneumothorax). If this were to occur, it may require a chest x-ray and no further treatment. The symptoms of shortness of breath may last for several days to weeks. A more severe lung puncture, while rare, may require hospitalization.

Other risks may include bruising, infection or nerve injury. It should be noted that bruising is a common occurrence and should not be a concern. The monofilament needles are very small and do not have a cutting edge; the likelihood of any significant tissue trauma from DN is unlikely. There are other conditions that require consideration so please answer the following questions:

- Are you taking blood thinners? Yes / No
- Are you or is there a chance you could be pregnant? Yes / No
- Are you aware of any problems or have any concerns with your immune system? Yes / No
- Do you have any known disease or infection that can be transmitted through bodily fluids? Yes / No

Patient's Consent: I have read and fully understand this consent form and attest that no guarantees have been made on the success of this procedure related to my condition. I am aware that multiple treatment sessions may be required, thus this consent will cover this treatment as well as subsequent treatments by this facility. All of my questions, related to the procedure and possible risks, were answered to my satisfaction.

My signature below represents my consent to the performance of dry needling and my consent to any measures necessary to correct complications, which may result. I am aware I can withdraw my consent at any time.

I, _____ authorize the performance of Dry Needling.

Patient or Authorized Representative

Date

Relationship to patient (if other than patient)

Date

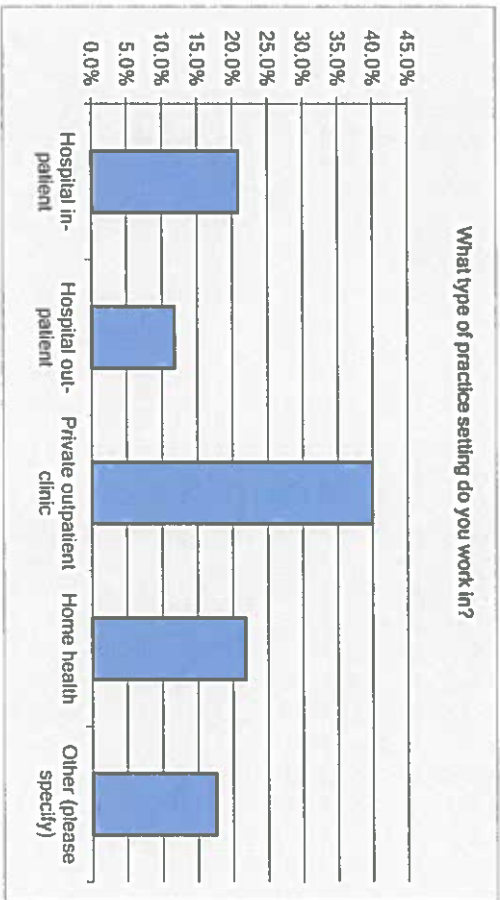
I was offered a copy of this consent and refused.

Survey of Dry Needling By Physical Therapists

Question # 1

What type of practice setting do you work in?

Answer Options	Response Percent	Response Count
Hospital in-patient	20.9%	69
Hospital out-patient	11.8%	39
Private outpatient clinic	40.0%	132
Home health	21.8%	72
Other (please specify)	17.6%	58
<i>answered question</i>		330
<i>skipped question</i>		2

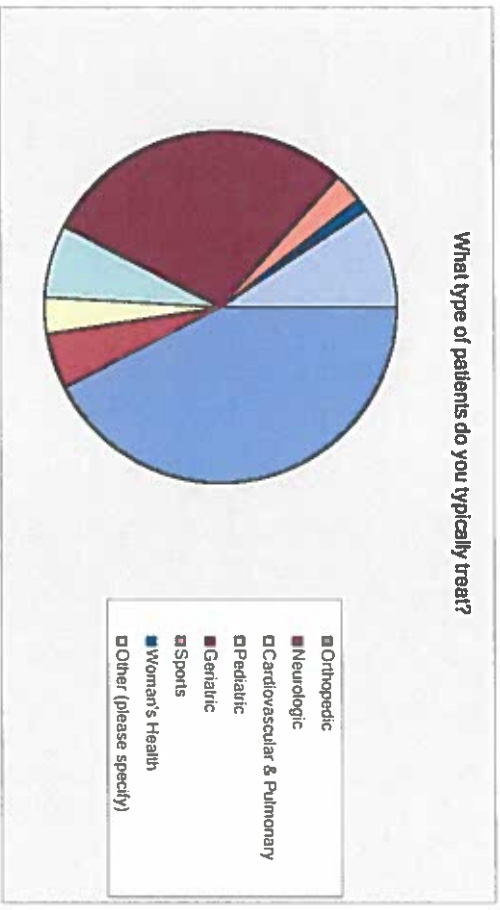


Survey of Dry Needling By Physical Therapists

Question # 2

What type of patients do you typically treat?

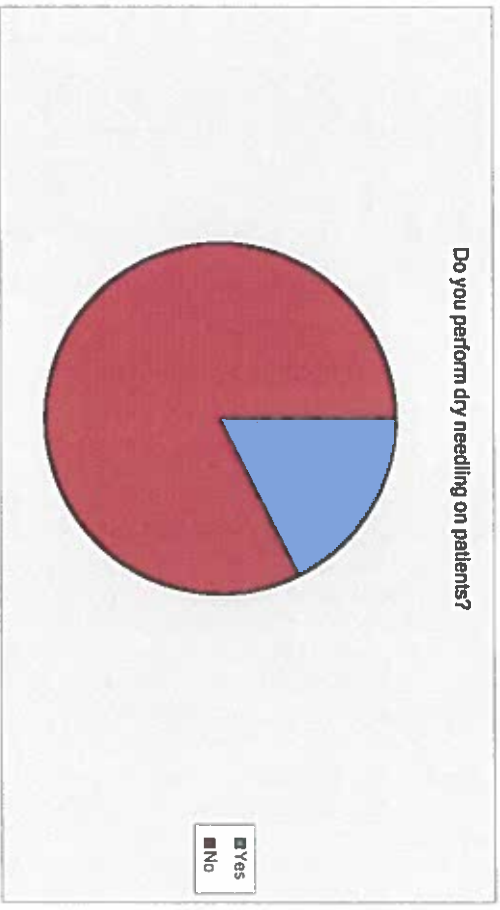
Answer Options	Response Percent	Response Count
Orthopedic	42.4%	140
Neurologic	5.2%	17
Cardiovascular & Pulmonary	3.3%	11
Pediatric	6.7%	22
Geriatric	29.1%	96
Sports	2.7%	9
Woman's Health	1.2%	4
Other (please specify)	9.4%	31
<i>answered question</i>		330
<i>skipped question</i>		2



Survey of Dry Needling By Physical Therapists Question # 3

Do you perform dry needling on patients?

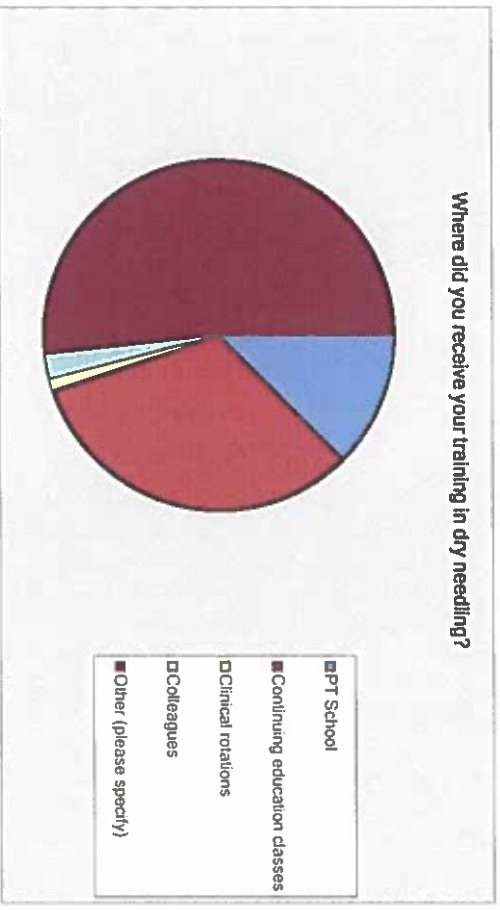
Answer Options	Response Percent	Response Count
Yes	17.6%	58
No	82.4%	272
	<i>answered question</i>	330
	<i>skipped question</i>	2



**Survey of Dry Needling By Physical Therapists
Question # 4**

Where did you receive your training in dry needling?

Answer Options	Response Percent	Response Count
PT School	12.5%	22
Continuing education classes	32.4%	57
Clinical rotations	1.1%	2
Colleagues	2.3%	4
Other (please specify)	51.7%	91
<i>answered question</i>		176
<i>skipped question</i>		156

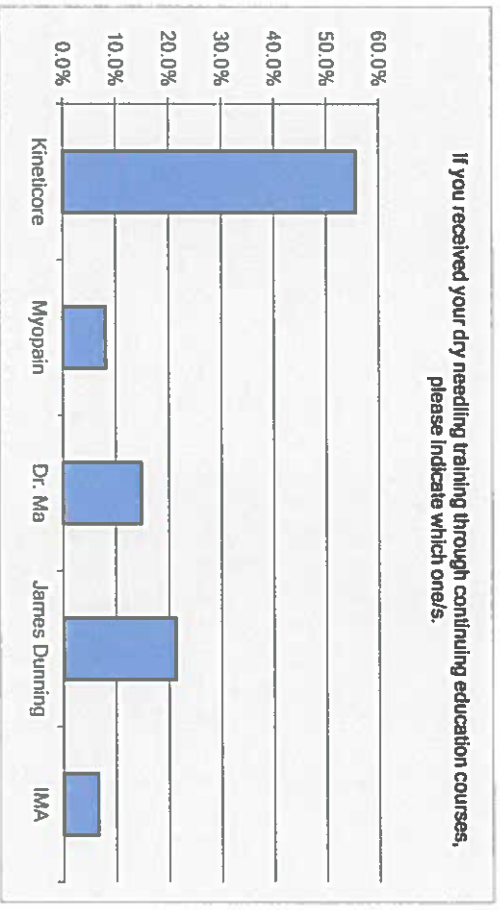


Survey of Dry Needling By Physical Therapists

Question # 5

If you received your dry needling training through continuing education courses, please indicate which one/s.

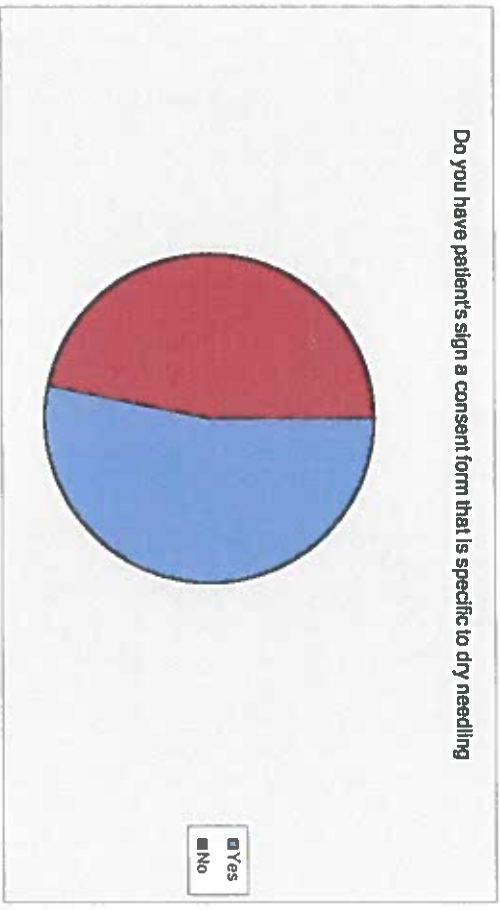
Answer Options	Response Percent	Response Count
Kineticore	55.7%	34
Myopain	8.2%	5
Dr. Ma	14.8%	9
James Dunning	21.3%	13
IMA	6.6%	4
<i>answered question</i>		61
<i>skipped question</i>		271



Survey of Dry Needling By Physical Therapists Question # 6

Do you have patient's sign a consent form that is specific to dry needling

Answer Options	Response Percent	Response Count
Yes	53.2%	59
No	46.8%	52
	<i>answered question</i>	111
	<i>skipped question</i>	221



Survey of Dry Needling By Physical Therapists

Question # 7

How many hours of training in dry needling specifically would you estimate that you have had?

Answer Options	Response Count
<i>answered question</i>	153
<i>skipped question</i>	179