

March 1, 2013

House Committee on Health Care

Representative Mitch Greenlick, Chair

Dear Chair Greenlick and Committee Members:

RE: House Bill 2996

The Oregon Chiropractic Association respectfully opposes this proposed legislation for two reasons. 1. It inappropriately attempts to redefine the practice of acupuncture in hope of restricting other health care professionals from performing the procedure known as “dry needling.” 2. Attempts to expand acupuncturist’s scope of practice to include “manual therapy.”

1. The procedure of “dry needling” is not acupuncture. The amended language on page one, lines 10, 11, and 12, represent the acupuncturist’s inappropriate attempt to restrict chiropractic physicians, naturopathic physicians, nurse practitioners, physical therapists and other health care professionals from performing a common procedure called dry needling specifically to treat “trigger points” in injured muscle.
 - a. The amended language in Line 10 removes reference to “**an Oriental**” health care practice. Acupuncture unlike western medicine’s dry needling to treat injured muscle, treat fixed known points (acupoints) on the surface of the skin, is based on a historical Oriental medical belief system or philosophy which has no analogue in western medicine. In our opinion the acupuncturists are simply removing the term Oriental to distance themselves from that belief/philosophical system.
 - b. This point is further evidenced by their attempt on lines 11 and 12 to remove “**specific**” referring to specific and constant acupoints and the terms “**the surface of**” meaning these acupoints are on the surface of the skin rather than trigger points which are deep to the skin and within the belly of injured muscle.
 - c. Further new amended language in line 11 “**in and**” is an inappropriate attempt to say that acupuncture (needles) can go into the body meaning into muscle in an inappropriate attempt to include the procedure of dry needling as the practice of acupuncture which it is not.

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- d. Lastly, the new amended language in line 12 on page one "...the insertion of ***solid metal***" needles is a further attempt to inappropriately restrict other professions from using needles (e.g. dry needling of muscle) which under this proposal would constitute the illegal or unlicensed practice of acupuncture. As a consequence, an argument can be made that if a chiropractic physician, naturopathic physician, or nurse practitioner performed minor surgery such as utilizing a suturing (solid metal) needle to close a laceration, this would be practicing acupuncture without a license. Or, if the health care provider utilized the standard solid metal needle to perform an EMG nerve conduction study would be practicing acupuncture by this definition.
2. This proposed legislation also inappropriately expands the scope of practice of licensed acupuncturists to include the broad category of ***manual therapy*** would include high velocity short amplitude thrusting procedures. We respectfully submit the training of acupuncturists does not include adequate clinical instruction in spinal manipulation which in our opinion constitutes a public safety concern. Students at the University of Western States 4-year chiropractic school receive 1,296 clock hours of clinical training relative to spinal manipulation and another 1116 clinic hours implementing those clinical skill sets.
 - a. Public safety dictates that health care providers who wish to perform manual therapy techniques specifically spinal manipulation be adequately trained. This is especially true regarding treatment of the delicate cervical spine (neck).

This proposed legislation is not good public policy and we urge your non-support.

Respectfully submitted,

Vern Saboe, DC, FACO

Oregon Chiropractic Association