

Submitter: Mari Greenly
On Behalf Of:
Committee: Senate Committee On Health Care
Measure, Appointment or Topic: HB3824

HB3824 Written Testimony

Members of the Senate Committee on Health Care,

My name is Mari Greenly. I am from the city of Portland and I am writing in 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.

I have been practicing Acupuncture in the state of Oregon for nearly 25 years and graduated from one of the top schools in our country from right here in Portland. As a practitioner, I have already witnessed needle injuries from non Licensed Acupuncturists. I have also experienced a large degree of confusion from potential patients seeking “dry needling” because of advertising that it supposedly yields ‘better results than acupuncture’. By allowing dry needling performed by NON licensed Acupuncturists, acupuncture is disparaged by the same people who are seeking to use dry needling as a therapy when it is in fact the same therapy, using the same medical supplies, looking for the same result. Our state is one with broad access to Licensed Acupuncturists. This bill will not have an overreaching positive effect on Oregonians seeking access to the treatment modality they already enjoy access to. It is vital in my opinion that any provider seeking to perform “dry needling” otherwise known as acupuncture, be required to receive the same level of training that those of us practicing acupuncture have spent years learning, clinic hours in training and engage in the same safety and national board certifications required by Licensed Acupuncturists in the state of Oregon. This modality, dry needling, should be referred to as acupuncture, not any other term, unless it is to undergo specific guidelines for registering that therapy with the appropriate due process. This would also require that Licensed Acupuncturists be the primary providers with adequate training to perform “dry needling” aka “acupuncture” in the state of Oregon as it is already written into the statutes.

I strongly oppose this bill as it is written, because allowing “dry needling” by Physical Therapists will create confusion and potential future mislabeled medical injury reporting. This bill does not adequately distinguish the type of needle insertion from acupuncture and is too vague and broad of a scope expansion without further assessment and consideration. Failure to oppose this bill without clearly distinguishing this modality from acupuncture directly puts patients at risk for unknowingly allowing a PT to provide a treatment they likely assume is being provided by someone with the level of training as a Licensed Acupuncturist when it is not. Essentially, this topic needs significant further investigation and due diligence and process to avoid state wide confusion for consumers and a high level of injury

risk.

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.

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.