

Date: 5.8.2025

Hello, I am strongly opposed to HB3824. My name is Alfred Thieme, and I am a former Legislative Director of the OAAOM, which is now the OAA or Oregon Acupuncture Association. I was one of the named parties with Christo Gorawaski and the OAAOM in the successful legal challenge to the Oregon Board of Chiropractic Examiners regarding the . (OBCE) I am requesting that HB3824 be amended to remove the words “needle insertion” on page 3, line 34.

Once again, we encounter ANOTHER attempt by the Oregon Physical Therapy Board to sneak acupuncture (incorrectly labeled as dry needling, which is simply a PT/DC marketing gimmick) into their scope of practice. Its almost comical how often they have attempted this in Oregon. Literally, they snuck into into their bill HB3824 on page 3, line 34 as “needle insertion”. Did they confer with the Oregon Medical Board or the Oregon Acupuncture Association as to these machinations? NO, they simply hoped to impose their will on the legislature, the public and patients in Oregon without discussing it with the parties that regulate the training and education on these matters. I only learned recently about this bill last week from the OAA, and the House quickly passed the bill without much debate and no discussion with the Oregon Medical Board about its effects on patients. The fact that 370 people submitted testimony in favor of the bill does not represent the acupuncture community’s opposition, but rather a well-timed event by the OPTB and the OPTA to blitz the House committee without giving the OAA time to notify their members. Once again, as we have seen in so many other states where acupuncturists have a weak political lobby, the PTs attempt to rapidly pass bills without much public input or debate, knowing full well that there exists significant opposition to their efforts to subvert the legal system, and failure to educate their practitioner adequately on the procedures they will be haphazardly performing on many potential patients for their own fiscal benefit.

This legislation is an attempt by the Physical Therapists to subvert the legal system in the state of Oregon. Physical Therapists in Oregon have what is called a “circular scope of practice”, meaning that if they can have some procedure inserted in their scope of practice, even if they have no education nor training requirements for it in the programs in this state or elsewhere, then the procedure can be deemed as being part of their scope of practice. This leads them to pursue procedures such as acupuncture merely for financial gain by mislabeling acupuncture as dry needling without any specific educational requirements. In the case of acupuncture, this can lead to dangerous situations for patients with the potential for collapsed lungs or pneumothorax. The PTs believe it benefits their profession since they will be able to bill for the procedure on lucrative Worker’s Compensation and Personal Injury Protection claims. Is it worth lining the pockets of the PTs at the expense of patient safety?

When I say that this legislation is an attempt by the Physical Therapists to subvert the legal system in the state of Oregon, I am referring to the exact same case that the Oregon Appellate courts decided in favor of the Oregon Acupuncture Association against the Oregon Board of Chiropractic Examiners over 10 years ago that acupuncture was not physiotherapy, which was the category that the OBCE attempted to include dry needling (acupuncture) in to inappropriately add to their scope of practice. (see attached decision)

The Food and Drug Administration (FDA) standards clearly regard the filiform needles for us as acupuncture needles. Since “needle insertion” of these Class C medical devices is acupuncture, then the PTs wishing to practice needle insertion will have to complete at least a Masters level acupuncture degree program in Chinese Medicine and Acupuncture. Hence, The PTs are attempting to do an end run around the legal requirements set by the Oregon Medical Board regarding the licensing of acupuncturists in the state of Oregon.

In the same manner as the OAAOM argued successfully in the attached brief that the Oregon Board of Chiropractic Examiner's Usurps the Oregon Medical Board's Statutory Authority Under ORS Chapter 677 to Govern the License and Practice of Acupuncture and Improperly Authorizes Chiropractic Physicians to Practice Acupuncture, the same can be said about the Oregon Board of Physical Therapy to usurp and subvert the legal authority of the Oregon Medical Board. Despite the PTs' desire to avoid having to receive legitimate education in this area, there are clear reasons why the Oregon Medical Board has specific educational requirements for the practice of Chinese Medicine and the practice of acupuncture. This attempt is part of larger attempt by the PT industry nationwide over the last 15 years to financially capitalize on the patient benefits of acupuncture with zero to little training in the complex medical diagnostic system inherent in Chinese Medicine. They cannot be allowed to cleave part of the medical system from the whole since they have no understanding of what they are doing, but only hope to increase their revenues in the PIP system. Does this committee really want to pass a bill that would be in direct opposition of the medical education requirements of the Oregon Medical Board? (see page 2 of the attached AG opinion from 2017)

Additionally, this is, once again, an unrelenting attempt by the PTs to subvert the legal system in direct opposition to the 2017 legal opinion by the Oregon Attorney General that said that dry needling (acupuncture) was not a physical therapy intervention. (see attached)

I would highly suggest that the Senate committee request significant analysis of HB3824 over the coming months by the Oregon Medical Board, and table the bill for now. Really, what's the hurry if patient safety is at stake? Barring that decision to confer with the OMB, at the bare minimum the words "needle insertion" on page 3, line 34, should be removed entirely from the bill if the remainder of it is allowed to pass.

If the Senate passes this bill now in the face of the strong legal record against this bill, and the educational requirements set by the Oregon Medical Board, this committee is creating another situation that also invites a lawsuit on this case. Why waste the time, energy and resources of all parties by passing this blatant attempt to subvert the law?

Sincerely,

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