

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 490

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 490, as amended, would amend the Physical Therapy Practice Act by adding dry needling to the scope of practice for licensed physical therapists, defining dry needling, and requiring the Kansas State Board of Healing Arts (Board) to adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist. The bill also would replace references to “Article 29 of Chapter 65 of the *Kansas Statutes Annotated*, and amendments thereto” with “the Physical Therapy Practice Act.”

Additionally, the bill would exempt from the Physical Therapy Practice Act licensed acupuncturists practicing their profession, when licensed and practicing in accordance with the Acupuncture Practice Act. The licensed acupuncturist exemption would take effect and be in force on and after July 1, 2016, and from and after 2016 SB 363 (creating the Acupuncture Practice Act) is passed by the Legislature during the 2016 Regular Session of the Legislature and enacted into law.

“Dry needling” would mean “a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.”

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

At the hearing before the Senate Committee on Public Health and Welfare, testimony in favor of the bill was offered by two representatives of the Kansas Physical Therapy Association (KPTA), a physical therapist, and two private citizens. The KPTA representatives testified the bill was introduced to clarify that dry needling is within a licensed physical therapist's scope of practice. The KPTA representatives expressed concern that, even if this bill passes, physical therapists would be violating the acupuncture licensure bill (2016 SB 363) should it pass without an amendment exempting physical therapists. The physical therapist testified regarding the training provided for dry needling and stated dry needling is not acupuncture. The private citizens shared favorable experiences with dry needling treatments performed by a physical therapist. Written proponent testimony also was provided by legal counsel for the KPTA.

Opponent testimony was offered by a representative of the Kansas Chiropractic Association. The representative testified the bill would allow all physical therapists to perform dry needling regardless of their educational level and without additional training in the practice of dry needling. The representative stated, should the bill be passed out of the Senate Committee favorably, language should be added to require certification in proficiency in dry needling for all physical therapists who perform the procedure.

Neutral testimony was offered by representatives of the Kansas Association of Oriental Medicine and the Kansas Medical Society (KMS). The KMS representative stated KMS has no objection to physical therapists or acupuncturists performing dry needling, assuming they have the requisite education, training, and competence. However, the KMS representative stated a clear definition of dry needling and how it differs from acupuncture should be included in the bill for the purpose of providing clear direction for the Board over

the professions it regulates. Written neutral testimony was provided by a representative of the Board.

The Senate Committee amended the bill to add “dry needling” to the physical therapists’ scope of practice and define the term; require rules and regulations establishing minimum education and training requirements for dry needling by licensed physical therapists; and exempt licensed acupuncturists from the Physical Therapy Practice Act.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board states enactment of the bill could result in an increase in the number of reports and complaints regarding practitioners alleged to have violated requirements contained in the Physical Therapy Practice Act. The Board states increased complaints could result in an increase in the number of corresponding investigations that would need to be performed by Board staff and the number of disciplinary cases handled, which would proportionately increase related operational expenses. The Board cannot estimate the number of additional reports and complaints, so the possible increase in operational expenses cannot be determined at this time. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor’s Budget Report*.