

House Bill 809

By: Representative Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 28 of Title 43 of the Official Code of Georgia Annotated, relating to
2 occupational therapists, so as to authorize occupational therapists to perform dry needling
3 as a physical agent modality if certain training and education requirements are met; to
4 provide for definitions; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 28 of Title 43 of the Official Code of Georgia Annotated, relating to occupational
9 therapists, is amended by revising paragraph (12) of Code Section 43-28-3, relating to
10 definitions, and by adding a new paragraph to read as follows:

11 "(1.1) 'Dry needling' means a skilled technique that uses a thin filiform needle to
12 penetrate the skin and stimulate underlying neural, muscular, and connective tissues for
13 the management of neuromusculoskeletal conditions, pain, and movement impairments.
14 Such term shall not include the teaching or application of acupuncture.

15 "(12) 'Physical agent modalities' means occupational therapy treatment techniques, both
16 superficial and deep tissue, which may, but are not required to utilize the following

agents: thermal, mechanical, electromagnetic, water, ~~and light~~, and dry needling for a specific therapeutic effect to promote functional outcomes."

SECTION 2.

Said chapter is further amended by revising Code Section 43-28-8, relating to license requirements for therapy techniques involving physical agent modalities, as follows:

"43-28-8.

(a) No person shall utilize occupational therapy techniques involving physical agent modalities unless such person:

(1) Is licensed according to this article; and

(2) Has successfully completed a minimum of 90 hours of instruction or training approved by the board which covers the following subjects:

(A) Principles of physics related to specific properties of light, water, temperature, sound, or electricity, as indicated by selected modality;

(B) Physiological, neurophysiological, and electrophysiological, as indicated, changes which occur as a result of the application of the selected modality;

(C) The response of normal and abnormal tissue to the application of the modality;

(D) Indications and contraindications related to the selection and application of the modality;

(E) Guidelines for treatment or administration of the modality within the philosophical framework of occupational therapy;

(F) Appropriate selection and practical application of physical agent modalities, including determining treatment parameters based on existing pathology, impairments, functional limitations, and expected outcomes;

(G) Guidelines for educating the patient, including instructing the patient as to the process and possible outcomes of treatment, including risks and benefits;

(H) Safety rules and precautions related to the selected modality;

(I) Methods for documenting the effectiveness of immediate and long-term effects of treatment; and

(J) Characteristics of the equipment, including safe operation, adjustment, and care of the equipment.

(b)(1) No occupational therapist shall perform dry needling unless he or she:

(A) Is certified to use physical agent modalities;

(B) Has a minimum of three years of clinical experience as a licensed occupational therapist; provided, however, that the board may, in its discretion, accept a lesser amount of clinical experience if the board receives documentation of completion of courses specifically in dry needling taken while in attendance at an occupational therapy program recognized by the board; and

(C) Has documented successful completion of coursework in dry needling acceptable to the board that includes study of musculoskeletal and neuromuscular systems; the anatomical basis of pain mechanisms, chronic pain, and referred pain; myofascial trigger point theory; and universal precautions. Such coursework shall also include postgraduate instruction in:

(i) Anatomical review for safety and effectiveness;

(ii) Indications and contraindications for dry needling;

(iii) Management of adverse effects; and

(iv) Evidence based instruction in the theory of dry needling.

(2) Except for remote study or self-study required as a part of postgraduate coursework in dry needling, online instruction shall not be considered appropriate training.

(3)(A) In order to perform dry needling on a patient's upper extremities, an occupational therapist shall have successfully completed a minimum of 26 hours of postgraduate instruction, of which a minimum of 20 hours shall have been in-person postgraduate instruction in dry needling on upper extremities in a course acceptable to the board.

(B) In order to perform dry needling on a patient's lower extremities, an occupational therapist shall meet the requirements of subparagraph (A) of this paragraph and shall have successfully completed a minimum of an additional 20 hours of in-person postgraduate instruction in dry needling on lower extremities in a course acceptable to the board.

(4) An occupational therapist shall not perform dry needling unless the patient has signed an informed consent, which shall be maintained in the patient's medical record. The written informed consent shall clearly state the risks and benefits of dry needling, the occupational therapist's level of education and training in dry needling, and any other information required by the board.

~~(b)~~(c) The board shall promulgate rules and regulations specifically pertaining to the use of physical agent modalities by a person licensed under this article."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.