

The Senate Committee on Health and Human Services offered the following substitute to SB 411:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for dry needling to be performed by certain licensed
3 professionals; to provide for definitions; to restrict certain representations and advertisements
4 related to the performance of dry needling; to provide for education and training
5 requirements for occupational therapists to perform dry needling; to provide for disciplinary
6 action; to provide for training requirements for acupuncturists; to provide for related matters;
7 to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
11 is amended in Chapter 1, relating to general provisions, by adding a new Code section to read
12 as follows:

13 "43-1-37.

14 (a) As used in this Code section, the term:

15 (1) 'Advertisement' shall have the same meaning as set forth in Code Section 43-1-33.

16 (2) 'Deceptive or misleading terms or false representations' shall have the same meaning
17 as set forth in Code Section 43-1-33.

18 (3) 'Dry needling' means a skilled technique using filiform needles to penetrate the skin
19 and underlying tissues to effect change in body structures and functions for the evaluation
20 and management of neuromusculoskeletal conditions, pain, movement impairments, and
21 disability for preventive and therapeutic purposes.

22 (b) No person shall perform dry needling unless such person is duly licensed as an
23 acupuncturist, occupational therapist, or physical therapist and has completed education
24 and training requirements for the performance of such technique as established by the
25 respective licensing board of such profession.

26 (c) No person shall use deceptive or misleading terms or false representations in the
27 advertisement of the performance of dry needling regarding their qualifications, the
28 treatment, or the expected outcome. Any advertisement for dry needling shall identify the
29 type of license held by the healthcare practitioner performing such service and use
30 appropriate licensure titles, initials, or other authorized designations and shall not use titles,
31 initials, or other designations that are deceptive or misleading terms or false
32 representations.

33 (d) A healthcare practitioner who intentionally violates any provision of this Code section
34 may be subject to disciplinary action by such healthcare practitioner's professional
35 licensing board. Notwithstanding the imposition of any sanction, the healthcare
36 practitioner's professional licensing board may seek an injunction or other legal means as
37 appropriate against such healthcare practitioner violating this Code section.

38 (e) A violation of this Code section shall not constitute a private cause of action; provided,
39 however, that nothing in this Code section shall be construed to limit or preclude any other
40 available remedy at law or equity."

41 **SECTION 2.**

42 Said title is further amended in Chapter 28, relating to occupational therapists, by revising
 43 paragraph (12) of Code Section 43-28-3, relating to definitions, as follows:

44 "(12) 'Physical agent modalities' means occupational therapy treatment techniques, both
 45 superficial and deep tissue, which may, but are not required to utilize the following
 46 agents: thermal, mechanical, electromagnetic, water, and light, and dry needling for a
 47 specific therapeutic effect to promote functional outcomes."

48 **SECTION 3.**

49 Said title is further amended in said chapter by revising Code Section 43-28-8, relating to
 50 license requirements for therapy techniques involving physical agent modalities, by adding
 51 a new subsection to read as follows:

52 "(a.1) No occupational therapist shall perform dry needling unless such individual has:
 53 (1) Consulted with an individual licensed pursuant to Article 2 or Article 4 of Chapter 34
 54 of this title; and
 55 (2) Successfully completed a minimum of 50 hours of instruction or training on dry
 56 needling and passed a competency assessment of achievement in its curriculum with
 57 documented proof of such completion submitted to the board."

58 **SECTION 4.**

59 Said title is further amended in Article 3 of Chapter 34, relating to acupuncture, by revising
 60 subsection (c) of Code Section 43-34-64, relating to licensure requirements, as follows:

61 "~~(c) Before any person licensed to practice acupuncture under this article, who has less~~
 62 ~~than one year of postgraduate clinical experience, may practice on his or her own, such~~
 63 ~~person must engage in one year of active practice under the supervision of a licensed~~
 64 ~~acupuncturist with a minimum of four years active licensed clinical practice. Such~~
 65 ~~supervising acupuncturist may be licensed in Georgia or any other state or country with~~

66 ~~licensing requirements substantially equal to Georgia's licensing requirements and may~~
67 ~~accumulate the required four years of active licensed clinical practice in any combination~~
68 ~~of states so long as the licensing requirements of such other states or countries are~~
69 ~~substantially equal to Georgia's licensing requirements~~ Reserved."

70 **SECTION 5.**

71 This Act shall become effective upon its approval by the Governor or upon its becoming law
72 without such approval.

73 **SECTION 6.**

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