

The House Committee on Health offers 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 amend Chapter 15 of Title  
7 43 of the Official Code of Georgia Annotated, relating to professional engineers and land  
8 surveyors, so as to authorize the Georgia Professional Engineers and Land Surveyors Board  
9 to retain certain incidental funds generated by certain fees; to provide for related matters; to  
10 provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

S. B. 411 (SUB)

16 "43-1-37.

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

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

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

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

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

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

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

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

44 **SECTION 2.**

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

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

51 **SECTION 3.**

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

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

61 **SECTION 4.**

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

64 ~~"(c) Before any person licensed to practice acupuncture under this article, who has less~~  
 65 ~~than one year of postgraduate clinical experience, may practice on his or her own, such~~  
 66 ~~person must engage in one year of active practice under the supervision of a licensed~~  
 67 ~~acupuncturist with a minimum of four years active licensed clinical practice. Such~~  
 68 ~~supervising acupuncturist may be licensed in Georgia or any other state or country with~~  
 69 ~~licensing requirements substantially equal to Georgia's licensing requirements and may~~  
 70 ~~accumulate the required four years of active licensed clinical practice in any combination~~  
 71 ~~of states so long as the licensing requirements of such other states or countries are~~  
 72 ~~substantially equal to Georgia's licensing requirements Reserved."~~

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### SECTION 5.

74 Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to professional  
 75 engineers and land surveyors, is amended by revising Code Section 43-15-6.1, relating to  
 76 fees and funding, as follows:

77 "43-15-6.1.

78 (a) To pay the expenses of the board's office and operations and the enforcement of this  
 79 chapter, the board by rule or regulation shall be authorized to charge an examination fee,  
 80 license fee, license renewal fee, or similar fee and may establish the amount of the fee to  
 81 be charged by rule or regulation. Fees shall be reasonable and shall be determined in such  
 82 a manner that the total amount of fees charged by the board shall approximate the total of  
 83 the direct and indirect costs for the operation of the board. Fees may be refunded for good  
 84 cause, as determined by the executive director.

85 (b) All fees collected pursuant to subsection (a) of this chapter Code section shall be  
 86 deposited by the board into the state treasury. Out of the funds thus arising shall be paid  
 87 the expenses contemplated in this chapter for the administration and enforcement of this  
 88 chapter. All expenditures authorized by the board shall be paid from the funds received  
 89 pursuant to this chapter. The expenses of the board must always be kept within the income

90 collected and deposited in accordance with this ~~chapter~~ subsection, and the expense thereof  
91 shall not be supported or paid from any other state fund.

92 (c) In addition to the fees provided for in subsection (a) of this Code section, the board is  
93 authorized to charge and collect fees to defray costs associated with providing license  
94 verifications, certificates, plaques, and identification cards. The board is also authorized  
95 to retain funds received as collection fees for use in defraying the cost of collection of fees  
96 required under this chapter. The incidental revenues collected pursuant to this subsection  
97 may be retained by the board pursuant to Code Section 45-12-92.1."

98 **SECTION 6.**

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

101 **SECTION 7.**

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