

WSR 24-06-067

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed March 4, 2024, 5:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-028.

Title of Rule and Other Identifying Information: Physical therapists intramuscular needling requirements. The board of physical therapy (board) and department of health (department) are proposing amendments to chapter 246-915 WAC to add new WAC 246-915-390 Intramuscular needling endorsement, and to amend WAC 246-915-990 Physical therapist fees and renewal cycle, to implement 2SHB 1039 (chapter 198, Laws of 2023).

Hearing Location(s): On April 15, 2024, at 11:00 a.m., at the Washington State Department of Labor and Industries Headquarters, 7273 Linderson Way S.W., Room S119, Tumwater, WA 98501; or virtually via Microsoft Teams. Please follow this link at the date and time of the hearing to join the meeting on a device or to call in to the meeting on the phone [Date of Intended Adoption: April 15, 2024.](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjzkzNzVlMjMtZjc0Yy00YTlhLWE3MjItODU2MjZhMWY4Yzg2%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7d, Meeting ID 257 244 104 388, Passcode 3vfHpP; or call in (audio only) +1 564-999-2000,,288754786# United States, Olympia, 833-322-1218,,288754786# United States (toll-free), Phone Conference ID 288 754 786#.</p></div><div data-bbox=)

Submit Written Comments to: Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview/>, fax 360-236-2901, physical.therapy@doh.wa.gov, by April 8, 2024.

Assistance for Persons with Disabilities: Contact Allyson McIver, phone 360-236-2878, fax 360-236-2901, TTY 711, email physical.therapy@doh.wa.gov, by April 8, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board and the department are proposing amendments to chapter 246-915 WAC, Physical therapists and physical therapist assistants, to clarify statutory requirements included in 2SHB 1039 for attaining an intramuscular needling endorsement. 2SHB 1039 expands the scope of practice of physical therapists to perform intramuscular needling, also known as dry needling, pending the issuance of an intramuscular needling endorsement.

The board and the department are proposing to add a new section in chapter 246-915 WAC to provide an overview of the requirements and process for applying for an intramuscular needling endorsement. New WAC 246-915-390 expands upon and clarifies the education and training requirements included in 2SHB 1039, creates a process for physical therapists to apply for the endorsement, and updates definitions related to the endorsement. The board and the department are also proposing to amend WAC 246-915-990 to establish a fee to cover the cost of the endorsement.

Reasons Supporting Proposal: The proposed rules are needed to clarify education, training, fee, and application requirements for a physical therapist seeking the endorsement. Rule making provides guidance for physical therapists seeking the endorsement and creates a

clear and consistent application process. The proposed rules also set standards, ensuring that physical therapists who are seeking the endorsement are prepared with the skills and education needed to provide safe intramuscular services to the public.

Statutory Authority for Adoption: RCW 18.74.023, 43.70.110, 43.70.250, and 43.70.280.

Statute Being Implemented: RCW 18.74.200.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health and board of physical therapy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Allyson McIver, Program Manager, 111 Israel Road S.W., Tumwater, WA 98501, 360-236-2878.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, TTY 711, email physical.therapy@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rules pertain to attaining an intramuscular needling endorsement by a licensed physical therapist.

Scope of exemption for rule proposal:

Is fully exempt.

March 4, 2024
Kathryn Dale, PT, DSc
Chair, Physical Therapy Board
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5123.2

NEW SECTION

WAC 246-915-390 Intramuscular needling—Endorsement. (1) "Intramuscular needling" also known as "dry needling" is defined under RCW 18.74.010.

(2) As established in RCW 18.74.200 a physical therapist may perform intramuscular needling, also known as dry needling after being issued an intramuscular needling endorsement by the secretary.

(3) The secretary, upon approval by the board, shall issue an endorsement to a physical therapist who has at least one year of post-graduate practice experience that averages at least 36 hours a week and consists of direct patient care and who provides evidence in a manner acceptable to the board of a total of 325 hours of instruction and clinical experience that meet or exceed the following criteria:

(a) A total of 100 hours of didactic instruction in the following areas:

- (i) Anatomy and physiology of the musculoskeletal and neuromuscular systems;
- (ii) Anatomical basis of pain mechanisms, chronic pain, and referred pain;
- (iii) Trigger point evaluation and management;
- (iv) Universal precautions in avoiding contact with a patient's bodily fluids; and
- (v) Preparedness and response to unexpected events including, but not limited to, injury to blood vessels, nerves, and organs, and psychological effects or complications.

(b) A total of 75 hours of in-person intramuscular needling instruction in the following areas:

- (i) Intramuscular needling technique;
- (ii) Intramuscular needling indications and contraindications;
- (iii) Documentation and informed consent for intramuscular needling;
- (iv) Management of adverse effects;
- (v) Practical psychomotor competency; and
- (vi) Occupational safety and health administration's bloodborne pathogens protocol.

(c) A successful clinical review of a minimum of 150 hours of at least 150 individual intramuscular needling treatment sessions by a qualified provider. After receiving 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction, a physical therapist seeking endorsement has up to 18 months to complete a minimum of 150 treatment sessions for review.

(4) A physical therapist may not delegate intramuscular needling and must remain in constant attendance of the patient for the entirety of the procedure.

(5) A physical therapist can apply for endorsement before they have one year of clinical practice experience if they can meet the requirement of 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction through their prelicensure coursework and have completed all other applicable requirements.

(6) For the purpose of subsection (3)(c) of this section, "clinical review" may include:

- (a) The direct or indirect supervision of intramuscular needling treatment sessions by a qualified provider.
- (b) Review of chart notes from intramuscular needling treatment sessions by a qualified provider.
- (c) Oversight by a qualified provider of intramuscular needling treatment sessions completed through an internship or apprenticeship.

(7) For the purpose of subsections (3)(c) and (6) of this section, a qualified provider is one of the following:

- (a) A physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a licensed naturopath under chapter 18.36A RCW; a licensed acupuncture and Eastern medicine practitioner under chapter 18.06 RCW; or a licensed advanced registered nurse practitioner under chapter 18.79 RCW;
- (b) A physical therapist credentialed to perform intramuscular needling in any branch of the United States armed forces;
- (c) A licensed physical therapist who currently holds an intramuscular needling endorsement in Washington state; or
- (d) A physical therapist licensed under the laws of another jurisdiction who meets the requirements for obtaining an intramuscular

needling endorsement but does not currently hold an endorsement in Washington state.

(8) To apply for the endorsement:

(a) A licensed physical therapist shall submit to the department:

- (i) A completed endorsement application as provided by the department;
- (ii) Endorsement fees required under WAC 246-915-990;
- (iii) Evidence of completion of the education and training requirements listed in RCW 18.74.200; and
- (iv) A completed affidavit demonstrating successful completion of the clinical review requirement listed in RCW 18.74.200.

(b) A licensed physical therapist who is credentialed to perform intramuscular needling through any branch of the military meets the requirements of the intramuscular needling endorsement and shall submit to the department:

- (i) A completed endorsement application verifying their military credential to perform intramuscular needling; and
- (ii) Endorsement fees required under WAC 246-915-990.

(9) A physical therapist shall have patients receiving intramuscular needling sign an informed consent form that includes:

- (a) The definition of intramuscular needling as set forth in RCW 18.74.010;
- (b) A description of the risks of intramuscular needling;
- (c) A description of the benefits of intramuscular needling;
- (d) A description of the potential side effects of intramuscular needling; and
- (e) A statement clearly differentiating the procedure from the practice of acupuncture. Acupuncture shall be defined in accordance with the definition of "acupuncture and Eastern medicine" under RCW 18.06.010.

(10) Intramuscular needling may not be administered as a stand-alone treatment within a physical therapy care plan.

(11) If a physical therapist is intending to perform intramuscular needling on a patient who the physical therapist knows is being treated by an acupuncturist or acupuncture and Eastern medicine practitioner for the same diagnosis, the physical therapist shall make reasonable efforts to coordinate patient care with the acupuncturist or acupuncture and Eastern medicine practitioner to prevent conflict or duplication of services.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-915-990 Physical therapist fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	
Application	\$80.00
Active license renewal	
License renewal	100.00
Late renewal penalty	50.00

Title of Fee	Fee
Expired license reissuance	50.00
Inactive license renewal	
License renewal	35.00
Expired license reissuance	50.00
Duplicate license	10.00
<u>Endorsement</u>	
<u>Intramuscular needling endorsement</u>	<u>100.00</u>
Verification of license	25.00