

August 25, 2020

Economic Affairs Interim Committee
c/o Chairwoman Sharon Stewart Peregoy
PO Box 201706
Helena, MT 59620-1706

RE: Request dated July 1, 2020

Dear Chairwoman Peregoy and Hon. Members:

Please allow this letter to serve as a formal response to the issues raised during your June 30th interim meeting. I appreciate the opportunity to provide further clarity on this issue from the board's, and my own, perspective.

This issue of dry needling is not a new concept to the board. In fact, over the last nine years, the board has received several public comments supporting the express incorporation of dry needling into the chiropractic scope of practice and to provide practitioners with guidance regarding its use. Dry needling, according to board research, is currently allowed in 35 states nationwide. Additionally, four chiropractic colleges incorporate dry needling instruction either via curriculum or continuing education. Dry needling-specific education builds on and adds to in depth education on human physiology, including contra-indications, already included in college curricula. The board has undertaken extensive evaluation of all 35 permissive jurisdictions as well as their regulations. The board has found instruction on the modality is becoming readily available as chiropractors throughout the United States are increasingly incorporating dry needling into their practices. The board is proposing to adopt NEW RULE I to provide guidance on the safe practice of dry needling in Montana. NEW RULE I is the result of extensive investigation, lengthy board discussion, and the conclusion that adequate instruction on dry needling has expanded and evolved so that dry needling is within the current scope of practice as a recognized chiropractic treatment method. I have found this conclusion mirrors my own experience as a provider of the dry needling modality.

The statutory scope of practice for Montana licensed chiropractors is broad and includes recognized diagnostic and treatment methods as taught in chiropractic colleges. While primarily focused on the spine, chiropractic care since its inception has provided treatment to all areas of the musculoskeletal system. Dry needling can be applied to specific muscle motor points, spinal segments, and other structures including ligaments, tendons, and joint capsules for pain relief and increased mobility. In clinical practice, dry needling is often used in conjunction with other physiotherapeutic modalities to manage pain and improve function.

As medical technology evolves, scopes of practice and training shift and overlap for many health care professionals who use and are trained in the use of needles. The board's foremost concern is public safety and NEW RULE I provides practitioners with a measured direction from which to begin their use of the modality. By proposing the new rule, the board is seeking to ensure practitioners are adequately trained for the protection of the public. The rule requires that Montana licensed chiropractors either currently possess or obtain the appropriate training to exercise the modality in practice while adequately ensuring public protection. The board notes that 17 of the 35 permissive states do not require any specific training to undertake dry needling as part of licensed chiropractic practice. However, the board concluded that to protect the public safety of Montana's citizens, some level of training must be undertaken in the modality to ensure adequate public safety. This training must include, but is not limited to, the subjects identified in (3)(a)(i) through (v) of the proposed rule. Through the inclusion of the core competencies listed in NEW RULE I, the board is following current educational trends to establish minimum competency. As opposed to setting an hourly requirement which might not provide this heightened level of training. Since the modality is taught in, and by, chiropractic colleges, the board concluded the most efficient way for practitioners to validate this training is to maintain documentation of the training and provide proof upon request by the board.

We urge the committee to allow us to continue our vital work unimpeded for the benefit of the Montana public.

Sincerely,

Marcus Nynas

Marcus Nynas, DC, FICC
Board Member