SPONSOR: Rep. Harris & Sen. Poore
Reps. Chukwuocha, Lambert, K. Johnson; Sen. Pinkney

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 165
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO DRY NEEDLING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 17, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1770A. Physician associates; definitions.

For purposes of this subchapter:

(4) "Dry needling" means an intervention that meets all of the following criteria:

a. Uses a thin filiform needle to penetrate the skin and stimulate underlying muscular tissue, connective tissues, and myofascial trigger points for the management of neuromusculoskeletal pain and movement impairments.

b. Is based upon Western medical concepts.

c. Requires a physician associate exam and diagnosis.

(6) "Trigger points" means hyperirritable spots in skeletal muscle that are associated with palpable nodules in taut bands of muscle fibers. They can give rise to local or referred pain, autonomic phenomenon, and can cause limitations in range of motion and muscle activation.

§ 1774F. Dry needling practice; referral.

(a) A physician associate may perform dry needling, but may not advertise or in any other way hold themselves out as an acupuncturist unless the physician assistant is a licensed acupuncturist.

(b) The Board must establish, by rule and regulation, training and practice standards for dry needling by physician associates.

Section 2. Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1902. Definitions.

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(f) “Dry needling” means an intervention that meets all of the following criteria:

a. Uses a thin filiform needle to penetrate the skin and stimulate underlying muscular tissue, connective tissues, and myofascial trigger points for the management of neuromusculoskeletal pain and movement impairments.

b. Is based upon Western medical concepts.

c. Requires an advanced practice nursing exam and diagnosis.

(v) “Trigger points” means hyperirritable spots in skeletal muscle that are associated with palpable nodules in taut bands of muscle fibers. They can give rise to local or referred pain, autonomic phenomenon, and can cause limitations in range of motion and muscle activation.

§ 1939. Dry needling practice; referral.

An APRN may perform dry needling, but may not advertise or in any other way hold themselves out as an acupuncturist unless the APRN is a licensed acupuncturist.

(b) The Board must establish, by rule and regulation, training and practice standards for dry needling by APRNs.

Section 3. Amend Chapter 20, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 2002. Definitions.

As used in this chapter:

(4) “Dry needling” means an intervention that meets the following criteria:

a. Uses a thin filiform needle to penetrate the skin and stimulate underlying muscular tissue, connective tissues, and myofascial trigger points for the management of neuromusculoskeletal pain and movement impairments.

b. Is based upon Western medical concepts.

c. Requires an occupational therapy examination and diagnosis.

~~(8)~~ (9) a. “Occupational therapy services” includes any of the following:

1. The assessment, treatment, and education of or consultation with an individual, family, or other persons.

2. Interventions directed toward developing, improving, or restoring daily living skills, work readiness or work performance, play skills, or leisure capacities, or enhancing educational performance skills.

3. Providing for the development, improvement, or restoration of sensorimotor, oralmotor, perceptual or neuromuscular functioning, or emotional, motivational, cognitive, or psychosocial components of performance.

b. “Occupational therapy services” or “practice of occupational therapy” may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology, orthotic or prosthetic devices; the application of thermal agent modalities, including paraffin, hot and cold packs, and fluido therapy, as an adjunct to, or in preparation for, purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; dry needling; or the promotion of health and wellness.

c. [Repealed.]

~~(9)~~ (10) “Person” means a corporation, company, ~~association,or~~ association, partnership, or an individual.

(14) “Trigger points” means hyperirritable spots in skeletal muscle that are associated with palpable nodules in taut bands of muscle fibers. They can give rise to local or referred pain, autonomic phenomenon, and can cause limitations in range of motion and muscle activation.

§ 2022. Dry needling practice; referral.

(a) An occupational therapist may perform dry needling subject to the following:

(1) An occupational therapist may not perform a dry needling procedure on a patient without first receiving a written physician referral specific to dry needling. A referral may be transmitted by digital means.

(2) An occupational therapist may not advertise or in any other way hold themself out as an acupuncturist unless the occupational therapist is a licensed acupuncturist.

(b) The Board must establish, by rule and regulation, training and practice standards for dry needling.

Section 4. This Act takes effect the earlier of the following:

1. 12 months after its enactment into law.

2. Upon notice in the Register of Regulations by the Board of Medical Licensure and Discipline, the Board of Nursing, and the Board of Occupational Therapy Practice that regulations promulgating this Act have been implemented.