

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 809:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 28 of Title 43 of the Official Code of Georgia Annotated, relating to
2 occupational therapists, so as to authorize occupational therapists to perform dry needling
3 as a physical agent modality if certain training and education requirements are met; to
4 provide for definitions; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 28 of Title 43 of the Official Code of Georgia Annotated, relating to occupational
9 therapists, is amended by revising paragraph (12) of Code Section 43-28-3, relating to
10 definitions, and by adding a new paragraph to read as follows:

11 "(1.1) 'Dry needling' means a skilled technique that uses a thin filiform needle to
12 penetrate the skin and stimulate underlying neural, muscular, and connective tissues for
13 the management of neuromusculoskeletal conditions, pain, and movement impairments.
14 Such term shall not include the teaching or application of acupuncture.

15 "(12) 'Physical agent modalities' means occupational therapy treatment techniques, both
16 superficial and deep tissue, which may, but are not required to utilize the following

17 agents: thermal, mechanical, electromagnetic, water, ~~and light~~, and dry needling for a
18 specific therapeutic effect to promote functional outcomes.”

19 **SECTION 2.**

20 Said chapter is further amended by revising Code Section 43-28-8, relating to license
21 requirements for therapy techniques involving physical agent modalities, as follows:

22 "43-28-8.

23 (a) No person shall utilize occupational therapy techniques involving physical agent
24 modalities unless such person:

25 (1) Is licensed according to this article; and

26 (2) Has successfully completed a minimum of 90 hours of instruction or training
27 approved by the board which covers the following subjects:

28 (A) Principles of physics related to specific properties of light, water, temperature,
29 sound, or electricity, as indicated by selected modality;

30 (B) Physiological, neurophysiological, and electrophysiological, as indicated, changes
31 which occur as a result of the application of the selected modality;

32 (C) The response of normal and abnormal tissue to the application of the modality;

33 (D) Indications and contraindications related to the selection and application of the
34 modality;

35 (E) Guidelines for treatment or administration of the modality within the philosophical
36 framework of occupational therapy;

37 (F) Appropriate selection and practical application of physical agent modalities,
38 including determining treatment parameters based on existing pathology, impairments,
39 functional limitations, and expected outcomes;

40 (G) Guidelines for educating the patient, including instructing the patient as to the
41 process and possible outcomes of treatment, including risks and benefits;

42 (H) Safety rules and precautions related to the selected modality;

43 (I) Methods for documenting the effectiveness of immediate and long-term effects of
44 treatment; and

45 (J) Characteristics of the equipment, including safe operation, adjustment, and care of
46 the equipment.

47 (b)(1) No occupational therapist shall perform dry needling unless he or she:

48 (A) Is certified to use physical agent modalities;

49 (B) Has a minimum of three years of clinical experience as a licensed occupational
50 therapist; provided, however, that the board may, in its discretion, accept a lesser
51 amount of clinical experience if the board receives documentation of completion of
52 courses specifically in dry needling taken while in attendance at an occupational
53 therapy program recognized by the board; and

54 (C) Has documented successful completion of coursework in dry needling acceptable
55 to the board that includes study of musculoskeletal and neuromuscular systems; the
56 anatomical basis of pain mechanisms, chronic pain, and referred pain; myofascial
57 trigger point theory; and universal precautions. Such coursework shall also include
58 postgraduate instruction in:

59 (i) Anatomical review for safety and effectiveness;

60 (ii) Indications and contraindications for dry needling;

61 (iii) Management of adverse effects; and

62 (iv) Evidence based instruction in the theory of dry needling.

63 (2) Except for remote study or self-study required as a part of postgraduate coursework
64 in dry needling, online instruction shall not be considered appropriate training.

65 (3)(A) In order to perform dry needling on a patient's upper extremities, an
66 occupational therapist shall have successfully completed a minimum of 28 hours of
67 postgraduate instruction, of which a minimum of 22 hours shall have been in-person
68 postgraduate instruction in dry needling on upper extremities in a course acceptable to
69 the board.

70 (B) In order to perform dry needling on a patient's lower extremities, an occupational
71 therapist shall meet the requirements of subparagraph (A) of this paragraph and shall
72 have successfully completed a minimum of an additional 40 hours of in-person
73 postgraduate instruction in dry needling on lower extremities in a course acceptable to
74 the board.

75 (4) An occupational therapist shall not perform dry needling unless the patient has signed
76 an informed consent, which shall be maintained in the patient's medical record. The
77 written informed consent shall clearly state the risks and benefits of dry needling, the
78 occupational therapist's level of education and training in dry needling, and any other
79 information required by the board.

80 ~~(b)~~(c) The board shall promulgate rules and regulations specifically pertaining to the use
81 of physical agent modalities by a person licensed under this article."

82

SECTION 3.

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