

Hammond, Abigail M

From: Ben Massey <benmassey@ncptboard.org>
Sent: Friday, January 16, 2015 9:21 PM
To: Hammond, Abigail M; jms@satiskysilverstein.com; Kathy Arney
Cc: Vojtko, Dana; Brincefield, Julie; Burgos, Alexander N; Ben Massey
Subject: RE: Emailing: 2015.01 - Physical Therapy Objection Letter

Dear Ms. Hammond, This email acknowledges receipt of your attached letter dated Jan 16, 2015. In response, the next meeting of the North Carolina Board of Physical Therapy Examiners is scheduled for March 12, 2015. Pursuant to N.C.G.S. § 150B-21.12(b), since March 22, 2015 is a Sunday, a response to your letter dated January 16, 2015, will be submitted on or before March 23, 2015. Thank you. BFM

Ben F. Massey, Jr., PT, MA, Executive Director
NC Board of Physical Therapy Examiners
18 West Colony Place Suite 140
Durham, NC 27705
Phone: 1-919-490-6393 / 800-800-8982
Fax: 1-919-490-5106
Email: benmassey@ncptboard.org
Web: www.ncptboard.org <<<http://www.ncptboard.org/>>

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-----Original Message-----

From: Hammond, Abigail M [mailto:abigail.hammond@oah.nc.gov]
Sent: Friday, January 16, 2015 2:59 PM
To: Ben Massey; John Silverstein (jms@satiskysilverstein.com); Kathy Arney
Cc: Vojtko, Dana; Brincefield, Julie; Burgos, Alexander N
Subject: Emailing: 2015.01 - Physical Therapy Objection Letter

Good afternoon,

Please see the attached letter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Abby Hammond

Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076

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Your message is ready to be sent with the following file or link attachments:

2015.01 - Physical Therapy Objection Letter

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**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

January 16, 2015

Sent via email: benmassey@ncptboard.org
Ben F. Massey, Jr., Rulemaking Coordinator
Board of Physical Therapy Examiners
18 West Colony Place, Suite 140
Durham, North Carolina 27706

Re: 21 NCAC 48C .0104

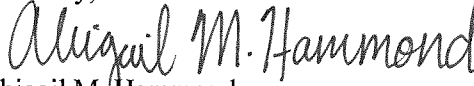
Dear Mr. Massey:

At its January 15, 2015 meeting, the Rules Review Commission objected to the above-identified Rule in accordance with G.S. 150B-21.10.

The Commission objected to this Rule based upon lack of statutory authority. 21 NCAC 48C .0104, as adopted by the agency, addresses a matter not within the authority delegated to the agency by the General Assembly, as required by G.S 150B-9(a).

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,


Abigail M. Hammond
Commission Counsel

cc: John M. Silverstein – jms@satiskysilverstein.com

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103



Revised letter to correct
statutory citation in the second
paragraph.

**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

January 26, 2015

Sent via email: benmassey@ncptboard.org
Ben F. Massey, Jr., Rulemaking Coordinator
Board of Physical Therapy Examiners
18 West Colony Place, Suite 140
Durham, North Carolina 27706

Re: 21 NCAC 48C .0104

Dear Mr. Massey:

At its January 15, 2015 meeting, the Rules Review Commission objected to the above-identified Rule in accordance with G.S. 150B-21.10.

The Commission objected to this Rule based upon lack of statutory authority. 21 NCAC 48C .0104, as adopted by the agency, addresses a matter not within the authority delegated to the agency by the General Assembly, as required by G.S. 150B-21.9(a).

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: John M. Silverstein – jms@satiskysilverstein.com

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919/431-3036
fax: 919/431-3103

1 **21 NCAC 48C .0104 has been adopted with changes as published in 29:02 NCR 172 as follows:**

2

3 **21 NCAC 48C .0104 DRY NEEDLING**

4 (a) “Dry Needling,” “Intramuscular Manual Therapy,” ~~“Trigger Point Dry Needling.”~~ “Trigger Point Dry Needling.”
5 and “Intramuscular Needling” are used interchangeably to describe a technique using the insertion of a solid
6 filament needle, without medication, into or through the skin to treat various impairments.

7 (b) Prior to a physical therapist performing dry needling in North Carolina, the physical therapist shall submit an
8 application to the Board containing proof of completion of a course of study approved by the Board. The course of
9 study shall include:

- 10 (1) a minimum of 54 hours of ~~in-person~~ in-person classroom education;
- 11 (2) instruction in clinical techniques of dry needling;
- 12 (3) instruction in indications and contraindications of dry needling; and
- 13 (4) certification of completion of all program requirements.

14 (c) Dry needling ~~cannot~~ shall not be delegated to physical therapist assistants or physical therapy aides.

15 (d) The Board shall maintain a list of programs approved to provide the required dry needling training for physical
16 therapists. This information shall be available on the Board's website (www.ncptboard.org).

17

18 *History Note: Authority G.S. 90-270.24; 90-270.26;*

19 *Eff. February 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Board of Physical Therapy Examiners**

RULE CITATION: **21 NCAC 48C .0104**

DEADLINE FOR RECEIPT: Friday, January 9, 2015

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, add a comma within the quotation marks after "Trigger Point Dry Needling"

Line 14, replace "cannot" with "shall not"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 **21 NCAC 48C .0104 has been adopted as published in 29:02 NCR 172 as follows:**

2

3 **21 NCAC 48C .0104 DRY NEEDLING**

4 (a) “Dry Needling,” “Intramuscular Manual Therapy,” “Trigger Point Dry Needling” and “Intramuscular Needling”
5 are used interchangeably to describe a technique using the insertion of a solid filament needle, without medication,
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8 application to the Board containing proof of completion of a course of study approved by the Board. The course of
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13 (4) certification of completion of all program requirements.

14 (c) Dry needling cannot be delegated to physical therapist assistants or physical therapy aides.

15 (d) The Board shall maintain a list of programs approved to provide the required dry needling training for physical
16 therapists. This information shall be available on the Board's website (www.ncptboard.org).

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