



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

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May 11, 2015

Sent via email: karney@ncptboard.org
Kathy O. Arney, Rulemaking Coordinator
Board of Physical Therapy Examiners
18 West Colony Place, Suite 140
Durham, North Carolina 27706

Re: 21 NCAC 48C .0104

Dear Ms. Arney:

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 Board of Physical Therapy Examiners responded in accordance with the provisions of G.S. 150B-21.12 on Thursday, March 19, 2015. At the request of the Board's attorney, this matter was scheduled to be reviewed at the May 21, 2015 Rules Review Commission meeting. By letter on May 8, 2015, a request was made to return the above-referenced rule to the Board of Physical Therapy Examiners. This letter is to confirm that pursuant to G.S. 150B-21.12(d), 21 NCAC 48C .0104 is being returned upon the May 8, 2015 written request of the agency. No further action will be taken by the Rules Review Commission on this Rule.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Abigail M. Hammond
Commission Counsel

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

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

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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).

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

19 *Eff. February 1, 2015.*

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May 8, 2015

Ms. Abigail M. Hammond
Commission Counsel
Rules Review Commission
6714 Mail Service Center
Raleigh, NC 27699-6714

Re: 21 NCAC 48C .0104

Dear Ms. Hammond:

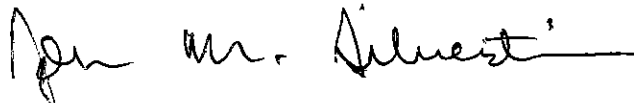
It was good to see you at the OLA Best Practices seminar on Tuesday. All the comments I heard regarding the program were positive, and your participation was appreciated. As I indicated to you on Tuesday, the North Carolina Board of Physical Therapy Examiners was in the process of reassessing its position on the captioned rule.

First, the Board appreciates your assistance with the Commission's review of 21 NCAC 48C.0104. On further reflection, the Board requests that the Rules Review Commission return Rule 48C.0104 to the Board pursuant to N.C.G.S. §150B-21.12(d). Although the Board disagrees with the substantive claims in the April 14 letter you received from Ed Gaskins, the Board acknowledges the Commission has already reviewed and objected to Rule 48C.0104.

In view of the Board's request for the return of the captioned rule, the Board no longer seeks to be heard at the Commission's meeting scheduled for May 21. We thank you and the Commission for your kind consideration.

Very truly yours,

SATISKY & SILVERSTEIN, LLP



John M. Silverstein, Board Attorney