



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 04, 2024

TIME: 5:42 PM

WSR 24-06-067

Agency: Department of Health and the Board of Physical Therapy

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-16-028 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Physical Therapists intramuscular needling requirements. The Board of Physical Therapy (board) and Department of Health (department) are proposing amendments to chapter 246-915 WAC to add a new section, WAC 246-915-390 Intramuscular needling endorsement, and to amend WAC 246-915-990, Physical therapist fees and renewal cycle, to implement Second Substitute House Bill (2SHB) 1039, (chapter 198, Laws of 2023).

Hearing location(s):

Date:	Time:	Location:	Comment:
April 15, 2024	11:00 AM	<p>Physical location: Washington State Department of Labor & Industries Headquarters 7273 Linderson Way SW Tumwater, WA 98501 Room S119</p> <p>Virtual: Please follow this link at the date and time of the hearing to join the meeting on a device, or to call in to the meeting on the phone:</p> <p>https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjkzNzVIMjMtZjc0Yy00YTlhLWE3MjltODU2MjZmMjY4Yzg2%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7d</p> <p>Meeting ID: 257 244 104 388 Passcode: 3vfHpP</p> <p>Or call in (audio only) +1 564-999-2000,,288754786# United States, Olympia</p>	The public hearing will be hybrid. Participants can attend at the physical location or virtually on Microsoft Teams.

		833-322-1218,,288754786# United States (toll-free) Phone Conference ID: 288 754 786# Find a local number Reset PIN
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Date of intended adoption: April 15, 2024 (Note: This is **NOT** the **effective** date)

<p>Submit written comments to: Name: Allyson Mclver Address: PO Box 47852, Olympia WA 98504-7852 Email: https://fortress.wa.gov/doh/policyreview/ Fax: 360-236-2901 Other: physical.therapy@doh.wa.gov By (date) April 8, 2024</p>	<p>Assistance for persons with disabilities: Contact: Allyson Mclver Phone: 360-236-2878 Fax: 360-236-2901 TTY: 711 Email: physical.therapy@doh.wa.gov Other: By (date) April 8, 2024</p>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: The board and the department are proposing amendments to chapter 246-915 WAC, Physical Therapists and Physical Therapist Assistants, to clarify statutory requirements included in 2SHB 1039 for attaining an intramuscular needling endorsement. 2SHB 1039 expands the scope of practice of physical therapists to perform intramuscular needling, also known as dry needling, pending the issuance of an intramuscular needling endorsement.

The board and the department are proposing to add a new section in chapter 246-915 WAC to provide an overview of the requirements and process for applying for an intramuscular needling endorsement. The new section WAC 246-915-390 expands upon and clarifies the education and training requirements included in 2SHB 1039, creates a process for physical therapists to apply for the endorsement, and updates definitions related to the endorsement. The board and the department are also proposing to amend WAC 246-915-990 to establish a fee to cover the cost of the endorsement.

Reasons supporting proposal: The proposed rules are needed to clarify education, training, fee, and application requirements for a physical therapist seeking the endorsement. Rulemaking provides guidance for physical therapists seeking the endorsement and creates a clear and consistent application process. The proposed rules also set standards, ensuring that physical therapists who are seeking the endorsement are prepared with the skills and education needed to provide safe intramuscular services to the public.

Statutory authority for adoption: RCW 18.74.023, 43.70.110, 43.70.250, and 43.70.280

Statute being implemented: RCW 18.74.200

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Health and Board of Physical Therapy

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Allyson Mclver, Program Manager	111 Israel Rd SW, Tumwater WA 98501	360-236-2878
Implementation: Allyson Mclver, Program Manager	111 Israel Rd SW, Tumwater WA 98501	360-236-2878
Enforcement: Allyson Mclver, Program Manager	111 Israel Rd SW, Tumwater WA 98501	360-236-2878

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name:

Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Allyson Mclver
Address: PO Box 47852, Olympia WA 98504-7852
Phone: 360-236-2878
Fax: 360-236-2901
TTY: 711
Email: physical.therapy@doh.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rules pertain to attaining an intramuscular needling endorsement by a licensed physical therapist.

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

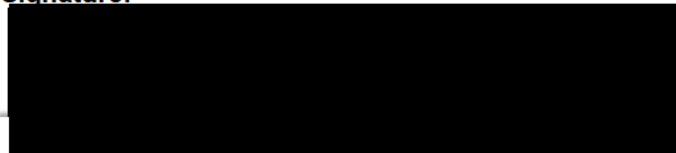
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: March 4, 2024

Name: Kathryn Dale, PT, DSc | Kristin Peterson, JD for
Umair A. Shah, MD, MPH

Title: Chair, Physical Therapy Board | Chief of Policy for
Secretary of Health

Signature:



NEW SECTION

WAC 246-915-390 Intramuscular needling—Endorsement. (1) "Intramuscular needling" also known as "dry needling" is defined under RCW 18.74.010.

(2) As established in RCW 18.74.200 a physical therapist may perform intramuscular needling, also known as dry needling after being issued an intramuscular needling endorsement by the secretary.

(3) The secretary, upon approval by the board, shall issue an endorsement to a physical therapist who has at least one year of post-graduate practice experience that averages at least 36 hours a week and consists of direct patient care and who provides evidence in a manner acceptable to the board of a total of 325 hours of instruction and clinical experience that meet or exceed the following criteria:

(a) A total of 100 hours of didactic instruction in the following areas:

(i) Anatomy and physiology of the musculoskeletal and neuromuscular systems;

(ii) Anatomical basis of pain mechanisms, chronic pain, and referred pain;

(iii) Trigger point evaluation and management;

(iv) Universal precautions in avoiding contact with a patient's bodily fluids; and

(v) Preparedness and response to unexpected events including, but not limited to, injury to blood vessels, nerves, and organs, and psychological effects or complications.

(b) A total of 75 hours of in-person intramuscular needling instruction in the following areas:

(i) Intramuscular needling technique;

(ii) Intramuscular needling indications and contraindications;

(iii) Documentation and informed consent for intramuscular needling;

(iv) Management of adverse effects;

(v) Practical psychomotor competency; and

(vi) Occupational safety and health administration's bloodborne pathogens protocol.

(c) A successful clinical review of a minimum of 150 hours of at least 150 individual intramuscular needling treatment sessions by a qualified provider. After receiving 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction, a physical therapist seeking endorsement has up to 18 months to complete a minimum of 150 treatment sessions for review.

(4) A physical therapist may not delegate intramuscular needling and must remain in constant attendance of the patient for the entirety of the procedure.

(5) A physical therapist can apply for endorsement before they have one year of clinical practice experience if they can meet the requirement of 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction through their prelicensure coursework and have completed all other applicable requirements.

(6) For the purpose of subsection (3)(c) of this section, "clinical review" may include:

(a) The direct or indirect supervision of intramuscular needling treatment sessions by a qualified provider.

- (b) Review of chart notes from intramuscular needling treatment sessions by a qualified provider.
- (c) Oversight by a qualified provider of intramuscular needling treatment sessions completed through an internship or apprenticeship.
- (7) For the purpose of subsections (3)(c) and (6) of this section, a qualified provider is one of the following:
 - (a) A physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a licensed naturopath under chapter 18.36A RCW; a licensed acupuncture and Eastern medicine practitioner under chapter 18.06 RCW; or a licensed advanced registered nurse practitioner under chapter 18.79 RCW;
 - (b) A physical therapist credentialed to perform intramuscular needling in any branch of the United States armed forces;
 - (c) A licensed physical therapist who currently holds an intramuscular needling endorsement in Washington state; or
 - (d) A physical therapist licensed under the laws of another jurisdiction who meets the requirements for obtaining an intramuscular needling endorsement but does not currently hold an endorsement in Washington state.
- (8) To apply for the endorsement:
 - (a) A licensed physical therapist shall submit to the department:
 - (i) A completed endorsement application as provided by the department;
 - (ii) Endorsement fees required under WAC 246-915-990;
 - (iii) Evidence of completion of the education and training requirements listed in RCW 18.74.200; and
 - (iv) A completed affidavit demonstrating successful completion of the clinical review requirement listed in RCW 18.74.200.
 - (b) A licensed physical therapist who is credentialed to perform intramuscular needling through any branch of the military meets the requirements of the intramuscular needling endorsement and shall submit to the department:
 - (i) A completed endorsement application verifying their military credential to perform intramuscular needling; and
 - (ii) Endorsement fees required under WAC 246-915-990.
- (9) A physical therapist shall have patients receiving intramuscular needling sign an informed consent form that includes:
 - (a) The definition of intramuscular needling as set forth in RCW 18.74.010;
 - (b) A description of the risks of intramuscular needling;
 - (c) A description of the benefits of intramuscular needling;
 - (d) A description of the potential side effects of intramuscular needling; and
 - (e) A statement clearly differentiating the procedure from the practice of acupuncture. Acupuncture shall be defined in accordance with the definition of "acupuncture and Eastern medicine" under RCW 18.06.010.
- (10) Intramuscular needling may not be administered as a stand-alone treatment within a physical therapy care plan.
- (11) If a physical therapist is intending to perform intramuscular needling on a patient who the physical therapist knows is being treated by an acupuncturist or acupuncture and Eastern medicine practitioner for the same diagnosis, the physical therapist shall make reasonable efforts to coordinate patient care with the acupuncturist or acupuncture and Eastern medicine practitioner to prevent conflict or duplication of services.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-915-990 Physical therapist fees and renewal cycle. (1)
Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	
Application	\$80.00
Active license renewal	
License renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive license renewal	
License renewal	35.00
Expired license reissuance	50.00
Duplicate license	10.00
<u>Endorsement</u>	
<u>Intramuscular needling endorsement</u>	<u>100.00</u>
Verification of license	25.00