

5/19/16

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May 11, 2016

MAY 16 2016

Oregon Board of Chiropractic Examiners
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OREGON BOARD OF
CHIROPRACTIC EXAMINERS

RE: Dry Needling

In the past few years, I have seen the board struggle with the topic of Dry Needling. Apparently the Acupuncturists have convinced the board that dry needling is part of acupuncture.

Enclosed is a recent decision by a North Carolina court that sheds some clarity on the subject.

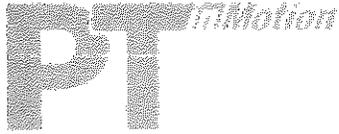
Also, in light of the ruling and its' basis on the Supreme Court decision (North Carolina Dental Board vs. FTC), isn't it time the use of pharmaceuticals by chiropractors, be put before the legislature? The Council on Chiropractic Education has dropped "...without the use of drugs or surgery." From their description of chiropractic medicine and even the Oregon Chiropractic Association has changed their mission statement to say: "We embrace chiropractic as a unique healthcare discipline that leads the field of health and wellness, one that focuses on the restoration of health by promoting the innate recuperative and restorative powers of the human body, without the use of unnecessary drugs or surgery. We believe that chiropractic should maintain its unique identity while working cooperatively with other health care disciplines."

As we are now firmly into the twenty-first century and the majority of chiropractic schools have included pharmacology into their curriculum, isn't it time to secure advanced scope for the benefit of our patients?

Thank you for your hard work.

Sincerely,


Alan Dinehart, DC



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PT in Motion PTNews

THURSDAY, MAY 05, 2016



Court Dismisses Lawsuit Filed by NC Acupuncture Licensing Board

Advocates for North Carolina physical therapists (PTs) have scored a victory by way of a superior court, which dismissed a lawsuit brought by the North Carolina Acupuncture Licensing Board (NCALB) against the North Carolina Board of Physical Therapy Examiners (NCBPTE), several PTs, and a physical therapy practice over the issue of dry needling by PTs.

In September 2015, NCALB filed the lawsuit against NCBPTE, asking the Wake County Superior Court to declare that dry needling by PTs is the unlawful practice of acupuncture, and to require NCBPTE to advise its licensees that dry needling is outside the scope of physical therapist practice. The acupuncture board also asked the court authorize it to send cease and desist letters to PTs who practice dry needling and to sue the PTs who refuse to comply.

On April 26, Judge Louis Bledsoe III dismissed the suit largely on jurisdictional grounds. "There is no reason to stop North Carolina patients from receiving dry-needling treatment," said North Carolina Physical Therapy Association (NCPTA) President **C. David Edwards, PT, DPT, CCCE**, in a statement posted to the NCPTA website. "This is especially true when the ones who are trying to eliminate dry needling are doing it to protect their power in the marketplace."

The dismissal of NCALB's case against the PT board is not the end of the fight over dry needling in the state. A second lawsuit filed in early October challenging NCALB's efforts to prevent PTs from engaging in dry needling is still pending in US District Court. That lawsuit, supported by NCPTA, argues that NCALB is violating antitrust law and due process rights in its actions to prevent PTs from practicing the skilled intervention.

The plaintiffs in the case, titled *Henry v North Carolina Acupuncture Licensing Board*, filed their lawsuit against NCALB after several years of efforts by the acupuncture board to shut down dry needling by physical therapists. NCALB engaged in various actions to prevent PTs from performing dry needling, including the issuing of "cease and desist" letters to PTs and clinics across the state claiming that the PTs practicing dry needling were illegally engaged in the practice of acupuncture, a Class 1 misdemeanor.

The *Henry* lawsuit has legal support in a 2015 decision by the US Supreme Court holding that state licensing boards controlled by market participants, such as NCALB, are not exempt from antitrust claims unless their conduct is actively supervised by the state. The NCPTA lawsuit is the first in the country to bring this type of antitrust violation claim on behalf of PTs since the Supreme Court decision.

NCPTA set up a "Go Fund Me" page to help fundraising efforts. APTA is working collaboratively with the chapter, and is providing support as NCPTA pursues the legal action.

Dry needling has been discussed in several states, most of which have included the intervention as part of the PT scope of practice. APTA has created a webpage with resources on the topic, and the association's Learning Center offers courses on dry needling and clinical decision-making and background evidence for dry needling.

Posted by News Now Staff at 12:58 PM

Labels: APTA Working For You

Comments

Way to go. Good work. We are lucky to have such a motivated group work on this issue.

Posted by Ann Rugh on 5/6/2016 2:43 PM

Yea!! Let's keep the momentum going now that the stage is set for the rest of the country.