



# Oregon

John A. Kitzhaber, M.D., Governor

**Oregon Board of Chiropractic Examiners**

3218 Pringle Road SE, Suite 150

Salem, Oregon 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: [Oregon.obce@state.or.us](mailto:Oregon.obce@state.or.us)

Web: [www.oregon.gov/obce](http://www.oregon.gov/obce)

## Appeals Court Commissioner Dry Needling Rule

### Notice to Oregon Chiropractic Physicians & Interested Persons

**January 23, 2014**

The Court of Appeals Appellate Commissioner issued an opinion today.

#### **Oregon Association of Acupuncture and Oriental Medicine v. Board of Chiropractic Examiners (A148924) (Tookey, J.)**

Petitioners challenge the validity of OAR 811-015-0036, a rule adopted by the State Board of Chiropractic Examiners (the board) that authorizes chiropractic physicians to perform "dry needling." Petitioners argue, among other things, that the rule exceeds the board's authority because dry needling is not encompassed within the practice of "chiropractic," as defined by ORS 684.010(2). **Held: Dry needling is not within the practice of chiropractic; thus, OAR 811-015-0036 exceeds the scope of the board's statutory authority. OAR 811-015-0036 held invalid.** Follow this link to read the full text of the opinion:

<http://www.publications.ojd.state.or.us/docs/A148924.pdf>

<b>May 13, 2013</b>	<b>Oral Argument before the Court of Appeals</b> - The court has set oral argument for July 17th at 1:30 in the Supreme Court courtroom, 1163 State Street, Salem Oregon (due East of the State Capitol). This is open to the public to observe. It lasts about an hour, with attorney for the plaintiffs and the respondent (OBCE) making the case to a three-judge panel. The judges ask questions. There is no public comment or testimony accepted. The Court then considers the case. Recent experience has shown it could be up to a year before a ruling is issued.
<b>Aug. 2, 2012</b>	<a href="#">University of Western States Answering Brief</a> (38 pgs)
<b>July 10, 2012</b>	<a href="#">OBCE Answering Brief</a> (27 pgs)
<b>Mar. 14, 2012</b>	OAAOM Opening Brief 3-14-12.pdf (79 pgs) <a href="#">Pgs 1-39</a> and <a href="#">Pgs 40-79</a>
<b>Nov. 14, 2011</b>	<a href="#">Order Denying Motions for Reconsideration</a> (2 pgs)
<b>Oct. 26, 2011</b>	<a href="#">OBCE's Reply to Response to Motion</a> - Reconsideration of Order Staying Administrative Rule (21 pgs)
<b>Oct. 12, 2011</b>	<a href="#">OAAOM's Memorandum in Opposition to Respondent OBCE's Motion</a> for Reconsideration of Order Staying Administrative Rule (25 pgs)
<b>Continued...</b>	
<b>Sept. 22, 2011</b>	OBCE's Motion Reconsideration of Order Staying Administrative Rule (78 pages) <a href="#">Pgs 1 – 40</a> and <a href="#">Pgs 41- 78</a>

<b>July 29, 2011</b>	<a href="#">(Court's) Order Staying Administrative Rule Pending Judicial Review</a> (3 pgs)
<b>July 21, 2011</b>	<a href="#">OBCE's Response in Opposition to Petitioner's Motion — Stay</a> (13 pgs)
<b>July 7, 2011</b>	OAAOM's Motion for Stay Pending Judicial Review: <a href="#">Pgs 1 – 33</a> and <a href="#">Pgs 34 - 66</a>