

**DRY NEEDLING JOINT SUBCOMMITTEE
BOARD OF MEDICAL EXAMINERS/
BOARD OF PHYSICAL THERAPY EXAMINERS
(CONFERENCE CALL)
4th FLOOR LARGE CONFERENCE ROOM
301 S. PARK AVENUE, HELENA, MONTANA
DATE: DECEMBER 13, 2011
TIME: 5:30 PM – 7:15 PM
MINUTES**

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

ITEM # 1: Call to Order

Mr. Ian Marquand called the meeting to order at 5:35 p.m. Roll call was taken and a quorum was present.

Members Present: Mr. Christian Appel, Ms. Tanja Brekke, Mr. Donald Beans, Dr. Mary Anne Guggenheim, Ms. Robin Peterson-Smith, Mr. Reed Humphrey, Ms. Kay Bills-Kazimi, Mr. Brian Miller

Members Absent: None

Staff Present: Mr. Ian Marquand, Ms. L'Joy Griebenow, Ms. Linda Grief, Ms. Melissa Billman, Anne O'Leary, Esq., Gene Allison, Esq.

Guests Present: Ms. Sandra Marston, Ms. Maggie Connor

Guests By Phone: Mr. Thomas Parkhill, Ms. Jerrie Lynn Nelson, Mr. Don Nelson, Mr. Todd Gonzales

ITEM # 2: Approval of Agenda

**MOTION: Ms. Tanja Brekke made a motion to approve the agenda;
Ms. Bills-Kazimi seconded. Motion passed.**

ITEM # 3: Open Forum: Public Comment

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the committee on any topic that is not on the agenda for this meeting. While the committee cannot take action on the issues presented, the committee will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the

Board. The Chair of the committee will determine the amount of time allotted for public comment.

Mr. Marquand opened the floor to public comment. No comments were received from the public at this time.

ITEM # 4: Approval of November 29, 2011 Minutes

The Subcommittee reviewed the November 29, 2011 meeting minutes.

MOTION: Ms. Bills-Kazimi made the motion to approve the November 29, 2011 minutes; Ms. Brekke seconded the motion. Dr. Guggenheim abstained because she was not present at that meeting. Motion passed.

ITEM # 5: PRESENTATIONS

- a. Ms. Brekke (Board of Medical Examiners) presented the acupuncturists' summary on public safety of dry needling
- b. Mr. Appel (Board of Physical Therapy Examiners) presented the physical therapists' summary on public safety of dry needling

Mr. Marquand opened the floor to Subcommittee members' comments about the presentations. Ms. O'Leary noted existing pertinent public safety statutes and rules. The Subcommittee discussed the information presented, questions posed, additional relevant resources, and next steps. Dr. Guggenheim facilitated the Subcommittee's discussion on the need for advanced education on clean needle techniques; there was consensus that knowledge of clean needle techniques be part of practice rules written by the Physical Therapy Board.

Mr. Marquand opened the floor to public comment. Messrs. Parkhill and Gonzales identified additional resources for the Subcommittee to consider.

Ms. Connor, Health Care Licensing Bureau Chief, reviewed the Subcommittee's progress to date, after acknowledging the high level of competence, skill and passion of all of the Subcommittee members. She summarized the over-arching facts obtained to-date by the Subcommittee, including:

- 1) all boards are governed by the laws, statutes and rules in place for their respective professions,
- 2) the Board attorneys – one representing the Board of Medical Examiners and one representing the Board of Physical Therapists - have agreed that the scope of practice among professions can cross boundaries, and that more than one profession can do a certain type of procedure,
- 3) both Board attorneys agree that laws that govern both professions allow for the process of dry needling, and that only the board that governs a respective profession can dictate what that profession may or may not do in practice, and
- 4) the 1999 Opinion of the Attorney General did not say that dry needling could not be performed by physical therapists.

She continued by observing that these facts are not debated among the people who have the duty to the boards and to the profession to provide that guidance. She noted that the Subcommittee has spent considerable time and resources of all of their respective licensees in its effort to come to an agreement between the boards that dry needling is a procedure which is allowed under both professions.

She concluded by addressing a key result of the Subcommittee's meetings, namely the focusing of everyone's efforts on improved public safety. The Physical Therapy Board intends to write rules for its profession that address this concern, and expressly invited "best practices" input to those rules from acupuncturists.

The Subcommittee discussed disbanding as having completed their mission to the extent possible.

Adjourn

MOTION: Mr. Miller made a motion to disband the Subcommittee and adjourn the meeting; Ms. Peterson-Smith seconded the motion. Motion passed.

The meeting adjourned at 7:13 p.m.

Minutes have been reviewed by staff and Legal before posting.