

SENATE No. 1402

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to safer treatment for pain.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>5/12/2021</i>

SENATE No. 1402

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1402) of Julian Cyr for legislation relative to safer treatment for pain. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to safer treatment for pain.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 148 of chapter 112 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following definition:-

3 “Dry needling”; “trigger point acupuncture”; or “intramuscular therapy”, an advanced
4 needling skill or technique limited to the treatment of myofascial pain, using a single use, single
5 insertion, sterile filiform needle (without the use of heat, cold or any other added modality or
6 medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry
7 needling may apply theory based only upon Western medical concepts, requires an examination
8 and diagnosis and treats specific anatomic entities selected according to physical signs. Trigger
9 point acupuncture or dry needling does not include the stimulation of auricular points, utilization
10 of distal points or non-local points, needle retention, application of retained electric stimulation
11 leads or the teaching or application of other acupuncture theory.

12 SECTION 2. Said chapter 112, as so appearing, is hereby further amended by inserting
13 after section 152 the following section:-

14 Section 152A. (a) Licensed health care professionals practicing dry needling, trigger
15 point acupuncture, or intramuscular therapy shall meet the following criteria:

16 (i) At least 2 years of post-graduate, professional experience in private practice treating
17 patients in an orthopedic setting;

18 (ii) Completion of 500 didactic hours and 150 clinical hours of training in the practice of
19 dry needling, trigger point acupuncture, or intramuscular therapy;

20 (iii) Completion of a proper in-person educational program provided by qualified
21 instructors as determined by the Department of Public Health;

22 (iv) Demonstration of minimal competency through a psychometrically sound, third party
23 examination not administered by the required training course or educational program;

24 (v) In possession of an advanced orthopedic clinical certification;

25 (vi) Passage of The Clean Needle Technique (CNT) class and exam taught by the Council
26 of Colleges of Acupuncture and Oriental Medicine (CCAOM);

27 (vii) Completion of any continuing education required for the practice of dry needling,
28 trigger point acupuncture or intramuscular therapy;

29 (viii) Must be able to provide proof of all of the educational, training, and practical
30 experience required by this section upon request of the Department of Public Health.

31 (b) Any treatment defined as dry needling, trigger point acupuncture, or intramuscular
32 therapy shall be charted appropriately in the medical record by the practicing licensed health care
33 professional.

34 (c) Any significant and adverse events, requiring follow up medical attention, as a result
35 of the practice of dry needling, trigger point acupuncture, or intramuscular therapy shall be
36 reported and documented with the Department of Public Health.

37 (d) Specific and appropriate written consent for treatment by the practice of dry needling,
38 trigger point acupuncture, or intramuscular therapy shall be obtained by the licensed health care
39 professional from the patient.

40 (e) Any licensed health care professional practicing dry needling, trigger point
41 acupuncture, or intramuscular therapy shall maintain a malpractice insurance policy that
42 specifies coverage for dry needling, trigger point acupuncture, or intramuscular therapy.

43 (f) The Department of Public Health shall promulgate a standard set of competencies
44 including the knowledge, skills, and abilities needed for the safe and competent practice of
45 trigger point acupuncture, dry needling, and intramuscular therapy as well as any further rules
46 and regulations necessary for the implementation of this section.