



## Texas Association of Acupuncture and Oriental Medicine

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April 7, 2015

The Honorable Myra Crownover  
Chair, House Public Health Committee  
Texas House of Representatives

Dear Chairwoman Crownover:

The Texas Association of Acupuncture and Oriental Medicine (TAAOM) writes in opposition to HB 1263 by Representative Raymond, which would allow physical therapists to see patients without referral, due to concerns that physical therapists are currently performing acupuncture on patients (under the guise of “dry needling” or “intra-muscular manual therapy”) without appropriate training or licensing. We are concerned that the physical therapy regulatory board has allowed these activities solely on the basis that their guiding statute is broadly worded, and does not explicitly preclude such treatment. Because of this disputed interpretation of statutory authority, we believe it would be inappropriate as a matter of policy to statutorily grant physical therapists additional authority at this time.

For a more thorough explanation of our policy concern, TAAOM refers the committee to the attached letter from the Texas State Board of Acupuncture Examiners (TSBAE) to the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOT) dated July 31, 2014. In this letter, TSBAE references concerns relating to possible FDA rule violations related to the use of acupuncture needles by physical therapists in Texas, and raises concerns that the practice of “trigger point dry needling” by physical therapists could be considered as the unlicensed practice of acupuncture and thus subject to enforcement actions.

The provisions of HB 1263 appear to be crafted to address multiple issues, including the more obvious grant of authority to physical therapists to see patients without referral. But perhaps more significant is the indirect grant of authority included in HB 1263, which appears intended to affirm any activity currently performed by physical therapists as being within their scope of practice.

Because of the broad implications of the language included in the bill, and the disputed statutory interpretations currently being discussed between the two state regulatory agencies mentioned above, we respectfully request that the members of the Committee refrain from approving HB 1263 at this time. Our concern centers on the significant grant of expanded authority to the PT Board that is included in the legislation, and the lack of resolution or response regarding these issues of practice integrity.

We urge the committee to defer action or approval of HB 1263, and to instead allow these important policy issues to be considered more thoroughly through the Sunset Advisory Commission review process that is scheduled to be conducted for this agency and other health-related regulatory agencies going into the 2017 legislative session. Please let us know if you have questions or need more information.

Sincerely,

Wally Doggett, L.Ac. - TAAOM President

Attachments: Letter from Allen D. Cline, L.Ac., Presiding Officer, Texas State Board of Acupuncture Examiners to Roger Matson, Presiding Officer, Executive Council of Physical Therapy & Occupational Therapy Examiners, July 31, 2014