

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners

Rule No. 190-X-3-.03

Rule Title: Requirements for Certification to Perform Dry Needling

XX New        Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly  
harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's police power  
and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that  
could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly  
increasing the costs of any goods or services involved and, if so,  
to what degree?

No

Is the increase in costs, if any, more harmful to the public than the  
harm that might result from the absence of the proposed rule?

n/a

Are all facets of the rulemaking process designed solely for the  
purpose of, and so they have, as their primary effect, the  
protection of the public?

Yes

Does the proposed action relate to or affect in any manner any  
litigation which the agency is a party to concerning the subject matter  
of the proposed rule?

No

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Does the proposed rule have an economic impact?

No

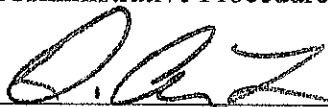
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If the proposed rule has an economic impact, the proposed rule is required to be  
accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-  
22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the  
requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all  
applicable filing requirements of the Administrative Procedure Division of the  
Legislative Services Agency.

Signature of certifying officer



Date - August 20, 2018

(DATE FILED)  
(STAMP)

**ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: The Alabama State Board of Chiropractic Examiners

RULE NO. & TITLE:

**(1) Rule 190-X-3-.03 Requirements for Certification to Perform Dry Needling**

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes the rule as listed above.

SUBSTANCE OF PROPOSED ACTIONS:

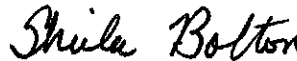
(1) The Alabama State Board of Chiropractic Examiners proposes this rule to define the requirements for performing Dry Needling.

TIME, PLACE AND MANNER FOR PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama State Board of Chiropractic Examiners, 126 Chilton Place, Clanton, AL 35045, 205-755-8000.

FINAL DATE FOR COMMENT & COMPLETION OF NOTICE: October 5, 2018.

CONTACT PERSON AND ADDRESS:

Amy Deavers  
Administrative Assistant  
Alabama State Board of Chiropractic Examiners  
126 Chilton Place  
Clanton, AL 35045  
1-800-949-5838 ext. 226



\_\_\_\_\_  
Sheila Bolton  
Executive Director

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No. \_\_\_\_\_ Department or Agency Alabama State Board of Chiropractic Examiners

Rule No: 190-X-3-.03

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XX New \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

XX This rule has no economic impact.

\_\_\_\_\_ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
  
  
  
  
  
  
  
  
  
  
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
  
  
  
  
  
  
  
  
  
  
3. EFFECT OF THIS RULE ON COMPETITION:  
None anticipated
  
  
  
  
  
  
  
  
  
  
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

**\*\*Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR  
BUSINESS ECONOMIC IMPACT STATEMENT  
(Section 41-22-5.1)

Control No. \_\_\_\_\_ Department/Agency Alabama State Board of Chiropractic Examiners

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Attached is a Business Economic Impact Statement filed pursuant to  
Section 41-22-5.1, Code of Alabama 1975.

Signature of Filing Officer \_\_\_\_\_



Date August 20, 2018

(DATE FILED)  
(STAMP)

# Alabama State Board of Chiropractic Examiners

## Proposed New Rule

### **RULE 190-X-3-.03      REQUIREMENTS FOR CERTIFICATION TO PERFORM DRY NEEDLING**

(1)            Definition. Dry Needling is a technique within the scope of chiropractic medicine where the practitioner uses a filiform needle to stimulate trigger points and treat neuromuscular pain and deficit in functional movement. Dry Needling is appropriately indicated only after an examination and diagnosis consistent with its use where specific anatomical entities are identified according to physical signs.

Dry Needling does not include stimulation of auricular or distal points nor auricular detoxification, the latter being strictly limited to the five ear-part treatment protocol for detoxification, substance abuse or chemical dependency as set out by the National Acupuncture Detoxification Association.

(2)            Must complete in order to perform Dry Needling, a licensed chiropractor:

- (a) A minimum of two (2) years of practice as a licensed chiropractor prior to performing and receiving certification under this Rule;
- (b) Must be certified and maintain certification in acupuncture as mandated by Board Rule 190-X-3.01 and any future amendment thereto; and/or
- (c) Submit documentation of completion of a Dry Needling course of study approved by the Board, which at a minimum shall include 12 hours of live face to face Dry Needling study.

Online or distance based courses do not qualify as an approved course of study.

(3)            Specific and written informed consent shall be obtained prior to performing Dry Needling and made a permanent part of the patient's record. At a minimum, the informed consent must include risks and benefits of the procedure(s).

In addition, the patient record must clearly indicate and document the performance of the procedure(s), how the patient

## Alabama State Board of Chiropractic Examiners

### Proposed New Rule

tolerated the procedure(s) and outcome. This documentation shall be in addition to the record keeping requirements of Board Rule 190-X-5.09, any future amendments or any requirements adopted in the future.

(4) Dry Needling is a non-delegable procedure to be performed only by licensed chiropractors meeting the requirements of this Rule.

(5) Dry Needling must be performed in a manner consistent with generally accepted standard of practice to include clean needle techniques and all applicable standards relating to infection control.

(6) Upon request by the Board, any licensed chiropractor performing Dry Needling must submit within 10 days documentation demonstrating compliance with this Rule, to include but not limited to the required informed consent, sampling of patient records and infection control procedures. Failure to provide the requested information may result in the Board taking appropriate measures to prevent the licensed chiropractor from performing Dry Needling until compliance is demonstrated in addition to any other disciplinary action deemed appropriate.

**Author:** Board

**Statutory Rulemaking Authority:** Code of Alabama, (1975) § 34-24-144 and §34-24-165

**History:** New Rule: Filed August 20, 2018