

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1063 Practice of Chiropractic Medicine

SPONSOR(S): Health & Human Services Committee, Healthcare Regulation Subcommittee, Hunschofsky

TIED BILLS: IDEN./SIM. **BILLS:** SB 1474

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	16 Y, 0 N, As CS	DesRochers	McElroy
2) Health & Human Services Committee	16 Y, 3 N, As CS	DesRochers	Calamas

SUMMARY ANALYSIS

Dry needling is a technique that acupuncturists, physical therapists, and other trained healthcare providers use to treat musculoskeletal pain and movement issues. Healthcare providers may incorporate dry needling as a part of a larger pain management point that could include exercise, stretching, massage, and other techniques. Dry needling may help relieve pain and increase range of motion. Depending on the state, dry needling may be performed by licensed physical therapists, athletic trainers, chiropractors, or medical doctors who have been trained in the procedure.

Under current law, the practice of chiropractic medicine is a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body. Specifically, chiropractic medicine targets vertebral subluxations and other malpositioned articulations and structures that interfere with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body.

The Florida Board of Chiropractic Medicine (Board) ensures that every chiropractic physician practicing in Florida meets minimum requirements for safe practice. The Board is responsible for the licensure and quality control of chiropractic professionals to assure competency and safety. Any person desiring to be licensed as a chiropractic physician must apply to DOH to take the licensure examination. The Board has not opined on whether dry needling is within the scope of practice for chiropractic physicians.

CS/CS/HB 1063 authorizes chiropractic physicians to adjust, manipulate, or treat the human body by the use of monofilament intramuscular stimulation, also known as dry needling, treatment for trigger points or myofascial pain. To perform dry needling, chiropractic physicians must first complete a 40-hour certification course approved by the Board of Chiropractic Medicine.

Current law requires DOH to examine each applicant whom the Board certifies meets the necessary matriculation prerequisites. The bill gives the Board authority to recognize chiropractic physician applicants for licensure if they provide a credential evaluation report from a board-approved organization that the Board deems is equivalent to a bachelor's degree. The effect of this change is to create a licensure pathway for chiropractic physicians to practice in Florida when they obtained their bachelor's level degree at a non-U.S. educational institution of higher education.

The bill has no fiscal impact on state or local governments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

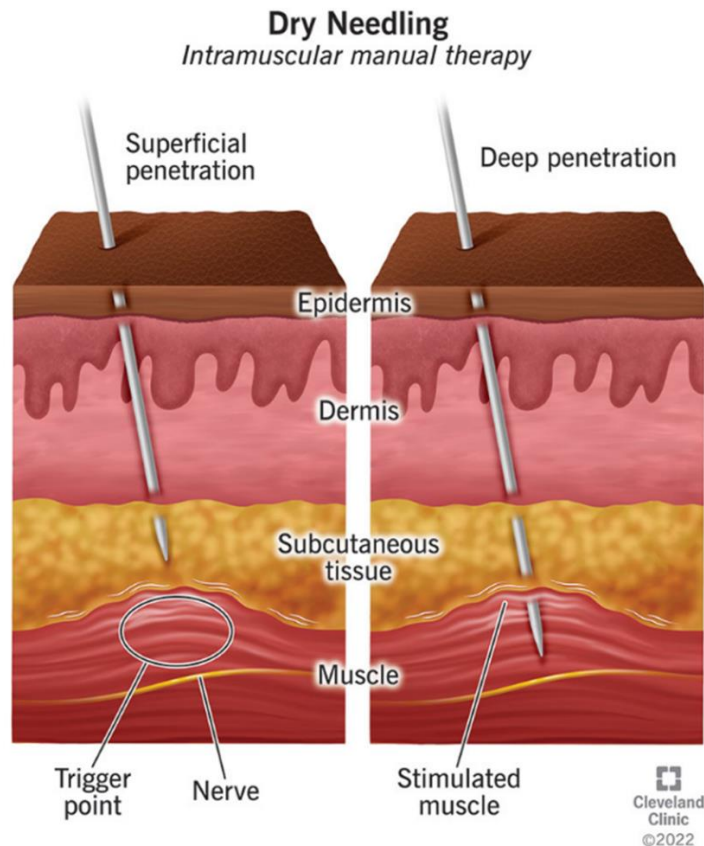
A. EFFECT OF PROPOSED CHANGES:

Background

Dry Needling

Dry needling is a technique that acupuncturists, physical therapists, and other trained healthcare providers use to treat musculoskeletal pain and movement issues. Healthcare providers may incorporate dry needling as a part of a larger pain management point that could include exercise, stretching, massage, and other techniques. With dry needling, a healthcare provider inserts thin, sharp needles through a patient's skin to treat underlying myofascial¹ trigger points. Trigger points are knotted, tender areas that develop in muscles which are highly sensitive and can be painful when touched.²

When health providers apply dry needling to muscles and tissues, needles may decrease tightness, increase blood flow, and reduce local and referred pain. Providers use solid needles that do not contain any kind of medication – hence “dry” needling. Dry needling may also be known as intramuscular stimulation. The visual graphic below illustrates how dry needling works.³



When a patient overexerts their muscle, the muscle experiences an energy crisis where the muscle fibers cannot access an adequate supply of blood. Without normal blood supply to the muscle, the muscle cannot get the oxygen and nutrients that allow the muscle to return to its normal resting state.

¹ In the word “myofascial,” “myo” means “muscle.” Fascia is the thin, white connective tissue that wraps around muscles.

² The Cleveland Clinic, *Dry Needling*, (last reviewed Feb. 20, 2023) <https://my.clevelandclinic.org/health/treatments/16542-dry-needling> (last visited Jan. 21, 2024).

³ *Id.*

Dry needling may stimulate the trigger point to help draw normal blood supply back to flush out the area and release tension.⁴

Dry needling may help relieve pain and increase range of motion. Conditions that dry needling may treat include:⁵

- Joint issues.
- Disk issues.
- Tendonitis.
- Migraine and tension-type headaches.
- Jaw and mouth problems, such as temporomandibular joint (TMJ) disorders.
- Whiplash.
- Repetitive motion disorders, such as carpal tunnel syndrome.
- Spinal issues.
- Pelvic pain.
- Night cramps.
- Phantom limb pain.
- Postherpetic neuralgia, a complication of shingles.

There are certain groups of people who should not receive dry needling. Providers do not recommend the procedure for children under the age of 12 because it can be painful. Other groups who should consult with their physician before receiving dry needling include people who:⁶

- Are pregnant.
- Are not able to understand the treatment.
- Are very afraid of needles (trypanophobia).
- Have compromised immune systems.
- Have just had surgery.
- Are on blood thinners.

The most common side effect of dry needling is soreness during and after treatment. Other side effects are typically minor. They may include:⁷

- Stiffness.
- Bruising at or near the insertion site.
- Fainting.
- Fatigue.
- Risk of infection.

While both dry needling and acupuncture use needles to treat pain, acupuncture treats musculoskeletal pain and dry needling treats muscle tissue with the goal of pain mitigation, deactivating trigger points, and improving movement.⁸ Depending on the state, dry needling is performed by licensed physical therapists, athletic trainers, chiropractors, or medical doctors who have been trained in the procedure.

On November 9, 2023, the Florida Board of Chiropractic Medicine convened a board meeting to discuss, in part, the Florida Chiropractic Association (FCA)'s petition for a declaratory statement⁹ that asked whether dry needling is within the scope of practice for chiropractic physicians. The Florida Chiropractic Physician Association (FCPA) appeared in support of adding drying needling to the scope

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Florida Chiropractic Association's Petition for Declaratory Statement Before the Department of Health / Board of Chiropractic Medicine* (Oct. 30, 2023) <https://www.fcachiro.org/wp-content/uploads/2023/08/Petition-for-Declaratory-Statement-dry-needling-1.pdf> (last visited Jan. 21, 2024).

of practice. The Florida Chiropractic Society (FCS) appeared in opposition to adding dry needling to the scope of practice. After debate, the FCA withdrew their declaratory statement petition, and the Board suspended discussion of whether dry needling is within the scope of practice for chiropractic physicians.¹⁰

Chiropractic Medicine

The Practice of Chiropractic Medicine

Under current law s. 460.403, F.S., the practice of chiropractic medicine is a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body. Specifically, chiropractic medicine targets vertebral subluxations and other malpositioned articulations and structures that interfere with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body. Left untreated, these abnormalities may cause disease. To mitigate the occurrence of disease, chiropractors adjust, manipulate, and treat the human body to restore the normal flow of nerve impulse which produces normal function and consequent health. The practice of chiropractic medicine further contemplates that chiropractic physicians use specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.¹¹

Chiropractic physicians may adjust, manipulate, or treat the human body by:

- Manual, mechanical, electrical, or natural methods;
- The use of physical means or physiotherapy, including light, heat, water, or exercise;
- The use of acupuncture; or
- The administration of foods, food concentrates, food extracts, and items for which a prescription is not required.

In addition, chiropractic physicians may apply first aid and hygiene. However, chiropractic physicians are expressly prohibited from prescribing or administering to any person any legend drug except, in emergencies, prescription medical oxygen or topical anesthetics in aerosol form. Chiropractic physicians cannot perform any surgery or practice obstetrics.¹²

Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the chiropractic physician knows or has reason to know that she or he is not competent to perform constitutes grounds for denial of a license or disciplinary action.¹³

The Florida Board of Chiropractic Medicine

The Florida Board of Chiropractic Medicine (Board) ensures that every chiropractic physician practicing in Florida meets minimum requirements for safe practice. The Board is responsible for the licensure and quality control of chiropractic professionals to assure competency and safety.¹⁴ The Board is a division of the Florida Department of Health (DOH) and consists of seven members appointed by the Governor and confirmed by the Senate.¹⁵ Five board members must be licensed chiropractic physicians who are Florida residents and have practiced chiropractic medicine for at least 4 years. The other two board members must be Florida residents who are not, and never have been, licensed as

¹⁰ Florida Board of Chiropractic Medicine, *Board Meeting Minutes, November 9, 2023*, Florida Department of Health (Nov. 9, 2023) <https://ww10.doh.state.fl.us/pub/hcpr/Chiropractor/2023/Chiro%20Draft%20Minutes%2011.9.23.pdf> (last visited Jan. 21, 2024).

¹¹ S. 460.403(9)(a), F.S.

¹² S. 460.403(9)(c), F.S.

¹³ S. 460.413(1)(t), F.S.

¹⁴ The Florida Board of Chiropractic Medicine, *Homepage*, Florida Department of Health, <https://floridaschiropracticmedicine.gov/> (last visited Jan. 21, 2024).

¹⁵ S. 460.404(1), F.S.

chiropractic physicians or members of any closely related profession. At least one board member must be 60 years of age or older.¹⁶

Any person desiring to be licensed as a chiropractic physician must apply to DOH to take the licensure examination. The nonrefundable application fee is capped at \$100, and the National Board of Chiropractic Examiners (NBCE) administers the examination. The examination fee must not exceed \$500 plus the actual per applicant cost to DOH for purchase of portions of the examination from NBCE.¹⁷

DOH examines each application whom the Board certifies has met all of the following criteria:¹⁸

- Completed the application form and remitted the appropriate fee.
- Submitted proof satisfactory to DOH that the applicant is not less than 18 years of age.
- Submitted proof satisfactory to DOH that the applicant is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency.
- Regarding matriculation at a chiropractic college, the following requirements apply:
 - Matriculation before July 2, 1990: completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education.
 - Matriculation after July 1, 1990: granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by an institutional accrediting agency that is a member of the Commission on Recognition of Postsecondary Accreditation.
 - Before matriculation effective July 1, 2000: completed at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education. In addition, the applicant must have been granted a bachelor's degree from an institution holding accreditation for that degree from an institutional accrediting agency that is recognized by the United States Department of Education.¹⁹
- Passed the NBCE certification examination in parts I, II, III, and IV with a score approved by the Board.
- Passed the NBCE physiotherapy examination with a score approved by the Board.
- Submitted to DOH a set of fingerprints on a form and under procedures specified by DOH, along with payment in an amount equal to the costs incurred by DOH for the criminal background check of the applicant.

Current law requires applicants to have a bachelor's degree from a school accredited by an agency recognized and approved by the U.S. Department of Education. This prevents chiropractic physicians who obtained their bachelor's level degree at a non-U.S. educational institution of higher education from being considered for licensure in Florida, even if they graduated from a U.S. chiropractic school.

Effect of the Bill

CS/CS/HB 1063 authorizes chiropractic physicians to adjust, manipulate, or treat the human body by the use of monofilament intramuscular stimulation, also known as dry needling, treatment for trigger points or myofascial pain. To perform dry needling, chiropractic physicians must first complete a 40-hour certification course approved by the Board of Chiropractic Medicine.

¹⁶ S. 460.404(2), F.S.

¹⁷ S. 460.406(1), F.S.

¹⁸ S. 460.406(1), F.S.

¹⁹ The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

Current law requires DOH to examine each applicant whom the Board certifies meets the necessary matriculation prerequisites. The bill gives the Board authority to recognize chiropractic physician applicants for licensure if they provide a credential evaluation report from a board-approved organization that the Board deems is equivalent to a bachelor's degree. The effect of this change is to create a licensure pathway for chiropractic physicians to practice in Florida when they obtained their bachelor's degree at a non-U.S. educational institution of higher education.

The bill takes effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amending s. 460.403, F.S., relating to definitions.

Section 2: Amending s. 460.406, F.S., relating to licensure by examination.

Section 3: Providing an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board has sufficient rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 24, 2024, the Health Regulation Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Gives the Board of Chiropractic Medicine the power to deem that an applicant's credentials evaluation report issued from a board-approved organization is the education equivalent to a bachelor's degree.
- Makes the effective date upon becoming law.

On February 15, 2024, the Health & Human Services Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment authorizes chiropractic physicians to perform dry needling treatment if they first complete a 40-hour dry needling certification course approved by the Board of Chiropractic Medicine.

This analysis is drafted to the amended bill as passed by the Health & Human Services Committee.