

Paul A. Cutler proposes the following substitute bill:

Dry Needling Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Cutler

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill provides requirements for dry needling by a physical therapist or an occupational therapist.

Highlighted Provisions:

This bill:

- moves the registration requirement for a physical therapist using dry needling from an exception to unlawful and unprofessional conduct to a requirement for licensing;
- expands the definition of both physical therapy and occupational therapy to include dry needling;
- clarifies that no referral is needed for physical therapy or occupational therapy;
- creates a registration requirement for an occupational therapist to engage in dry needling;
- allows occupational therapists to assist with mental wellness; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-24b-102, as last amended by Laws of Utah 2024, Chapter 507

58-42a-102, as last amended by Laws of Utah 2024, Chapter 507

58-42a-301, as enacted by Laws of Utah 1994, Chapter 240

ENACTS:

58-24b-306, Utah Code Annotated 1953

58-24b-307, Utah Code Annotated 1953

29 **58-42a-307**, Utah Code Annotated 1953

30 **58-42a-308**, Utah Code Annotated 1953

31 REPEALS:

32 **58-24b-505**, as enacted by Laws of Utah 2014, Chapter 354

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **58-24b-102** is amended to read:

36 **58-24b-102 . Definitions.**

37 As used in this chapter:

38 (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an
39 animal.

40 (2) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.

41 (3) "Consultation by telecommunication" means the provision of expert or professional
42 advice by a physical therapist who is licensed outside of Utah to a licensed physical
43 therapist or a health care provider by telecommunication or electronic communication.

44 (4) "General supervision" means supervision and oversight of [~~a person~~] an individual by a
45 licensed physical therapist when the licensed physical therapist is immediately available
46 in person, by telephone, or by electronic communication to assist the [~~person~~] individual.

47 (5) "Licensed physical therapist" means [~~a person~~] an individual licensed under this chapter
48 to engage in the practice of physical therapy.

49 (6) "Licensed physical therapist assistant" means [~~a person~~] an individual licensed under this
50 chapter to engage in the practice of physical therapy, subject to the provisions of
51 Subsection 58-24b-401(2)(a).

52 (7) "Licensing examination" means a nationally recognized physical therapy examination
53 that is approved by the division, in consultation with the board.

54 (8) "On-site supervision" means supervision and oversight of [~~a person~~] an individual by a
55 licensed physical therapist or a licensed physical therapist assistant when the licensed
56 physical therapist or licensed physical therapist assistant is:

57 (a) continuously present at the facility where the [~~person~~] individual is providing services;

58 (b) immediately available to assist the [~~person~~] individual; and

59 (c) regularly involved in the services being provided by the [~~person~~] individual.

60 (9) "Physical impairment" means:

61 (a) a mechanical impairment;

62 (b) a physiological impairment;

- 63 (c) a developmental impairment;
- 64 (d) a functional limitation;
- 65 (e) a disability;
- 66 (f) a mobility impairment; or
- 67 (g) a bodily malfunction.
- 68 (10)(a) "Physical therapy" or "physiotherapy" means:
- 69 (i) examining, evaluating, and testing an individual who has a physical impairment or
- 70 injury;
- 71 (ii) identifying or labeling a physical impairment or injury;
- 72 (iii) formulating a therapeutic intervention plan for the treatment of a physical
- 73 impairment, injury, or pain;
- 74 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a
- 75 physical impairment or injury;
- 76 (v) treating or alleviating a physical impairment by designing, modifying, or
- 77 implementing a therapeutic intervention;
- 78 (vi) reducing the risk of an injury or physical impairment;
- 79 (vii) providing instruction on the use of physical measures, activities, or devices for
- 80 preventative and therapeutic purposes;
- 81 (viii) promoting and maintaining health and fitness;
- 82 (ix) the administration of a prescription drug pursuant to Section 58-24b-403;
- 83 (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in
- 84 Subsections (10)(a)(i) through (ix) in relation to an animal, in accordance with the
- 85 requirements of Section 58-24b-405; ~~and~~
- 86 (xi) engaging in administration, consultation, education, and research relating to the
- 87 practices described in this Subsection (10)(a)[~~]~~; or
- 88 (xii) applying dry needling to enhance an individual's physical performance if the
- 89 physical therapy practitioner has received the necessary training as determined by
- 90 division rule in collaboration with the board.
- 91 (b) "Physical therapy" or "physiotherapy" does not include:
- 92 (i) diagnosing disease;
- 93 (ii) performing surgery;
- 94 (iii) performing acupuncture;
- 95 (iv) taking x-rays; or
- 96 (v) prescribing or dispensing a drug, as defined in Section 58-37-2.

- 97 (11) "Physical therapy aide" means ~~[a person]~~ an individual who:
- 98 (a) is trained, on-the-job, by a licensed physical therapist; and
- 99 (b) provides routine assistance to a licensed physical therapist or licensed physical
- 100 therapist assistant, while the licensed physical therapist or licensed physical therapist
- 101 assistant practices physical therapy, within the scope of the licensed physical
- 102 therapist's or licensed physical therapist assistant's license.
- 103 (12) "Recognized accreditation agency" means an accreditation agency that:
- 104 (a) grants accreditation, nationally, in the United States of America; and
- 105 (b) is approved by the division, in consultation with the board.
- 106 (13)(a) "Testing" means a standard method or technique used to gather data regarding a
- 107 patient that is generally and nationally accepted by physical therapists for the practice
- 108 of physical therapy.
- 109 (b) "Testing" includes measurement or evaluation of:
- 110 (i) muscle strength, force, endurance, or tone;
- 111 (ii) cardiovascular fitness;
- 112 (iii) physical work capacity;
- 113 (iv) joint motion, mobility, or stability;
- 114 (v) reflexes or autonomic reactions;
- 115 (vi) movement skill or accuracy;
- 116 (vii) sensation;
- 117 (viii) perception;
- 118 (ix) peripheral nerve integrity;
- 119 (x) locomotor skills, stability, and endurance;
- 120 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
- 121 (xii) posture;
- 122 (xiii) body mechanics;
- 123 (xiv) limb length, circumference, and volume;
- 124 (xv) thoracic excursion and breathing patterns;
- 125 (xvi) activities of daily living related to physical movement and mobility;
- 126 (xvii) functioning in the physical environment at home or work, as it relates to
- 127 physical movement and mobility; and
- 128 (xviii) neural muscular responses.
- 129 (14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a dry
- 130 needle to treat neuromuscular pain and functional movement deficits.

- 131 (b) "Trigger point dry needling" does not include the stimulation of auricular or distal
132 points.
- 133 (15) "Therapeutic intervention" includes:
- 134 (a) therapeutic exercise, with or without the use of a device;
- 135 (b) functional training in self-care, as it relates to physical movement and mobility;
- 136 (c) community or work integration, as it relates to physical movement and mobility;
- 137 (d) manual therapy, including:
- 138 (i) soft tissue mobilization;
- 139 (ii) therapeutic massage; or
- 140 (iii) joint mobilization, as defined by the division, by rule;
- 141 (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic,
142 protective, or supportive device;
- 143 (f) airway clearance techniques, including postural drainage;
- 144 (g) integumentary protection and repair techniques;
- 145 (h) wound debridement, cleansing, and dressing;
- 146 (i) the application of a physical agent, including:
- 147 (i) light;
- 148 (ii) heat;
- 149 (iii) cold;
- 150 (iv) water;
- 151 (v) air;
- 152 (vi) sound;
- 153 (vii) compression;
- 154 (viii) electricity; and
- 155 (ix) electromagnetic radiation;
- 156 (j) mechanical or electrotherapeutic modalities;
- 157 (k) positioning;
- 158 (l) instructing or training a patient in locomotion or other functional activities, with or
159 without an assistive device;
- 160 (m) manual or mechanical traction;
- 161 (n) correction of posture, body mechanics, or gait; and
- 162 (o) trigger point dry needling, under the conditions described in Section 58-24b-505.
- 163 Section 2. Section **58-24b-306** is enacted to read:
- 164 **58-24b-306 . Trigger point dry needling -- Experience required -- Registration.**

- 165 (1) A physical therapist may practice trigger point dry needling if the physical therapist:
 166 (a) has held a license to practice physical therapy under this chapter, and has actively
 167 practiced physical therapy, for two years;
 168 (b) has successfully completed a course in trigger point dry needling that is:
 169 (i) approved by the division; and
 170 (ii) at least 304 total course hours, including at a minimum of:
 171 (A) 54 hours of in-person instruction; and
 172 (B) 250 supervised patient treatment hours;
 173 (c) files a certificate of completion of the course described in Subsection (1)(b) with the
 174 division;
 175 (d) registers with the division as a trigger point dry needling practitioner; and
 176 (e) meets any other requirement to practice trigger point dry needling established by the
 177 division.
- 178 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 179 Administrative Rulemaking Act, that establish:
 180 (a) the criteria for approving a course described in Subsection (1)(b); and
 181 (b) the requirements described in Subsection (1)(e).
- 182 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the
 183 registration described in Subsection (1)(d).

184 Section 3. Section **58-24b-307** is enacted to read:

185 **58-24b-307 . No referral required for physical therapy.**

186 A physical therapist may evaluate, initiate, and provide physical therapy treatment for a
 187 client without a referral from another health service provider.

188 Section 4. Section **58-42a-102** is amended to read:

189 **58-42a-102 . Definitions.**

190 [~~In addition to the definitions in Section 58-1-102, as] As used in this chapter:~~

- 191 (1) "Board" means the Physical Therapies Licensing Board created in Section 58-24b-201.
- 192 (2)(a) "Individual treatment plan" means a written record composed for each client by [a
 193 ~~person~~] the individual licensed under this chapter to engage in the practice of
 194 occupational therapy.
- 195 (b) "Individual treatment plan" includes:
 196 (i) planning and directing specific exercises and programs to improve sensory
 197 integration and motor functioning at the level of performance neurologically
 198 appropriate for the individual's stage of development;

- 199 (ii) establishing a program of instruction to teach a client skills, behaviors, and
200 attitudes necessary for the client's independent productive, emotional, and social
201 functioning;
- 202 (iii) analyzing, selecting, and adapting functional exercises to achieve and maintain
203 the client's optimal functioning in activities of daily living and to prevent further
204 disability; and
- 205 (iv) planning and directing specific programs to evaluate and enhance perceptual,
206 motor, and cognitive skills.
- 207 (3) "Occupational therapist" means [~~a person~~] an individual licensed under this chapter to
208 practice occupational therapy.
- 209 (4) "Occupational therapy aide" means [~~a person~~] an individual who is not licensed under
210 this chapter but who provides supportive services under the supervision of an
211 occupational therapist or occupational therapy assistant.
- 212 (5) "Occupational therapy assistant" means [~~a person~~] an individual licensed under this
213 chapter to practice occupational therapy under the supervision of an occupational
214 therapist as described in Sections 58-42a-305 and 58-42a-306.
- 215 (6)(a) "Practice of occupational therapy" means the therapeutic use of everyday life
216 activities with an individual:
- 217 (i) that has or is at risk of developing an illness, injury, disease, disorder, condition,
218 impairment, disability, activity limitation, or participation restriction; and
- 219 (ii) to develop or restore the individual's ability to engage in everyday life activities
220 by addressing physical, cognitive, mental wellness, psychosocial, sensory, or other
221 aspects of the individual's performance.
- 222 (b) "Practice of occupational therapy" includes:
- 223 (i) establishing, remediating, or restoring an undeveloped or impaired skill or ability
224 of an individual;
- 225 (ii) modifying or adapting an activity or environment to enhance an individual's
226 performance;
- 227 (iii) maintaining and improving an individual's capabilities to avoid declining
228 performance in everyday life activities;
- 229 (iv) promoting health and wellness to develop or improve an individual's
230 performance in everyday life activities;
- 231 (v) performance-barrier prevention for an individual, including disability prevention;
- 232 (vi) evaluating factors that affect an individual's activities of daily living in

- 233 educational, work, play, leisure, and social situations, including:
- 234 (A) body functions and structures;
- 235 (B) habits, routines, roles, and behavioral patterns;
- 236 (C) cultural, physical, environmental, social, virtual, and spiritual contexts and
- 237 activity demands that affect performance; and
- 238 (D) motor, process, communication, interaction, and other performance skills;
- 239 (vii) providing interventions and procedures to promote or enhance an individual's
- 240 safety and performance in activities of daily living in educational, work, and
- 241 social situations, including:
- 242 (A) the therapeutic use of occupations and exercises;
- 243 (B) training in self-care, self-management, home-management, and community
- 244 and work reintegration;
- 245 (C) the development, remediation, or compensation of behavioral skills and
- 246 physical, cognitive, neuromuscular, and sensory functions;
- 247 (D) the education and training of an individual's family members and caregivers;
- 248 (E) care coordination, case management, and transition services;
- 249 (F) providing consulting services to groups, programs, organizations, or
- 250 communities,
- 251 (G) modifying the environment and adapting processes, including the application
- 252 of ergonomic principles;
- 253 (H) assessing, designing, fabricating, applying, fitting, and providing training in
- 254 assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
- 255 (I) assessing, recommending, and training an individual in techniques to enhance
- 256 functional mobility, including wheelchair management;
- 257 (J) driver rehabilitation and community mobility;
- 258 (K) enhancing eating and feeding performance; ~~and~~
- 259 (L) applying physical agent modalities, managing wound care, dry needling, and
- 260 using manual therapy techniques to enhance an individual's performance skills,
- 261 if the occupational therapist has received the necessary training as determined
- 262 by division rule in collaboration with the board[-] ; or
- 263 (M) applying dry needling to enhance an individual's occupational performance if
- 264 the occupational therapy practitioner has received the necessary training as
- 265 determined by division rule in collaboration with the board.
- 266 (7) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and

267 58-42a-501.

268 (8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
269 and 58-42a-502.

270 Section 5. Section **58-42a-301** is amended to read:

271 **58-42a-301 . Licensure required -- License classification.**

272 (1) A license is required to engage in the practice of occupational therapy, except as
273 specifically provided in Section 58-1-307 or 58-42a-304.

274 (2) The division shall issue to [~~a person~~] an individual who qualifies under this chapter a
275 license in the classification of:

276 (a) occupational therapist; or

277 (b) occupational therapy assistant.

278 (3) Nothing in this chapter shall permit an individual licensed under this chapter to engage
279 in the practice of mental health therapy as defined in Section 58-60-102.

280 [~~(3) Nothing in this chapter shall permit an individual licensed under this chapter to engage~~
281 ~~in the practice of mental health therapy.]~~

282 Section 6. Section **58-42a-307** is enacted to read:

283 **58-42a-307 . Trigger point dry needling -- Experience required -- Registration.**

284 (1) An occupational therapist may practice trigger point dry needling if the occupational
285 therapist:

286 (a) has held a license to practice occupational therapy under this chapter, and has
287 actively practiced occupational therapy, for two years;

288 (b) has successfully completed a course in trigger point dry needling that is:

289 (i) approved by the division; and

290 (ii) at least 304 total course hours, including a minimum of:

291 (A) 54 hours of in-person instruction; and

292 (B) 250 supervised patient treatment hours;

293 (c) files a certificate of completion of the course described in Subsection (1)(b) with the
294 division;

295 (d) registers with the division as a trigger point dry needling practitioner; and

296 (e) meets any other requirement to practice trigger point dry needling established by the
297 division.

298 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
299 Administrative Rulemaking Act, that establish:

300 (a) the criteria for approving a course described in Subsection (1)(b); and

301 (b) the requirements described in Subsection (1)(e).

302 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the
303 registration described in Subsection (1)(d).

304 Section 7. Section **58-42a-308** is enacted to read:

305 **58-42a-308 . No referral required for occupational therapy.**

306 (1) An occupational therapist may evaluate, initiate, and provide occupational therapy
307 treatment for a client without a referral from another health service provider.

308 Section 8. **Repealer.**

309 This bill repeals:

310 Section **58-24b-505, Trigger point dry needling -- Experience required -- Registration.**

311 Section 9. **Effective date.**

312 This bill takes effect on May 7, 2025.