

**Reply submitted to Utah Division of Occupational and Professional Licensing  
February 1, 2011**

According to the Utah Acupuncture Licensing Act, Part 1 - General Provisions, 58-72-102. Definitions (4) (a), the "practice of acupuncture" means the insertion of acupuncture needles and application of moxibustion to specific areas of the body **based on traditional oriental medical diagnosis and concepts** as a primary mode of therapy [emphasis added – JD]. In addition, the Utah Acupuncture Licensing Act stipulates that "(b) Adjunctive therapies within the scope of acupuncture may include: (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments **based on traditional oriental medical diagnosis and concepts** [emphasis added – JD]; (ii) the recommendation of dietary guidelines, herbs, supplements, and therapeutic exercise **based on traditional oriental medical diagnosis and concepts** [emphasis added – JD] according to practitioner training; among others."

Furthermore, I suggested that based on the Utah definition of acupuncture, the case can be made that dry needling performed by physical therapists in Utah is not acupuncture. Dry needling or intramuscular manual therapy by physical therapists is not at all based on Oriental medical diagnosis and does not employ traditional and modern Oriental medical concepts. Quite to the contrary, dry needling is based on extensive scientific neurophysiologic and clinical evidence as it relates to nociceptive pathways and myofascial trigger points and as such, fits well within the scope of PT practice in Utah, which does not imply that trigger points cannot be approach from an Oriental health care practice model or that Oriental health care practice would never consider current neurophysiological evidence.

Turning the argument around, as cited above, acupuncturists may use manual, mechanical, thermal, electrical, light, and electromagnetic treatments, which typically are considered to be within the scope of physical therapy practice. However, because the Utah acupuncture statutes state specifically that these approaches can be used when based on traditional oriental medical diagnosis and concepts, it is not a violation of PT laws in Utah. Would that not imply that dry needling is not acupuncture when based on Western medical concepts, pain sciences, neurophysiology, etc., and therefore, dry needling would well be within the scope of physical therapy practice? It seems to me that the argument to deny that dry needling is not within the scope of PT practice does not consider the important distinction that acupuncture is specifically defined as being based on traditional oriental medical diagnosis and concepts. By ignoring the basis of acupuncture as defined by Utah statute when considering dry needling but not when considering manual, mechanical, thermal, electrical, light, and electromagnetic treatments, the PT Board seems to be inconsistent. Based on the Utah decision and logic, any acupuncturist in Utah may possibly claim that a PT is practicing acupuncture when using manual, mechanical, thermal, electrical, light, and electromagnetic treatments, because the PT Board apparently does not consider the full definition of acupuncture.