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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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April 7, 2007

RECEIVED

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Dimitrios Kostopoulos, PT, PhD, DSc  
5 Engineers Road  
Roslyn Harbor, NY 11576

Dear Mr. Kostopoulos:

I am responding to your letter concerning the use of dry needling by physical therapists in New York State.

Several years ago, a Joint Practice Committee consisting of members of the State Boards for Physical Therapy, Medicine and Acupuncture, as well as Department attorneys and Board Executive Secretaries, was established to discuss dry needling and to determine which professions could lawfully use this modality in their practices. After months of discussion and investigation, the Deputy Commissioner at the time, Henry Fernandez, and the Committee established that only the professions of medicine and acupuncture could use dry needling.

Mr. Fernandez and the Committee went on to conclude that at some time in the future the issue may be reconsidered if the profession demonstrated that dry needling has evolved to become an accepted part of the body of knowledge of physical therapy and if dry needling was included within the systematic training offered in academic programs. After discussions with State Board members and faculty at several of the physical therapy programs offered in New York State, it is my understanding that neither has happened.

Section 29.1(b) (9) of the Regulations of the Commissioner of Education defines unprofessional conduct as "*practicing or offering to practice beyond the scope permitted by law...*" Because dry needling has been determined to be limited to the practice of medicine and acupuncture, physical therapists using dry needling in New York State could be subject to professional misconduct charges.

I hope this information is helpful to you and has answered your questions. If you need further assistance, please contact us.

Sincerely,

Claudia Alexander  
Executive Secretary

C: Members, State Board for Physical Therapy  
Lawrence DeMers, Executive Secretary, State Board for Acupuncture  
Thomas Monahan, Executive Secretary, State Board for Medicine