

**<sup>1</sup>The Board of Medical and Osteopathic Examiners  
State of South Dakota**

**Petition for Declaratory Ruling**

Pursuant to the provisions of SDCL 1-26-15, **Athletic Training** petitions the South Dakota Board of Medical and Osteopathic Examiners for their decision regarding the following:

**1. The Request:**

We are requesting that a South Dakota-licensed athletic trainer, who has acquired the requisite knowledge and skills for competent performance through his or her education and training, be allowed to perform Dry Needling.

- We believe this request meets the requirements for SDCL 36-29-1.1, which allows for the practice of athletic training, under guidelines established by a licensed physician, “For which an athletic trainer, as a result of the athletic trainer's education and training, is qualified to provide care and to make referrals to an appropriate health care professional.” (SDCL 36-29-1.1 (2)).
- Dry needling is an advanced skill requiring specialized training. We request that the dry needling training requirements deemed appropriate by the Board be defined in Administrative Rule 20:63

**2. The detailed facts, circumstances, reasons for the request:**

Dry Needling is a therapeutic technique utilized by trained healthcare professionals for the treatment of chronic or acute musculoskeletal pain that limits motion and function. Education and training to acquire the knowledge and skills to safely and competently utilize Dry Needling occurs through a specialized course of study. Courses in Dry Needling require hands-on training focused on human anatomy and physiology, safety considerations including needle handling and disposal, effects of Dry Needling, indications and contraindications for Dry Needling, and application of Dry Needling technique. Dry Needling courses are typically limited to participants who are licensed healthcare professionals; this includes athletic trainers. Participants who complete an approved Dry Needling course are provided certification in the technique for the region of the body covered by the course of study.<sup>1</sup> Dry Needling courses are rigorously vetted and developed by appropriately credentialed healthcare professionals and are approved by a variety of accrediting or certifying organizations including the Board of Certification (BOC). The BOC approves individuals, companies, and organizations to provide continuing education (CE) programs to Athletic Trainers to maintain certification. Through the BOC Approved Provider program, the BOC ensures CE programs are of high quality, requiring BOC Approved Providers to maintain annual approval.<sup>2</sup> Currently, the BOC offers 49 courses related to Dry Needling.<sup>3</sup> The BOC is also the certification agency that establishes and oversees the national board examination utilized to certify athletic trainers. Per SDCL 36-29-3, successful completion of the BOC examination sets the standard for qualification of an Athletic Training license in South Dakota. South Dakota currently has licensed athletic trainers who have successfully completed the education and training to perform Dry Needling and who work with patients that may benefit from application of this technique.

Additionally, state statute 36-29-17 allows the SDBMOE to promulgate rules pursuant to chapter 1-26 to:

- (1) Set standards for the professional practice of athletic trainers;
- (2) Establish a code of ethics for athletic trainers; and
- (3) Establish other rules as may be reasonably necessary for the administration of this chapter and to carry out its purpose.

Establishing an administrative rule regarding the application of dry needling by an athletic trainer, who has acquired the requisite knowledge and skills for competent performance as evidenced through his or her successful completion of a specialized course of study in Dry Needling that also meets Dry Needling training requirements established by the Board, provides public protection and standards that athletic trainers must follow. This administrative rule would also provide directing physicians what requirements are necessary to know an athletic trainer is qualified to perform Dry Needling.

Currently, Administrative rule 20:66:04 outline parameters for a dry needling course of study, proof of course completion, and dry needling delegation. We would advocate including similar language in Administrative Rule 20:63 that outlines what constitutes an approved course and the steps an Athletic Trainer would need to take to show proof of the course completion.

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<sup>1</sup> Version 1 - July 18, 2019

1. [The American Academy of Manipulative Therapy](#)
2. [Board of Certification](#)

**3. The precise request for Board review:**

We ask for the Board's interpretation of SDCL 36-29-1.1 related to the practice of athletic training and the use of dry needling. Specifically, does the language in SDCL 36-29-1.1 authorize Athletic Trainers to perform dry needling if they have obtained the necessary education and training through successful completion of an approved course of study in dry needling. Per SDCL 36-29-1.1, the practice of athletic training is the care, treatment, and prevention, under the direction of and under guidelines established by a physician licensed pursuant to chapter 36-4, of athletic injuries, illnesses, or conditions:

- 1) That are related to, or that limit participation in, exercise, athletic activities, recreational activities, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina; and
- (2) For which an athletic trainer, as a result of the athletic trainer's education and training, is qualified to provide care and to make referrals to an appropriate health care professional.

Our interpretation is that athletic training would include the practice of dry needling under the parameters of SDCL 36-29-1.1 if the athletic trainer possesses the necessary education and training (based on completion of a Board-approved course of study) in Dry Needling.

Public protection is ensured through 36-29-1.1 as Athletic Trainers may only provide care, treatment and prevention under the direction of and under guidelines established by a licensed physician. These guidelines are defined through the Physician's Practice Guideline Agreement, outlined in AR 20:63:01:03 and 20:63:01:04:

**20:63:01:03. Filing of physician's practice guideline agreement.** The athletic trainer shall submit a practice guideline agreement to the board, on a form approved by the board and maintained by each of the following: physician and athletic trainer.

**20:63:01:04. Revision of physician's practice guideline agreement.** A physician may modify a practice guideline agreement for an athletic trainer if the physician determines that the athletic trainer is competent, through training or experience, to perform a revised scope of athletic training.

Dated this \_\_10th\_\_ day of \_\_February\_\_, 2026.



Signature: \_\_\_\_\_

Mary Beth Zwart, EdD, AT – President of SD  
Athletic Trainers' Association

Print Name: Mary B Zwart