

STATE OF SOUTH DAKOTA
DEPARTMENT OF HEALTH

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

DECLARATORY RULING)	FINDINGS OF FACT,
CONCERNING SDCL §36-29-1.1)	CONCLUSIONS OF LAW, AND
AND THE ABILITY OF ATHLETIC)	DECLARATORY RULING
TRAINERS TO PERFORM DRY)	
NEEDLING)	

This matter came before the South Dakota Board of Medical and Osteopathic Examiners ("Board") through a petition by Mary Beth Zwart - President, S.D. Athletic Trainers' Association. The Petition was filed pursuant to SDCL §§1-26-15, 36-1C-14, and ARSD § 20:78:02. On March 12, 2026, after due and proper notice, a hearing on the Petition was held before a quorum of the Board. The Board considered all seven written comments received prior to the hearing and heard oral testimony from the Petition sponsor as well as all other interested persons. Now, being otherwise informed as to all matters pertinent thereto, the Board enters the following Declaratory Ruling.

ISSUE

Whether the language in SDCL §36-29-1.1 authorizes 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 and that the Board promulgate administrative rules to guide the dry needling training requirements deemed appropriate.

FINDINGS OF FACT

1. The Board has been authorized to regulate the practice of athletic training in South Dakota (*see* SDCL Ch. 36-29). Athletic trainers must be licensed by the Board to practice athletic training in the state (*see* SDCL 36-29-1 & 36-29-2.)

2. SDCL §36-29-1.1 law defines the practice of athletic training as 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.

3. Athletic trainers are otherwise prohibited from practicing medicine (*see* SDCL § 36-29-4.)

4. SDCL § 36-10-52 defines dry needling as:

"...a skilled technique... using filiform needles to penetrate the skin and underlying tissues, to affect change in body structures and physical function capability, for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability."

5. The Board considered the Petition filed on February 10, 2026, requesting this Declaratory Ruling which asserted that the language of SDCL § 36-29-1.1 allowed athletic trainers, who have the requisite knowledge and skill, to perform dry needling.

6. There were seven written comments in support of the Petition considered by the Board.

7. Oral testimony in support of the Petition was heard from Mary Beth Zwart, President of the South Dakota Athletic Trainers' Association (the Petition sponsor), and one interested person Dr. Samuel Schimelpfenig.

8. There was no oral testimony in opposition to the Petition.

9. A motion to adopt the Petition, as filed, which specifically requested that Athletic Trainers be authorized 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, and for the Board to establish training requirements rules was approved by a quorum of the Board by voice vote (12 ayes, 0 nays, 0 abstained)

10. Any finding of fact more appropriately labeled a conclusion of law is hereby re-designated as such and incorporated below

CONCLUSIONS OF LAW

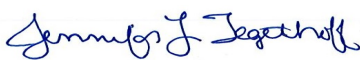
1. The Board has the authority, pursuant to SDCL §§1-26-15, 36-1C-14, and ARSD 20:78:02 to issue declaratory rulings concerning the applicability and interpretation of the Board's statutory and regulatory provisions.

2. The Board hereby declares that Athletic Trainers are authorized to perform dry needling, if they have obtained the necessary education and training through successful completion of a Board approved course of study in dry needling.

3. Any conclusion of law more appropriately designated, a finding of fact is hereby re-designated as such and incorporated above.

Dated this 2nd day of April 2026

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: 

Jennifer Tegethoff, MD
President