

No. 1986-183

AN ACT

SB 1484

Amending the act of February 14, 1986 (P.L.2, No.2), entitled "An act regulating the right to practice acupuncture; requiring the registration of acupuncturists; and providing a penalty," authorizing the registration of acupuncturists by the State Board of Osteopathic Medicine; further providing for the supervision of acupuncturists by physicians; and further providing for disciplinary measures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2, 3, 4 and 5 of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, are amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Acupuncture." The stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body.

"Acupuncturist." An individual registered to practice acupuncture by the State Board of Medicine or *the State Board of Osteopathic Medicine*.

"Board." The State Board of Medicine and *the State Board of Osteopathic Medicine*.

"Commissioner." The Commissioner of Professional and Occupational Affairs in the Department of State.

Section 3. Regulation of the practice of acupuncture.

(a) Registration required.—**[Acupuncture may be practiced by or at the direction and under the supervision of a medical doctor. An] Except as provided in subsection (e), an individual, including a [medical doctor] physician, shall be registered with [the board] one of the boards before the individual may practice acupuncture in this Commonwealth. Individuals shall renew their registrations biennially with the appropriate board.**

(b) Regulations to be promulgated.—The **[board shall] boards shall each promulgate regulations requiring the proper training of individuals, including [medical doctors] physicians, before they may be registered to practice acupuncture in this Commonwealth. Proper training shall include, to the extent determined by the appropriate board, education or demonstrated experience in the practice of acupuncture. If [the] a board requires successful completion of a written, oral or practical examination in order to qualify for registration under this act, the examination shall be prepared and administered by a qualified and approved professional testing organization in the manner required for written examinations by section 812.1 of the act of**

April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The board may promulgate such other regulations as are deemed proper and necessary regarding the practice of acupuncture. *If an individual is registered to practice acupuncture with one of the boards, the individual shall be considered to have met the requirements to be registered by the other board.*

(c) Practice to be under general supervision of a [medical doctor] *physician*.—An acupuncturist is not required to practice acupuncture on the premises of the office of a [medical doctor] *physician*; however, an acupuncturist, other than a [medical doctor] *physician or a person exempted as provided for in subsection (e)*, is required to practice acupuncture under the general supervision of a [medical doctor] *physician*. The supervising [medical doctor] *physician* is not required to be registered with [the] a board as an acupuncturist. “General supervision” means the supervising [medical doctor] *physician* shall:

(1) Perform a medical diagnostic examination or review the results of a recently performed medical diagnostic examination with respect to any ailment or condition to be treated by acupuncture prior to such treatment.

(2) Be personally available for consultation on the premises or be available by telephone contact, chart review or other means approved by the *appropriate* board.

(3) Place conditions and restrictions on the course of treatment if required as a matter of sound medical practice.

[(d) Removal from registration.—The board shall have the authority to suspend, revoke or cancel the registration of any person who engages in unprofessional conduct or incompetent practice, is addicted to drugs or alcohol or violates any provisions of the act or rules or regulations of the board.]

(d) Disciplinary and corrective measures.—Acupuncturists registered with the State Board of Medicine shall be subject to all disciplinary provisions applicable to medical doctors as set forth in the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985. Acupuncturists registered with the State Board of Osteopathic Medicine shall be subject to all disciplinary provisions applicable to osteopathic medical doctors as set forth in the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

(e) Section not applicable to dentists, podiatrists[, osteopaths] and veterinarians.—This section shall not apply to a dentist performing acupuncture in connection with the practice of dentistry, a podiatrist performing acupuncture in connection with the practice of podiatry[, an osteopath performing acupuncture in connection with the practice of osteopathic medicine] or a veterinarian performing acupuncture on animals in connection with the practice of veterinary medicine. The [State Board of Osteopathic Medicine with regard to osteopathic physicians, the] State Board of Dentistry with regard to dentists, the State Board of Podiatry with regard to podiatrists and the State Board of Veterinary Medical Examiners with regard to veterinarians shall assure that licensees of that board who perform acupuncture have what that

board determines to be the proper education or demonstrated experience in the performance of acupuncture.

Section 4. Fees.

[The] *Each* board may charge a reasonable fee, fixed by [the] *that* board by regulation, for all registrations, renewals and examinations authorized by this act or the regulations promulgated under section 3(b).

Section 5. Penalties.

(a) Registration.—Except as provided for in section 3(e), it shall be unlawful for an individual to practice acupuncture in this Commonwealth unless the individual is registered as an acupuncturist by [the board] *one of the boards*. An individual willfully violating the provisions of this act shall be guilty of a misdemeanor of the third degree.

(b) Injunction.—The unlawful practice of acupuncture as defined may be enjoined by the courts on petition of [the board] *one of the boards* or by the commissioner. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of acupuncture, the court shall enjoin him from so practicing unless he has been duly registered. Procedure in such cases shall be the same as in any other injunction suit. The remedy of injunction shall be in addition to criminal prosecution and punishment.

Section 2. This act shall take effect January 1, 1987.

APPROVED—The 15th day of December, A. D. 1986.

DICK THORNBURGH