

No. 2008-91

AN ACT

SB 1023

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," redesignating registration as licensure.

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

Section 1. The title and section 1 of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, are amended to read:

AN ACT

Regulating the right to practice acupuncture; requiring the **[registration]** *licensure* of acupuncturists; and providing a penalty.

Section 1. Short title.

This act shall be known and may be cited as the Acupuncture **[Registration]** *Licensure* Act.

Section 2. Sections 2 and 3(a), (b), (e), (f) and (g) of the act, amended December 15, 1986 (P.L.1618, No.183) and May 16, 2002 (P.L.326, No.49), 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.

"Acupuncture educational program." Training and instruction in acupuncture or supplemental acupuncture techniques offered by a degree-granting institution authorized by the Department of Education of the Commonwealth that leads to a master's degree, master's level certificate or diploma or first professional degree, that meets the relevant and appropriate requirements of 22 Pa. Code (relating to education) and 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

"Acupuncturist." An individual **[registered]** *licensed* 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] *Licensure*** required.—Except as provided in subsection (h), an individual, including a physician, shall be **[registered] *licensed*** with one of the boards before the individual may practice acupuncture in this Commonwealth. Individuals shall renew their **[registration] *licenses*** biennially with the appropriate board.

(b) Regulations to be promulgated.—The boards shall each promulgate regulations requiring the proper training of individuals, including physicians, before they may be **[registered] *licensed*** 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 a board requires successful completion of a written, oral or practical examination in order to qualify for **[registration] *licensure*** 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] *licensed*** to practice acupuncture with one of the boards, the individual shall be considered to have met the requirements to be **[registered] *licensed*** by the other board.

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(e) Faculty in acupuncture educational programs.—Nothing in this act shall prohibit faculty teaching in an acupuncture educational program or visiting guest lecturers from performing acupuncture or supplemental acupuncture techniques in the course of student instruction or during professional development seminars, provided that such individuals are **[registered] *licensed*** as acupuncturists in this Commonwealth or **[registered] *licensed*** as acupuncturists in another jurisdiction recognized by this Commonwealth and obtain temporary **[registration] *licensure*** in this Commonwealth.

(f) Supplemental techniques.—The practice of acupuncture shall also encompass, as regulated by the board, the use of traditional and modern oriental therapeutics, heat therapy, moxibustion, electrical and low-level laser stimulation, acupressure and other forms of massage, herbal therapy and counseling that shall include the therapeutic use of foods and supplements and lifestyle modifications and any other techniques approved by the board. These supplemental techniques may be for use within the public domain or for use by any other licensed or registered health professionals, according to State law and regulation. None of the supplemental techniques under this subsection shall be a mandated coverage under an insurance policy.

(g) Disciplinary and corrective measures.—Acupuncturists **[registered]** *licensed* 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]** *licensed* 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.

Section 3. Sections 4 and 5 of the act, amended December 15, 1986 (P.L.1618, No.183), are amended to read:

Section 4. Fees.

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

Section 5. Penalties.

(a) **[Registration]** *Licensure*.—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]** *licensed* as an acupuncturist by 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 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]** *licensed*. 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 4. This act shall take effect in 60 days.

APPROVED—The 8th day of October, A.D. 2008.

EDWARD G. RENDELL