INTRODUCED BY READSHAW, COHEN, V. BROWN, KORTZ, HELM, BRIGGS, GIBBONS, DELUCA, YOUNGBLOOD, MAHONEY, F. DALEY, TAYLOR, F. KELLER, M. DALEY, QUINN, DIGIROLAMO AND DAVIS, JANUARY 23, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JANUARY 23, 2013

AN ACT

Amending the act of February 14, 1986 (P.L.2, No.2), entitled, "An act regulating the right to practice acupuncture; requiring the licensure of acupuncturists; and providing a penalty," further providing for medical diagnosis; and providing for liability insurance.

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

Section 1. Section 3.1 of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Licensure Act, added November 29, 2006 (P.L.1625, No.186), is amended to read:

Section 3.1. Medical diagnosis.

(a) Treatment without diagnosis.—Except as provided in subsection (b), an acupuncturist may treat a person's condition without the condition being diagnosed by a licensed physician, dentist or podiatrist for 60 calendar days from the date of the first treatment.

(b) Treatment with diagnosis.—An acupuncturist may treat a person's condition beyond 60 calendar days from the date of the
first treatment if the person obtained a diagnosis of the
treated condition from a licensed physician, dentist or
podiatrist.

(c) Exception.--Subsections (a) and (b) shall not apply if a
person does not present any symptoms of a condition.

Section 2. The act is amended by adding a section to read:

Section 3.2. Liability insurance.

(a) Required coverage.--A licensee shall obtain and
maintain, to the satisfaction of the board, professional
liability insurance coverage in accordance with the provisions
of this section.

(b) Minimum coverage.--A licensee practicing in this
Commonwealth shall maintain a level of professional liability
insurance coverage in the minimum amount of $1,000,000 per
occurrence or claim made. Failure to maintain insurance coverage
as required shall subject the licensee to disciplinary
proceedings.

(c) Noncompliance.--A licensee shall notify the board no
later than 30 days of the licensee's failure to be covered by
the required insurance. Failure to notify the board shall be
actionable under sections 3 and 5. The license to practice may
be placed in inactive status or suspended, as determined by the
board, upon failure to be covered by the required insurance and
shall not be restored until submission to the board of
satisfactory evidence that the licensee has the required
professional liability insurance coverage.

(d) Evidence of compliance.--The board shall accept from a
licensee as satisfactory evidence of insurance coverage under
this subsection any or all of the following:

(1) Self-insurance.
(2) Personally purchased professional liability insurance.

(3) Professional liability insurance coverage provided by the licensee's employer or any similar type of coverage acceptable to the board.

Section 3. This act shall take effect in 90 days.