

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1764 Session of
2009INTRODUCED BY PAYTON, BEYER, BRENNAN, CREIGHTON, MILNE,
SIPTROTH, WANSACZ AND YOUNGBLOOD, JUNE 23, 2009AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 9, 2010

AN ACT

1 Amending the act of February 14, 1986 (P.L.2, No.2), entitled,
2 AS AMENDED, "An act regulating the right to practice
3 acupuncture; requiring the licensure of acupuncturists; and
4 providing a penalty," ~~deleting provisions relating to FURTHER~~
5 PROVIDING FOR medical diagnosis; and providing for patient-
6 ~~advice and consent~~ LIABILITY INSURANCE.

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

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

12 †Section 3.1. Medical diagnosis.

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

18 (b) Treatment with diagnosis.--An acupuncturist may treat a
19 person's condition beyond 60 calendar days from the date of the

1 first treatment if the person obtained a diagnosis of the
2 treated condition from a licensed physician, dentist or
3 podiatrist.†

4 (C) EXCEPTION.--SUBSECTIONS (A) AND (B) SHALL NOT APPLY IF A
5 PERSON DOES NOT PRESENT ANY SYMPTOMS OF A CONDITION.

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

7 Section 3.2. Patient advice and consent.

8 (a) General rule.--The acupuncturist shall advise the
9 patient that acupuncture therapeutics is not a substitute for
10 conventional medical diagnosis and treatment.

11 (b) Consent form.--The patient and acupuncturist shall sign
12 a form stating that the patient realizes it is his
13 responsibility to seek conventional medical diagnosis and
14 treatment.

15 (c) Duties of board.--The form shall be developed and
16 approved by the board for use under the provisions of this
17 section.

18 (d) Record.--A copy of this statement shall be kept in the
19 patient's file at the acupuncturist's office.

20 SECTION 3.2. LIABILITY INSURANCE.

21 (A) REQUIRED COVERAGE.--AN ACUPUNCTURIST SHALL OBTAIN AND
22 MAINTAIN, TO THE SATISFACTION OF THE BOARD, PROFESSIONAL
23 LIABILITY INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000
24 PER OCCURRENCE OR CLAIMS MADE.

25 (B) NONCOMPLIANCE.--FAILURE TO MAINTAIN INSURANCE COVERAGE
26 AS REQUIRED UNDER THIS SECTION SHALL BE ACTIONABLE UNDER
27 SECTIONS 3 AND 5.

28 (C) EVIDENCE OF COVERAGE.--THE BOARD SHALL ACCEPT AS
29 SATISFACTORY EVIDENCE OF INSURANCE COVERAGE UNDER THIS SECTION
30 THE FOLLOWING:

1 (1) SELF-INSURANCE;
2 (2) PERSONALLY PURCHASED PROFESSIONAL LIABILITY
3 INSURANCE; OR
4 (3) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED
5 BY THE ACUPUNCTURIST'S EMPLOYER OR SIMILAR TYPE OF COVERAGE
6 ACCEPTABLE TO THE BOARD.
7 Section 3. This act shall take effect in 90 days.