## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

Session of 2011

INTRODUCED BY BROWNE, FONTANA AND STACK, FEBRUARY 23, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, FEBRUARY 23, 2011

## AN ACT

- Amending the act of February 14, 1986 (P.L.2, No.2), entitled
  - "An act regulating the right to practice acupuncture;
- 3
- requiring the licensure of acupuncturists; and providing a penalty," further providing for medical diagnosis; and
- 5 providing for liability insurance.
- 6 The General Assembly of the Commonwealth of Pennsylvania
- 7 hereby enacts as follows:

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- 8 Section 1. Section 3.1 of the act of February 14, 1986
- 9 (P.L.2, No.2), known as the Acupuncture Registration Act, added
- 10 November 29, 2006 (P.L.1625, No.186), is amended to read:
- 11 Section 3.1. Medical diagnosis.
- 12 Treatment without diagnosis. -- Except as provided in
- 13 subsection (b), an acupuncturist may treat a person's condition
- 14 without the condition being diagnosed by a licensed physician,
- dentist or podiatrist for 60 calendar days from the date of the 15
- 16 first treatment.
- 17 Treatment with diagnosis. -- An acupuncturist may treat a
- 18 person's condition beyond 60 calendar days from the date of the
- first treatment if the person obtained a diagnosis of the 19

- 1 treated condition from a licensed physician, dentist or
- 2 podiatrist.
- 3 (c) Exception. -- Subsections (a) and (b) shall not apply if a
- 4 person does not present any symptoms of a condition.
- 5 Section 2. The act is amended by adding a section to read:
- 6 <u>Section 3.2. Liability insurance.</u>
- 7 (a) Required coverage. -- An acupuncturist shall obtain and
- 8 maintain, to the satisfaction of the board, professional
- 9 <u>liability insurance coverage in the minimum amount of \$1,000,000</u>
- 10 per occurrence or claim made.
- 11 (b) Noncompliance. -- Failure to maintain insurance coverage
- 12 <u>as required under this section shall be actionable under</u>
- 13 <u>sections 3 and 5.</u>
- 14 (c) Evidence of coverage. -- The board shall accept as
- 15 <u>satisfactory evidence of insurance coverage under this section</u>
- 16 <u>any of the following:</u>
- 17 (1) Self insurance.
- 18 (2) Personally purchased professional liability
- 19 insurance.
- 20 (3) Professional liability insurance coverage provided
- 21 by the acupuncturist's employer or similar type of coverage
- 22 <u>acceptable to the board.</u>
- 23 Section 3. This act shall take effect in 90 days.