
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 266 Session of
2013

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

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JANUARY 23, 2013

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," further providing for medical
5 diagnosis; and providing for liability insurance.

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

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

11 Section 3.1. Medical diagnosis.

12 (a) 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,
15 dentist or podiatrist for 60 calendar days from the date of the
16 first treatment.

17 (b) Treatment with diagnosis.--An acupuncturist may treat a
18 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. Liability insurance.

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

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

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

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

30 (1) Self-insurance.

1 (2) Personally purchased professional liability
2 insurance.

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

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