

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1490 Session of
2023

INTRODUCED BY GALLAGHER, HILL-EVANS, MADDEN, SCHLOSSBERG,
CERRATO, BRENNAN, SANCHEZ, McNEILL, NEILSON, MULLINS, GREEN,
GUZMAN AND D. WILLIAMS, JUNE 22, 2023

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 3, 2023

AN ACT

1 Amending the act of February 14, 1986 (P.L.2, No.2), entitled
2 "An act regulating the right to practice acupuncture;
3 requiring the licensure of acupuncturists; and providing a
4 penalty," further providing for definitions, for regulation
5 of the practice of acupuncture, for penalties and for
6 approval of acupuncture educational programs.

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

9 Section 1. Section 2 of the act of February 14, 1986 (P.L.2,
10 No.2), known as the Acupuncture Licensure Act, is amended by
11 adding definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "East Asian herbology." The use of herbal preparations and
18 products that contain as active ingredients parts of plants,
19 minerals and other organic materials or a combination of these

1 items administered according to East Asian medicine tradition to
2 normalize function.

3 "Herbal therapy." The application of East Asian herbology to
4 the treatment of acupuncture patients.

5 "Practitioner of Oriental medicine." An acupuncturist who is
6 ~~registered~~ LICENSED by the board to use herbal therapy. <--

7 Section 2. Section 3(h) of the act is amended and the
8 section is amended by adding subsections to read:

9 Section 3. Regulation of the practice of acupuncture.

10 * * *

11 (h) [Section not applicable to dentists, podiatrists and
12 veterinarians] Exemptions from licensure.--This section shall
13 not apply to [a]:

14 (1) A dentist performing acupuncture in connection with
15 the practice of dentistry, a podiatrist performing
16 acupuncture in connection with the practice of podiatry or a
17 veterinarian performing acupuncture on animals in connection
18 with the practice of veterinary medicine. The State Board of
19 Dentistry with regard to dentists, the State Board of
20 Podiatry with regard to podiatrists and the State Board of
21 Veterinary Medical Examiners with regard to veterinarians
22 shall assure that licensees of that board who perform
23 acupuncture have what that board determines to be the proper
24 education or demonstrated experience in the performance of
25 acupuncture.

26 (2) An individual who holds a current license,
27 certificate, registration or permit to practice acupuncture
28 from another state, territory or country and seeks to
29 practice acupuncture in this Commonwealth for the limited
30 purpose of attending a continuing education acupuncture

course in this Commonwealth.

~~(i) Oriental medicine.~~

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~~(1) An acupuncturist may practice Oriental medicine if the acupuncturist is registered with the board as a practitioner of Oriental medicine.~~

~~(2) An individual may not hold oneself out to be a practitioner of Oriental medicine unless the individual complies with paragraph (1).~~

(I) ORIENTAL MEDICINE.--AN ACUPUNCTURIST MAY PRACTICE ORIENTAL MEDICINE IF THE ACUPUNCTURIST IS LICENSED WITH THE BOARD AS A PRACTITIONER OF ORIENTAL MEDICINE AND:

<--

(1) HAS SUCCESSFULLY COMPLETED AN ACUPUNCTURE EDUCATION PROGRAM THAT INCLUDES THE STUDY OF EAST ASIAN HERBOLOGY AND PASSED AN EAST ASIAN HERBOLOGY EXAMINATION APPROVED BY THE BOARD; OR

(2) HAS OBTAINED NATIONAL CERTIFICATION IN EAST ASIAN HERBOLOGY OR ORIENTAL MEDICINE FROM A CERTIFYING ORGANIZATION APPROVED BY THE BOARD, WHICH INCLUDES PASSING AN EAST ASIAN HERBOLOGY EXAMINATION.

(j) Emergency.--The board shall have the power to allow an individual who holds a current license as an acupuncturist or practitioner of Oriental medicine in another state, the District of Columbia or a territory of the United States or who has obtained national certification to practice acupuncture or Oriental medicine in this Commonwealth for no more than 60 days as part of a relief effort related to a state of emergency declared by the Federal Government or the Governor.

(k) Identification.--

(1) Except as provided under paragraph (2), an acupuncturist shall wear a tag or badge with lettering

1 clearly visible to the patient bearing the acupuncturist's
2 name and the title "acupuncturist."

3 (2) An individual who is a practitioner of Oriental
4 medicine shall wear a tag or badge with lettering clearly
5 visible to the patient bearing the individual's name and the
6 title "practitioner of Oriental medicine."

7 Section 3. Sections 5(a) and 6.1 of the act are amended to
8 read:

9 Section 5. Penalties.

10 (a) Licensure.--

11 (1) Except as provided for in section 3(e), (h)(1) and
12 (j), unless an individual is licensed as an acupuncturist by
13 the board, it shall be unlawful for an individual to:

14 (i) hold oneself out to be an acupuncturist or a
15 practitioner of acupuncture; or

16 (ii) practice acupuncture in this Commonwealth
17 [unless the individual is licensed as an acupuncturist by
18 one of the boards].

19 (2) An individual willfully violating the provisions of
20 this act shall be guilty of a misdemeanor of the third
21 degree.

22 * * *

23 Section 6.1. [Approval of acupuncture] Acupuncture educational
24 programs.

25 (a) Approval.--The Department of Education of the
26 Commonwealth shall approve any acupuncture educational program
27 that meets the relevant and appropriate requirements of 22 Pa.
28 Code (relating to education) and 24 Pa.C.S. Ch. 65 (relating to
29 private colleges, universities and seminaries) and that meets or
30 exceeds the standards required for acupuncture or oriental

1 medicine programs established by an accrediting agency
2 recognized by the United States Department of Education.

3 (b) Continuing education.--

4 (1) Acupuncturists must attend and complete 30 hours of
5 mandatory continuing education during each two-year license
6 period. Nationally certified education courses shall be
7 considered as creditable, in addition to any other courses
8 the board deems creditable toward meeting the requirements
9 for continuing education. Credit may not be given for any
10 course in office management or practice building.

11 (2) An individual applying for the first time for
12 licensure as an acupuncturist in this Commonwealth shall be
13 exempted from the continuing education requirements under
14 paragraph (1) for the biennial renewal period following
15 initial licensure.

16 (3) THE BOARD SHALL ADOPT, PROMULGATE AND ENFORCE RULES <--
17 AND REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS ACT
18 ESTABLISHING REQUIREMENTS OF CONTINUING EDUCATION TO BE MET
19 BY INDIVIDUALS LICENSED AS ACUPUNCTURISTS OR PRACTITIONERS OF
20 ORIENTAL MEDICINE UNDER THIS ACT AS A CONDITION FOR RENEWAL
21 OF THEIR LICENSES. THE REGULATIONS SHALL INCLUDE ANY FEES
22 NECESSARY FOR THE BOARD TO CARRY OUT ITS RESPONSIBILITIES
23 UNDER THIS SECTION.

24 Section 4. This act shall take effect in 60 days.