

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1235 Session of
2006INTRODUCED BY RHOADES, BOSCOLA, ERICKSON, WONDERLING,
C. WILLIAMS, WASHINGTON, O'PAKE AND COSTA, JUNE 22, 2006SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, SEPTEMBER 20, 2006

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 registration of acupuncturists; and providing a
4 penalty," ~~further providing for regulation of the practice of~~ <—
5 ~~acupuncture; and providing for medical diagnosis.~~

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

8 ~~Section 1. Section 3(b) and (c) of the act of February 14,~~ <—
9 ~~1986 (P.L.2, No.2), known as the Acupuncture Registration Act,~~
10 ~~amended May 16, 2002 (P.L.326, No.49), are amended and the~~
11 ~~section is amended by adding a subsection to read:~~

12 ~~Section 3. Regulation of the practice of acupuncture.~~

13 * * *

14 ~~(a.1) Requirements for registration as a practitioner of~~
15 ~~oriental medicine.~~

16 ~~(1) An acupuncturist who also uses Chinese herbal~~
17 ~~therapy shall be registered by the board as a practitioner of~~
18 ~~oriental medicine.~~

19 ~~(2) The board shall register an acupuncturist as a~~

~~practitioner of oriental medicine if the registrant, in addition to meeting the requirements under section ????, has fulfilled one of the following:~~

~~(i) Successfully completed an acupuncture education program that includes the study of Chinese herbology and has passed the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination component on Chinese herbology.~~

~~(ii) Has obtained NCCAOM certification in Chinese herbology or oriental medicine, which shall include passing the NCCAOM examination component in Chinese herbology.~~

~~(3) An acupuncturist registered with the board before the effective date of this subsection may obtain registration as a practitioner of oriental medicine if the acupuncturist can demonstrate one of the following:~~

~~(i) Successful completion of a Chinese herbology or oriental medicine education program.~~

~~(ii) Successful completion of an examination in Chinese herbology or oriental medicine recognized by the licensing authority of another state or United States territory for the practice of Chinese herbology or oriental medicine.~~

~~(iii) NCCAOM certification in Chinese herbology or oriental medicine.~~

~~(b) Regulations to be promulgated. The boards shall each promulgate regulations requiring the proper training of individuals, including physicians, before they may be registered to practice acupuncture in this Commonwealth. Proper training shall include, to the extent determined by the appropriate~~

1 ~~board, education or demonstrated experience in the practice of~~
2 ~~acupuncture. If a board requires successful completion of a~~
3 ~~written, oral or practical examination in order to qualify for~~
4 ~~registration under this act, the examination shall be prepared~~
5 ~~and administered by a qualified and approved professional~~
6 ~~testing organization in the manner required for written~~
7 ~~examinations by section 812.1 of the act of April 9, 1929~~
8 ~~(P.L.177, No.175), known as The Administrative Code of 1929. If~~
9 ~~the examination was not taken in English but is otherwise~~
10 ~~acceptable to the board and a passing score was secured, the~~
11 ~~board shall accept the examination result if the applicant has~~
12 ~~also secured a score of 550 on the Test of English as a Foreign~~
13 ~~Language and a passing score of 180 on a Test of Spoken English.~~
14 ~~The board may promulgate such other regulations as are deemed~~
15 ~~proper and necessary regarding the practice of acupuncture. If~~
16 ~~an individual is registered to practice acupuncture with one of~~
17 ~~the boards, the individual shall be considered to have met the~~
18 ~~requirements to be registered by the other board.~~

19 ~~[(c) Practice of certain acupuncturists. An acupuncturist,~~
20 ~~other than a licensed physician or a person exempted as provided~~
21 ~~for in subsection (h), shall, prior to administering the first~~
22 ~~treatment, do all of the following:~~

23 ~~(1) Ensure that the patient has secured a written~~
24 ~~referral for treatment by acupuncture from a licensed~~
25 ~~physician. A referral under this paragraph shall place~~
26 ~~conditions and restrictions on the course of treatment if~~
27 ~~required as a matter of sound medical practice.~~

28 ~~(2) Ensure that the patient has undergone a medical~~
29 ~~diagnostic examination or has had the results of a recently~~
30 ~~performed medical diagnostic examination reviewed by a~~

1 ~~licensed physician.~~

2 ~~(3) Keep a copy of the referral and the results of the~~
3 ~~medical diagnostic examination in the patient's file.]~~

4 * * *

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

6 SECTION 1. THE ACT OF FEBRUARY 14, 1986 (P.L.2, NO.2), KNOWN <—
7 AS THE ACUPUNCTURE REGISTRATION ACT, IS AMENDED BY ADDING A
8 SECTION TO READ:

9 Section 3.1. Medical diagnosis.

10 (1) Except as provided in paragraph (2), an
11 acupuncturist may treat a person's condition without the
12 condition being diagnosed by a licensed physician, dentist or
13 podiatrist for 60 calendar days from the date of the first
14 treatment.

15 (2) An acupuncturist may treat a person's condition
16 beyond 60 calendar days from the date of the first treatment
17 if the person obtained a diagnosis of the treated condition
18 from a licensed physician, dentist or podiatrist.

19 Section 3 2. This act shall take effect in 60 days. <—