
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of
2007

INTRODUCED BY RHOADES, BOSCOLA, ERICKSON, RAFFERTY, STOUT,
COSTA, FERLO, WONDERLING, KITCHEN AND BROWNE, AUGUST 15, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
AUGUST 15, 2007

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," redesignating registration as licensure.

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

7 Section 1. The title and section 1 of the act of February
8 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration
9 Act, are amended to read:

10 AN ACT

11 Regulating the right to practice acupuncture; requiring the
12 [registration] licensure of acupuncturists; and providing a
13 penalty.

14 Section 1. Short title.

15 This act shall be known and may be cited as the Acupuncture
16 [Registration] Licensure Act.

17 Section 2. Sections 2 and 3(a), (b), (e), (f) and (g) of the
18 act, amended December 15, 1986 (P.L.1618, No.183) and May 16,

1 2002 (P.L.326, No.49), are amended to read:

2 Section 2. Definitions.

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

6 "Acupuncture." The stimulation of certain points on or near
7 the surface of the body by the insertion of needles to prevent
8 or alleviate the perception of pain or to normalize
9 physiological functions, including pain control, for the
10 treatment of certain diseases or dysfunctions of the body.

11 "Acupuncture educational program." Training and instruction
12 in acupuncture or supplemental acupuncture techniques offered by
13 a degree-granting institution authorized by the Department of
14 Education of the Commonwealth that leads to a master's degree,
15 master's level certificate or diploma or first professional
16 degree, that meets the relevant and appropriate requirements of
17 22 Pa. Code (relating to education) and 24 Pa.C.S. Ch. 65
18 (relating to private colleges, universities and seminaries) and
19 that meets or exceeds the standards required for acupuncture or
20 oriental medicine programs established by an accrediting agency
21 recognized by the United States Department of Education.

22 "Acupuncturist." An individual [registered] licensed to
23 practice acupuncture by the State Board of Medicine or the State
24 Board of Osteopathic Medicine.

25 "Board." The State Board of Medicine and the State Board of
26 Osteopathic Medicine.

27 "Commissioner." The Commissioner of Professional and
28 Occupational Affairs in the Department of State.

29 Section 3. Regulation of the practice of acupuncture.

30 (a) [Registration] Licensure required.--Except as provided

1 in subsection (h), an individual, including a physician, shall
2 be [registered] licensed with one of the boards before the
3 individual may practice acupuncture in this Commonwealth.
4 Individuals shall renew their [registration] licensures
5 biennially with the appropriate board.

6 (b) Regulations to be promulgated.--The boards shall each
7 promulgate regulations requiring the proper training of
8 individuals, including physicians, before they may be
9 [registered] licensed to practice acupuncture in this
10 Commonwealth. Proper training shall include, to the extent
11 determined by the appropriate board, education or demonstrated
12 experience in the practice of acupuncture. If a board requires
13 successful completion of a written, oral or practical
14 examination in order to qualify for [registration] licensure
15 under this act, the examination shall be prepared and
16 administered by a qualified and approved professional testing
17 organization in the manner required for written examinations by
18 section 812.1 of the act of April 9, 1929 (P.L.177, No.175),
19 known as The Administrative Code of 1929. The board may
20 promulgate such other regulations as are deemed proper and
21 necessary regarding the practice of acupuncture. If an
22 individual is [registered] licensed to practice acupuncture with
23 one of the boards, the individual shall be considered to have
24 met the requirements to be [registered] licensed by the other
25 board.

26 * * *

27 (e) Faculty in acupuncture educational programs.--Nothing in
28 this act shall prohibit faculty teaching in an acupuncture
29 educational program or visiting guest lecturers from performing
30 acupuncture or supplemental acupuncture techniques in the course

1 of student instruction or during professional development
2 seminars, provided that such individuals are [registered]
3 licensed as acupuncturists in this Commonwealth or [registered]
4 licensed as acupuncturists in another jurisdiction recognized by
5 this Commonwealth and obtain temporary [registration] licensure
6 in this Commonwealth.

7 (f) Supplemental techniques.--The practice of acupuncture
8 shall also encompass, as regulated by the board, the use of
9 traditional and modern oriental therapeutics, heat therapy,
10 moxibustion, electrical and low-level laser stimulation,
11 acupressure and other forms of massage, herbal therapy and
12 counseling that shall include the therapeutic use of foods and
13 supplements and lifestyle modifications and any other techniques
14 approved by the board. These supplemental techniques may be for
15 use within the public domain or for use by any other licensed or
16 registered health professionals, according to State law and
17 regulation. None of the supplemental techniques under this
18 subsection shall be a mandated coverage under an insurance
19 policy.

20 (g) Disciplinary and corrective measures.--Acupuncturists
21 [registered] licensed with the State Board of Medicine shall be
22 subject to all disciplinary provisions applicable to medical
23 doctors as set forth in the act of December 20, 1985 (P.L.457,
24 No.112), known as the Medical Practice Act of 1985.
25 Acupuncturists [registered] licensed with the State Board of
26 Osteopathic Medicine shall be subject to all disciplinary
27 provisions applicable to osteopathic medical doctors as set
28 forth in the act of October 5, 1978 (P.L.1109, No.261), known as
29 the Osteopathic Medical Practice Act.

30 * * *

1 Section 3. Sections 4 and 5 of the act, amended December 15,
2 1986 (P.L.1618, No.183), are amended to read:

3 Section 4. Fees.

4 Each board may charge a reasonable fee, fixed by that board
5 by regulation, for all [registration] licenses, renewals and
6 examinations authorized by this act or the regulations
7 promulgated under section 3(b).

8 Section 5. Penalties.

9 (a) [Registration] Licensure.--Except as provided for in
10 section 3(e), it shall be unlawful for an individual to practice
11 acupuncture in this Commonwealth unless the individual is
12 [registered] licensed as an acupuncturist by one of the boards.
13 An individual willfully violating the provisions of this act
14 shall be guilty of a misdemeanor of the third degree.

15 (b) Injunction.--The unlawful practice of acupuncture as
16 defined may be enjoined by the courts on petition of one of the
17 boards or by the commissioner. In any such proceeding, it shall
18 not be necessary to show that any person is individually injured
19 by the actions complained of. If the respondent is found guilty
20 of the unlawful practice of acupuncture, the court shall enjoin
21 him from so practicing unless he has been duly [registered]
22 licensed. Procedure in such cases shall be the same as in any
23 other injunction suit. The remedy of injunction shall be in
24 addition to criminal prosecution and punishment.

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