

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1280 Session of  
2011INTRODUCED BY PAYTON, CALTAGIRONE, READSHAW AND JOSEPHS,  
APRIL 5, 2011SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, MARCH 27, 2012

## 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 Registration 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. An acupuncturist shall obtain and~~  
9 ~~maintain, to the satisfaction of the board, professional~~  
10 ~~liability insurance coverage in the minimum amount of \$1,000,000~~  
11 ~~per occurrence or claims made.~~

12 ~~(b) Noncompliance. Failure to maintain insurance coverage~~  
13 ~~as required under this section shall be actionable under~~  
14 ~~sections 3 and 5.~~

15 ~~(c) Evidence of coverage. The board shall accept as~~  
16 ~~satisfactory evidence of insurance coverage under this section~~  
17 ~~the following:~~

18 ~~(1) self insurance;~~

19 ~~(2) personally purchased professional liability~~  
20 ~~insurance; or~~

21 ~~(3) professional liability insurance coverage provided~~  
22 ~~by the acupuncturist's employer or similar type of coverage~~  
23 ~~acceptable to the board.~~

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

25 SECTION 1. SECTION 3.1 OF THE ACT OF FEBRUARY 14, 1986  
26 (P.L.2, NO.2), KNOWN AS THE ACUPUNCTURE LICENSURE ACT, ADDED  
27 NOVEMBER 29, 2006 (P.L.1625, NO.186), IS AMENDED TO READ:

28 SECTION 3.1. MEDICAL DIAGNOSIS.

29 (A) TREATMENT WITHOUT DIAGNOSIS.--EXCEPT AS PROVIDED IN  
30 SUBSECTION (B), AN ACUPUNCTURIST MAY TREAT A PERSON'S CONDITION



1 WITHOUT THE CONDITION BEING DIAGNOSED BY A LICENSED PHYSICIAN,  
2 DENTIST OR PODIATRIST FOR 60 CALENDAR DAYS FROM THE DATE OF THE  
3 FIRST TREATMENT.

4 (B) TREATMENT WITH DIAGNOSIS.--AN ACUPUNCTURIST MAY TREAT A  
5 PERSON'S CONDITION BEYOND 60 CALENDAR DAYS FROM THE DATE OF THE  
6 FIRST TREATMENT IF THE PERSON OBTAINED A DIAGNOSIS OF THE  
7 TREATED CONDITION FROM A LICENSED PHYSICIAN, DENTIST OR  
8 PODIATRIST.

9 (C) EXCEPTION.--SUBSECTIONS (A) AND (B) SHALL NOT APPLY IF A  
10 PERSON DOES NOT PRESENT ANY SYMPTOMS OF A CONDITION.

11 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
12 SECTION 3.2. LIABILITY INSURANCE.

13 (A) REQUIRED COVERAGE.--A LICENSEE SHALL OBTAIN AND  
14 MAINTAIN, TO THE SATISFACTION OF THE BOARD, PROFESSIONAL  
15 LIABILITY INSURANCE COVERAGE IN ACCORDANCE WITH THE PROVISIONS  
16 OF THIS SECTION.

17 (B) MINIMUM COVERAGE.--A LICENSEE UNDER THIS ACT, PRACTICING  
18 IN THIS COMMONWEALTH, SHALL MAINTAIN A LEVEL OF PROFESSIONAL  
19 LIABILITY INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000  
20 PER OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN INSURANCE  
21 COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO DISCIPLINARY  
22 PROCEEDINGS.

23 (C) NONCOMPLIANCE.--A LICENSEE SHALL NOTIFY THE BOARD WITHIN  
24 30 DAYS OF THE LICENSEE'S FAILURE TO BE COVERED BY THE REQUIRED  
25 INSURANCE. FAILURE TO NOTIFY THE BOARD SHALL BE ACTIONABLE UNDER  
26 SECTIONS 3 AND 5. THE LICENSE TO PRACTICE MAY BE PLACED IN  
27 INACTIVE STATUS OR SUSPENDED, AS DETERMINED BY THE BOARD, UPON  
28 FAILURE TO BE COVERED BY THE REQUIRED INSURANCE AND SHALL NOT BE  
29 RESTORED UNTIL SUBMISSION TO THE BOARD OF SATISFACTORY EVIDENCE  
30 THAT THE LICENSEE HAS THE REQUIRED PROFESSIONAL LIABILITY

1 INSURANCE COVERAGE.

2 (D) EVIDENCE OF NONCOMPLIANCE.--THE BOARD SHALL ACCEPT FROM  
3 A LICENSEE AS SATISFACTORY EVIDENCE OF INSURANCE COVERAGE UNDER  
4 THIS SUBSECTION ANY OR ALL OF THE FOLLOWING:

5 (1) SELF-INSURANCE.

6 (2) PERSONALLY PURCHASED PROFESSIONAL LIABILITY  
7 INSURANCE.

8 (3) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED  
9 BY THE LICENSEE'S EMPLOYER OR ANY SIMILAR TYPE OF COVERAGE  
10 ACCEPTABLE TO THE BOARD.

11 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.