

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 628 Session of  
2011

INTRODUCED BY BROWNE, FONTANA AND STACK, FEBRUARY 23, 2011

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, AS AMENDED, SEPTEMBER 27, 2011

## 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 medical diagnosis; and  
5 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~~ LICENSURE ←  
10 Act, added November 29, 2006 (P.L.1625, No.186), is amended to  
11 read:

12 Section 3.1. Medical diagnosis.

13 (a) Treatment without diagnosis.--Except as provided in  
14 subsection (b), an acupuncturist may treat a person's condition  
15 without the condition being diagnosed by a licensed physician,  
16 dentist or podiatrist for 60 calendar days from the date of the  
17 first treatment.

18 (b) Treatment with diagnosis.--An acupuncturist may treat a  
19 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 A LICENSEE shall ←  
9 obtain and maintain, to the satisfaction of the board,  
10 professional liability insurance coverage IN ACCORDANCE WITH THE ←  
11 PROVISIONS OF THIS SECTION. in the minimum amount of \$1,000,000 ←  
12 per occurrence or claim made.

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

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

19 (1) Self insurance.

20 (2) Personally purchased professional liability  
21 insurance.

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

25 (B) MINIMUM COVERAGE.--A LICENSEE UNDER THIS ACT, PRACTICING ←  
26 IN THIS COMMONWEALTH, SHALL MAINTAIN A LEVEL OF PROFESSIONAL  
27 LIABILITY INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000  
28 PER OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN INSURANCE  
29 COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO DISCIPLINARY  
30 PROCEEDINGS.

1     (C) NONCOMPLIANCE.--A LICENSEE SHALL NOTIFY THE BOARD WITHIN  
2     30 DAYS OF THE LICENSEE'S FAILURE TO BE COVERED BY THE REQUIRED  
3     INSURANCE. FAILURE TO NOTIFY THE BOARD SHALL BE ACTIONABLE UNDER  
4     SECTIONS 3 AND 5. THE LICENSE TO PRACTICE SHALL AUTOMATICALLY BE  
5     SUSPENDED UPON FAILURE TO BE COVERED BY THE REQUIRED INSURANCE  
6     AND SHALL NOT BE RESTORED UNTIL SUBMISSION TO THE BOARD OF  
7     SATISFACTORY EVIDENCE THAT THE LICENSEE HAS THE REQUIRED  
8     PROFESSIONAL LIABILITY INSURANCE COVERAGE.

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

12         (1) SELF-INSURANCE.

13         (2) PERSONALLY PURCHASED PROFESSIONAL LIABILITY  
14         INSURANCE.

15         (3) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED  
16         BY THE LICENSEE'S EMPLOYER OR ANY SIMILAR TYPE OF COVERAGE  
17         ACCEPTABLE TO THE BOARD.

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