

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 693

Session of
1985

INTRODUCED BY STAUFFER, BRIGHTBILL, ANDREZESKI AND LYNCH,
APRIL 16, 1985

SENATOR BELL, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
AS AMENDED, JUNE 19, 1985

AN ACT

1 Regulating the right to practice acupuncture; requiring the
2 registration of acupuncturists; and providing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Acupuncture
7 Registration Act.

8 Section 2. Definitions.

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

12 "Acupuncture." The stimulation of certain points on or near
13 the surface of the body by the insertion of needles to prevent
14 or alleviate the perception of pain or to normalize
15 physiological functions, including pain control, for the
16 treatment of certain diseases or dysfunctions of the body.

17 "Acupuncturists." An individual registered to practice

1 acupuncture by the State Board of Medical Education and
2 Licensure.

3 "Board." The State Board of Medical Education and Licensure.
4 Section 3. Regulation of the practice of acupuncture.

5 (a) Registration required.--Acupuncture may be practiced by
6 or at the direction and under the supervision of a physician. An
7 individual, including a physician, shall be registered with the
8 board before the individual may practice acupuncture in this
9 Commonwealth.

10 (b) Regulations to be promulgated.--The board shall
11 promulgate regulations requiring the proper training of
12 individuals, including physicians, before they may be registered
13 to practice acupuncture in this Commonwealth. Proper training
14 shall include to the extent determined by the board, education
15 or demonstrated experience in the practice of acupuncture. THE <—
16 BOARD MAY PROMULGATE SUCH OTHER REGULATIONS AS ARE DEEMED PROPER
17 AND NECESSARY REGARDING THE PRACTICE OF ACUPUNCTURE.

18 (c) Practice to be under general supervision of a
19 physician.--An acupuncturist is not required to practice
20 acupuncture on the premises of the office of a physician,
21 however, an acupuncturist, other than a physician, is required
22 to practice acupuncture under the general supervision of a
23 physician. The supervising physician is not required to be
24 registered with the board as an acupuncturist. "General
25 supervision" means the supervising physician shall:

26 (1) Perform a medical diagnostic examination or review
27 the results of a recently performed medical diagnostic
28 examination with respect to any ailment or condition to be
29 treated by acupuncture prior to such treatment.

30 (2) Be personally available for consultation on the

premises or be available by telephone contact, chart review or other means approved by the board.

(3) Place conditions and restrictions on the course of treatment if required as a matter of sound medical practice.

(D) REMOVAL FROM REGISTRATION.--THE BOARD SHALL HAVE THE AUTHORITY TO SUSPEND, REVOKE OR CANCEL THE REGISTRATION OF ANY PERSON WHO ENGAGES IN UNPROFESSIONAL CONDUCT OR INCOMPETENT PRACTICE, IS ADDICTED TO DRUGS OR ALCOHOL, OR VIOLATES ANY PROVISIONS OF THE ACT OR RULES OR REGULATIONS OF THE BOARD.

~~(d)~~ (E) Section not applicable to dentists and podiatrists.--This section shall not apply to a dentist performing acupuncture in connection with the practice of dentistry or a podiatrist performing acupuncture in a connection with the practice of podiatry.

Section 4. Penalties.

(A) REGISTRATION.--Except as provided for in section 3(d), it shall be unlawful for an individual to practice acupuncture in this Commonwealth unless the individual is registered as an acupuncturist by the board. An individual willfully violating the provisions of this section shall be guilty of a misdemeanor of the third degree.

(B) INJUNCTION.--THE UNLAWFUL PRACTICE OF ACUPUNCTURE AS DEFINED MAY BE ENJOINED BY THE COURTS ON PETITION OF THE BOARD OR BY THE COMMISSIONER. IN ANY SUCH PROCEEDING, IT SHALL NOT BE NECESSARY TO SHOW THAT ANY PERSON IS INDIVIDUALLY INJURED BY THE ACTIONS COMPLAINED OF. IF THE RESPONDENT IS FOUND GUILTY OF THE UNLAWFUL PRACTICE OF ACUPUNCTURE, THE COURT SHALL ENJOIN HIM FROM SO PRACTICING UNLESS HE HAS BEEN DULY REGISTERED. PROCEDURE IN SUCH CASES SHALL BE THE SAME AS IN ANY OTHER INJUNCTION SUIT. THE REMEDY OF INJUNCTION SHALL BE IN ADDITION TO CRIMINAL

- 1 PROSECUTION AND PUNISHMENT.
- 2 Section 5. Effective date.
- 3 This act shall take effect immediately.