
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 693

Session of
1985

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 27, 1986

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.

1 ~~"Acupuncturists."~~ "ACUPUNCTURIST." An individual registered <—
2 to practice acupuncture by the State Board of ~~Medical Education~~ <—
3 ~~and Licensure~~ MEDICINE. <—
4 "Board." The State Board of ~~Medical Education and Licensure~~ <—
5 MEDICINE. <—
6 "COMMISSIONER." THE COMMISSIONER OF PROFESSIONAL AND <—
7 OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE.
8 Section 3. Regulation of the practice of acupuncture.
9 (a) Registration required.--Acupuncture may be practiced by
10 or at the direction and under the supervision of a ~~physician~~ <—
11 MEDICAL DOCTOR. An individual, including a ~~physician~~ MEDICAL <—
12 DOCTOR, shall be registered with the board before the individual
13 may practice acupuncture in this Commonwealth. Individuals shall
14 renew their registrations biennially with the board.
15 (b) Regulations to be promulgated.--The board shall
16 promulgate regulations requiring the proper training of
17 individuals, including ~~physicians~~ MEDICAL DOCTORS, before they <—
18 may be registered to practice acupuncture in this Commonwealth.
19 Proper training shall include to the extent determined by the
20 board, education or demonstrated experience in the practice of
21 acupuncture. IF THE BOARD REQUIRES SUCCESSFUL COMPLETION OF A <—
22 WRITTEN, ORAL OR PRACTICAL EXAMINATION IN ORDER TO QUALIFY FOR
23 REGISTRATION UNDER THIS ACT, THE EXAMINATION SHALL BE PREPARED
24 AND ADMINISTERED BY A QUALIFIED AND APPROVED PROFESSIONAL
25 TESTING ORGANIZATION IN THE MANNER REQUIRED FOR WRITTEN
26 EXAMINATIONS BY SECTION 812.1 OF THE ACT OF APRIL 9, 1929
27 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929. The
28 board may promulgate such other regulations as are deemed proper
29 and necessary regarding the practice of acupuncture.

30 (c) Practice to be under general supervision of a ~~physician~~ <—

1 MEDICAL DOCTOR.--An acupuncturist is not required to practice <—
2 acupuncture on the premises of the office of a ~~physician~~ MEDICAL <—
3 DOCTOR, however, an acupuncturist, other than a ~~physician~~ <—
4 MEDICAL DOCTOR, is required to practice acupuncture under the <—
5 general supervision of a ~~physician~~ MEDICAL DOCTOR. The <—
6 supervising ~~physician~~ MEDICAL DOCTOR is not required to be <—
7 registered with the board as an acupuncturist. "General
8 supervision" means the supervising ~~physician~~ MEDICAL DOCTOR <—
9 shall:

10 (1) Perform a medical diagnostic examination or review
11 the results of a recently performed medical diagnostic
12 examination with respect to any ailment or condition to be
13 treated by acupuncture prior to such treatment.

14 (2) Be personally available for consultation on the
15 premises or be available by telephone contact, chart review
16 or other means approved by the board.

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

19 (d) Removal from registration.--The board shall have the
20 authority to suspend, revoke or cancel the registration of any
21 person who engages in unprofessional conduct or incompetent
22 practice, is addicted to drugs or alcohol, or violates any
23 provisions of the act or rules or regulations of the board.

24 (e) Section not applicable to dentists ~~and~~, podiatrists, <—
25 OSTEOPATHS AND VETERINARIANS.--This section shall not apply to a
26 dentist performing acupuncture in connection with the practice
27 of dentistry ~~or~~, a podiatrist performing acupuncture in a <—
28 connection with the practice of podiatry, AN OSTEOPATH <—
29 PERFORMING ACUPUNCTURE IN CONNECTION WITH THE PRACTICE OF
30 OSTEOPATHIC MEDICINE, OR A VETERINARIAN PERFORMING ACUPUNCTURE

1 ON ANIMALS IN CONNECTION WITH THE PRACTICE OF VETERINARY
2 MEDICINE. THE STATE BOARD OF OSTEOPATHIC MEDICINE WITH REGARD TO
3 OSTEOPATHIC PHYSICIANS, THE STATE BOARD OF DENTISTRY WITH REGARD
4 TO DENTISTS, THE STATE BOARD OF PODIATRY WITH REGARD TO
5 PODIATRISTS, AND THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS
6 WITH REGARD TO VETERINARIANS SHALL ASSURE THAT LICENSEES OF THAT
7 BOARD WHO PERFORM ACUPUNCTURE HAVE WHAT THAT BOARD DETERMINES TO
8 BE THE PROPER EDUCATION OR DEMONSTRATED EXPERIENCE IN THE
9 PERFORMANCE OF ACUPUNCTURE.

10 Section 4. Fees.

11 The board may charge a reasonable fee, fixed by the board by
12 regulation, for all registrations, renewals and examinations
13 authorized by this act or the regulations promulgated under
14 section 3(b).

15 Section 5. Penalties.

16 (a) Registration.--Except as provided for in section 3(e),
17 it shall be unlawful for an individual to practice acupuncture
18 in this Commonwealth unless the individual is registered as an
19 acupuncturist by the board. An individual willfully violating
20 the provisions of this act shall be guilty of a misdemeanor of
21 the third degree.

22 (b) Injunction.--The unlawful practice of acupuncture as
23 defined may be enjoined by the courts on petition of the board
24 or by the commissioner. In any such proceeding, it shall not be
25 necessary to show that any person is individually injured by the
26 actions complained of. If the respondent is found guilty of the
27 unlawful practice of acupuncture, the court shall enjoin him
28 from so practicing unless he has been duly registered. Procedure
29 in such cases shall be the same as in any other injunction suit.
30 The remedy of injunction shall be in addition to criminal

1 prosecution and punishment.

2 Section 6. Disposition of certain moneys.

3 All fees, charges and fines collected under the provisions of
4 this act shall be appropriated pursuant to the provisions of
5 section 907 of the act of October 15, 1975 (P.L.390, No.111),
6 known as the Health Care Services Malpractice Act.

7 Section 7. Effective date.

8 ~~This act shall take effect immediately.~~

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9 (A) SECTION 3(B) OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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10 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX
11 MONTHS.