

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1662 Session of  
2007

INTRODUCED BY WANSACZ, WHEATLEY, FABRIZIO, SHIMKUS, GERGELY,  
DALLY, HARHART, JAMES, KIRKLAND, KOTIK, MANN, MANTZ, MURT,  
PYLE, REICHLEY, K. SMITH, SOLOBAY, THOMAS, VULAKOVICH AND  
YOUNGBLOOD, JULY 3, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 3, 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.