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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1186 Session of  
2021

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INTRODUCED BY QUINN, ROZZI AND NEILSON, APRIL 15, 2021

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 15, 2021

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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 definitions, for regulation  
5 of the practice of acupuncture, for penalties and for  
6 approval of acupuncture educational programs.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of February 14, 1986 (P.L.2,  
10 No.2), known as the Acupuncture Licensure Act, is amended by  
11 adding definitions to read:

12 Section 2. Definitions.

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

16 \* \* \*

17 "East Asian herbology." The use of herbal preparations and  
18 products that contain as active ingredients parts of plants,  
19 minerals and other organic materials or a combination of these  
20 items administered according to East Asian medicine tradition to

1 normalize function.

2 "Herbal therapy." The application of East Asian herbology to  
3 the treatment of acupuncture patients.

4 "Practitioner of Oriental medicine." An acupuncturist who is  
5 registered by the board to use herbal therapy.

6 Section 2. Section 3(h) of the act is amended and the  
7 section is amended by adding subsections to read:

8 Section 3. Regulation of the practice of acupuncture.

9 \* \* \*

10 (h) [Section not applicable to dentists, podiatrists and  
11 veterinarians] Exemptions from licensure.--This section shall  
12 not apply to [a]:

13 (1) A dentist performing acupuncture in connection with  
14 the practice of dentistry, a podiatrist performing  
15 acupuncture in connection with the practice of podiatry or a  
16 veterinarian performing acupuncture on animals in connection  
17 with the practice of veterinary medicine. The State Board of  
18 Dentistry with regard to dentists, the State Board of  
19 Podiatry with regard to podiatrists and the State Board of  
20 Veterinary Medical Examiners with regard to veterinarians  
21 shall assure that licensees of that board who perform  
22 acupuncture have what that board determines to be the proper  
23 education or demonstrated experience in the performance of  
24 acupuncture.

25 (2) An individual who holds a current license,  
26 certificate, registration or permit to practice acupuncture  
27 from another state, territory or country and seeks to  
28 practice acupuncture in this Commonwealth for the limited  
29 purpose of attending a continuing education acupuncture  
30 course in this Commonwealth.

1 (i) Oriental medicine.--

2 (1) An acupuncturist may practice Oriental medicine if  
3 the acupuncturist is registered with the board as a  
4 practitioner of Oriental medicine.

5 (2) An individual may not hold oneself out to be a  
6 practitioner of Oriental medicine unless the individual  
7 complies with paragraph (1).

8 (j) Emergency.--The board shall have the power to allow an  
9 individual who holds a current license as an acupuncturist in  
10 another state, the District of Columbia or a territory of the  
11 United States or who has obtained national certification to  
12 practice in this Commonwealth for no more than 60 days as part  
13 of a relief effort related to a state of emergency declared by  
14 the Federal Government or the Governor.

15 (k) Identification.--

16 (1) Except as provided under paragraph (2), an  
17 acupuncturist shall wear a tag or badge with lettering  
18 clearly visible to the patient bearing the acupuncturist's  
19 name and the title "acupuncturist."

20 (2) An individual who is a practitioner of Oriental  
21 medicine shall wear a tag or badge with lettering clearly  
22 visible to the patient bearing the individual's name and the  
23 title "practitioner of Oriental medicine."

24 (3) The word "doctor" may not appear on the tag or badge  
25 under paragraph (1) or (2) unless the acupuncturist or  
26 practitioner of Oriental medicine holds a doctoral degree in  
27 acupuncture or Oriental medicine.

28 Section 3. Sections 5(a) and 6.1 of the act are amended to  
29 read:

30 Section 5. Penalties.

1 (a) Licensure.--

2 (1) Except as provided for in section 3(e), (h)(1) and  
3 (j), unless an individual is licensed as an acupuncturist by  
4 the board, it shall be unlawful for an individual to:

5 (i) hold oneself out to be an acupuncturist or a  
6 practitioner of acupuncture; or

7 (ii) practice acupuncture in this Commonwealth  
8 [unless the individual is licensed as an acupuncturist by  
9 one of the boards].

10 (2) An individual willfully violating the provisions of  
11 this act shall be guilty of a misdemeanor of the third  
12 degree.

13 \* \* \*

14 Section 6.1. [Approval of acupuncture] Acupuncture educational  
15 programs.

16 (a) Approval.--The Department of Education of the  
17 Commonwealth shall approve any acupuncture educational program  
18 that meets the relevant and appropriate requirements of 22 Pa.  
19 Code (relating to education) and 24 Pa.C.S. Ch. 65 (relating to  
20 private colleges, universities and seminaries) and that meets or  
21 exceeds the standards required for acupuncture or oriental  
22 medicine programs established by an accrediting agency  
23 recognized by the United States Department of Education.

24 (b) Continuing education.--

25 (1) Acupuncturists must attend and complete 30 hours of  
26 mandatory continuing education during each two-year license  
27 period. Nationally certified education courses shall be  
28 considered as creditable, in addition to any other courses  
29 the board deems creditable toward meeting the requirements  
30 for continuing education. Credit may not be given for any

1 course in office management or practice building.

2 (2) An individual applying for the first time for  
3 licensure as an acupuncturist in this Commonwealth shall be  
4 exempted from the continuing education requirements under  
5 paragraph (1) for the biennial renewal period following  
6 initial licensure.

7 Section 4. This act shall take effect in 60 days.