

No. 2014-134

AN ACT

SB 990

Amending the act of February 14, 1986 (P.L.2, No.2), entitled, as amended, "An act regulating the right to practice acupuncture; requiring the licensure of acupuncturists; and providing a penalty," further providing for medical diagnosis; and providing for liability insurance.

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

Section 1. Section 3.1 of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Licensure Act, added November 29, 2006 (P.L.1625, No.186), is amended to read:

Section 3.1. Medical diagnosis.

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

(b) Treatment with diagnosis.—An acupuncturist may treat a person's condition beyond 60 calendar days from the date of the first treatment if the person obtained a diagnosis of the treated condition from a licensed physician, dentist or podiatrist.

(c) Exception.—Subsections (a) and (b) shall not apply if a person does not present any symptoms of a condition.

Section 2. The act is amended by adding a section to read:

Section 3.2. Liability insurance.

(a) Required coverage.—A licensee shall obtain and maintain, to the satisfaction of the board, professional liability insurance coverage in accordance with the provisions of this section.

(b) Minimum coverage.—A licensee under this act, practicing in this Commonwealth, shall maintain a level of professional liability insurance coverage in the minimum amount of \$1,000,000 per occurrence or claims made. Failure to maintain insurance coverage as required shall subject the licensee to disciplinary proceedings.

(c) Noncompliance.—A licensee shall notify the board within 30 days of the licensee's failure to be covered by the required insurance. Failure to notify the board shall be actionable under sections 3 and 5. The license to practice shall automatically be suspended upon failure to be covered by the required insurance and shall not be restored until submission to the board of satisfactory evidence that the licensee has the required professional liability insurance coverage.

(d) Evidence of compliance.—The board shall accept from a licensee as satisfactory evidence of insurance coverage under this subsection any or all of the following:

(1) Self-insurance.

(2) Personally purchased professional liability insurance.

(3) Professional liability insurance coverage provided by the licensee's employer or any similar type of coverage acceptable to the board.

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

APPROVED—The 24th day of September, A.D. 2014

TOM CORBETT