

No. 2002-49

AN ACT

SB 1007

Amending the act of February 14, 1986 (P.L.2, No.2), entitled "An act regulating the right to practice acupuncture; requiring the registration of acupuncturists; and providing a penalty," providing for the definition of "acupuncture educational program"; and further providing for the regulations of the practice of acupuncture.

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

Section 1. Section 2 of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, is amended by adding a definition to read:

Section 2. Definitions.

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

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"Acupuncture educational program." Training and instruction in acupuncture or supplemental acupuncture techniques offered by a degree-granting institution authorized by the Department of Education of the Commonwealth that leads to a master's degree, master's level certificate or diploma or first professional degree, that meets the relevant and appropriate requirements of 22 Pa. Code (relating to education) and 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

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Section 2. Section 3 of the act, amended December 15, 1986 (P.L.1618, No.183), is amended to read:

Section 3. Regulation of the practice of acupuncture.

(a) Registration required.—Except as provided in subsection [(e)] (h), an individual, including a physician, shall be registered with one of the boards before the individual may practice acupuncture in this Commonwealth. Individuals shall renew their registrations biennially with the appropriate board.

(b) Regulations to be promulgated.—The boards shall each promulgate regulations requiring the proper training of individuals, including physicians, before they may be registered to practice acupuncture in this Commonwealth. Proper training shall include, to the extent determined by the appropriate board, education or demonstrated experience in the practice of acupuncture. If a board requires successful completion of a written, oral

or practical examination in order to qualify for registration under this act, the examination shall be prepared and administered by a qualified and approved professional testing organization in the manner required for written examinations by section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The board may promulgate such other regulations as are deemed proper and necessary regarding the practice of acupuncture. If an individual is registered to practice acupuncture with one of the boards, the individual shall be considered to have met the requirements to be registered by the other board.

[(c) Practice to be under general supervision of a physician.—An acupuncturist is not required to practice acupuncture on the premises of the office of a physician; however, an acupuncturist, other than a physician or a person exempted as provided for in subsection (e), is required to practice acupuncture under the general supervision of a physician. The supervising physician is not required to be registered with a board as an acupuncturist. “General supervision” means the supervising physician shall:

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

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

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

(c) Practice of certain acupuncturists.—An acupuncturist, other than a licensed physician or a person exempted as provided for in subsection (h), shall, prior to administering the first treatment, do all of the following:

(1) Ensure that the patient has secured a written referral for treatment by acupuncture from a licensed physician. A referral under this paragraph shall place conditions and restrictions on the course of treatment if required as a matter of sound medical practice.

(2) Ensure that the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed physician.

(3) Keep a copy of the referral and the results of the medical diagnostic examination in the patient’s file.

(d) Supervision of students in acupuncture educational programs.—Nothing in this act shall prohibit students enrolled in an acupuncture educational program from performing acupuncture or supplemental acupuncture techniques in the course of their instruction, provided that a licensed physician is readily available for consultations

and that an acupuncturist is on site and responsible for the direct supervision of students.

(e) Faculty in acupuncture educational programs.—Nothing in this act shall prohibit faculty teaching in an acupuncture educational program or visiting guest lecturers from performing acupuncture or supplemental acupuncture techniques in the course of student instruction or during professional development seminars, provided that such individuals are registered as acupuncturists in this Commonwealth or registered as acupuncturists in another jurisdiction recognized by this Commonwealth and obtain temporary registration in this Commonwealth.

(f) Supplemental techniques.—The practice of acupuncture shall also encompass, as regulated by the board, the use of traditional and modern oriental therapeutics, heat therapy, moxibustion, electrical and low-level laser stimulation, acupressure and other forms of massage, herbal therapy and counseling that shall include the therapeutic use of foods and supplements and lifestyle modifications and any other techniques approved by the board. These supplemental techniques may be for use within the public domain or for use by any other licensed or registered health professionals, according to State law and regulation. None of the supplemental techniques under this subsection shall be a mandated coverage under an insurance policy.

[(d)] (g) Disciplinary and corrective measures.—Acupuncturists registered with the State Board of Medicine shall be subject to all disciplinary provisions applicable to medical doctors as set forth in the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985. Acupuncturists registered with the State Board of Osteopathic Medicine shall be subject to all disciplinary provisions applicable to osteopathic medical doctors as set forth in the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

[(e)] (h) Section not applicable to dentists, podiatrists and veterinarians.—This section shall not apply to a dentist performing acupuncture in connection with the practice of dentistry, a podiatrist performing acupuncture in connection with the practice of podiatry or a veterinarian performing acupuncture on animals in connection with the practice of veterinary medicine. The State Board of Dentistry with regard to dentists, the State Board of Podiatry with regard to podiatrists and the State Board of Veterinary Medical Examiners with regard to veterinarians shall assure that licensees of that board who perform acupuncture have what that board determines to be the proper education or demonstrated experience in the performance of acupuncture.

Section 3. The act is amended by adding a section to read:

Section 6.1. Approval of acupuncture educational programs.

The Department of Education of the Commonwealth shall approve any acupuncture educational program that meets the relevant and appropriate requirements of 22 Pa. Code (relating to education) and 24 Pa.C.S. Ch.

65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

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

APPROVED—The 16th day of May, A.D. 2002.

MARK S. SCHWEIKER