

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1186 Session of 2021

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2021

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 OR <--
10 PRACTITIONER OF ORIENTAL MEDICINE in another state, the District
11 of Columbia or a territory of the United States or who has
12 obtained national certification to practice ACUPUNCTURE OR <--
13 ORIENTAL MEDICINE in this Commonwealth for no more than 60 days
14 as part of a relief effort related to a state of emergency
15 declared by the Federal Government or the Governor.

16 (k) Identification.--

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

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

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

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

1 Section 5. Penalties.

2 (a) Licensure.--

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

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

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

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

14 * * *

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

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

25 (b) Continuing education.--

26 (1) Acupuncturists must attend and complete 30 hours of
27 mandatory continuing education during each two-year license
28 period. Nationally certified education courses shall be
29 considered as creditable, in addition to any other courses
30 the board deems creditable toward meeting the requirements

1 for continuing education. Credit may not be given for any
2 course in office management or practice building.

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

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