

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1490 Session of 2023

INTRODUCED BY GALLAGHER, HILL-EVANS, MADDEN, SCHLOSSBERG, CERRATO, BRENNAN, SANCHEZ, McNEILL, NEILSON, MULLINS, GREEN, GUZMAN AND D. WILLIAMS, JUNE 22, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 17, 2023

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

1 items administered according to East Asian medicine tradition to
2 normalize function.

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

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

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

9 Section 3. Regulation of the practice of acupuncture.

10 * * *

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

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

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

1 course in this Commonwealth.

2 (i) Oriental medicine.--An acupuncturist may practice
3 Oriental medicine if the acupuncturist is licensed with the
4 board as a practitioner of Oriental medicine and:

5 (1) has successfully completed an acupuncture education
6 program that includes the study of East Asian herbology and
7 passed an East Asian herbology examination approved by the
8 board; or

9 (2) has obtained national certification in East Asian
10 herbology or Oriental medicine from a certifying organization
11 approved by the board, which includes passing an East Asian
12 herbology examination.

13 (j) Emergency.--The board shall have the power to allow an
14 individual who holds a current license as an acupuncturist or
15 practitioner of Oriental medicine in another state, the District
16 of Columbia or a territory of the United States or who has
17 obtained national certification to practice acupuncture or
18 Oriental medicine in this Commonwealth for no more than 60 days
19 as part of a relief effort related to a state of emergency
20 declared by the Federal Government or the Governor.

21 (k) Identification.--

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

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

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

1 read:

2 Section 5. Penalties.

3 (a) Licensure.--

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

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

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

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

15 * * *

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

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

26 (b) Continuing education.--

27 (1) ~~Acupuncturists~~ EXCEPT AS PROVIDED IN PARAGRAPH (3), <--
28 ACUPUNCTURISTS must attend and complete 30 hours of mandatory
29 continuing education during each two-year license period.
30 Nationally certified education courses shall be considered as

1 creditable, in addition to any other courses the board deems
2 creditable toward meeting the requirements for continuing
3 education. Credit may not be given for any course in office
4 management or practice building.

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

10 (3) A LICENSED PHYSICIAN WHO IS ALSO AN ACUPUNCTURIST <--
11 SHALL COMPLETE AT LEAST NINE CREDIT HOURS OF MANDATORY
12 CONTINUING EDUCATION DURING EACH TWO-YEAR LICENSE PERIOD.

13 ~~(3)~~ (4) The board shall adopt, promulgate and enforce <--
14 rules and regulations consistent with the provisions of this
15 act establishing requirements of continuing education to be
16 met by individuals licensed as acupuncturists or
17 practitioners of Oriental medicine under this act as a
18 condition for renewal of their licenses. The regulations
19 shall include any fees necessary for the board to carry out
20 its responsibilities under this section.

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