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KIM KAUFMAN, EXECUTIVE DIRECTOR  
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 10, 2009

Ollice Bates, Jr., M.D., Chair  
State Board of Medicine  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-4924 (IRRC #2690)  
State Board of Medicine  
Acupuncture Licensure

Dear Mr. Bates:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

  
Arthur Coccodrilli

Chairman  
wbg  
Enclosure

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee  
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 10, 2009

Arthur Coccodrilli, Chairman  
George D. Bedwick, Vice Chairman  
S. David Fineman, Esq., by Phone  
Silvan B. Lutkewitte, III  
John F. Mizner, Esq.

Regulation No. 16A-4924 (#2690)  
State Board of Medicine  
Acupuncture Licensure

On April 21, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapters 16 and 18. The proposed regulation was published in the May 3, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2009.

This regulation implements Act 186 of 2006 which allows a registered acupuncturist to treat a person for 60 days before the person obtains a diagnosis from a physician, dentist, or podiatrist. Before passage of Act 186, a patient needed a referral from a physician to be treated by an acupuncturist. Consistent with Act 91 of 2008, the regulation also replaces terms such as "registration" and "registrant" with "licensure" and "licensee."

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 422.8, 1803(b) and 1803.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
Arthur Coccodrilli, Chairman