

HOUSE No. 3660

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Lawn, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for consumer access to and the right to practice complementary and alternative health care services.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-----------------------|------------------|
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>1/14/2019</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> | <i>1/25/2019</i> |
| <i>Donald H. Wong</i> | <i>9th Essex</i> | <i>1/28/2019</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> | <i>1/31/2019</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/31/2019</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> | <i>3/20/2019</i> |
| <i>Bradford Hill</i> | <i>4th Essex</i> | <i>3/20/2019</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>3/20/2019</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>3/21/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>3/21/2019</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>3/21/2019</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> | <i>3/21/2019</i> |
| <i>Kathleen R. LaNatra</i> | <i>12th Plymouth</i> | <i>3/21/2019</i> |

HOUSE No. 3660

By Mr. Lawn of Watertown, a petition (accompanied by bill, House, No. 3660) of John J. Lawn, Jr. and others for legislation to provide access to complementary and alternative health care services. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing for consumer access to and the right to practice complementary and alternative health care services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby by amended by adding the following 5 sections:

3 Section 275. Sections 275 to 280, inclusive, shall be known and may be cited as the
4 “Massachusetts Consumer Access and Right to Practice Complementary and Alternative Health
5 Care Act”.

6 Section 276. As used in sections 276 to 280, inclusive, the following terms shall have the
7 following meanings, unless the context clearly requires otherwise:-

8 “complementary and alternative health care practitioner” means an individual who
9 provides complementary and alternative health care services for remuneration or holds oneself
10 out to the public as a provider of complementary and alternative health care services and who is
11 not licensed, certified, or registered as a health care practitioner by the state of Massachusetts.

12 "complementary and alternative health care services" means the broad domain of health
13 and healing therapies and methods of practice not prohibited by section 279.

14 Section 277. (a) A complementary and alternative health care practitioner who is
15 providing complementary and alternative health care services shall not be in violation of chapter
16 93A or any other general or special law relative to health care practices unless the practitioner:

17 (i) fails to fulfill the duties of disclosure set forth in section 278, or

18 (ii) engages in any activity prohibited by section 279.

19 Section 278. (a) A complementary and alternative health care practitioner shall, prior to
20 providing services to a client for the first time, disclose the following information to the client in
21 a plainly worded written document:

22 (i) the practitioner's name, title, and business address and telephone number;

23 (ii) a description of the complementary and alternative health care services to be
24 provided;

25 (iii) the practitioner's degrees, training, experience, credentials, or other qualifications if
26 any, relative to the complementary and alternative health care services being provided; and

27 (iv) a statement that any client records and transactions with the complementary and
28 alternative health care practitioner are confidential unless the release of these records is
29 authorized in writing by the client or otherwise provided by law.

30 (b) Before providing complementary and alternative health care services to a client, a
31 complementary and alternative health care practitioner shall obtain a written acknowledgment

32 from the client stating that he or she has been provided with the information described in
33 subsection (a). The acknowledgement shall be maintained for 2 years by the practitioner.

34 Section 279. (a) A complementary and alternative health care practitioner shall not:

35 (i) perform surgery or any other procedure that punctures the skin of a person;

36 (ii) use radiation, radioactive substances or local, general or spinal anesthesia;

37 (iii) prescribe or administer any form of fluoroscopy on any person;

38 (iv) prescribe or administer a legend drug or controlled substance or a legend medical
39 device;

40 (v) provide a medical disease diagnosis;

41 (vi) perform a chiropractic adjustment;

42 (vii) represent that they practice massage therapy; or

43 (viii) hold out, state, indicate, advertise, or imply to any person that he or she is a health
44 care provider licensed, certified, or registered, by the commonwealth.

45 Section 280. (a) Sections 275 to 279, inclusive, shall not apply to, control, or prevent any
46 health care professional licensed, certified, or registered by the commonwealth, from practicing
47 lawfully and in accordance with any general or special law relative to their professional practice
48 or pursuant to any other general or special law.

49 (b) Sections 275 to 280, inclusive, shall not apply to, control, or prevent any acts or
50 persons that would otherwise already be exempt from professional practice acts.

SECTION 2. Section 1 shall take effect on January 1, 2020.