

SENATE No. 2634

The Commonwealth of Massachusetts

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

SENATE, April 16, 2020.

The committee on Public Health to whom was referred the petition (accompanied by bill, Senate, No. 665) of Nick Collins, Patricia D. Jehlen, Michael J. Rodrigues and Jason M. Lewis for legislation to provide for consumer access to and the right to practice complementary and alternative health care services, reports recommending that the accompanying bill (Senate, No. 2634).

For the committee,
Joanne M. Comerford

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**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 2018 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 276. (a) As used in this section, the following terms shall have the following
4 meanings, unless the context clearly requires otherwise:-

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

9 "complementary and alternative health care services", the broad domain of health and
10 healing therapies and methods of practice not prohibited by subsection (e).

11 (b) A complementary and alternative health care practitioner who is providing
12 complementary and alternative health care services shall not be in violation of any provisions of
13 this chapter relative to the licensing of health care professionals unless the practitioner:

14 (i) fails to fulfill the duties of disclosure set forth in subsection (c); or

15 (ii) engages in any activity prohibited by subsection (e).

16 (c) A complementary and alternative health care practitioner shall, prior to providing
17 services to a client for the first time, disclose the following information to the client in a plainly
18 worded written document:

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

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

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

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

27 (d) Before providing complementary and alternative health care services to a client, a
28 complementary and alternative health care practitioner shall obtain a written acknowledgment
29 from the client stating that he or she has been provided with the information described in
30 subsection (c). The acknowledgement shall be maintained for 2 years by the practitioner.

- 31 (e) A complementary and alternative health care practitioner shall not:
- 32 (i) perform surgery or any other procedure that punctures the skin of a person;
- 33 (ii) use radiation, radioactive substances or local, general or spinal anesthesia;
- 34 (iii) prescribe or administer any form of fluoroscopy on any person;
- 35 (iv) prescribe or administer a prescription drug or controlled substance or a prescription
36 medical device;
- 37 (v) provide a medical disease diagnosis;
- 38 (vi) perform a chiropractic adjustment;
- 39 (vii) represent that they practice massage therapy; or
- 40 (viii) hold out, state, indicate, advertise, or imply to any person that he or she is a health
41 care provider licensed, certified, or registered by the commonwealth.
- 42 (f) This section shall not apply to, control, or prevent any health care professional
43 licensed, certified, or registered by the commonwealth from practicing lawfully and in
44 accordance with any general or special law relative to their professional practice or pursuant to
45 any other general or special law.
- 46 (g) This section shall not apply to, control, or prevent any acts or persons that would
47 otherwise be permitted by law.

48 SECTION 2. Section 1 shall take effect on January 1, 2021.