

SENATE No. 665

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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:	
<i>Nick Collins</i>	<i>First Suffolk</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>2/22/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/27/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/11/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/11/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>3/28/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>4/26/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>4/26/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/26/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/9/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>3/4/2020</i>

SENATE No. 665

By Mr. Collins, a 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. Health Care Financing.

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 Chapter 112 of the General Laws, as appearing in the 2014 Official Edition, is hereby by
2 amended by inserting at the end thereof, the following new Section(s):-

3 Section 1. DEFINITIONS.

4 1. This Act shall be known and may be cited as the “Massachusetts Consumer Access and
5 Right to Practice Complementary and Alternative Health Care Act”

6 2. LEGISLATIVE INTENT.

7 (a) Based upon a report by the National Institutes of Health, and other research data, it is
8 evident that a large number of residents of this Commonwealth are consumers of a substantial
9 amount of health care from practitioners not licensed, registered, or certified by this state. Those
10 studies further indicate that individuals from a wide variety of age, ethnic, socioeconomic, and

other demographic categories utilize these health care services, often times referred to as complementary and alternative health care practices.

(b) Practice of complementary and alternative health care in some circumstances may be interpreted as the provision of a service that only an individual who is licensed or otherwise regulated by the state may perform. This could potentially subject providers of complementary and alternative health care to fines, penalties, and restrictions to their practices, despite their methods not posing an imminent and discernible risk of significant harm to the public's health and safety.

(c) Because the Commonwealth of Massachusetts recognizes and values the right of consumers to choose their preferred practitioner and modality of health care, including complementary and alternative therapies, the Legislature intends to remove current legal barriers to the public's access to those providers not otherwise licensed, certified, or registered by the state while securing the public's health and welfare with appropriate consumer protections and disclosures, as provided in this Act.

3. As used in this Act, the following definitions shall apply:

(a) "complementary and alternative health care health services" means the broad domain of health and healing therapies and methods of practice not prohibited by section (4) of this Act.

(b) "complementary and alternative health care practitioner" means an individual who provides complementary and alternative health care services for remuneration or holds oneself out to the public as a provider of complementary and alternative health care services and who is not licensed, certified, or registered as a health care practitioner by the state of Massachusetts.

Section. 2. PROVISION OF COMPLEMENTARY AND ALTERNATIVE HEALTH CARE.

1. A complementary and alternative health care practitioner who is providing complementary and alternative health care services shall not be in violation of Chapter 93A or any other health care practice act unless that individual:

(a) fails to fulfill the duties of disclosures set forth in section 3 of this Act, or

(b) engages in any activity prohibited in section 4 of this Act.

Section 3. DISCLOSURES.

1. A complementary and alternative health care practitioner shall, prior to providing services to a client for the first time, disclose the following information to the client in a plainly worded written document:

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

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

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

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

2. Before providing complementary and alternative health care services to a client, a complementary and alternative health care practitioner must obtain an acknowledgment from the client stating that he or she has been provided with the information described in this subsection. The acknowledgement must be maintained for 2 years by the practitioner.

Section 4. PROHIBITED ACTS.

1. A complementary and alternative health care practitioner shall not:

- (a) perform surgery or any other procedure that punctures the skin of a person;
- (b) use radiation, radioactive substances or local, general or spinal anesthesia;
- (c) prescribe or administer any form of fluoroscopy on any person;
- (d) prescribe or administer a legend drug or controlled substance or a legend medical device;
- (e) provide a medical disease diagnosis;
- (f) perform a chiropractic adjustment;
- (g) represent that they practice massage therapy; or
- (h) hold out, state, indicate, advertise, or imply to any person that he or she is a health care provider licensed, certified, or registered, by the Commonwealth.

Section 5. SCOPE OF CHAPTER – REMEDIES AND EXEMPTIONS.

69 1. This act does not apply to, control, or prevent any health care professional licensed,
70 certified, or registered by this state, from practicing lawfully and according to a professional
71 practice act or under other state law.

72 2. This act does not apply to, control, or prevent any acts or persons that would otherwise
73 already be exempt from professional practice acts.

74 Section 6. EFFECTIVE DATE.

75 This Act shall take effect January 1, 2020.