SENATE DOCKET, NO. 1085 FILED ON: 2/11/2021

# SENATE . . . . . No. 1380

## 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: | |
|---|---|---|
| *Nick Collins* | *First Suffolk* | |
| *Bradford Hill* | *4th Essex* | *2/25/2021* |
| *Christopher Hendricks* | *11th Bristol* | *2/25/2021* |
| *John Barrett, III* | *1st Berkshire* | *2/25/2021* |
| *Joanne M. Comerford* | *Hampshire, Franklin and Worcester* | *2/25/2021* |
| *Jack Patrick Lewis* | *7th Middlesex* | *2/25/2021* |
| *Patrick M. O'Connor* | *Plymouth and Norfolk* | *2/25/2021* |
| *Brendan P. Crighton* | *Third Essex* | *3/1/2021* |
| *Jason M. Lewis* | *Fifth Middlesex* | *3/4/2021* |
| *Christina A. Minicucci* | *14th Essex* | *3/5/2021* |
| *Brian M. Ashe* | *2nd Hampden* | *4/3/2021* |
| *Kathleen R. LaNatra* | *12th Plymouth* | *4/3/2021* |
| *Mathew J. Muratore* | *1st Plymouth* | *4/3/2021* |

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# SENATE . . . . . No. 1380

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1380) of Nick Collins, Bradford Hill, Christopher Hendricks, John Barrett, III and other members of the General Court for legislation to provide for consumer access to and the right to practice complementary and alternative health care services. Public Health.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court**
**(2021-2022)**

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:*

SECTION 1. Chapter 112 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following section:-

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

“complementary and alternative health care practitioner”, 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.

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

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

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

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

(c) 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:

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

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

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

(iv) 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.

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

(e) A complementary and alternative health care practitioner shall not:

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

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

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

(iv) prescribe or administer a prescription drug or controlled substance or a prescription medical device;

(v) provide a medical disease diagnosis;

(vi) perform a chiropractic adjustment;

(vii) represent that they practice massage therapy; or

(viii) 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.

(f) This section shall not apply to, control, or prevent any health care professional licensed, certified, or registered by the commonwealth from practicing lawfully and in accordance with any general or special law relative to their professional practice or pursuant to any other general or special law.

(g) This section shall not apply to, control, or prevent any acts or persons that would otherwise be permitted by law.

SECTION 2. Section 1 shall take effect on January 1, 2022.