

HOUSE No. 2033

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

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 disclosure of complementary and alternative health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>

HOUSE No. 2033

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 2033) of William Smitty Pignatelli, Denise Provost and Gailanne M. Cariddi relative to providing for consumer access to and disclosure of complementary and alternative health services. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing for consumer access to and disclosure of complementary and alternative health 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 2014 Official
2 Edition, is hereby by amended by inserting at the end thereof, the following new section:-

3 Section 264. (a) As used in this section, "complementary and alternative health services"
4 shall mean the broad domain of alternative healing therapies and health maintenance methods
5 not prohibited by subsection (d) of this Act.

6 (b) A complementary and alternative health practitioner who is providing
7 complementary and alternative health services and who is not licensed, registered or certified as
8 a health care provider under the Commonwealth shall not be in violation of Chapter 93A or any
9 other health care practice act unless that individual:

10 (i) fails to fulfill the duties of disclosures set forth in part (c) of this Act, or

11 (ii) engages in any activity prohibited in part (d) of this Act.

12 (c) Prior to providing complementary and alternative health services to a client for the
13 first time, the practitioner shall disclose the following information to the client in a plainly
14 worded written document:

- 15 (i) the practitioner's name, title, and business address and telephone number;
- 16 (ii) a description of the complementary and alternative health services to be provided;
- 17 (iii) the practitioner's degrees, training, experience, credentials, or other qualifications
18 relative to the complementary and alternative health services being provided;
- 19 (iv) a statement recommending to the client that they notify his or her other health
20 care providers of complementary and alternative health services he or she receives; and
- 21 (v) that any violation of this section of law constitutes a violation of chapter 93A, the
22 Commonwealth's consumer protection law.

23 Before providing complementary and alternative therapeutic services to a client, a
24 practitioner must obtain an acknowledgment from the client stating that he or she has been
25 provided with the information described in this subsection. The client shall be provided with a
26 copy of this acknowledgment. The signed acknowledgement must be maintained for 7 years by
27 the person providing the services.

28 (d) A person who provides complementary and alternative health services who is not
29 licensed, registered or certified as a health care provider under the Commonwealth shall not:

- 30 (i) perform surgery or any other procedure that punctures the skin of a person;
- 31 (ii) use radiation, radioactive substances or local, general or spinal anesthesia;

- 32 (iii) prescribe or administer any form of fluoroscopy on any person;
- 33 (iv) prescribe or administer a legend drug or controlled substance or a legend medical
34 device not otherwise licensed to prescribe;
- 35 (v) provide a medical diagnosis;
- 36 (vi) perform a chiropractic adjustment of the articulations of joints or the spine;
- 37 (vii) represent that they practice massage therapy;
- 38 (viii) fail to comply with any local licensing or regulatory requirements;
- 39 (ix) hold out, state, indicate, advertise, or imply to any person that he or she is a health
40 care provider licensed, certified, or registered, by the Commonwealth.

41 (e) Any advertisement for complementary and alternative health services must disclose
42 that the practitioner is not licensed, certified, or registered, as a health care provider by the
43 Commonwealth with respect to the complementary and alternative health services advertised
44 unless they are so licensed, certified, or registered with respect to those services.

45 (f) Nothing in this act shall prohibit any licensed health care provider in the
46 Commonwealth from performing any complementary and alternative health services regulated
47 by this Act, provided that he or she complies with part (c) and (e) of this Act. No licensed health
48 care provider shall be penalized for consulting with or referring to a practitioner practicing in
49 compliance with this law.

50 (g) Notwithstanding any other provision of law, a person who provides complementary
51 and alternative health services in accordance with this section shall not be in violation of Chapter
52 93A or any other health care practice act.