

SENATE BILL 357

J2

0lr1171
CF 0lr0455

By: **Senator Harrington**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Wellness Practitioners – Exemption from Licensure as**
3 **Physicians**

4 FOR the purpose of providing that the provisions of the Maryland Medical Practice Act
5 do not prohibit certain individuals who provide certain complementary and
6 alternative health services from practicing in the State; authorizing a wellness
7 practitioner to practice in the State if the wellness practitioner has not had a
8 license restricted, suspended, or revoked without subsequent reinstatement, has
9 not been convicted of certain crimes or adjudicated to be mentally incompetent,
10 and does not take certain actions as a wellness practitioner or otherwise;
11 requiring certain wellness practitioners to develop certain disclosure statements
12 that include certain information and certain statements; requiring certain
13 wellness practitioners to require certain individuals to sign and acknowledge
14 receipt of certain statements; requiring certain wellness practitioners to retain
15 certain documents for a certain period of time; providing for the application of
16 this Act; defining certain terms; and generally relating to wellness practitioners
17 and the provision of complementary and alternative health services.

18 BY adding to
19 Article – Health Occupations
20 Section 14–103
21 Annotated Code of Maryland
22 (2009 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health Occupations**

26 **14–103.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(2) “COMPLEMENTARY AND ALTERNATIVE HEALTH SERVICES”**
4 **MEANS ADVICE AND THERAPY SERVICES BASED ON COMPLEMENTARY AND**
5 **ALTERNATIVE THEORIES OF HEALTH AND WELLNESS AND RELATED TO THE**
6 **HUMAN BODY AND ITS FUNCTIONS.**

7 **(3) “WELLNESS PRACTITIONER” MEANS AN INDIVIDUAL WHO IS**
8 **NOT LICENSED AS A PHYSICIAN UNDER THIS TITLE AND WHO PROVIDES**
9 **COMPLEMENTARY AND ALTERNATIVE HEALTH SERVICES IN ACCORDANCE WITH**
10 **THIS SECTION.**

11 **(B) THIS TITLE DOES NOT PROHIBIT A WELLNESS PRACTITIONER FROM**
12 **PRACTICING IN THE STATE IF THE WELLNESS PRACTITIONER:**

13 **(1) HAS NOT:**

14 **(I) HAD A LICENSE RESTRICTED, SUSPENDED, OR**
15 **REVOKED BY A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE THAT WAS**
16 **NOT SUBSEQUENTLY REINSTATED;**

17 **(II) BEEN CONVICTED OF A FELONY RELATING TO THE**
18 **PROVISION OF COMPLEMENTARY AND ALTERNATIVE HEALTH SERVICES; OR**

19 **(III) BEEN ADJUDICATED TO BE MENTALLY INCOMPETENT;**
20 **AND**

21 **(2) DOES NOT, AS A WELLNESS PRACTITIONER OR OTHERWISE:**

22 **(I) CONDUCT SURGERY OR ANY OTHER PROCEDURE THAT**
23 **PUNCTURES THE SKIN OR HARMFULLY INVADES THE BODY OF ANOTHER**
24 **INDIVIDUAL;**

25 **(II) PRESCRIBE OR ADMINISTER X-RAY RADIATION TO**
26 **ANOTHER INDIVIDUAL;**

27 **(III) PRESCRIBE, ADMINISTER, OR RECOMMEND**
28 **PRESCRIPTION DRUGS OR CONTROLLED SUBSTANCES TO ANOTHER**
29 **INDIVIDUAL;**

30 **(IV) RECOMMEND THE DISCONTINUANCE OF PRESCRIPTION**
31 **DRUGS OR CONTROLLED SUBSTANCES PRESCRIBED BY AN APPROPRIATELY**
32 **LICENSED HEALTH CARE PRACTITIONER;**

1 **(V) WILLFULLY DIAGNOSE AND TREAT A PHYSICAL OR**
2 **MENTAL CONDITION OF AN INDIVIDUAL UNDER CIRCUMSTANCES OR**
3 **CONDITIONS THAT CAUSE OR CREATE RISK OF SIGNIFICANT BODILY HARM,**
4 **SERIOUS PHYSICAL OR MENTAL ILLNESS, OR DEATH;**

5 **(VI) SET FRACTURES;**

6 **(VII) TREAT LACERATIONS OR ABRASIONS THROUGH**
7 **ELECTROTHERAPY; OR**

8 **(VIII) HOLD OUT, STATE, INDICATE, ADVERTISE, OR IMPLY TO**
9 **A CLIENT OR PROSPECTIVE CLIENT THAT THE WELLNESS PRACTITIONER IS A**
10 **PHYSICIAN, SURGEON, OR BOTH.**

11 **(C) (1) A WELLNESS PRACTITIONER SHALL DEVELOP A DISCLOSURE**
12 **STATEMENT, WRITTEN IN PLAIN LANGUAGE, THAT INCLUDES:**

13 **(I) THE WELLNESS PRACTITIONER'S NAME, BUSINESS**
14 **ADDRESS, TELEPHONE NUMBER, AND, IF APPLICABLE, ELECTRONIC MAIL**
15 **ADDRESS;**

16 **(II) THE NATURE OF THE COMPLEMENTARY AND**
17 **ALTERNATIVE HEALTH SERVICES TO BE PROVIDED;**

18 **(III) THE WELLNESS PRACTITIONER'S:**

19 **1. EDUCATION, INCLUDING THE NAMES OF SCHOOLS**
20 **ATTENDED AND FROM WHICH THE WELLNESS PRACTITIONER EARNED A**
21 **DIPLOMA;**

22 **2. TRAINING;**

23 **3. CREDENTIALS ISSUED BY ANOTHER STATE OR**
24 **FOREIGN COUNTRY AUTHORIZING THE WELLNESS PRACTITIONER TO PROVIDE**
25 **SERVICES IN THAT JURISDICTION;**

26 **4. EXPERIENCE; AND**

27 **5. OTHER RELEVANT QUALIFICATIONS OF THE**
28 **WELLNESS PRACTITIONER REGARDING THE COMPLEMENTARY AND**
29 **ALTERNATIVE HEALTH SERVICES TO BE PROVIDED;**

1 (IV) A STATEMENT THAT THE WELLNESS PRACTITIONER IS
2 NOT AN “M.D.” OR A “D.O.” WHO IS LICENSED TO PRACTICE MEDICINE IN THE
3 STATE;

4 (V) 1. A STATEMENT THAT THE INDIVIDUAL RECEIVING
5 SERVICES FROM THE WELLNESS PRACTITIONER MAY CONTACT THE CONSUMER
6 PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL TO FILE A
7 COMPLAINT REGARDING THE WELLNESS PRACTITIONER’S COMPLIANCE WITH
8 THIS SECTION; AND

9 2. THE TELEPHONE NUMBER OF THE CONSUMER
10 HOTLINE OF THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE
11 ATTORNEY GENERAL; AND

12 (VI) THE FOLLOWING PARAGRAPH:

13 “MARYLAND HAS NOT ADOPTED ANY EDUCATION, TRAINING, OR
14 PRACTICE STANDARDS FOR COMPLEMENTARY AND ALTERNATIVE HEALTH
15 SERVICES PROVIDED BY WELLNESS PRACTITIONERS. THIS DISCLOSURE
16 STATEMENT IS FOR INFORMATIONAL PURPOSES ONLY AND YOU, AS THE CLIENT,
17 MUST MAKE YOUR OWN INFORMED DECISION REGARDING THE
18 COMPLEMENTARY AND ALTERNATIVE HEALTH SERVICES YOU INTEND TO
19 RECEIVE AND REGARDING THE EDUCATION, TRAINING, AND COMPETENCY OF
20 THE WELLNESS PRACTITIONER WHO WILL DELIVER THOSE SERVICES. A
21 WELLNESS PRACTITIONER MAY NOT PROVIDE A MEDICAL DIAGNOSIS AND MAY
22 NOT INSTRUCT OR DIRECT YOU TO DISCONTINUE TREATMENT PRESCRIBED BY A
23 LICENSED HEALTH CARE PRACTITIONER.”.

24 (2) A WELLNESS PRACTITIONER SHALL REQUIRE EACH
25 INDIVIDUAL RECEIVING SERVICES FROM THE WELLNESS PRACTITIONER TO
26 SIGN AND ACKNOWLEDGE HAVING RECEIVED THE DISCLOSURE STATEMENT
27 DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) THE WELLNESS PRACTITIONER SHALL RETAIN A COPY OF THE
29 SIGNED ACKNOWLEDGEMENT OBTAINED UNDER PARAGRAPH (2) OF THIS
30 SUBSECTION FOR AT LEAST 2 YEARS FOLLOWING THE MOST RECENT DATE OF
31 SERVICE FOR THE INDIVIDUAL.

32 (D) THIS SECTION DOES NOT APPLY TO A HEALTH CARE PRACTITIONER
33 LICENSED, CERTIFICATED, OR REGISTERED UNDER THIS ARTICLE WHO
34 PRACTICES WITHIN THE SCOPE OF THAT LICENSE, CERTIFICATE, OR
35 REGISTRATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.