

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish the Right To Practice Complementary and Alternative Health Care Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:

SUBCHAPTER 5

COMPLEMENTARY AND ALTERNATIVE HEALTH CARE

§ 12601. Short title

This subchapter may be known and cited as "the Right To Practice Complementary and Alternative Health Care Act."

§ 12602. License not required

A person who provides health care services in accordance with this subchapter but who is not licensed, certified or registered in this State as a health care professional or practitioner under this Title does not violate any law relating to the licensing of health care professionals under this Title as long as the person complies with the requirements of this subchapter. For the purposes of this subchapter, "health care services" means complementary or alternative health care services.

1. Prohibited acts. A person providing health care services under this subchapter may not engage in any of the following activities:

- A. Performing surgery, setting fractures or performing any other procedure on a person that punctures the skin;
- B. Administering or prescribing radiation, including x-ray radiation;
- C. Prescribing or administering medications, drugs or devices that require a prescription from a licensed health care professional;
- D. Recommending the discontinuance of medications or drugs or the use of devices prescribed by a licensed health care professional;
- E. Performing chiropractic adjustment of joints or spine; or
- F. Acting in any way that suggests, advertises or implies that the person providing health care services is licensed as a health care professional under any other chapter of this Title.

2. Required disclosures. A person who provides health care services under this subchapter and is advertising or charging a fee for those services shall, prior to providing services, disclose the following in writing to the person receiving services:

- A. The name, business address and telephone number of the person providing health care services;
- B. The fact that the person providing health care services is not a licensed health care professional;
- C. The nature of the health care services to be provided; and
- D. The degrees, training, experience, credentials or other qualifications of the person providing health care services.

A written copy of the disclosures required under this subsection must be posted in a prominent location on the premises where the health care services are being provided.

3. Acknowledgment required. Prior to providing health care services to another person for the first time, the person providing services shall obtain a written, signed statement that the disclosures required in subsection 2 have been provided and understood. The written, signed statement must be retained for 2 years by the person providing the health care services.

4. Relief. This subchapter does not limit the right of any person to seek relief for negligence or other civil remedy against a person providing health care services subject to this subchapter.

5. Scope of practice. This subchapter does not affect the scope of practice of a health care professional licensed under this Title.

This subchapter may not be construed to prevent a person from providing health care services that would otherwise be exempt under this Title. This subchapter may not be construed to require a person to be licensed to provide services that would be exempt under this Title.

SUMMARY

This bill establishes the Right To Practice Complementary and Alternative Health Care Act. The bill provides that a person providing alternative or complementary health care services who is not licensed under the Maine Revised Statutes, Title 32 may provide health care services as long as the person does not perform surgery, prescribe medications, drugs or devices that require a prescription, perform chiropractic manipulation or falsely state that the person is a licensed health care professional. The person providing services must disclose certain information to the person receiving services and must collect and retain a signed statement granting permission to provide services.