

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

An Act Relating to Complementary and Alternative Medicine Licensure

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

Sec. 1. 32 MRSA §12501, sub-§5-B is enacted to read:

5-B. Holistic health practitioner. "Holistic health practitioner" means:

A. Any person who is not a licensed massage therapist, but through accredited formal education and training engages in therapeutic touch or acupressure, massage or myofascial work or reflexology for the purpose of opening energy pathways within the human body;

B. Any person who is not a licensed dietician, but through accredited formal education and training in the field of nutritional science provides information and makes recommendations regarding nutrition or dietary supplements;

C. Any person who through accredited formal education and training engages in clinical aromatherapy and uses or makes recommendations for the use or consumption of essential oils to support wellness;

D. Any person who is Native American and engages in Native American shamanic practices;

E. Any person who through accredited formal education and training engages in psychoneuroimmunology practices to affect the mind-body relationship; or

F. Any person who engages in formal or informal coaching practices to recommend lifestyle changes or behavioral modifications to affect the mind-body relationship.

Sec. 2. 32 MRSA §12502, sub-§1, as amended by PL 2015, c. 502, §6, is further amended to read:

1. Membership. The Board of Complementary Health Care Providers, as established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of acupuncture, naturopathic medicine, holistic health and midwifery according to the provisions of this chapter. The board consists of 9 members appointed by the Governor. The Governor shall make the initial appointments to the board no later than 60 days after the effective date of this section and shall inform the Commissioner of Professional and Financial Regulation of these appointments. The commissioner shall call the first meeting of the board on a date no later than 30 days following notification of appointments by the Governor. All members of the board must be residents of this State. Two members of the board must be acupuncturists licensed in this State. Two members of the board must be naturopathic doctors who are eligible for licensure under, or are licensed pursuant to, the requirements of subchapter 3. One member must be a certified professional midwife licensed in this State. One member must be a midwife of any classification licensed in this State. One member must be a public member as defined in Title 5, section 12004-A. One member must be an

allopathic or osteopathic physician, board-certified in obstetrics and gynecology, who is licensed in this State. One member must be a physician or nurse practitioner with a specialty in pediatric care who is licensed in this State.

Sec. 3. 32 MRSA §12503, sub-§1, as amended by PL 2015, c. 502, §§7 and 8, is further amended to read:

1. Duties. The board shall:

A. Adopt rules necessary to administer this chapter;

B. Set standards of practice for acupuncturists ~~and~~, naturopathic doctors and holistic health practitioners;

B-1. Set the standards of practice for midwives. Prior to January 1, 2021, rules relating to the limitations in section 12536, the drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth and data collection and reporting must be adopted by the board in joint rulemaking with the Board of Licensure in Medicine. On or after January 1, 2021, rules adopted pursuant to this paragraph must be adopted by the board. All other rules must be adopted by the board.

D. Ensure that acupuncturists, naturopathic doctors ~~and~~, midwives and holistic health practitioners serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public; and

E. Administer and enforce the provisions of this chapter and any rules adopted by the board under that authority granted in this chapter.

Sec. 4. 32 MRSA §12504, as amended by PL 2015, c. 502, §9, is further amended to read:

§ 12504.Unauthorized employment

A person in the course of business may not employ an acupuncturist, naturopathic doctor ~~or~~, midwife or holistic health practitioner who does not have a license unless that person is a student or intern within the meaning of this chapter.

Sec. 5. 32 MRSA §12505-A, as amended by PL 2015, c. 502, §10, is further amended to read:

§ 12505-A.Unlicensed practice

A person who violates section 12504, 12511, 12521 ~~or~~, 12531 or 12551 is subject to the provisions of Title 10, section 8003.

Sec. 6. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:

SUBCHAPTER 5

HOLISTIC HEALTH PRACTITIONER LICENSING REQUIREMENTS AND SCOPE OF PRACTICE

§ 12551. Licensure

1. Licensure required. A person may not practice holistic health or profess to be practicing as a holistic health practitioner in this State unless that person holds a current and valid license from the board.

2. Exception. This chapter does not apply to any person who is licensed to practice any healing art or science and who uses holistic health practices in the course of that practice and within the scope of that license.

§ 12552. Qualifications for holistic health practitioners

The eligibility of an applicant for a license to practice holistic health must be determined in accordance with the following.

1. Eligibility. To be eligible to apply for a license to practice holistic health, an applicant must:

A. Be at least 21 years of age;

B. Hold or have held licensure or professional certification in any licensed medical or dental profession in the United States or hold or have held certification as an educational or behavioral consultant in this State;

C. Hold certification in at least 2 complementary health practices described in section 12501, subsection 5-B; and

D. Have met requirements regarding education and experience as established by the board. These requirements must include the following:

(1) Satisfactory evidence of either:

(a) Completion of a doctoral degree from an accredited institution of higher learning in the United States, completion of a practicum or internship in the field of intended practice and completion of 1,800 hours of supervision from a licensed complementary health care provider in this State or at a public health facility; or

(b) Completion of a master's degree in the last 10 years and completion of at least 24 credits of classroom instruction in any combination of biology, anatomy, chemistry, physiology, psychology or pharmacology or completion of military training in the medical or dental field with demonstrated proof of certification as a complementary health care provider after military service;

(2) Documented training in no less than 4 of the 7 recognized mind-body modalities, including manual healing methods, clinical aromatherapy and herbal medicine, alternative systems of medical practice, mind-body interventions, bio-electromagnetic applications and life or health coaching. The board may not consider training in iridology, homeopathy or colonic cleansing as acceptable evidence of education or training for qualification under this section;

(3) Documented evidence of completion of no less than 3 credit hours in the ethics of complementary and alternative medical practices or coaching standards at an accredited institution of higher learning;

(4) An agreement and supervision plan with a licensed complementary health care provider to provide no less than 1,800 hours of clinical supervision of the applicant; and

(5) Satisfactory evidence of professional liability insurance.

2. Endorsement. An applicant who holds a current valid license to practice holistic health from another state with requirements for licensure at least equal to the requirements under this section must be issued a license by the board.

§ 12553. Licensing

1. Licensed holistic health practitioner. The board shall issue a license to practice holistic health to an applicant who has satisfactorily met the following minimal requirements:

A. The eligibility requirements set forth in section 12552; and

B. Any other reasonable criteria the board may prescribe by rule, including criteria related to consumer disclosure, materials used for marketing and compliance with policies for medical privacy and informed consent in accordance with federal and state law.

§ 12554. Scope of practice

The scope of practice of holistic health practitioners includes the use of techniques and modalities in multiple areas of science-based, complementary and energy-based forms of healing as described in this section.

1. Limited noninvasive medical procedures. A holistic health practitioner may engage in limited noninvasive medical procedures, including taking vital statistics, recording and tracking body weight and ordering and interpreting laboratory tests from qualified laboratories for the explicit purpose of making recommendations for health coaching in mind-body practices or consultations with other health care providers.

2. Therapeutic touch. A holistic health practitioner may engage in therapeutic or physical touch, acupressure, myofascial release and directional manipulation of the energy meridians as used in the practice of qi gong, tsubo and techniques involving essential oils.

3. Essential oils. A holistic health practitioner may recommend the use of or create blends of commercially prepared essential oils, herbal supplements or vitamin and mineral supplements as long as those oils and supplements are designated with the nomenclature "generally recognized as safe."

4. No diagnosis or prescription authority. A holistic health practitioner may not engage in:

A. The diagnosis of any medical condition or illness, physical or mental, or any structural defect in the human body; or

B. The recommendation for use or prescription of any federally scheduled medication or controlled botanical substance, including marijuana or kratom products.

§ 12555. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any application may not exceed \$175 and the fee for initial and renewal licensure may not exceed \$275 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

§ 12556. Reapplication

Any applicant who is denied a license as a holistic health practitioner may apply again for licensing after a period of not less than 6 months from the date of the last denial.

§ 12557. Application for renewal

1. Requirements. Prior to the expiration of a license, a licensee may make an application for renewal upon payment of the renewal fee as set under section 12555 and upon satisfactory demonstration of completion of continuing education requirements adopted by the board as a condition of renewal.

2. Late renewal. An application made no more than 90 days past the date of expiration of a license must include a late fee in addition to the renewal fee as set under section 12555. An application received more than 90 days past the expiration date is subject to all requirements covering new applicants under this chapter.

3. Continuing education. When renewing a license, a holistic health practitioner must certify to successful completion of continuing education. The minimum continuing education requirement for license renewal is 10 hours annually and 30 hours in a 3-year period. The board may further define and implement these continuing education requirements through rulemaking, except that the board must accept evidence of the following as successful completion of continuing education:

- A. Completion of a doctoral program in mind-body medicine from an accredited institution of higher learning or the publishing of a book in the field of mind-body medicine accounts for no less than 30 hours;
- B. Attendance at a convention on complementary health practices for no less than 3 days or publishing an article in a complementary health journal accounts for no less than 10 hours;
- C. Completion of a 2-page synopsis of any complementary health publication or presenting at a complementary health seminar for at least 2 hours accounts for no less than 5 hours; and
- D. Completion of a one-page synopsis of a peer-reviewed complementary health article accounts for one hour.

SUMMARY

This bill establishes a licensing requirement for holistic health practitioners, defines "holistic health practitioner," establishes applicant eligibility requirements and license renewal requirements and establishes the scope of practice.