

SENATE BILL 986

J2, J1

9lr1297
CF HB 1380

By: **Senator Garagiola**

Introduced and read first time: February 25, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Complementary Alternative Medicine Health Care Providers – Scope of**
3 **Practice and Provider Registry**

4 FOR the purpose of providing that the provisions of the Maryland Medical Practice Act
5 do not prohibit certain individuals from administering certain treatments or
6 providing certain advice to other individuals if the individuals administering
7 the treatment or providing the advice do not act in a certain manner; requiring
8 the individual to whom the treatment or advice is provided to sign a certain
9 disclosure form that includes certain information; establishing a
10 Complementary Alternative Medicine Health Care Provider Registry in the
11 Department of Health and Mental Hygiene; requiring the Secretary of Health
12 and Mental Hygiene to adopt regulations to implement the provisions of this
13 Act; prohibiting certain individuals from practicing complementary alternative
14 medicine and prohibiting individuals from using certain titles unless certain
15 individuals register with the Registry; providing for the application of the
16 provisions of this Act; authorizing the Secretary to set certain fees and obtain
17 certain services for the Registry; requiring the Department to carry out certain
18 efforts to increase public awareness of the Registry; providing for certain
19 registration requirements; authorizing the Secretary to deny or revoke a
20 certificate of registration under certain circumstances; establishing certain
21 hearing provisions; establishing certain requirements for access to the Registry;
22 defining certain terms; and generally relating to the scope of practice and a
23 registry for complementary alternative medicine health care providers.

24 BY repealing and reenacting, with amendments,
25 Article – Health Occupations
26 Section 14–102
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2008 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General
2 Section 20–1301 through 20–1307 to be under the new subtitle “Subtitle 13.
3 Complementary Alternative Medicine Health Care Provider Registry”
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2008 Supplement)

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

8 **Article – Health Occupations**

9 14–102.

10 (a) This title does not limit the right of:

11 (1) An individual to practice a health occupation that the individual is
12 authorized to practice under this article; or

13 (2) A Christian Science practitioner, who is accredited by the First
14 Church of Christ, Scientist, in Boston, Massachusetts, from:

15 (i) Dealing with human ills in accordance with the tenets of
16 Christian Science; and

17 (ii) Charging for services.

18 (b) This title does not prohibit a licensed dentist or any other individual
19 authorized to practice dentistry under Title 4 of this article, who has administered
20 anesthesia regularly in hospitals in this State for at least 15 years before June 1, 1962,
21 from practicing anesthesiology or administering anesthesia for medical purposes.

22 **(C) THIS TITLE DOES NOT PROHIBIT AN INDIVIDUAL FROM**
23 **ADMINISTERING TREATMENT OR PROVIDING ADVICE REGARDING THE HUMAN**
24 **BODY AND ITS FUNCTIONS TO ANOTHER INDIVIDUAL IF THE INDIVIDUAL:**

25 **(1) DOES NOT:**

26 **(I) CONDUCT SURGERY OR ANY OTHER PROCEDURE THAT**
27 **PUNCTURES THE SKIN OR HARMFULLY INVADES THE BODY OF ANOTHER**
28 **INDIVIDUAL;**

29 **(II) PRESCRIBE OR ADMINISTER X-RAY RADIATION TO**
30 **ANOTHER INDIVIDUAL;**

31 **(III) PRESCRIBE OR ADMINISTER PRESCRIPTION DRUGS OR**
32 **CONTROLLED SUBSTANCES TO ANOTHER INDIVIDUAL;**

1 (IV) RECOMMEND THE DISCONTINUANCE OF PRESCRIPTION
2 DRUGS OR CONTROLLED SUBSTANCES PRESCRIBED BY AN APPROPRIATELY
3 LICENSED HEALTH CARE PRACTITIONER;

4 (V) WILLFULLY DIAGNOSE AND TREAT A PHYSICAL OR
5 MENTAL CONDITION OF AN INDIVIDUAL UNDER CIRCUMSTANCES OR
6 CONDITIONS THAT CAUSE OR CREATE RISK OF GREAT BODILY HARM, SERIOUS
7 PHYSICAL OR MENTAL ILLNESS, OR DEATH;

8 (VI) SET FRACTURES;

9 (VII) TREAT LACERATIONS OR ABRASIONS THROUGH
10 ELECTROTHERAPY; OR

11 (VIII) HOLD OUT, STATE, INDICATE, ADVERTISE, OR IMPLY TO
12 A CLIENT OR PROSPECTIVE CLIENT THAT THE INDIVIDUAL IS A PHYSICIAN, A
13 SURGEON, OR BOTH; AND

14 (2) REQUIRES EACH INDIVIDUAL RECEIVING SERVICES TO SIGN A
15 DISCLOSURE FORM, WRITTEN IN PLAIN LANGUAGE, THAT:

16 (I) DESCRIBES THE HEALTH CARE PROVIDER'S:

17 1. EDUCATION, INCLUDING THE NAMES OF SCHOOLS
18 ATTENDED AND FROM WHICH THE PROVIDER EARNED A DIPLOMA;

19 2. TRAINING;

20 3. EXPERIENCE IN THE ALTERNATIVE OR
21 COMPLEMENTARY TREATMENT BEING PROVIDED; AND

22 4. CREDENTIALS ISSUED BY ANOTHER STATE OR
23 FOREIGN COUNTRY AUTHORIZING THE INDIVIDUAL TO PROVIDE SERVICES IN
24 THAT JURISDICTION;

25 (II) CLEARLY STATES THAT THE HEALTH CARE PROVIDER IS
26 NOT AN "M.D." OR A "D.O." WHO IS LICENSED TO PRACTICE MEDICINE IN THIS
27 STATE;

28 (III) THE TREATMENT PROVIDED TO THE INDIVIDUAL IS AN
29 ALTERNATIVE OR COMPLEMENTARY TREATMENT TO ANY OTHER HEALTH CARE
30 SERVICES THAT ARE LICENSED BY THE STATE;

1 (IV) DESCRIBES THE NATURE OF THE SERVICES TO BE
2 PROVIDED AND THE THEORY OF TREATMENT ON WHICH THE SERVICES ARE
3 BASED; AND

4 (V) THE SERVICES BEING PROVIDED TO THE INDIVIDUAL
5 ARE NOT LICENSED BY THE STATE.

6 Article - Health - General

7 SUBTITLE 13. COMPLEMENTARY ALTERNATIVE MEDICINE HEALTH CARE
8 PROVIDER REGISTRY.

9 20-1301.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "CAM" MEANS COMPLEMENTARY ALTERNATIVE MEDICINE.

13 (C) "COMPLEMENTARY ALTERNATIVE MEDICINE HEALTH CARE
14 PROVIDER" OR "CAM PROVIDER" MEANS AN INDIVIDUAL WHO PRACTICES
15 COMPLEMENTARY ALTERNATIVE MEDICINE.

16 (D) "PRACTICE COMPLEMENTARY ALTERNATIVE MEDICINE" MEANS,
17 FOR A FEE OR OTHER VALUABLE CONSIDERATION, TO ADMINISTER TREATMENT
18 AND PRODUCTS AND TO PROVIDE ADVICE REGARDING THE HUMAN BODY AND
19 ITS FUNCTIONS TO ANOTHER INDIVIDUAL IN CONJUNCTION WITH OR AS A
20 SUBSTITUTION FOR STANDARD MEDICAL CARE THAT IS REGULATED UNDER
21 TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

22 (E) "REGISTRY" MEANS THE COMPLEMENTARY ALTERNATIVE
23 MEDICINE HEALTH CARE PROVIDER REGISTRY.

24 20-1302.

25 (A) THERE IS A COMPLEMENTARY ALTERNATIVE MEDICINE HEALTH
26 CARE PROVIDER REGISTRY IN THE DEPARTMENT.

27 (B) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THE
28 PROVISIONS OF THIS SUBTITLE.

29 20-1303.

1 (A) (1) AN INDIVIDUAL MAY NOT PRACTICE COMPLEMENTARY
2 ALTERNATIVE MEDICINE IN THE STATE UNLESS THE INDIVIDUAL REGISTERS
3 WITH THE REGISTRY.

4 (2) AN INDIVIDUAL MAY NOT USE THE TITLE “COMPLEMENTARY
5 ALTERNATIVE MEDICINE HEALTH CARE PROVIDER”, “CAM PROVIDER”, OR
6 “REGISTERED CAM PROVIDER” UNLESS REGISTERED WITH THE REGISTRY.

7 (B) THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO IS
8 AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THE HEALTH
9 OCCUPATIONS ARTICLE.

10 **20-1304.**

11 (A) (1) THE SECRETARY MAY, BY REGULATION, SET A FEE FOR ANY
12 SERVICE OF THE REGISTRY, INCLUDING AN INITIAL FEE TO REGISTER WITH THE
13 REGISTRY AND RENEWAL FEES.

14 (2) THE FEES SET BY THE SECRETARY MAY NOT, IN THE
15 AGGREGATE, EXCEED THE DEPARTMENT’S COSTS TO ESTABLISH AND OPERATE
16 THE REGISTRY.

17 (B) (1) THE DEPARTMENT MAY, BY CONTRACT, OBTAIN FROM ANY
18 PERSON SERVICES RELATED TO THE ESTABLISHMENT AND OPERATION OF THE
19 REGISTRY.

20 (2) NOTWITHSTANDING ANY CONTRACT IN ACCORDANCE WITH
21 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT IS RESPONSIBLE FOR
22 THE REGISTRY.

23 (C) THE DEPARTMENT SHALL CARRY OUT APPROPRIATE EDUCATIONAL
24 AND OUTREACH EFFORTS TO INCREASE PUBLIC AWARENESS OF THE REGISTRY.

25 **20-1305.**

26 (A) AN INDIVIDUAL WHO PRACTICES COMPLEMENTARY ALTERNATIVE
27 MEDICINE SHALL REGISTER WITH THE DEPARTMENT.

28 (B) TO REGISTER AS A CAM PROVIDER, AN APPLICANT SHALL:

29 (1) SUBMIT TO THE SECRETARY AN APPLICATION, UNDER OATH,
30 ON THE FORM PROVIDED BY THE SECRETARY;

1 (2) **PROVIDE ANY OTHER DOCUMENTATION REQUIRED BY THE**
2 **SECRETARY; AND**

3 (3) **PAY THE NONREFUNDABLE REGISTRATION FEE REQUIRED BY**
4 **THIS SUBTITLE.**

5 (C) **THE APPLICATION FOR REGISTRATION AS A CAM PROVIDER SHALL**
6 **REQUIRE AN APPLICANT TO PROVIDE:**

7 (1) **THE APPLICANT'S NAME;**

8 (2) **THE APPLICANT'S BUSINESS ADDRESS, TELEPHONE NUMBER,**
9 **AND, IF APPLICABLE, ELECTRONIC MAIL ADDRESS;**

10 (3) **THE APPLICANT'S SOCIAL SECURITY NUMBER;**

11 (4) **THE APPLICANT'S CAM PRACTICE AREA OR MODALITY;**

12 (5) **THE NAME OF EACH SCHOOL WHERE THE APPLICANT**
13 **TRAINED, THE NAME OF THE ACCREDITING BODY OF EACH SCHOOL, AND**
14 **CONTACT INFORMATION FOR EACH SCHOOL AND THE APPROPRIATE**
15 **ACCREDITING BODY;**

16 (6) **A COPY OF THE APPLICANT'S SCHOOL DIPLOMA OR OTHER**
17 **DOCUMENT INDICATING THE INDIVIDUAL SUCCESSFULLY COMPLETED THE**
18 **SCHOOL'S REQUIRED CURRICULUM;**

19 (7) **A COPY OF THE APPLICANT'S LICENSE, CERTIFICATE, OR**
20 **REGISTRATION CERTIFICATE FROM ANY OTHER STATE OR FOREIGN COUNTRY IN**
21 **WHICH THE APPLICANT IS LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE**
22 **CAM; AND**

23 (8) **ANY OTHER DOCUMENTS REQUIRED BY THE SECRETARY.**

24 **20-1306.**

25 (A) **SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (B) OF THIS**
26 **SECTION, THE SECRETARY MAY DENY A CERTIFICATE OF REGISTRATION TO ANY**
27 **APPLICANT OR REVOKE A CERTIFICATE OF REGISTRATION IF THE APPLICANT**
28 **OR REGISTRANT:**

29 (1) **FRAUDULENTLY OR DECEPTIVELY OBTAINS OR RENEWS OR**
30 **ATTEMPTS TO OBTAIN OR RENEW A CERTIFICATE OF REGISTRATION FOR THE**
31 **APPLICANT OR FOR ANOTHER;**

1 (2) FRAUDULENTLY OR DECEPTIVELY USES THE TITLE
2 “COMPLEMENTARY ALTERNATIVE MEDICINE HEALTH CARE PROVIDER”, “CAM
3 PROVIDER”, “COMPLEMENTARY ALTERNATIVE MEDICINE PROVIDER”, OR
4 “REGISTERED CAM PROVIDER”;

5 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
6 IS CONVICTED OF:

7 (I) A FELONY; OR

8 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
9 FITNESS AND QUALIFICATION OF THE APPLICANT OR REGISTRANT TO PRACTICE
10 COMPLEMENTARY ALTERNATIVE MEDICINE;

11 (4) IS GUILTY OF ANY FRAUD, GROSS NEGLIGENCE,
12 INCOMPETENCE, OR MISCONDUCT IN THE USE OF THE TITLE “COMPLEMENTARY
13 ALTERNATIVE MEDICINE HEALTH CARE PROVIDER”, “CAM PROVIDER”, OR
14 “REGISTERED CAM PROVIDER”;

15 (5) KNOWINGLY SUBMITS FALSE OR FALSIFIED DOCUMENTS TO
16 THE SECRETARY;

17 (6) KNOWINGLY PROVIDES FALSE INFORMATION TO THE
18 SECRETARY; OR

19 (7) VIOLATES ANY PROVISION OF THIS SUBTITLE.

20 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
21 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION
22 UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL GIVE THE
23 INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY
24 FOR A HEARING.

25 (2) A HEARING SHALL BE HELD WITHIN A REASONABLE TIME NOT
26 TO EXCEED 6 MONTHS AFTER THE COMPLAINT IS MADE.

27 (3) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE
28 HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE
29 GOVERNMENT ARTICLE.

30 (4) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION
31 WITH ANY PROCEEDING UNDER THIS SECTION.

1 **(5) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING**
2 **NOTICE AND A COPY OF THE COMPLAINT SHALL BE:**

3 **(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR**

4 **(II) SENT BY MAIL TO THE LAST KNOWN ADDRESS OF THE**
5 **INDIVIDUAL.**

6 **(6) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY**
7 **COUNSEL.**

8 **(7) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE**
9 **ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE**
10 **SECRETARY MAY HEAR AND DETERMINE THE MATTER.**

11 **20-1307.**

12 **(A) THE REGISTRY SHALL CONSIST OF A SECURE, ELECTRONIC**
13 **DATABASE TO WHICH AUTHORIZED ACCESS IS AVAILABLE 24 HOURS PER DAY, 7**
14 **DAYS PER WEEK.**

15 **(B) THE SECRETARY SHALL SPECIFY IN REGULATIONS HOW**
16 **CONSUMERS CAN ACCESS PUBLIC INFORMATION CONTAINED IN THE REGISTRY.**

17 **(C) THE SECRETARY SHALL ADOPT REGULATIONS REGARDING ACCESS**
18 **TO THE REGISTRY, INCLUDING PROCEDURES TO PROTECT CONFIDENTIAL**
19 **INFORMATION.**

20 **(D) THE DEPARTMENT MAY PERFORM EVALUATIONS OF THE**
21 **REGISTRY.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.