

SENATE BILL 884

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8lr2081
CF HB 730

By: **Senators Garagiola and McFadden**
Introduced and read first time: February 15, 2008
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Complementary Alternative Medicine Health Care**
3 **Providers – Scope of Practice**

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 declaration of informed consent that includes certain information; and generally
10 relating to the scope of practice for complementary alternative medicine health
11 care providers.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 14–102
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2007 Supplement)

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

19 **Article – Health Occupations**

20 14–102.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

5 (ii) Charging for services.

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

10 (c) **THIS TITLE DOES NOT PROHIBIT AN INDIVIDUAL FROM**
11 **ADMINISTERING TREATMENT OR PROVIDING ADVICE REGARDING THE HUMAN**
12 **BODY AND ITS FUNCTIONS TO ANOTHER INDIVIDUAL IF THE INDIVIDUAL:**

13 (1) **DOES NOT:**

14 (I) **CONDUCT SURGERY OR ANY OTHER PROCEDURE THAT**
15 **PUNCTURES THE SKIN OR HARMFULLY INVADES THE BODY OF ANOTHER**
16 **INDIVIDUAL;**

17 (II) **PRESCRIBE OR ADMINISTER X-RAY RADIATION TO**
18 **ANOTHER INDIVIDUAL;**

19 (III) **PRESCRIBE OR ADMINISTER PRESCRIPTION DRUGS OR**
20 **CONTROLLED SUBSTANCES TO ANOTHER INDIVIDUAL;**

21 (IV) **RECOMMEND THE DISCONTINUANCE OF PRESCRIPTION**
22 **DRUGS OR CONTROLLED SUBSTANCES PRESCRIBED BY AN APPROPRIATELY**
23 **LICENSED HEALTH CARE PRACTITIONER;**

24 (V) **WILLFULLY DIAGNOSE AND TREAT A PHYSICAL OR**
25 **MENTAL CONDITION OF AN INDIVIDUAL UNDER CIRCUMSTANCES OR**
26 **CONDITIONS THAT CAUSE OR CREATE RISK OF GREAT BODILY HARM, SERIOUS**
27 **PHYSICAL OR MENTAL ILLNESS, OR DEATH;**

28 (VI) **SET FRACTURES;**

29 (VII) **TREAT LACERATIONS OR ABRASIONS THROUGH**
30 **ELECTROTHERAPY; OR**

1 **(VIII) HOLD OUT, STATE, INDICATE, ADVERTISE, OR IMPLY TO**
2 **A CLIENT OR PROSPECTIVE CLIENT THAT HE OR SHE IS A PHYSICIAN, A**
3 **SURGEON, OR BOTH; AND**

4 **(2) REQUIRES EACH INDIVIDUAL RECEIVING SERVICES TO SIGN A**
5 **DECLARATION OF INFORMED CONSENT, WRITTEN IN PLAIN LANGUAGE, THAT:**

6 **(I) DESCRIBES THE HEALTH CARE PROVIDER'S**
7 **EDUCATION, TRAINING, AND EXPERIENCE;**

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

11 **(III) THE TREATMENT PROVIDED TO THE INDIVIDUAL IS AN**
12 **ALTERNATIVE OR COMPLEMENTARY TREATMENT TO ANY OTHER HEALTH CARE**
13 **SERVICES THAT ARE LICENSED BY THE STATE;**

14 **(IV) DESCRIBES THE NATURE OF THE SERVICES TO BE**
15 **PROVIDED AND THE THEORY OF TREATMENT ON WHICH THE SERVICES ARE**
16 **BASED; AND**

17 **(V) THE SERVICES BEING PROVIDED TO THE INDIVIDUAL**
18 **ARE NOT LICENSED BY THE STATE.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2008.**