

AMENDED IN SENATE APRIL 19, 2001

SENATE BILL

No. 577

Introduced by Senator Burton

February 22, 2001

An act to add Section 2053.5 to the Business and Professions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Burton. Health: complementary medicine and alternative health care practitioners.

Existing law regulates the practice of medicine in the state, and in that regard prohibits persons who are not licensed as physicians and surgeons from engaging in certain activities constituting the practice of medicine.

~~This bill would require the State Department of Health Services to conduct a study and report to the Legislature regarding the types of complementary medicine available in the state, the regulation of complementary medicine and complementary medicine practitioners, an evaluation of options for oversight of the complementary medicine industry, and ways to promote consumer access.~~

This bill, notwithstanding any other provision of law, would provide that a person who discloses to a client that he or she is not a licensed physician shall not be in violation of certain provisions of the Medical Practice Act unless that person engages in specified diagnosis, treatment, and other activities with respect to another person.

This bill would also make various findings of the Legislature concerning the utilization of complementary and alternative health care services.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—(a) The State Department of Health Services~~
2 SECTION 1. *The Legislature hereby finds and declares all of*
3 *the following:*
4 (a) *Based upon a comprehensive report by the National*
5 *Institute of Medicine and other studies, including a study*
6 *published by the New England Journal of Medicine, it is evident*
7 *that millions of Californians, perhaps more than five million, are*
8 *presently receiving a substantial volume of health care services*
9 *from complementary and alternative health care practitioners.*
10 *Those studies further indicate that individuals utilizing*
11 *complementary and alternative health care services cut across a*
12 *wide variety of age, ethnic, socioeconomic, and other*
13 *demographic categories.*
14 (b) *Notwithstanding the widespread utilization of*
15 *complementary and alternative medical services by Californians,*
16 *the provision of many of these services may be in technical*
17 *violation of the Medical Practice Act (Chapter 5 (commencing*
18 *with Section 2000) of Division 2 of the Business and Professions*
19 *Code). Complementary and alternative health care practitioners*
20 *could therefore be subject to fines, penalties, and the restriction of*
21 *their practice under the Medical Practice Act even though there*
22 *was no demonstration that their practices are harmful to the*
23 *public.*
24 (c) *The Legislature intends, by enactment of this act, to*
25 *facilitate access by Californian residents to complementary and*
26 *alternative health care practitioners who are not providing*
27 *services that require medical training and credentials. The*
28 *Legislature further finds that these nonmedical complementary*
29 *and alternative services do not pose a risk to the health and safety*
30 *of California residents, and that restricting access to those services*
31 *due to technical violations of the Medical Practice Act is not*
32 *warranted.*
33 SEC. 2. *Section 2053.5 is added to the Business and*
34 *Professions Code, to read:*



1 2053.5. Notwithstanding any other provision of law, a person
2 who discloses to a client that he or she is not a licensed physician
3 shall not be in violation of Section 2051, 2052, or 2053 unless that
4 person does any of the following:

5 (a) Conducts surgery or any other procedure on another person
6 that punctures the skin or harmfully invades the body.

7 (b) Administers or prescribes x-ray radiation to another
8 person.

9 (c) Prescribes or administers legend drugs or controlled
10 substances to another person.

11 (d) Recommends the discontinuance of legend drugs or
12 controlled substances prescribed by an appropriately licensed
13 practitioner.

14 (e) Willfully diagnoses and treats a physical or mental
15 condition of any person under circumstances or conditions that
16 cause or create great bodily harm, serious physical or mental
17 illness, or death.

18 (f) Holds out, states, indicates, advertises, or implies to a client
19 or prospective client that he or she is a physician, a surgeon, or a
20 physician and surgeon.

21 ~~shall conduct a study based on existing literature, information, and~~
22 ~~data on the scope of complementary medicine in California. The~~
23 ~~study shall include:~~

24 ~~(1) A report on the types of complementary medicine therapies~~
25 ~~available in the state.~~

26 ~~(2) A report on existing regulation of complementary medicine~~
27 ~~and complementary medicine practitioners.~~

28 ~~(3) An evaluation of options for oversight of the~~
29 ~~complementary medicine industry in order to protect providers~~
30 ~~and consumers.~~

31 ~~(4) A report recommending ways to promote consumer access~~
32 ~~to a broad range of healing and health care information.~~

33 ~~(b) The study shall be submitted to the Legislature no later than~~
34 ~~October 1, 2002.~~

