

By: Corte

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to regulations on certain complementary and alternative health care services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle M, Title 3, Occupations Code, is amended by adding Chapter 703 to read as follows:

CHAPTER 703. COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 703.001. DEFINITION. In this chapter, "complementary and alternative health care service" means a service with a purported health benefit, the practice of which does not require a license by this state.

Sec. 703.002. GENERAL APPLICABILITY. This chapter applies to a person who provides a complementary and alternative health care service and who is not providing the service within the scope of a license issued by this state under a state of Texas Occupational board or office.

(b) This chapter does not:

(1) limit the right of a person to obtain a civil remedy, including a remedy for negligence, against a person who provides a complementary and alternative health care service; or

(2) control, prevent, or restrict a person from marketing or distributing a lawful food product, including a dietary supplement.

1        Sec. 703.003. APPLICABILITY OF OTHER LAW. Notwithstanding  
2 any other law, a person who provides complementary and alternative  
3 health care services in compliance with Sections 703.051 and  
4 703.052 is not practicing medicine as defined in Subtitle B or  
5 another law of this state that requires a person to obtain an  
6 occupational license.

7        [Sections 703.005-703.050 reserved for expansion]

8        SUBCHAPTER B. REGULATION OF COMPLEMENTARY AND ALTERNATIVE HEALTH

9                                CARE SERVICES

10       Sec. 703.051. PROHIBITED ACTS. A person may not in  
11 connection with providing a complementary and alternative health  
12 care service:

13                (1) conduct surgery or any other procedure that  
14 punctures the skin or that harmfully invades the body, other than  
15 pricking a finger to obtain a small amount of blood for screening  
16 purposes;

17                (2) administer to or prescribe for another person  
18 x-ray radiation;

19                (3) administer to or prescribe for another person  
20 dangerous drugs or controlled substances;

21                (4) recommend that a person discontinue a medical  
22 treatment prescribed by a licensed practitioner;

23                (5) diagnose or treat a physical or mental condition;

24                (6) perform a chiropractic adjustment of an  
25 articulation of the spine; or

26                (7) represent, state, indicate, advertise, or imply  
27 that the person is a physician, surgeon, or medical doctor or that

1 the person is licensed, certified, or registered by this state to  
2 practice a health care profession.

3 Sec. 703.052. REQUIRED DISCLOSURE. (a) Before providing a  
4 complementary and alternative health care service, a person must:

5 (1) provide to the client a written statement in plain  
6 language:

7 (A) stating that the person is not licensed by  
8 this state as a health care or healing arts practitioner;

9 (B) describing the nature of the services to be  
10 provided and the theory of treatment on which the services are  
11 based;

12 (C) detailing the education, training,  
13 experience, or other qualifications of the person with regard to  
14 the service being provided; and

15 (D) containing the following statement in bold  
16 print:

17 "THE STATE OF TEXAS HAS NOT ADOPTED ANY EDUCATIONAL OR  
18 TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND  
19 ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS  
20 DISCLOSURE IS FOR INFORMATIONAL PURPOSES ONLY.

21 Under Texas law, an unlicensed complementary and  
22 alternative health care practitioner may not provide a  
23 medical diagnosis or recommend that a person  
24 discontinue a medically prescribed treatment. A  
25 client may seek at any time a diagnosis from a licensed  
26 physician, chiropractor, or acupuncture practitioner  
27 or a service from a physician, chiropractor, dentist,

1 nurse, osteopath, physical therapist, occupational  
2 therapist, massage therapist, dietitian, midwife,  
3 acupuncture practitioner, athletic trainer, or any  
4 other type of licensed health care provider.";

5 (2) obtain a signed acknowledgement from the client  
6 that the client has been provided a copy of the statement required  
7 by Subdivision (1); and

8 (3) provide a copy of the statement and signed  
9 acknowledgement to the client.

10 (b) The complementary and alternative health care service  
11 provider shall retain a copy of the signed acknowledgement under  
12 Subsection (a)(2) until the second anniversary of the date the  
13 statement is signed.

14 (c) A disclosure provided under Subsection (a)(1) provides  
15 a rebuttable defense that a practitioner is not practicing medicine  
16 under Subtitle B Occupations Code.

17 SECTION 2. This Act takes effect September 1, 2007.