

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1384

S.P. 428

In Senate, March 26, 2019

An Act Relating to Complementary and Alternative Medicine Licensure

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MOORE of Washington.
Cosponsored by Representative TUELL of East Machias and
Senator: CLAXTON of Androscoggin, Representatives: ALLEY of Beals, PERRY of Calais.

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

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

3 **5-B. Holistic health practitioner.** "Holistic health practitioner" means:

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

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

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

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

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

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

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

22 **1. Membership.** The Board of Complementary Health Care Providers, as
23 established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of
24 acupuncture, naturopathic medicine, holistic health and midwifery according to the
25 provisions of this chapter. The board consists of 9 members appointed by the Governor.
26 The Governor shall make the initial appointments to the board no later than 60 days after
27 the effective date of this section and shall inform the Commissioner of Professional and
28 Financial Regulation of these appointments. The commissioner shall call the first
29 meeting of the board on a date no later than 30 days following notification of
30 appointments by the Governor. All members of the board must be residents of this State.
31 Two members of the board must be acupuncturists licensed in this State. Two members
32 of the board must be naturopathic doctors who are eligible for licensure under, or are
33 licensed pursuant to, the requirements of subchapter 3. One member must be a certified
34 professional midwife licensed in this State. One member must be a midwife of any
35 classification licensed in this State. One member must be a public member as defined in
36 Title 5, section 12004-A. One member must be an allopathic or osteopathic physician,
37 board-certified in obstetrics and gynecology, who is licensed in this State. One member
38 must be a physician or nurse practitioner with a specialty in pediatric care who is licensed
39 in this State.

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

3 **1. Duties.** The board shall:

4 A. Adopt rules necessary to administer this chapter;

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

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

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

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

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

21 **§12504. Unauthorized employment**

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

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

27 **§12505-A. Unlicensed practice**

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

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

31 **SUBCHAPTER 5**

1 **HOLISTIC HEALTH PRACTITIONER LICENSING REQUIREMENTS**
2 **AND SCOPE OF PRACTICE**

3 **§12551. Licensure**

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

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

10 **§12552. Qualifications for holistic health practitioners**

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

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

15 A. Be at least 21 years of age;

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

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

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

23 (1) Satisfactory evidence of either:

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

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

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

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

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

7 (5) Satisfactory evidence of professional liability insurance.

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

11 **§12553. Licensing**

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

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

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

20 **§12554. Scope of practice**

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

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

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

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

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

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

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

6 **§12555. Fees**

7 The Director of the Office of Professional and Occupational Regulation within the
8 Department of Professional and Financial Regulation may establish by rule fees for
9 purposes authorized under this subchapter in amounts that are reasonable and necessary
10 for their respective purposes, except that the fee for any application may not exceed \$175
11 and the fee for initial and renewal licensure may not exceed \$275 annually. Rules
12 adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter
13 375, subchapter 2-A.

14 **§12556. Reapplication**

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

17 **§12557. Application for renewal**

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

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

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

32 A. Completion of a doctoral program in mind-body medicine from an accredited
33 institution of higher learning or the publishing of a book in the field of mind-body
34 medicine accounts for no less than 30 hours;

35 B. Attendance at a convention on complementary health practices for no less than 3
36 days or publishing an article in a complementary health journal accounts for no less
37 than 10 hours;

1 C. Completion of a 2-page synopsis of any complementary health publication or
2 presenting at a complementary health seminar for at least 2 hours accounts for no less
3 than 5 hours; and

4 D. Completion of a one-page synopsis of a peer-reviewed complementary health
5 article accounts for one hour.

6 **SUMMARY**

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