

MAINE STATE LEGISLATURE

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Legislative Document

No. 1516

S.P. 539

March 20, 2007

An Act To Permit Certain Health Care Practices

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.
Cosponsored by Representatives: BOLAND of Sanford, MIRAMANT of Camden.

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

2 **Sec. 1. 32 MRSA c. 137** is enacted to read:

3 **CHAPTER 137**

4 **UNLICENSED HEALTH CARE PRACTICES**

5 **§17101. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Commissioner.** "Commissioner" means the Commissioner of Health and Human
9 Services.

10 **2. Unlicensed health care client.** "Unlicensed health care client" means an
11 individual who receives services from an unlicensed health care practitioner.

12 **3. Unlicensed health care practices.** "Unlicensed health care practices" means the
13 broad domain of unlicensed healing methods and treatments, including, but not limited to:

14 A. Acupressure;

15 B. Alexander technique;

16 C. Aromatherapy;

17 D. Ayurveda;

18 E. Cranial sacral therapy;

19 F. Emotional freedom technique;

20 G. Detoxification practices and therapies;

21 H. Energetic healing;

22 I. Rolfing;

23 J. Gerson therapy and colostrum therapy;

24 K. Therapeutic touch;

25 L. Herbology or herbalism;

26 M. Polarity therapy;

27 N. Homeopathy;

28 O. Nondiagnostic iridology;

29 P. Body work;

30 Q. Reiki;

31 R. Mind-body healing practices;

1 S. Hydrotherapy; and
2 T. Qigong energy healing.

3 "Unlicensed health care practices" does not include surgery; x-ray radiation; prescribing;
4 administering or dispensing legend drugs and controlled substances; practices that invade
5 the human body by puncture of the skin; setting fractures; any practice included in the
6 practice of dentistry; the manipulation or adjustment of articulations of joints or the spine,
7 also known as chiropractic medicine; or the healing art of acupuncture.

8 **4. Unlicensed health care practitioner.** "Unlicensed health care practitioner"
9 means a person who:

10 A. Is not licensed by a health-related licensing board under this Title or by the
11 commissioner or holds a license issued by a health-related licensing board under this
12 Title or by the commissioner but does not profess to the public to be licensed or
13 registered under this Title or by the commissioner when engaging in unlicensed
14 health care practices;

15 B. Has not had a license issued by a health-related licensing board under this Title or
16 by the commissioner revoked or suspended without reinstatement;

17 C. Is engaging in unlicensed health care practices; and

18 D. Is providing unlicensed health care practices for remuneration or is professing to
19 the public to be a practitioner of unlicensed health care practices.

20 **§17102. Application**

21 This chapter does not apply to, control, prevent or restrict the practice, service or
22 activity of lawfully marketing or distributing food products, including dietary
23 supplements as defined in the federal Dietary Supplement Health and Education Act of
24 1994, 21 United States Code, Section 321(ff), educating customers about those products
25 or explaining the uses of those products. An unlicensed health care practitioner may not
26 provide a medical diagnosis.

27 **§17103. Jurisdiction**

28 A health care practitioner licensed or registered by a health-related licensing board
29 under this Title or by the commissioner who engages in unlicensed health care practices
30 while practicing under the practitioner's license or registration is regulated by and is
31 under the jurisdiction of the applicable health-related licensing board with regard to the
32 unlicensed health care practices.

33 **§17104. Authorized to practice**

34 Subject to the provisions of this chapter, a person in this State may practice as an
35 unlicensed health care practitioner and receive remuneration for that person's services.

SUMMARY

1

2 This bill authorizes a person to practice as an unlicensed health care practitioner in
3 this State.