

AN ACT relating to health care.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 335C IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

*The General Assembly hereby finds and declares that:*

- (1) Complementary and alternative health care services are treatments that are intended to alleviate or correct abnormal or unwanted human conditions by means that do not require medical training and credentials including, but not limited to, acupressure, aromatherapy, ayurvedic healing, biofeedback, bodywork, energy treatments, vibrational treatments, herbal treatments, homeopathy, hypnotherapy, massage, meditation, psionics, reflexology, relaxation, spiritual healing, therapeutic touch, and visualization;*
- (2) Based upon a comprehensive report conducted by the Institute of Medicine of the National Academies, and other studies which include a study published by the New England Journal of Medicine, it is evident that many Kentuckians are presently receiving a substantial amount of health care services from complementary and alternative health care practitioners. Those studies further indicate that persons using complementary and alternative health care services constitute a broad spectrum of age, ethnicity, socio-economic, and other demographic categories;*
- (3) Notwithstanding the widespread use of complementary and alternative health care services by Kentuckians, the delivery of many of these services may be in technical violation of provisions of KRS Chapter 311 or provisions of KRS Chapters 309 to 335B. Enforcement of certain provisions could prevent Kentuckians from receiving complementary and alternative health care services, which do not pose a known risk to the health and safety of Kentuckians;*
- (4) The General Assembly intends, by the enactment of Sections 1 to 4 of this Act, to*

*allow Kentuckians access to complementary and alternative health care practitioners who are not providing services that require medical training and credentials. The General Assembly further finds that these nonmedical complementary and alternative health care services do not pose a known risk to the health and safety of Kentuckians, and that restricting access to these services due to technical violations of the provisions of KRS Chapters 309 to 335B is not warranted.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 335C IS CREATED TO READ AS FOLLOWS:

*(1) Notwithstanding any other provision of law, a person who practices complementary and alternative health care in accordance with the provisions of Sections 1 to 4 of this Act shall not be in violation of KRS Chapter 311 or any other licensing requirement of KRS Chapters 309 to 335B, unless that person does any of the following:*

- (a) Conducts surgery or any other procedure on another person that punctures the skin or harmfully invades the body;*
- (b) Administers or prescribes X-ray radiation to another person;*
- (c) Prescribes or administers legend drugs or controlled substances to another person;*
- (d) Recommends the discontinuance of legend drugs or controlled substances prescribed by a licensed physician or other healing arts practitioner;*
- (e) Willfully diagnoses and treats a physical or mental condition of any person under circumstances or conditions that cause or create the risk of bodily harm, physical or mental illness, or death;*
- (f) Sets fractures;*
- (g) Treats lacerations or abrasions through electrotherapy; or*
- (h) Holds out, states, indicates, advertises, or implies to a client or prospective*

client that he or she is a physician or a surgeon;

(2) Any person who advertises the provision of complementary or alternative health care services shall disclose in the advertisement that he or she is not licensed by the state as a physician or other healing arts practitioner;

(3) (a) Any person who provides complementary and alternative health care services pursuant to Sections 1 to 4 of this Act shall, prior to providing the services:

1. Disclose to the client in a written statement using language that is clearly written and easily understandable the following information:

a. That he or she is not a licensed physician or other healing arts practitioner;

b. That the treatment is alternative or complementary health care services and not healing arts services licensed by the state;

c. That the services to be provided are not licensed by the state;

d. The nature of the services to be provided;

e. The theory of treatment upon which the services are based; and

f. His or her education, training, experience, and other qualifications regarding the services to be provided;

2. Obtain a written acknowledgment from the client stating that he or she has been provided with the information described in this subsection;

(b) The information required by this subsection shall be provided in the client's native language.

SECTION 3. A NEW SECTION OF KRS CHAPTER 335C IS CREATED TO READ AS FOLLOWS:

(1) Nothing in Sections 1 to 4 of this Act shall be construed to affect the scope of practice of licensed physicians and surgeons or any other person licensed under KRS Chapters 309 to 335B.

*(2) Nothing in Sections 1 to 4 of this Act shall be construed to limit the right of any person to seek relief for negligence or any other civil remedy against a person providing complementary and alternative health care services.*