

## Current California law - Law enacted in 2002

**Notes:** Section 2051 & 2052 are referred to in the law. They concern the practice of medicine:

2051 defines the practice of medicine by saying what a doctor can do. 2051. The physician's and surgeon's certificate authorizes the holder to use drugs or devices in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions.

**2052: essentially says that a license is required to practice, and it is illegal to practice without a license**

There is an extensive website on how their bill was passed. Essentially they went for the technicality argument: that California law for physicians was so broadly written that anyone doing alternative & complimentary care was practicing medicine without a license and that this technicality needed to be remedied.

### CALIFORNIA CODES BUSINESS AND PROFESSIONS CODE SECTION 2050-2079

**2053.5.** (a) Notwithstanding any other provision of law, a person who complies with the requirements of Section **2053.6** shall not be in violation of Section 2051 or 2052 unless that person does any of the following:

- (1) Conducts surgery or any other procedure on another person that punctures the skin or harmfully invades the body.
  - (2) Administers or prescribes X-ray radiation to another person.
  - (3) Prescribes or administers legend drugs or controlled substances to another person.
  - (4) Recommends the discontinuance of legend drugs or controlled substances prescribed by an appropriately licensed practitioner.
  - (5) Willfully diagnoses and treats a physical or mental condition of any person under circumstances or conditions that cause or create a risk of great bodily harm, serious physical or mental illness, or death.
  - (6) Sets fractures.
  - (7) Treats lacerations or abrasions through electrotherapy.
  - (8) Holds out, states, indicates, advertises, or implies to a client or prospective client that he or she is a physician, a surgeon, or a physician and surgeon.
- (b) A person who advertises any services that are not unlawful under Section 2051 or 2052 pursuant to subdivision (a) shall disclose in the advertisement that he or she is not licensed by the state as a healing arts practitioner.

**2053.6.** (a) A person who provides services pursuant to Section **2053.5** that are not unlawful under Section 2051 or 2052 shall, prior to providing those services, do the following:

- (1) Disclose to the client in a written statement using plain

language the following information:

- (A) That he or she is not a licensed physician.
  - (B) That the treatment is alternative or complementary to 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.
  - (F) His or her educational, 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 paragraph (1). The client shall be provided with a copy of the written acknowledgement, which shall be maintained by the person providing the service for three years.
- (b) The information required by subdivision (a) shall be provided in a language that the client understands.
- (c) Nothing in this section or in Section **2053.5** shall be construed to do the following:
- (1) Affect the scope of practice of licensed physicians and surgeons.
  - (2) Limit the right of any person to seek relief for negligence or any other civil remedy against a person providing services subject to the requirements of this section.