

## Texas:

**Notes:** Introduced 3/7/2007. Follows California Model. Definitions could be problematic. Different Disclosures.

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.

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

[Sections 703.005-703.050 reserved for expansion]

SUBCHAPTER B. REGULATION OF COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES

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

- (1) conduct surgery or any other procedure that punctures the skin or that harmfully invades the body, other than pricking a finger to obtain a small amount of blood for screening purposes;
- (2) administer to or prescribe for another person x-ray radiation;
- (3) administer to or prescribe for another person dangerous drugs or controlled substances;
- (4) recommend that a person discontinue a medical treatment prescribed by a licensed practitioner;
- (5) diagnose or treat a physical or mental condition;
- (6) perform a chiropractic adjustment of an

articulation of the spine; or  
(7) represent, state, indicate, advertise, or imply  
that the person is a physician, surgeon, or medical doctor or that

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H.B. No. 3056

2

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

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

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

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

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

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

(D) containing the following statement in bold  
print:

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

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

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H.B. No. 3056

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

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

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

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

(c) A disclosure provided under Subsection (a)(1) provides  
a rebuttable defense that a practitioner is not practicing medicine

under Subtitle B Occupations Code.

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

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H.B. No. 3056

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